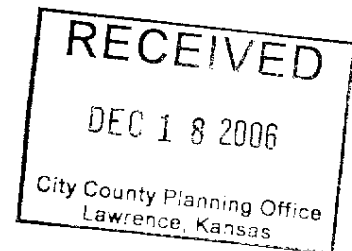


League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

December 17, 2006



Holly Krebs, Chairperson
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 13: IG to IL; 5252 ACRES; 101 W MCDONALD DR
RE: ITEM NO. 14: RS10 TO RS5; .954 ACRES; 523-543 ROCKLEDGE

Dear Chairperson Krebs and Planning Commissioners:

We have combined these two items into one letter because these applications illustrate both the limitations and possibilities of our Land Development Code in achieving planning objectives.

Regarding the request to rezone the Hallmark lot from IG to IL to allow a commercial use, we suggest that the problem here is not with the zoning request but with the IL Zoning District. We support the Staff position that this is an inappropriate location for a commercial use and should continue as an industrial use. The number of commercial uses that the IL District allows, and the fact that the uses in this, or any conventional district, can't be made site specific by conditioning creates the conundrum. Potentially the IG District also allows a number of incompatible industrial uses for that location. We suggest that these two industrial districts need to be examined and new more appropriate districts created, especially in the IL District. In the case of the industrial districts, their all-inclusiveness has created limits on how they can be used, and if the emphasis in our Land Development Code is to be on using conventional districts, there needs to be more industrial districts to accommodate special needs. However, an alternative approach, and a suggestion for this case, would be to limit the uses permitted by the IL District by combining the IL rezoning with a PD Overlay District, provided the applicant would be willing to limit the uses to allow the site to be more compatible with the area.

In the case of the McDonald Drive request for rezoning the staff report suggests that the zoning be conditioned to achieve the objective of making these properties more compatible with the area needs. Because currently based on our State Law and our Code, zoning can be conditioned on platting, but this is the only case law that upholds how zoning can be conditioned. We suggest that a condition on the zoning be stated as a requirement to plat (already stated in the Staff Report) and that on the plat the access drives to Rockledge be shared so as to reduce the number of curb cuts. We also suggest that one method of doing this would be to allow an alley to give access to rear garages so that driveways to Rockledge could be eliminated.

Thank you for your consideration of these issues.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rusty Thomas".

Rusty Thomas
President

A handwritten signature in black ink, appearing to read "Alan Black".

Alan Black, Chairman
Land Use Committee

January 15, 2006

Dear Ms Miller,

My son and I recently purchased a home in Lawrence located at 545 Rockledge. I am writing this letter to state reasons for our opposition to the rezoning of the adjoining property at 523-543 Rockledge from RS 10 to RS 5. I understand there is not a current request for such rezoning but based on past events one can reasonably anticipate another such a request will occur in the near future.

Let me start by saying that Lawrence is easily one of the most historically significant, attractive and architecturally interesting city in Kansas and surrounding states. It is imperative that this uniqueness, including the gracious style of homes currently on Rockledge be maintained. While rezoning the three single family Rockledge lots to six very awkwardly shaped and substandard lots would not in itself seem significant, the precedent would be negative. It would be more difficult to deny similar requests in the future. I have spent much of my career traveling and I can assure you that cities with the weakest adherence to zoning (anywhere in Texas is a good example) give the appearance of no zoning or planning. **In summary Lawrence's uniqueness depends on its future adherence to established zoning.**

Second, there is no need for rezoning to occur. The current zoning is correct. Rockledge Street is a logical and practical division between attractive apartments, commercial property and green space on the east and the trees and homes on the west side. This is a good example of how a street can be used as an effective transition. If the density of homes on the west were to be increased by placing homes on 6800 sq ft lots as previously requested, this transition becomes blurred. Shared driveways detract by giving the impression that too many homes were squeezed in an area never intended for them. **In summary, the neighborhood need not be the transition, as suggested in the planning commission report; the street is doing a fine job.**

Third, Rockledge as one of the front doors to Lawrence carries a significant amount of traffic. Three additional single family homes would mean about nine vehicles and probably 20 trips in and out each day. One should double that number to 40 trips each day for six homes. Also, some of the additional vehicles will be parked on the lot because a shared driveway can't be used for parking. This will detract from the appearance of the neighborhood. Finally, due to the steep slope to the west of Rockledge access and egress can be hazardous, especially in inclement weather. **In summary, any additional access and egress to Rockledge beyond that from current zoning should be avoided.**

Fourth, while it is implied, no evidence of hardship to the requesting landowner has been presented. There may be good reasons why the property has not been previously developed by its historical owners, namely their owner's desire to leave it as is. The property appears to have been until recently part of a much larger block. My understanding is that the property has recently sold. If this is true I suspect the new owner is expecting a windfall profit from the rezoning. Unfortunately that is a risk one takes when buying property in anticipation of rezoning. I have seen no evidence that the owner of 523-543 Rockledge has attempted to sell the property in question to others who might wish to build on it, as it is currently zoned. If the lots were made available I believe there would be plenty of interest. I certainly would be a potential buyer given the opportunity. **In summary the decision to take risk does in no way translate to hardship**

Fifth, it is clear that my son and I as well as others in the neighborhood will suffer financial harm if the property is rezoned as previously requested. We bought the property based on the strength of current zoning, which appeared logical in the context of the neighborhood. It is difficult for a planner or anyone familiar with real estate to doubt that surrounding property will decline in relative value with the increased density that was proposed. **In summary homeowner's who made decisions on existing zoning should not be subject to relative losses resulting from rezoning unless extraordinary circumstances exist. No evidence of such circumstances was presented in the rezoning request.**

Sixth, the staff findings indicate the proposed rezoning is in general conformance is Horizon 2020. "with the exception of insuring compatible design with the adjacent neighborhood" This is an enormous exception as a fundamental purpose of zoning, if it has any purpose at all, is compatible design. Horizon 2020 encourages a mixed neighborhood. This is a good objective and it is already met. There are already high density apartments in the neighborhood. They are tastefully done, no doubt thanks to earlier planning oversight. **In summary Horizon 2000 offers more support to leave the zoning as is that to change it.**

Finally, while development is necessary it is the duty of those involved as planners, board member and elected officials to balance all interests. We believe development will occur on the property in question without rezoning. Thanks in advance for considering our comments.

Sincerely,

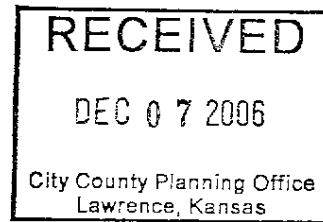
David Kolarik

Nathan Kolarik

Z-11-28-06

Item 14

DAN C. SIMONS
JOURNAL-WORLD
LAWRENCE, KANSAS
66044



December 7, 2006

To Whom It May Concern:

I live past the two hundred foot distance from the proposed development, and am not contiguous to the property, but this is a small neighborhood and I'm only two yards away. These two yards represent over 400 feet in distance. That is typical for yards at this end of the pie shaped wedge that makes up the property bordered by Rockledge and Country club terrace. Yes as the two streets merge near 6th street the lots are smaller, but still no where close to the width of the proposed lots.

It is inconceivable to understand how 6 extremely small lots with apartment like feel, cost and longevity fit anywhere close to this neighborhood. The character of this neighborhood is for single family homes on large lots. Primary residences not rentals.

There are 13 homes in total from the convergence of Rockledge and Country club terrace to the back of this neighborhood at the Lawrence Country Club. This proposal increases the dwelling density by 50% just by itself.

I ask respectfully to the planning commission and to the developer, stop this gross error. I believe one additional home fronting Rockledge is the maximum addition that would be in keeping with the character of this neighborhood.

Dan Simons
444 Country Club Terrace

A handwritten signature in dark ink, appearing to be "Dan Simons", written over the typed name and address.