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JUN 27 2007

City County Planning Office
Lawrence, Kansas

June 18, 2007

Re: Rockledge rezoning

Dear Ms. Miller

For reasons outlined in the attached letter it is clear that rezoning the property at 523-543 Rockledge is bad policy and sets an awful precedent. Rezoning is not in the city's neighborhood's interest. It only benefits the developer who knew full well what the best use of the property was when he became involved.

Would the Planning Commission allow the doubling of housing density on a partially filled subdivision in the Lawrence suburbs? Of course not. This would create an unsafe and visually ridiculous situation. Yet this is exactly what the proposed rezoning would do to Rockledge.

Average citizens should be protected from over zealous developers. This is the purpose of zoning. The Planning Commission should view each request as if they lived in the neighborhood. If this is done Lawrence will retain its unique character.

Thanks for your consideration.

Dave Kolarik

dave.kolarik@nngco.com

June 18, 2007
~~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

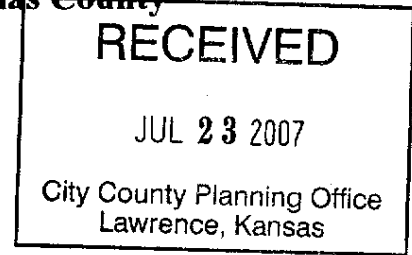
Nathan Kolarik

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

July 22, 2007

Grant Eichhorn, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044



RE: ITEM 6: REZONING ON ROCKLEDGE ROAD

Dear Chairman Eichhorn and Planning Commissioners:

Item 6 is a request to rezone a parcel of vacant land to allow construction of five houses rather than three houses. However, the present situation in this area does not indicate that this would be desirable.

Rockledge Road is an arterial street connecting two other arterials, West 6th Street and McDonald Drive. To some degree it serves as a feeder for drivers going to or from the Kansas Turnpike. Traffic on Rockledge tends to be fast. It has a steep grade, and cars going downhill go particularly fast.

There is no sidewalk on the residential side of Rockledge. This creates a hazardous situation for pedestrians, especially children. To walk to the end of the block, you must either walk in the street or cross the street in mid-block. Hence it seems desirable to minimize the number of homes on Rockledge.

It is also worth noting that existing homes in the area are expensive and have large lots (they are near the Lawrence Country Club). Creating smaller lots does not seem compatible with the neighborhood.

Thank you for consideration of our comments.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Paula Schumacher".

Paula Schumacher
President

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

Alan Black, Chairman
Land Use Committee

Interested Parties,

The following points characterize our response to the proposed rezoning of Rockledge.

Nathan Kolarik
David Kolarik
545 Rockledge Road

Talking points

The rezoning proposal is not substantially different than what was previously deemed unacceptable because:

- It still involves too high a density at 5 units given the space, which frankly is only questionably adequate for 3.
- It would add too much additional traffic (an incremental 10-30 driveway entry or egress trips per day) for those living *and driving* along Rockledge and would create a safety hazard.
- Limiting additional curb cuts does not help traffic. The only benefit of shared driveways is to the developer.
- It will hurt existing property values *and tax revenues*, as the higher density will make overall neighborhood property less desirable, especially in the likely event that some of the new units, due to their compressed nature, become rental properties.
- Rockledge itself serves well as a transitional boundary; which it would remain should development along the west side be homogenous.
- The property hasn't been previously developed, almost certainly, because the previous owners did not actively pursue this. There is no indication or evidence that the owner has or will attempt to market the lots as they are currently zoned or that the owner is experiencing any hardship.
- Under normal circumstances and as a matter of principle, the City is not obligated nor should it change zoning simply for a higher ROI for an owner or recent purchaser, and certainly should not do so at the expense of the neighborhood. No one has presented any evidence of extraordinary circumstances that would cause a deviation from this principle. ROI is a risk of real estate investment that should be borne by the investor.
- It is difficult to believe a higher density will impact sprawl to any significant degree, as there appear to be no housing shortage or shortage of rental properties in Lawrence.
- Horizon 2020 allows for substantial annexation and new development, and so does not appear to be significantly concerned about sprawl.
- Regarding Horizon points 5-27—5-28, Goal 3, Policy 3-1 c 2 b: Are perimeter setbacks big enough, especially on the 545 Rockledge side?
- Regarding Horizon points 3-2 (Transitional medium density to be compatible with low): Is the proposed design truly compatible with

anything around it? Is compatibility possible without leaving the zoning as is? In what sense is there any sort of transition in the proposal?

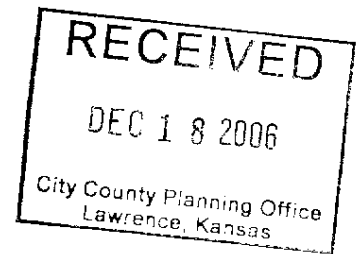
- Regarding Horizon points 3-4 suggesting that compatible medium and high-density infill should be encouraged: Is this feasible in this circumstance and at this scale?
- Changing the zoning in this case sets a terrible precedent. It opens the door for anyone to argue before the commission, council or in court that he is entitled to equal treatment and is entitled to essentially double the density on the last phase of any residential development.

In summary I ask would anyone on the planning commission welcome the proposal given it was next to their home or in their neighborhood. Would the commission promote this concept on a wholesale basis for all undeveloped land including that in existing subdivisions? I think not. The commission has a duty to balance interests of all involved and it is clear in this case the neighborhood would be harmed for no good reason. The commission should not allow an increase in density as proposed.

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

Z-11-28-06

Item 14

DAN C. SIMONS
JOURNAL-WORLD
LAWRENCE, KANSAS
66044

RECEIVED

DEC 07 2006

City County Planning Office
Lawrence, Kansas

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 nowhere 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.

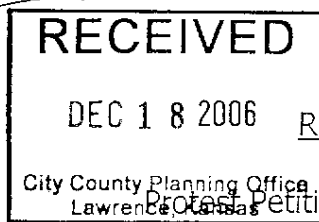
There are 13 homes in total from the convergence of Rockledge and Country club terrace to the back of this neighborhood at the Lawrence Country Club. This proposal increases the dwelling density by 50% just by itself.

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



Item #14



REZONING (USE PERMITTED UPON REVIEW) PROTEST PETITION

Protest Petition against Z-11-28-06: RS10 to RSS- 959200
523-543 Rockledge

We, the undersigned property owners, do hereby protest the proposed rezoning by the Board of City Commissioners of Lawrence, Kansas from RS10 (existing zoning) to RSS (proposed zoning) of (or the UPR to permit for 5000 sq ft single-family lots on) the following described property:

[Attach or insert legal description or general description of the real estate proposed to be rezoned (or for the proposed UPR). A description of the real estate is available through the Lawrence-Douglas County Planning Office.]

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which the rezoning (or UPR) is sought. See K.S.A. 12-757(f).

Note: Print name legible below or beside signature. All owners of the property must sign.

PRINTED NAME AND SIGNATURE OF OWNER	DESCRIPTION OF PROPERTY WITHIN NOTIFICATION AREA	RESIDENCE ADDRESS (IF DIFFERENT)	DATE
<u>Richard L. George</u>	<u>521 Rockledge Rd.</u>		<u>12-12-06</u>
<u>Allen Pudebaugh</u>	<u>616 Country Club Terr</u>		<u>12-12-06</u>
<u>Heber Dardis</u>	<u>616 Country Club Terr</u>		<u>12-12-06</u>
<u>Jung Jung</u>	<u>518 Country Club Terr.</u>		<u>12-12-06</u>
<u>Jean D'Amore</u>	<u>502 Country Club Terr.</u>		<u>12-12-06</u>
<u>John D'Amore</u>	<u>444 Country Club Terr</u>		<u>12-12-06</u>
<u>Jeremiah Fanning</u>	<u>505 Rockledge Rd.</u>		<u>12/13/06</u>
<u>J. P. Mosh</u>	<u>549 Rockledge Rd</u>		<u>12/13/06</u>
<u>Dianna Mosh</u>	<u>599 Rockledge Rd</u>		<u>12-13-06</u>
<u>O Virginia Hyten</u>	<u>517 Rockledge Rd</u>		<u>12-14-06</u>
<u>John D'Amore</u>	<u>602 COUNTRY CLUB</u>		<u>12-16-06</u>

To Whom It May Concern

Character and History of area surrounded by
Rockledge and Country Club Terrace

There are a total of 12 homes on 21 lots

**Under current ratio, lots 13,14,15 should have 1 $\frac{3}{4}$
homes on it not 5. Completely out of historic and
character of neighborhood**

Lot width

Current and historic street front lot width

Rockledge lots average 155'

Country Club Terr average 208'

Neighborhood street front average **181**

The proposal is for the three narrowest lots on
Rockledge to be cut into 5 dwellings , averaging
45.2' street front width

One forth the average width of the neighborhood

Lot Depth

Four homes on six lots north of proposal

Average 241' depth

Three homes on three lots south of the proposal
average 144' depth

The proposed lots 13, 14, 15 average 175'

**The proposed lots depth does not support the
argument of the size is big enough to justify 5
dwellings on three lots**

Our neighborhood hasn't changed for thirty years, The hotels have been there, Rockledge has served as the natural transition between business and owner occupied single family homes.

A wrong rezoning decision in 2003 has had negative effects on the neighborhood. It has been four years and lot 21 still sits vacant.

The single family home on lots 18 and 19 has been converted to a financial office by an out of town owner who now has plans to add several duplexes.

The neighborhood is still trying to deal with an earlier planning commissions mistake and its effect on our community. 45' foot wide lots will in ten years be home to unfavorable tenets completely out of character of the neighborhood. You know it, please don't make a wrong decision and allow this proposal to go through

Dan Simons
444 Country Club Terrace