

# Memo

To: Mary Miller  
From: David Guntert  
Date: August 9, 2007  
RE: Calculations for Z-11-28-06 Protest Petition

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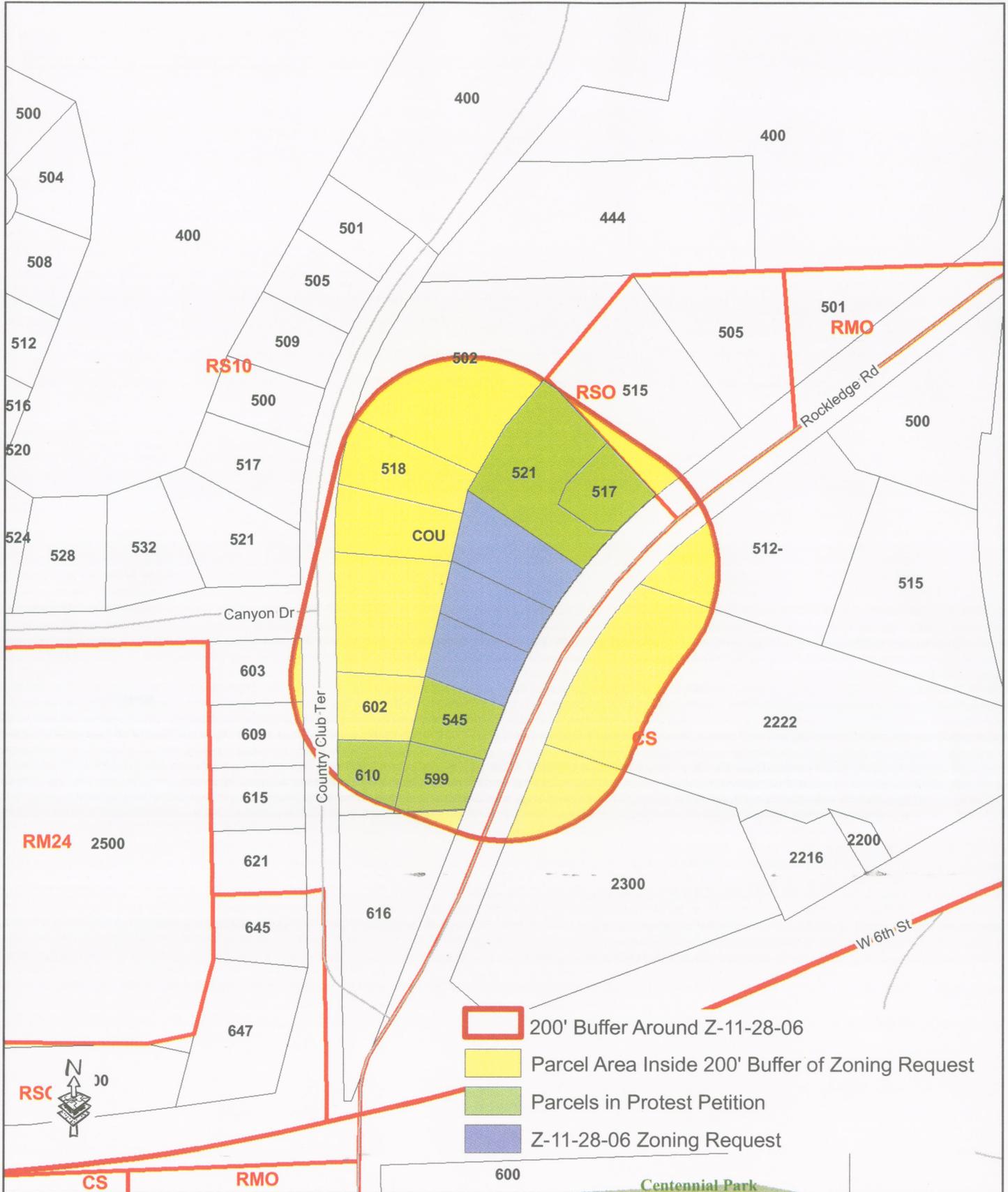
The protest petitions filed in the City Clerk's Office on August 8, 2007 pertaining to the referenced rezoning request contain enough signatures of the record owners of property within 200' of the property in the request to constitute a valid protest petition. The sum total of the real property represented in the petition is 29.7% of the real property within the notification area, which is more than the minimum 20% required for a valid protest petition.

The protest petitions contain the names of property owners of 5 individual parcels of record. The attached map illustrates the properties within the 200' protest buffer area whose owners are protesting this rezoning request.

The calculations for determining the validity of the petition are shown below:

Total Area of all Parcels w/in 200' of the Property in the Rezoning Request	233,945.996 sq. ft.
Total Area of Parcels inside the 200' Buffer Whose Owners are Protesting the Rezoning Request (5 Parcels)	69,477.842 sq. ft.
Percent of Total Parcel Area in Protest Petition	$69477.842/233,945.996 = 29.7\%$

# Z-11-28-06 Protest Petition



**DISCLAIMER NOTICE**

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

City of Lawrence Planning Office  
August 9, 2007

REZONING (USE PERMITTED UPON REVIEW) PROTEST PETITION

Protest Petition against Z-11-28-06

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 RS5 (proposed zoning) of (or the UPR to permit for 523-543 Rockledge Road 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>LOT 16</u>	<u>521 ROCKLEDGE Rd.</u>	<u>7/26/07</u>
<u>Betty B. George</u>	<u>LOT 16</u>	<u>521 Rockledge Rd</u>	<u>7-26-07</u>
<u>JOHN E MOSHER</u>	<u>LOT 11</u>	<u>599 Rockledge Rd</u>	<u>7-26-07</u>
<u>DIANE C MOSHER</u>	<u>LOT 11</u>	<u>599 Rockledge Rd</u>	<u>7-26-07</u>

**RECEIVED**

AUG \_8 2007

City County Planning Office  
Lawrence, Kansas

PRINTED NAME AND  
SIGNATURE OF OWNER

DESCRIPTION OF PROPERTY  
WITHIN NOTIFICATION AREA

RESIDENCE ADDRESS  
(IF DIFFERENT)

DATE

Nathan Kolarik

Lot 12

545 Rockledge Road

7/26/07

*Nathan Kolarik*

David Kolarik

Lot 12

1401 Lawrence Ln  
Bellevue, NE 68005

7/31/07

*D Kolarik*

C Virginia Hyten Lot 16+17

517 Rockledge Rd 7/26/07

C Virginia Hyten

*Wick Country Club  
T or 1*

*Helin Jordan*

STATE OF KANSAS )

COUNTY OF DOUGLAS )

SS:

I am the circulator of this Protest Petition and a resident of the state of Kansas and possess the qualifications of an elector of the State of Kansas. I have personally witnessed the signing of the Protest Petition by each person whose name appears thereon.

*Nathan Kolarik*

Nathan Kolarik

Circulator Signature

Printed Name

Circulator's Residence and Address

545 Rockledge Road

Date

8/8/07

Signed and sworn to (or affirmed) before me on this

8

day of

Aug

2007, by

*Nathan Kolarik*

, circulator of this Protest Petition.

Notary Public

My appointment expires:

6/21/2010



RE: Planning Commission Recommendation to rezone 523-543 Rockledge

The Lawrence Planning Commission considered a request to rezone property at 523-543 Rockledge at its July 25<sup>th</sup> meeting. The request under consideration was submitted by Paul Werner Architects on behalf of L C Anuff. It asked for rezoning of the property at 523-543 Rockledge from RS-10, which calls for 3 single family homes to RS-5, which would allow 5 single family homes.

At first glance this might not appear to be a major change. But when one considers all of the problems associated with stuffing 5 homes into an area that is barely large enough for 3 (for example most of the homes would share driveways) it becomes clear that doing so will give the neighborhood an unplanned and helter-skelter appearance. Unfortunately, the Planning Commission voted 4-3 to recommend the rezoning. The logic in their recommendation seems to be that increasing population density is a good thing. However this argument makes no sense in this case as there are already large apartment buildings nearby.

I am a homeowner at 545 Rockledge, which is directly south of the property in question. I was very disappointed with the Planning commission vote and as were many other homeowners in the neighborhood. Obviously those living in the area, including myself, are interested in preserving the character and appearance of the neighborhood. This proposed rezoning certainly will detract from both. Property values will be negatively impacted by the proposed change and of course this is an important issue to any homeowner. Lawrence is one of the most historically significant and visually attractive cities in the area. The City will be better served if its neighborhoods are preserved as originally planned. There are other reasons that the rezoning is a bad idea including increased driveway traffic to and from an already busy Rockledge.

The only beneficiary from the proposed rezoning is the property owner and/or developer(s) who are requesting it. I would argue that it is generally bad public policy for real estate speculators or developers to profit via a zoning change at the expense of those who have purchased and maintained property based on the strength of existing zoning. I am sure the developer will suffer no hardship if he builds 3 homes as the current zoning allows. Certainly no evidence of hardship has been presented. After all the developer should have been fully aware and taken into account the exiting zoning when he acquired the property.

The overriding issue is not that one neighborhood in Lawrence will be negatively impacted. Nor is it that nearby residents will lose some of their hard earned equity. It is that residents in every neighborhood in Lawrence might expect similar treatment based on the precedent set here.

I urge members of the City Commission to carefully consider all of the arguments in this situation and vote in a manner that represents good public policy by rejecting the rezoning request. The purpose of zoning is to allow people to plan and the City to grow in an organized and well thought out manner. (I do not mean to imply that all rezoning is bad. There are situations where a zoning change can be justified but this is not one of them.)

Sincerely,



Nathan Kolarik