

**League of Women Voters of Lawrence-Douglas County**

P.O. Box 1072, Lawrence, Kansas 66044

November 25, 2007

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City County Planning Office  
Lawrence, Kansas

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

RE: ITEM NO. 2B: RS10 & A TO RM15; 5644. ACRES; 31<sup>ST</sup> & OUSDAHL (MKM)  
ITEM NO. 2C: PRELIMINARY PLAT FOR THE EXCHANGE AT LAWRENCE; 31<sup>ST</sup> STREET AND  
OUSDAHL

Dear Chairman Eichhorn and Planning Commissioners:

We have sent letters to you previously about this development, expressing our concern for the amount of multiple family units that would be devoted to student housing, and that this use has not been evaluated on the basis of actual community need.

However, our most urgent concern is the process by which this development is being reviewed and approved. The "Exchange" is a large lot development undergoing *conventional rezoning*. The only indication of how this project will develop is by Site Plan, and this requires only administrative approval. All of the development features that a Site Plan can actually control are written into the code as standards. The standards for conventional residential districts in our new Land Development Code were written in a manner that purposely regulates only one residential building on each lot. To illustrate, the spacing between buildings is regulated only by the yards, of which there are four, measured from each building to its lot lines. The orientation of the building on its lot is based on the lot's relation to the external public street (the lot frontage) and its distance from the public street (the setback). The public street provides direct access to the building. The lot for each building may have accessory structures but no separate rear dwelling(s). Everything within a lot is on private land including the utility easements. The Site Plan regulates, by actual written standards, only those RM District features that will be publicly owned, or publicly controlled as peripheral yards or interior easements. Exceptions are on-site parking, external light emissions, peripheral buffering and screening, and external stormwater runoff. The required permeable surface can all be in the yards so that the entire interior can be concrete. The required open space can be balconies.

The one new feature that can be controlled in the interior of a residential lot is sensitive land, but that is an issue not addressed in this letter.

This development will constitute a precedent for all of the future multiple family developments in the community under our new Land Development Code. What you are being asked to approve is three very large lots of approximately 24, 21, and 5 acres, constituting over 50 acres, that can be developed with any types of multiple family use that the zoning district permits. If there is to be more than one building on each lot there is no staff authority over the actual design of the development: the bulk and placement of buildings and their spacing (except for the 3-foot separation required by the fire code), the location of parking, the internal landscaping, the accesses to each building, the internal pedestrian connections (if any), the recreational space, or location of other open space (aside from that which will be rezoned OS in this development). None of these design elements are regulated by standards written into the conventional RM zoning districts. What you think you may be approving now, based on what the developers tell you, are not legally binding commitments. Should the project fail, it can be developed completely differently, because the RM districts allow any residential building type by right, except for detached dwellings. Our conventional residential multiple family districts are unpredictable.

Traditionally this type of project development was approved under the Planned Unit Development provisions of the zoning code. It's been only recently that these large lot developments, by default, have been approved as conventional districts under our previous code. The new Land Development Code was written to allow project developments in conventional residential districts to be processed and approved as Planned Development Overlay Districts. The PD districts include the needed standards for large lot project developments and the needed predictability that the conventional districts cannot guarantee. We urge you to require that this RM district be zoned RM15 with the PD overlay district.

Perhaps the most important consideration in large lot conventional residential developments is future subdivision. Each of these lots may be legally transferred to different owners as an entire platted lot, but not as parcels or divisions of the lot. This means that the land itself within each lot must have a single owner, regardless of the ownership of the buildings. Recently under the old code, even this has been overlooked. At the very least, we ask that you make note on the plat that each lot may not be further divided or combined without replatting.

We ask you to require that (1) this development be rezoned with the PD-RM overlay, and (2) a statement be placed on the plat that prohibits the division or combination of any of these lots without replatting.

Thank you for your consideration of these issues.

Sincerely yours,



Paula Schumacher  
President



Alan Black, Chairman  
Land Use Committee