

Memorandum

City of Lawrence

Planning & Development Services

TO: Paul Patterson
FROM: David Guntert
CC: Scott McCullough; John Miller
Date: May 8, 2008
RE: Calculations for Z-02-05-08 Protest Petition

The protest petitions filed in the City Clerk's Office on April 7, 2007 pertaining to the referenced rezoning request contain enough signatures of the record owners of property in the required notification area to constitute a valid protest petition. The property owner notification area covers those parcels lying within 200' of the zoning request.

The total area of the real property represented by the fifty-one (51) parcels captured within the required 200 feet notification distance is 12.892 acres. The protest petition was signed by the owners of 19 parcels in the notification area. One of the participating parcels was excluded from the calculations to determine the petition's validity because the petition did not bear the signatures of both record owners as shown on the property ownership list from the Douglas County Clerk's Office. Another property owner signed the protest petition against the zoning change; however their property is beyond the 200' notification buffer and therefore not included in the petition calculation.

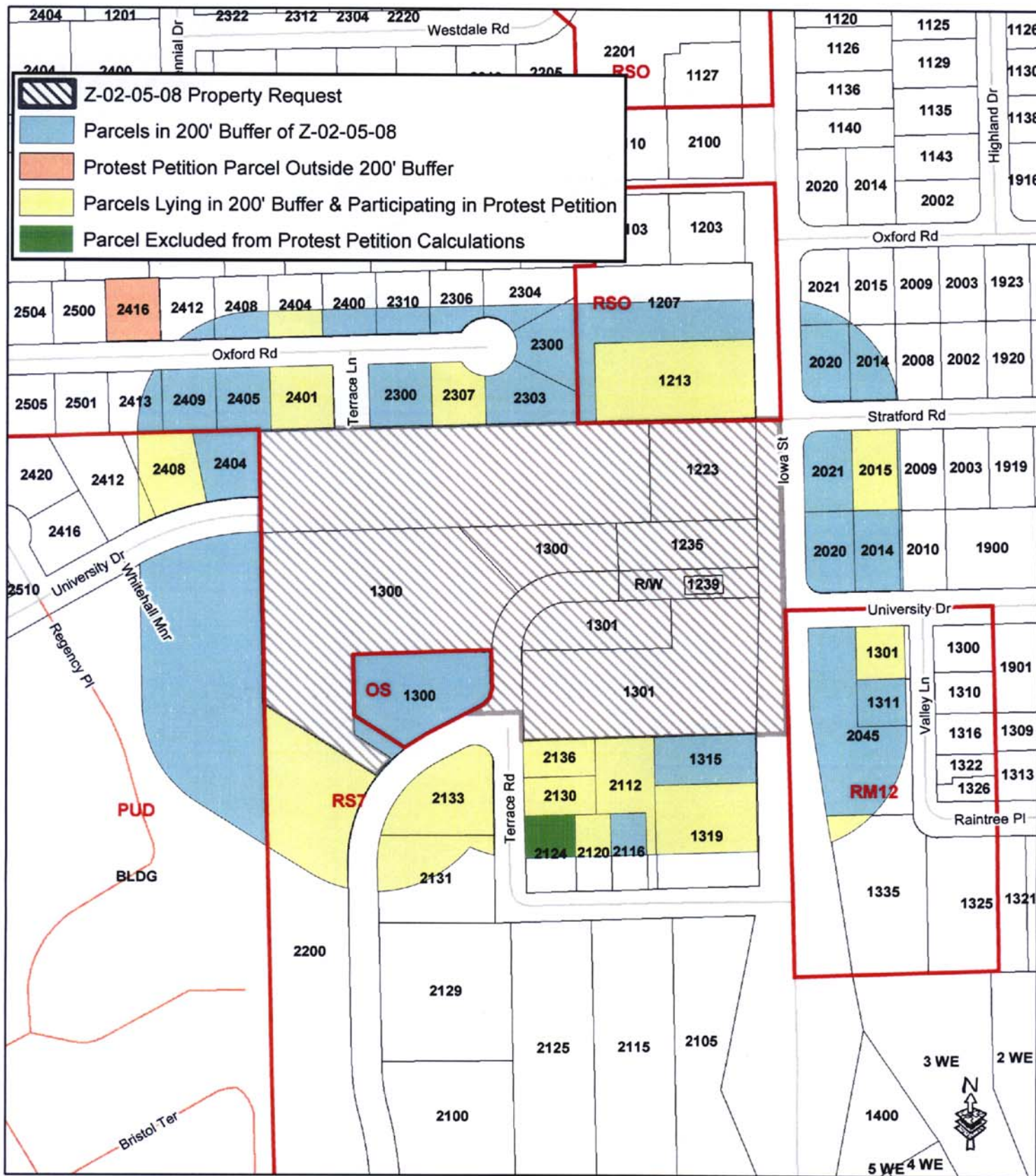
The total area represented by the eighteen (18) parcels included in the petition is 4.925 acres or approximately 38.2 % of the real property within the notification area. The petition is valid because it bears a higher percentage than the minimum 20% required by Code to constitute a valid protest petition.

The attached map illustrates the properties within the protest 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	12.892 acres
Total Area of Parcels inside the Buffer Whose Owners are Protesting the Rezoning Request (18 Parcels)	4.925 acres
Percent of Total Parcel Area in Protest Petition	$4.925 \text{ acres} / 12.892 \text{ acres} = 38.2\%$

Z-02-05-08: Properties in 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.

Lawrence Planning and Development Services Department
May 8, 2008

SOME OF THE PROBLEMS WITH THE PDP FOR UNIVERSITY PARK PLANNED DEVELOPMENT

1. The process of the rezoning should not have been separated from the consideration and approval of the plan and therefore should not have been voted on by the Planning Commission separately from the plan. the rezoning should not have appeared as a separate agenda item from the plan.

2. Before any approval is granted, a sensitive lands site plan should be submitted. The leafy site plan that seems to account for this does not apply here.

3. The storm drainage is going to be a major problem for the Terrace Road neighborhood. The amount of impermeable surface needs to be calculated carefully so that these problems can be correctly determined and preventive measures adopted.

(a) The Quarry Park detention facility needs major careful planning. The design may not be sufficient to prevent flooding of the Brosseau/Kalinich foundation. And does not prevent any horizontal drainage through the limestone layers that already exists or horizontal drainage ones that might exist at higher elevations.

(b) Not all of the storm-water will flow into the Quarry Park detention facility.

(1) A substantial amount may flow into the stub street connecting Quarry Lane to the driveway between the White house and the Heilman house, which will then flow down to the storm sewer at the Lichtwardt driveway. This storm sewer does not adequate capacity to carry the flow of an average 1-year storm now. Any more will create problems for both the Manahans and Lichtwards.

(2) Any overflow will cause the Tillable Acres properties to flood. They already have problems.

(3) There is no provision for preventing stormwater from Iowa street to flow down Quarry Lane and onto Terrace Road via the Quarry Lane/street stub, or overflowing on the edges in heavy rains.

(4) There is no provision for preventing any storm water that would overflow the inlet on Quarry Lane from flooding the Brosseau/Kalinich driveway and possibly their basement.

4. Quarry Lane is too close to the neighbors on the southern boundary. The street is 15' from the Kitos' house, while the development houses are 30' from the street. It will be a major, fairly busy street for the neighborhood. The bordering houses need buffering and shielding from the street. The street should be set back, and possibly a landscaped berm built between the southern houses and the street.

5. The sensitive land is only partially protected. Almost all of the property from Quarry Park to the new University Drive is in stands of what are classified as mature trees. Most of the density and hard surface is on this side in the plan. The alley and the small lot sizes increase rather than decrease the surface coverage. It would be better to locate the less dense lots on this side and locate the lots on the alley to the north so that some of these trees can be saved.

6. A serious precedent is occurring here with the staff interpretation that an alley is a street, and therefore constitutes the necessary frontage. The Subdivision Regulations clearly state in 20-810 in the provisions for Subdivision Design Standards (0-810(d) that lots may take access onto an alley, but at the same time must front on a public street. The interpretation that lots must front only an alley would allow a developer to develop a subdivision with only alleys. Alleys are required to be only 20 feet wide with no curbs, gutters and have reduced surface requirements.

7. The planning staff calls an alley what the developer calls a shared driveway. The developer calls it a shared driveway so he can use that area in the lot size. If they are called an alley some of the lots will only be 3500 square feet. If small lots are to be allowed it must be to save some sensitive land near these houses. It would be easy to take out 2 houses to make normal lot sizes and avoid needed to call the alley a shared driveway.

8. If this isn't a desirable place to live for the elderly and becomes a student housing complex, it will be more crowded than will be advisable for health and safety.
9. There needs to be a community meeting facility, since there is need for a home owners association. This is also a needed amenity.
10. There needs to be some open recreational area in addition to the planned-for wooded areas in the park.
11. The Rockledge Addition Covenant needs to be acknowledged and conformed to. There is a question as to whether the houses conform, because the roof overhangs must be less than five feet from the side yards.
12. What is to prevent the developer from changing the plan after it is passed by the planning and city commissions? Please condition the RS7-PD Zoning District to the following restrictions: That the building type shall be limited to not more than the _____ number of detached single family dwellings approved in the Preliminary Development Plan on _____ date, each on its own platted lot fronting on a dedicated public street. That each dwelling shall be no more than two stories; and the definition of family shall include those related by blood or marriage or not more than three unrelated adults. The historic stone house shall be preserved in its original location.
13. Why are the waivers being given? The planning staff report does not really give adequate reasons.
14. "Article 13 | Development Review Procedures Sec. 20-1304 | Planned Developments (2) Neighborhood Input (i) During the design process for the Preliminary Development Plan, the applicant shall make a reasonable effort to meet with individuals, required to be mailed notice under Sec. 20-1301(q)(3), to present their project in conceptual fashion and to solicit input on the proposed design. (ii) A statement describing the reasonable effort(s) made to meet with and receive input from individuals required to receive notice shall be submitted with the Preliminary Development Plan application when it is filed for review at the Planning Department." This has not been done.
15. The change of zoning is unreasonable and arbitrary.
16. The recommendation by the Planning Commission is illegal and improper.