

2131 Terrace Road
Lawrence, Kansas 66049

June 20, 2008

Mayor Michael Dever
Members of Lawrence City Commission
City Hall
Lawrence, Kansas

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CITY MANAGERS OFFICE
LAWRENCE, KS

Dear Mayor Dever and City Commissioners:

We are sending you this letter to express our concern about the possible outcome of the University Park Planned Development unless the RS7-PD map amendment (rezoning) ordinance is conditioned on the specific use that will stabilize this zoning district, and in turn, our neighborhood.

The Planning Commission should have recommended that the ordinance for the University Park RS7-PD Overlay Zoning District be conditioned for the use that the developer has only verbally expressed he will build. This conditioning is actually required by the Land Development Code Section 20-701(f)(1). Since the Planning Commission did not do this, the City Commission now has the authority to do so according to the Land Development Code (Section 20-701(f) and Section 20-701(l)(7).

We request that you condition the University Park RS7-PD Overlay District Zoning Ordinance as follows:

“The use shall be only single family detached dwellings, each dwelling on its own individually platted lot fronting on a dedicated public street, with the definition of “family” as cited for RS districts in the Lawrence Land Development Code Section 20-1701, page 17-8 on June __, 2008.”

Why do we ask this? The developers have claimed that conditioning the zoning is unnecessary because the RS7 District limits the use to single family detached dwellings. Our reason for your placing conditions on the PD zoning ordinance is because this RS7-PD Overlay Zoning District is far more flexible than its underlying standard district of RS7. The outcome of this PD development without conditioning its zoning ordinance is far from certain. The PD Overlay District is much less restrictive than the conventional RS7 District. For example, in the RS7-PD Overlay District, commercial uses are permitted [20-701(f)(i)], the lot size can be decreased or increased [20-701(2)], the net density may be increased beyond that of the base (standard) district by up to 25% [(20-701(f)(3)], unlike in conventional districts streets can be private [20-701(l)(2)] (thereby requiring private maintenance and questionable storm drainage management), and the height of the buildings can be increased [20-701(g)]. *It's even conceivable that the individual dwellings might not be required to be on separate lots or be platted.* Unless the conditioning language that we ask for is a part of the published zoning ordinance for this site, nothing in the current Preliminary Development Plan would ultimately be binding on this site. This is why the Code 20-701(f)(1) actually requires that not just the Preliminary Plan, but also the PD Zoning Ordinance, itself, be conditioned at least on the use.

We have two major points: (1) The current University Park Preliminary Plan has no written conditions on its face requiring that the land use be single family detached dwellings, each on individually platted lots, and (2) no preliminary plan itself is binding on a site until it's built. A new plan can be submitted that is completely different. Once the RS7-PD rezoning ordinance has been approved by the City Commission and published, the Land Development Code states that if the Preliminary Development Plan or Final Development Plan expires, the RS7-PD zoning district will remain on the land [20-1304(e)(vii)]. Based on previous policy on Planned Unit Developments, a new (and damaging) plan could be submitted and approved. The neighbors would have no defense because the option of a protest petition would not be available. We have seen this happen to other neighborhoods.

We believe that our concern about not conditioning the University Park PD Zoning Ordinance is justified. As reported in the May, 2008 Planning Commission Minutes, one of the developers *“expressed his concerns about restrictions being put on the property just because it was desired. He did not want restrictions put on the houses and felt that the City Code was sufficient.”* Does this mean that if the current plan is withdrawn or expires after the zoning has been published, another different plan could be substituted that would be harmful to the surrounding neighborhood? It certainly does mean that.

Therefore, we appeal to the City Commission to condition the RS7-PD University Park rezoning ordinance with the language that we have stated above, “the use shall be only single family detached dwellings, each dwelling on its own individually platted lot fronting on a dedicated public street, with the definition of “family” for RS districts as cited in the Land Development Code in Section 20-1701, page 17-8 on June [date], 2008.”

If you choose not to condition the University Park RS7-PD map amendment ordinance as stated above, we ask that you deny this rezoning request.

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert and Betty Lichtwardt". The ink is dark and the signature is fluid.

Robert and Betty Lichtwardt

Bobbie Walthall

From: Susan Brosseau [susanbrosseau@mac.com]
Sent: Monday, June 09, 2008 12:58 PM
To: Bobbie Walthall
Subject: Letter to city commissioners

Susan Brosseau
William Kalinich
2133 Terrace Rd
Lawrence, KS 66044

Michael Dever, Mayor
Lawrence City Commissioners
City Hall
Lawrence, Kansas 66044

Dear Mayor Dever and City Commissioners:

We live next to the University Park Development and are unable to attend the Tuesday meeting where you are considering the zoning and plan because we are out of town. We are afraid that if the zoning and plan are not conditioned as Bob and Bety Lichtwardt proposed, that the developer will get into financial trouble and be unable to develop the area as he has planned and promised. With the housing economy in the state that it is, there is a serious possibility. Please, condition this zoning or not pass it altogether.

Susan Brosseau
William Kalinich
2133 Terrace Rd.