

September 21, 2008

The Lawrence-Douglas County Metropolitan Planning Commission  
c/o Mr. Dan Warner, Long-Range Planner, AICP  
Planning & Development Services Department  
Lawrence City Hall  
PO Box 708  
Lawrence, KS 66044-0708

Dear Members of the Lawrence-Douglas County Metropolitan Planning Commission,

My comments below are responding to the third draft of the West of K-10 Plan. As steps leading to these comments, I submitted comments to Dan Warner, Long-Range Planner, for the first & second draft of the Plan, attended one of the public comment meetings & met with Mr. Warner and his supervisor in person with a group of concerned neighbors.

My comments focus on the section of properties bordered roughly by Clinton Parkway, K-10 Hwy, N 1452 Rd & E 920 Rd. My home is on 2.75 acres of land and my property happens to be the lowest in the area. ***Although Option 2 pertaining to future land use of this area (p. 21) is certainly much preferred over Option 1, it still does not satisfy what would be a fair plan for this area for the following reasons:***

- 1) Option 2 simply allows me & my like-minded neighbors to keep the same density designation we already have (Very Low Density (1 unit/acre). Option 1 supports changing the density designation of my property & and the properties of my like-minded neighbors to Low Density (6 units/acre). Why should the density designation of my property be changed when I am not requesting a change?
- 2) According to prudent city planning, the density of properties in a given area should graduate with adequate room for the flow of graduation from one density level to the next. My property falls within the designation of Very Low Density (1 unit/acre) as do neighboring properties along the North & East sides of N 1452 Rd & E 920 Rd. ***Within a relatively small area, Option 2 proposes a graduation from Very Low Density to Medium Density (7-15 units/acre) to High Density (16 + units/acre). I propose that this amount of graduation is***
  - A) ***too rapid given the small size of the area and***
  - B) ***not in keeping with acceptable planning standards of moving from one level to the next and not "leap frogging."***

The jumping occurs across N 1452 Rd & E 920 Rd moving from Very Low Density to Medium Density (***skipping Low Density- 6 units/acre***) & across 910 N 1452 Rd moving from Very Low Density to High Density (***skipping two levels***). ***I would propose a graduation from Very Low Density along the North side of N 1452 Rd and East side of E 920 Rd to Low Density directly across from these properties to Medium Density along E 902 Rd to High Density on the West side of E 902 Rd against the K-10 by-pass. This pattern of graduation would be much more in keeping with the current character of the area while still allowing increased density levels toward the intersection of major roads.***

- 3) As noted in my first comment letter, I ***am concerned about safety issues at the intersection of K10 Hwy (East side) & N 1500 Rd*** with no above grade entry onto K10 Hwy and no funding for this in the foreseeable future. Adding high density units to this tiny road will exacerbate the safety issues already prevalent at this intersection.
  
- 4) ***As the property owner of the lowest elevation in the indicated area, I am highly concerned about the flow of storm water onto my property if the density of living units is dramatically increased above me.*** Longtime residents on the higher ground indicate that a limestone ledge exists about 7 feet underground & that the general soil drainage is poor. My property already has a drainage way cutting through it which runs very full when we have ample rain. In my opinion, the city has not thought through storm water issues in proposing significantly higher density for the higher ground. I do not believe the lower ground can handle it. (p.20 of 3rd draft: “Neighborhoods should be built in ways that protect existing natural drainage & ecosystems.”)
  
- 5) ***The neighbors who are advocating for the higher density designations are the leaving neighbors. They no longer have a vested interest in the property they will leave behind. On the other hand, I am a staying neighbor & my interest is very personal as well as communal. I care a great deal about the land I live on as well as my neighborhood and about protecting its value & beauty.***
  
- 6) ***The proposed changes in either of the two Options will undoubtedly decrease the value of my property but increase my property taxes*** due to intensified densities directly across from me.

I remain open to negotiating a fair plan. And although I support Option 2 over Option 1, I believe an Option 3 is possible which would achieve a greater degree of fairness for the neighbors who plan to stay and call this their neighborhood.

Sincerely,

Lee L. Rader  
916 N. 1452 Rd.  
Lawrence, KS 66049  
Hm# 842-3399  
E-mail: [LeeLRader@sbcglobal.net](mailto:LeeLRader@sbcglobal.net)

-----Original Message-----

From: naturalway@mindspring.com [<mailto:naturalway@mindspring.com>]

Sent: Monday, September 22, 2008 9:58 AM

To: Dan Warner

Subject: the Planning commission Meeting

September 22, 2008

Lawrence-Douglas County Planning Commission c/o Mr. Dan Warner, Long-Range Planner, AICP  
Planning and Development Services Department Lawrence City Hall P.O. Box 708 Lawrence,  
Kansas 66044-0708 [dwarner@ci.lawrence.ks.us](mailto:dwarner@ci.lawrence.ks.us)

Re: Draft Plan: West of K-10, Third Draft

Dear Planning Commission Members:

I would like to offer to comment on the third draft of the West of K-10 Sector Plan (the "Plan"), as proposed by the Lawrence-Douglas County Planning and Development Services Department (the "Department"). We have the following comments:

1. No unilateral annexation within the Eastern Sector – Although the Plan nominally covers the area that lies to the west of K-10, it also covers the land east of K-10 that has not been annexed into the City (referred to herein as the "Eastern Sector"). We join many other residents in the Eastern Sector in expressing to you that at this time we would prefer our property not be annexed into the City of Lawrence. The City of Lawrence has a long history of avoiding unilateral annexation. We agree with this historical aversion because we believe the City should not annex property against the consent of the property owners, until the owner is ready. We urge the Commission to include a clear statement in the Plan that, with respect to the Eastern Sector, the City will remain committed to its long-standing policy, preference, and practice of refraining from unilateral annexation.
2. Support for "Option 2" – Nearly all of the property within the Eastern Sector is single family residential dwelling on lots ranging from one acre to more than 30 acres. All of the current residents chose a more rural setting. Now, faced with encroaching development, some residents want to leave and some want to stay.

We agree with many of our neighbors who live within the Eastern Sector, we strongly urge that all of the land within the Eastern Sector be designated as low density residential, at this time.

Again, we appreciate this opportunity to comment on the proposed Plan. Thank you.

Mr. Warner, can this be distributed to the Planning Commission members, Please.

Thank you again, for all your help with this Plan.

Very truly yours,  
Judy and George Paley

1448 East 920 Road  
Lawrence, KS 66049

*FRANÇOIS G. HENRIQUEZ, II*

*LAURA A. STEPHENSON*

*1436 E. 920 Road*

*Lawrence, KS 66049*

*(785) 841-1017*

September 22, 2008

Lawrence-Douglas County Planning Commission  
c/o Mr. Dan Warner, Long-Range Planner, AICP  
Planning and Development Services Department  
Lawrence City Hall  
P.O. Box 708  
Lawrence, Kansas 66044-0708  
[dwarner@ci.lawrence.ks.us](mailto:dwarner@ci.lawrence.ks.us)

Re: Draft Plan: West of K-10, Third Draft

Dear Planning Commission Members:

My wife, Laura Stephenson, and I appreciate the opportunity to comment on the third draft of the West of K-10 Sector Plan (the "Plan"), as proposed by the Lawrence-Douglas County Planning and Development Services Department (the "Department"). We have the following comments:

1. ***No unilateral annexation within the Eastern Sector*** – Although the Plan nominally covers the area that lies to the west of K-10, it also covers the land east of K-10 that has not been annexed into the City (referred to herein as the "Eastern Sector"). We join many other residents in the Eastern Sector in strongly objecting to our property being annexed into the City of Lawrence. In fact, it is our strong preference that our property ***never*** be annexed. The City of Lawrence has a long history of avoiding unilateral annexation. We agree with this historical aversion because we believe the City should not annex property against the consent of the property owners. We urge the Commission to include a clear statement in the Plan that, with respect to the Eastern Sector, the City will remain committed to its long-standing policy, preference, and practice of refraining from unilateral annexation.

2. ***Support for "Option 2"*** – Nearly all of the property within the Eastern Sector is single family residential dwelling on lots ranging from one acre to more than 30 acres. All of the current residents chose a more rural setting. Now, faced with encroaching development, some residents want to leave and some want to stay. Many who want to leave now appear to be saying,

*“If I can’t live here in a rural setting, then no one else should be able to live here in a rural setting. So let me sell to a developer who’ll pay top dollar to put in apartments. I oppose high density surroundings for myself, so I will leave this neighborhood. But, as I leave, I want to force high density surroundings on my former neighbors so that I can get top dollar.”*

Well, those of us who see our houses as our homes rather than as development fodder (and who plan to stay in our homes) decry this base cynicism.

Rather, like many of our neighbors who live within the Eastern Sector, we strongly urge that all of the land within the Eastern Sector be designated as either low density residential or very low density residential. This allows us as property owners to preserve both the character and value of our properties.

If the Commission will not agree to designate all the land within the Eastern Sector as either low density residential or very low density residential, then we believe Option 2 is a better compromise than Option 1, because the property rights of current and continuing landowners do not have to be compromised a greatly.

Again, we appreciate this opportunity to comment on the proposed Plan.

Very truly yours,



François G. Henriquez, II

(913) 227-6035 – Office

(913) 220-7301 – Mobile

(913) 319-3217 - Fax

[fhenriquez@uscentral.org](mailto:fhenriquez@uscentral.org)

**From:** Braman, Keith [mailto:kbb Braman@ku.edu]

**Sent:** Monday, September 22, 2008 10:01 AM

**To:** Dan Warner

**Cc:** Daryle Busch; Busch, Daryle H; Teeter, Deborah J; Francois Henriquez; Judy Paley; Bowman-James, Kristin; Keith Braman; Laura Stephenson; Lee Rader; George and Judy Paley; Ron Teeter; Jerry and Susan Potter

**Subject:** RE: West of K-10, third draft

Keith and Karen Braman  
911 N 1464  
Lawrence, KS

Lawrence-Douglas County Planning Commission  
c/o Mr. Dan Warner, Long-Range Planner, AICP  
Planning and Development Services Department  
Lawrence City Hall  
Lawrence, Kansas 66044

Dear Members of the Planning Commission,

After our review of the third draft of the West of K-10 Plan we continue to be very concern with the proposed plan. We oppose annexation at this time and particularly oppose high and medium density zoning our neighborhood.

Unfortunately , time constraints don't allow me to further expand our arguments at this time. At the very least a further public debate of this issue is needed before any final determination is made.

Sincerely yours,  
Keith Braman, JD

**From:** Mary Ann Hoffmann [mailto:paradox390@sbcglobal.net]

**Sent:** Monday, September 22, 2008 9:13 AM

**To:** Dan Warner

**Cc:** Daryle Busch; Daryle Busch; Deborah Teeter; Francois Henriquez; Judy Paley; Kristin Bowman-James; Keith Braman; Laura Stephenson; Lee Rader; George and Judy Paley; Ron Teeter; Jerry and Susan Potter

**Subject:** West of K-10, third draft

Philip and Mary Ann Hoffmann  
1439 E. 920 Rd.  
Lawrence, KS 66049

Lawrence-Douglas County Planning Commission  
c/o Mr. Dan Warner, Long-Range Planner, AICP  
Planning and Development Services Department  
Lawrence City Hall  
Lawrence, Kansas 66044

Dear Members of the Planning Commission,

We have reviewed the third draft of the West of K-10 Plan. We have lived in the Eastern Sector since 1985. Our property has 9 acres and abuts directly to the north with the property of Mr. and Mrs. Doug Garber and directly to the west with the properties of the Breithaupts, Bronoskis, etc. all of whom wish to zone their properties at high density and leave for new properties that are more remote and less dense.

We **oppose** annexation. We **oppose** the zoning of the above properties to high and medium density. Annexation should **not** be unilateral per the City of Lawrence history of avoiding unilateral annexation. The proposed zoning changes in both options does **not** allow enough gradation of housing density between our property and those of our soon-to-be-ex-neighbors **nor** between their properties and the new neighborhood that has been built directly to the south of us, most of which is single-family housing and which **already contains** land that has been zoned for commercial development.

We **want** to remain as a property of very low density. We **want** the Garber property to remain designated as very low density as anything else would put an apartment complex right next door to us. We **want** the Breithaupts' et al properties to be low density as we do **not want** businesses with more parking lots, litter and noise, and the increased exposure to crime from a transient population in our back yard.

Destroying the rural nature of our neighborhood by urbanization is **not** something we welcome. We have already lost the ability to stargaze because of light-pollution. We can't hear anything but the traffic when we walk along the bike-paths adjacent to K-10 and Clinton Parkway. We **do** have rights. Our rights should **not** be trampled on by people and businesses who are anxious to make a profit at the expense of our right to remain in a calm, rural, stable neighborhood where everyone knows and looks out for everyone else. We should **not** have to lose these important aspects of our home in the name of social experiments (mixed-use neighborhoods and nodal development). Substituting urban sprawl for suburban sprawl by destroying rural areas is **no** improvement.

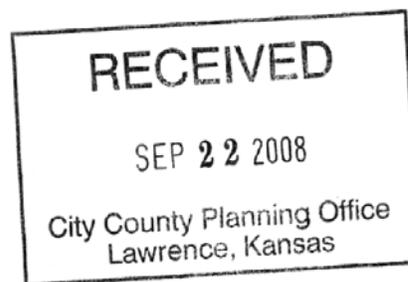
Sincerely yours,  
Philip Hoffmann, MD  
Mary Ann Hoffmann, MD

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

P.O. Box 1072, Lawrence, Kansas 66044

September 21, 2008

Brad Finkeldei, Chairman  
Members  
Lawrence-Douglas County Planning Commission  
City Hall  
Lawrence, Kansas 66044



RE: **ITEM NO. 8: CPA-2008-6; WEST OF K-10 PLAN**

Dear Chairman Finkeldei and Planning Commissioners:

Although this draft of the K-10 Plan is not in its final form, there are some very important land use issues that we hope that you will consider before this plan goes forward.

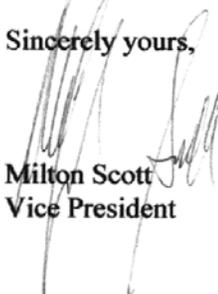
*Horizon 2020* has adopted a hierarchy of steps to follow when formulating plans. The first process is watershed planning. This generally applies to greenfield development and normally entails compiling data on the drainage basins including information on land forms (topography, water bodies, streams, drainageways, and the like), vegetation, and other significant natural features such as rock outcroppings and soils so that the development limitations of the land can be predetermined. This information is generally available to the planners and published as the basic maps of an area prior to determining infrastructure and land use. This is critically important in making assessments of the capacity of an area to realistically, and thus economically accommodate development. Attached is the excerpt from Chapter 14, Specific Plans, from *Horizon 2020*.

We find this critical information missing in this plan. Only the map showing the drainage basin outlines have been included. At the very least, what is missing is a map showing the topography, drainageways and vegetation. We urge the Planning Commission to encourage the Planners to show this critical information in the plan and to utilize it in determining the outlines of land use and infrastructure.

The second important issue that we see is the new policy on the part of the planners to give developers a choice of using either the SmartCode, Chapter 21, or "blob map" planning utilizing Chapter 20 as the Development Code. Several years ago when the SmartCode was originally considered, this was to be the method to develop the greenfield areas. The SmartCode plan developed for this area is so different from the land uses shown on the blob map that the two plans seem irreconcilable. One point that is not being considered is that if open space is to be preserved and to be interconnected for pedestrian pathways, this must be predetermined before areas are developed. The entire point of advance land use planning is the need to interconnect uses, especially open space and infrastructure, including streams and natural drainageways, and the primary consideration should be appropriate watershed planning.

We hope you will consider our comments as you proceed in planning for this area. Thank you.

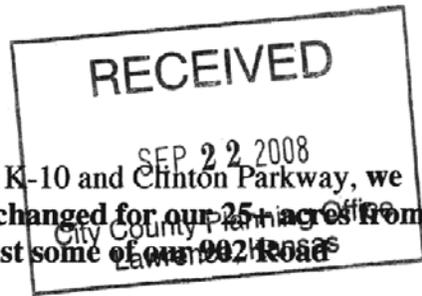
Sincerely yours,

  
Milton Scott  
Vice President

  
Paula Schumacher  
Land Use Committee

Dear Planning Commission,

On behalf of the property owners on 902 Road at the corner of K-10 and Clinton Parkway, we would like to request one last time that our designation be changed for our 25+ acres from high density residential to COMMERCIAL for all or at least some of our 902 Road neighborhood on the West of K-10 Plan.



Currently there are two separate areas zoned commercial in close proximity to our 902 Road area. One is directly off Clinton Parkway just east of 902 Road and the other is the lake-oriented commercial area on the west side of K-10 directly west from 902 Road. The area to the east of us, as we understand once construction starts, is sold to be a bank, fast-food restaurant and a boat sales business. The area to the west of K-10 is currently a convenience store and boat and RV storage area. We realize the area to the west could be redeveloped once this plan goes into affect but storage buildings were just built on this property and boat and RV storage seems to be a normal fit into the lake-oriented type of business. Since the storage area takes up a good portion of the 25-acres in that area, it doesn't leave much acreage for other types of businesses.

If you visit this area, you will see there is a lot of potential for commercial businesses with the lake being so close. There are many commuters and drivers that travel this corner of Lawrence either coming from Highway 59 or coming off I-70 and also entering and exiting off Clinton Parkway, and then of course you have visitors to Clinton Lake and people coming/going from Eagle Bend Golf Course. A commercial center geared toward community needs as well as lake-oriented needs would be very visible to many potential customers. As a sidenote, when the land to the west of K-10, where the current convenience store and storage units are, was up for auction a few years ago, there was a good amount of interest from bidders which means there is most likely more interest in commercial development for this area.

Our corner of Clinton Parkway and K-10, were 902 Road currently is, happens to be a very unique area in Lawrence. There is a wonderful view of Clinton Lake from the second floor or roofs of many of our houses, so depending on the type of commercial business, this view could be a wonderful and very unique asset to have in Lawrence. Plus with a road designated to come off Clinton Parkway into this area and then a road going north eventually connecting into a new interchange at K-10 and 15<sup>th</sup>, the commercial traffic could fit into the flow of traffic for the area.

Clinton Lake in itself is a great asset of Lawrence and by commercializing this area it could be a much more attractive draw to bring community members and visitors to the lake and this part of town. By making the northeast corner of K-10 and Clinton Parkway commercial, you are at least putting the possibility out there for developers to present a plan. The area can always be designated down to high density once again, but it would be difficult to push it to commercial once a plan is approved.

A few ideas of what could be done: a convention center (which is something that was proposed for the lake area years back), hotel or B&B inn, family fun center, restaurants, lake-oriented specialty shops or gift shops, grocery store for convenience of lake visitors and expected growth of the neighborhoods around K-10, a shopping type area incorporating many of these ideas, and probably many more ideas that someone with experience would be able to develop.

There are currently only a few restaurants remotely close to the lake area with the closest, besides the marina, being approximately 2 1/2 miles away. The idea of a restaurant in this area, especially with the potential of future housing growth, seems a natural fit.

We hope you will consider the change from high density to commercial for the 902 Road properties. As property owners, we feel moving from the area to start over in different homes is inevitable with the growth in Lawrence moving in our direction. It is obvious that the development touching some of our property lines from the east was not done with the interest of keeping our homes as part of this area. Especially obvious when you have a new home built approximately fifteen feet from a line of farm equipment.

We are all willing to make the move and start over, but for a price. **We feel that the commercial designation will allow for our properties to have the highest possible value when looking at the possibility of developers purchasing our properties from us at a price we feel is fair and worth while to each of us to have to move and reestablish our homes and also a farm operation for some neighbors.** If our 902 Road area is bought out, it would also allow for Lawrence to continue to develop in a normal progression. This 25+ acres could develop into a very nice commercial area with a very unique lake-view setting and be a great addition for Lawrence.

Glenn and Brenda Breithaupt, 1412 E 902 Rd Glenn Breithaupt Brenda Breithaupt

Jeri and Paulette Breithaupt, 1416 E 902 Rd Jeri Breithaupt Paulette Breithaupt

Don and Janet Breithaupt, 1420 E 902 Rd Janet Breithaupt

Breithaupt family home, 1424 E 902 Rd Jeri Breithaupt

Mike and Jeanie Bronoski, 1428 E 902 Rd Michael Bronoski

Mike and Kristel Lewis, 1430 E 902 Rd Kristel Lewis

Patty Haake, 1432 E 902 Rd Patty Haake

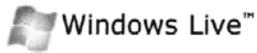
Mike Fletcher, 1434 E 902 Rd Mike Fletcher

Kenny Breithaupt, E 902 Rd see attached email signature

George and Eleanor Woodyard, E 902 Rd George Woodyard Eleanor Woodyard

Gary and Karen Vespestad, 1435 E 902 Rd Gary D. Vespestad

(Brink's acreage is just land, no house, and would be part of this area also. Although we weren't able to get a hold of him to sign this, he has shown interest in being part of our group in the past.)



## Planning Commission

From: **Kenneth Breithaupt** (kennethbreithaupt@yahoo.com)

Sent: Thu 9/18/08 1:32 PM

To: Kristel Lewis (ktel30@hotmail.com)

Dear Planning Commission,

Please accept this email as my signature for the letter to the planning commission from the 902 Rd. Neighborhood Group to change our property from "high density residential" to "Commercial". I can be contacted at 785-843-2665 or 785-393-1247.

Thank You, Kenny Breithaupt

kennethbreithaupt@yahoo.com

## **Watershed or Sub-basin Plan**

A watershed or sub-basin plan is a document that studies stormwater runoff and the potential for flooding and environmental impact of a particular watershed or sub-basin, before and after potential development, which drains into a river or other body of water. This plan has boundaries defined by the natural watershed basin or sub-basin of the area. It uses multiple layers of information pertaining to the natural and built environment to develop a comprehensive picture of the carrying capacity of the land for urban densities of development.

This is the second largest and most challenging type of plan to develop. A watershed or sub-basin plan is similar to the development of a comprehensive land use plan in its level and intensity of work. This type of plan could take 24 to 36 months to complete.

### **When is a watershed or sub-basin plan appropriate?**

This type of plan is commonly used to study greenfield, undeveloped, natural, or agriculturally used areas on the fringe of urban development. A watershed or sub-basin plan is used to determine the long-term future (potential) for urban densities of development and their impact on the natural environment.

### **Purpose or reasons to use a watershed or sub-basin plan are to:**

1. Provide information regarding the impact of the natural environment on the potential for future development.
2. Determine any environmental constraints and hazards for future development.
3. Provide a shared vision for area's residents/owners and local government entities.
4. Provide information regarding the area's needs, priorities, and proposed projects.
5. Provide guidance on matters of land use, development, and site layout to possible area residents or investors.
6. Determine if development proposals and land use changes are in accordance with the community's long term vision.
7. Provide implementation recommendations for coordination of development with adequate public facility's goals.
8. Provide a framework to guide an area's development efforts and track development trends and progress.
9. Provide maps showing existing information and proposed information.

### **Typical Process of a Watershed Plan**

- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process