

TO: Lawrence City Planning Staff
Lawrence-Douglas County Planning Commission

FROM: **ALL PROPERTY OWNERS** of Grandview Heights Subdivision
(includes all Sallie Mae Hill W. 5th St. Residents)

SUBJECT: **Safety Tipping Point Overloaded:**
"Sight Distance Study" & Proposed Plat
for "5th Street Bluffs Subdivision"

DATE: April 20, 2009

RECEIVED

APR 20 2009

City County Planning Office
Lawrence, Kansas

We want to call planners' immediate attention to certain facts that may be unknown to nonresidents of the street and neighborhood directly impacted by the subject proposal. To foster understanding among those unfamiliar with this segment of West 5th Street, here is a common-sense description of what's being proposed at the outset:

ACCESS IS BEING SOUGHT ALONG A NARROW, RESTRICTING, UNLIGHTED CURVE ON A STEEP, TWISTING, OLDER STREET WITH NO SHOULDERS, OTHER SAFETY MARGINS, OR WIDTH TO PASS. Visualize a short, tight "chicane" with soft ditches, no direct street lighting, and no inviting escape path from any imminent collision.

The specific point of proposed access is inherently and especially dangerous for additional reasons including the following:

- ◆ **Young children** reside in adjacent property on 5th St. They have friends who visit. These children are unacquainted with "sight distance triangles" and may be expected to roam without regard to them. Their safety **must not be compromised**. Nor should that of other children, grandchildren, guest playmates, elderly pedestrians, or bicyclists who may visit or transit this sidewalk-free neighborhood.
- ◆ At present, no existing hillside driveway is closer than 80 feet to the next on the same side of this immediate, sloping section of West 5th St. Slashing that safe distance to under 40 feet at the location of the proposed driveway **would introduce added, near-certain collision probability over time** for drivers exiting the now two, too-close driveways. Further: Transiting traffic arriving westbound from above may not see cars with drivers hesitantly exiting either driveway in time to brake or evade collision. Darkness would increase probability of collision and the considerable likelihood of serious injury. "Sight distance triangles" do not provide nighttime illumination or quicker reaction times.
- ◆ In **severe winter conditions**, this steep hillside street section becomes snow-packed, ice-covered, and **acutely treacherous**. Cars sliding off-road, slipping into ditches and retreating backwards downhill (particularly from the point of proposed

access) have been common occurrences in recent years. Residents' consistent experience has been that this steep street is generally one of the last in its area to be plowed and cleared. "Sight distance triangles" do not provide traction or untangle wreckage.

Further: The existing plat for Grandview Heights omits the subject unplatted parcel entirely from its intended neighborhood planning. No stated intent for access is indicated. Indeed, the block-form "PLATE" appearing lower left on that subdivision plat **EXCLUDES** any access point whatsoever to the subject parcel along 5th Street. This suggests that the **exclusion from 5th Street was quite intentional and made visibly explicit by safety-minded, thoughtful planners of the past.**

It is reasonable to conclude that common-sense considerations prevailed during earlier, historic decisions to exclude the landlocked parcel from hazardous, narrow, alley-like access intruding between broad-frontage lots on 5th Street. Departing from these recorded precedents seems unwarranted, unwise, and manifestly unsafe. **Why diminish or endanger life in Lawrence?**

Please do not allow this proposed dangerous, intrusive access or undesirable plat proposal to proceed toward approval. Thank you for your serious review, your time, and your commitment to preserve and protect.

Jacqueline Schaffer
1930 W. 5th St.

Georgette Yost
1924 W. 5th Street

Buffy
1924 W. 5th

Mrs. Z.P. Jones
1912 W. 5th

L.B. Radcliffe
1921 W. 5th

Jack W. Radcliffe
1921 W. 5th St.

Nancy Hernandez - 2003 W. 5th

Mr. J. Hume - 2003 W. 5th

Nicholas O'Leary
1930 W. 5th St.

Deborah K. Johnston
1918 W. 5th Street

Joan Nass
1918 W. 5th Street

Tom Boxberger
2002 W. 5th St.

Snuri Boxberger
2002 W. 5th St.

Mitchell Boxberger
2002 W. 5th St.

Elyse Boxberger
2002 W. 5th St.

Louise Smith
1908 W. 5th St.

- 4/20/09

THE WEST 158.0 FEET OF THE SOUTH 1/2 OF THE
EAST 1/3 AND THE SOUTH 1/2 OF EAST 1/2
OF THE WEST 2/3 OF BLOCK 29 WEST LAWRENCE
ALSO BEGINNING AT THE SOUTH WEST CORNER
OF SAID BLOCK 29 THENCE NORTH 100 FEET
THENCE EAST 300 FEET THENCE SOUTH 100 FEET
THENCE WEST 300 FEET TO POINT OF BEGINNING.

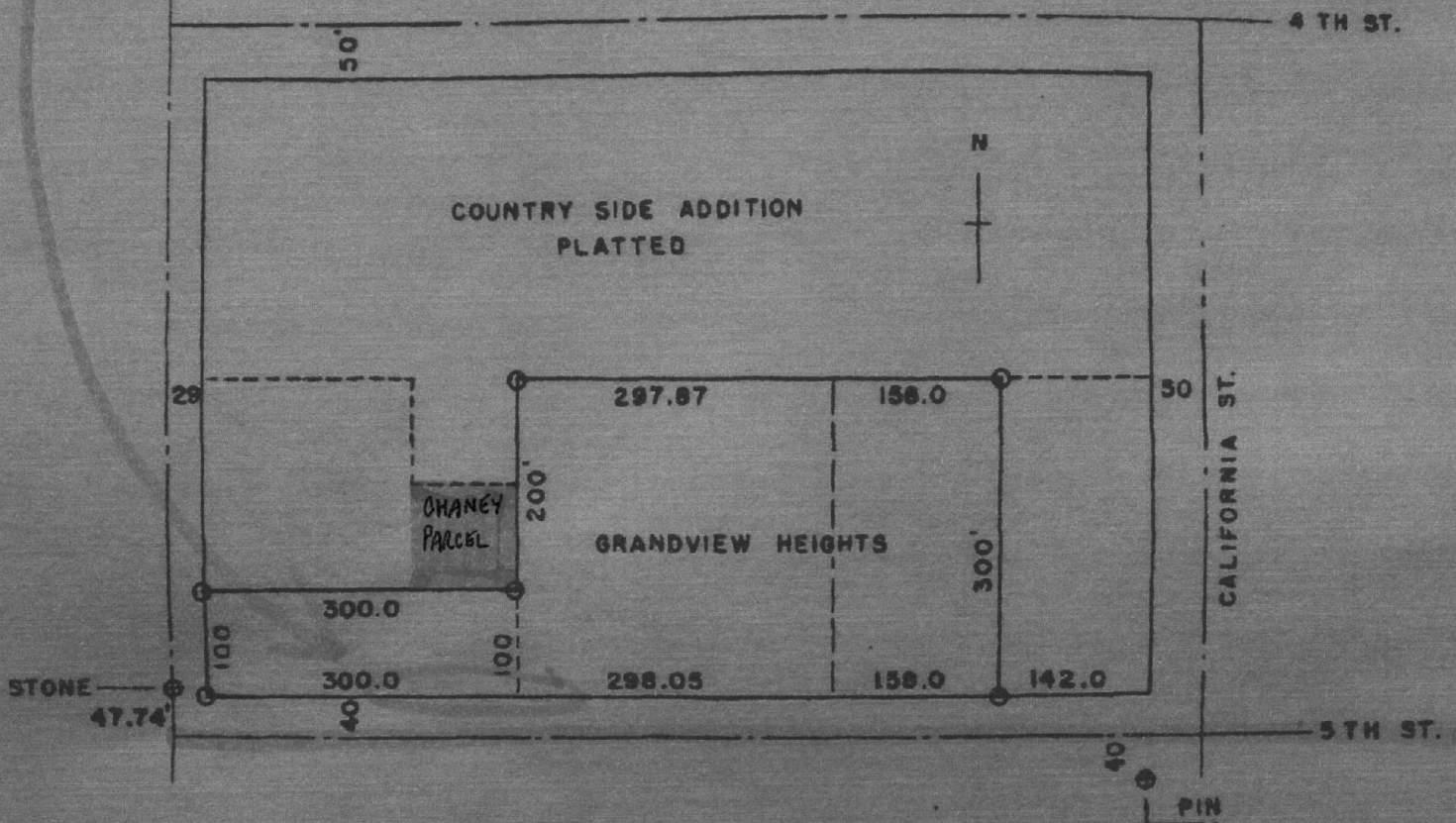
FROM ORIGINAL "GRANDVIEW HEIGHTS" SUBDIVISION PLAT OF RECORD

RE: PROPOSED "5TH STREET

BLUFFS SUBDIVISION"

-4/20/09

NO 5th St. Frontage



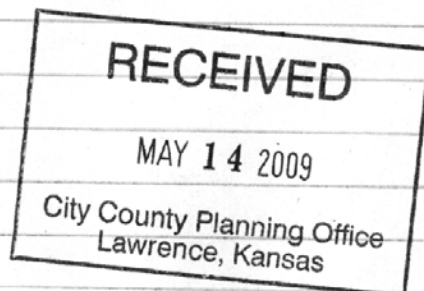
THIS PLATE REPRESENTS A TRACT OF LAND DISCRIBED
AS FOLLOWS:

THE WEST 156.0 FEET OF THE SOUTH 1/2 OF THE
EAST 1/3 AND THE SOUTH 1/2 OF EAST 1/2
OF THE WEST 2/3 OF BLOCK 29 WEST LAWRENCE
ALSO BEGINNING AT THE SOUTH WEST CORNER
OF SAID BLOCK 29 THENCE NORTH 100 FEET
THENCE EAST 300 FEET THENCE SOUTH 100 FEET
THENCE WEST 300 FEET TO POINT OF BEGINNING.

Dear Commision, I am writing in regard to this plat PP-04-01-08 at 427 Country Club Court. I live at 422 Iowa which is down hill from this property. I've lived here since 1984 and have always had problems with water draining down the hill and causing erosion on my property. I fear another house uphill would add to my drainage problems. Also, if the driveway entrance to this property is on 5th Street, that section is very steep and is right on a curve.

Thanks For your consideration,

George Bowen



427 Country Club Ct
Lawrence KS 66044
785-691-9402

RECEIVED

MAY 18 2009

City County Planning Office
Lawrence, Kansas

Dear committee members,

As the new owner of 427 Country Club Ct, (original lot, developed by JMC construction, the connecting and down hill lot to the proposed lot) I adamantly request that the drainage and erosion controls this plan be highly scrutinized and properly addressed. Even without the addition structure and removal of vegetation the drainage onto and from my lot and the neighborhood for that matter is terrible. After 6 months of ownership I am still making correction to in an attempt to get the property to drain properly. Additionally, several of my neighbors have complained about having similar problems. New structures in the neighborhood can only make these matters worse.

Furthermore, based on my experience with this property I would highly suggest that the condition and capabilities of existing sewer system be looked at closely.

Thank you for the opportunity to comment on this project.

Sincerely,



Mark Wilson
Property owner

TO: LDC Metro Planning Commission
RE: Doubts, discrepancies
in 5th Street Bluff

This preliminary plat raises doubts regarding accuracy, compliance, and precedent. Respected commissioners may want to ask the following questions:

- Why does the plat's eastern property line measurement differ from the distance derived from measurements using earlier, surrounding plats?
- Why does the plat area given by the city differ from that calculated by measurements from the same recorded earlier plats?
- Why did the sight-survey providers here explicitly disclaim verification of the related right-of-way for their study?
- Why was the legal description appearing on this plat allowed to pass earlier review with an impossible combination of chord exceeding arc measurements?
- Can the curve measurement on the plat be trusted, given the preceding?
- Can frontage or right-of-way along an uncertain curve line be known with accuracy?
- Can any of the details on the plat or sight survey be trusted for accuracy, given all the above?
- Should a plat raising so many doubts be approved?

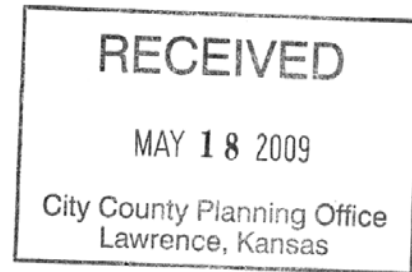
What kind of precedent is being set here? How much trust can the public be expected to invest in any planning process that disregards questions such as the above?

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Caldwell", written in a cursive style.

Chris Caldwell, agent for Jacqueline Schafer

TO: LDC Metro Planning Commission
DATE: May 17, 2009
RE: Definitive NONCONFORMANCE
of "Fifth Street Bluff Subdivision"



Commissioners:

This preliminary plat relies upon the proposed dedication of added "right-of-way" to satisfy "frontage" requirements. Physical reality cannot be so altered. We believe the actual, available, defined FRONTAGE for this lot at the street remains under 40' and is therefore insufficient under Subdivision Regulations.

Definitions covering "frontage" within the Subdivision Regulations AND common dictionary citations rely on two keywords that describe PHYSICAL, streetside position: "abut" and "adjacent." Therefore, ANY repositioned, parallel line departing from adjacent or abutting streetside position cannot be defined correctly as "frontage" under the Regulations' definitions.

Should there be any doubt regarding "Interpretation," the Regulations themselves require favoring "regulations which are MORE restrictive and impose HIGHER standards or requirements" (per Art. 8, Sec. 20-815 (a) (1), emphasis added).

In terms of intent, the farther from the street any such given line between properties may be drawn, the weaker its claim to definition as "frontage" may become. It would depart from the physical reality of abutting the street, or being adjacent to it. (If such a line were 100' off the street, what would you call it? Surely, not "frontage.")

We believe the 40' minimum frontage requirement should be enforced with particular vigilance in this instance, given the dangerous, curving, hilly location and vulnerability of public and neighbors alike. This preliminary plat does not conform to defined regulatory requirements. We respectfully request that you deny approval of this plat.

A handwritten signature in black ink, appearing to read "Christopher Caldwell". The signature is fluid and cursive.

Christopher Caldwell, agent for Jacqueline Schafer

(N.B. Copies of related definitions from the Subdivision Regulations are attached.)

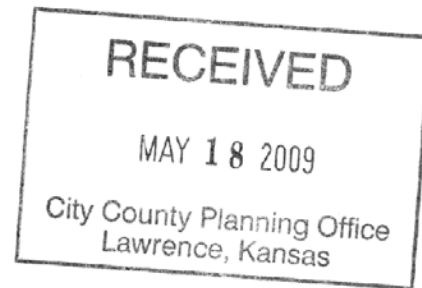
Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

Term	Definition
Frontage	The boundary of a Lot or Residential Development Parcel that Abuts a Street or a Road.
Abut	To physically touch or border upon; or to share a common property line.
Roadway	The paved or improved area of a Street right-of-way, exclusive of sidewalks, Driveways, or related uses.

Article 8 Subdivision Design and Improvements
Section 20-815 Interpretations, Rules of Construction and Definitions

Lot, Frontage "or Residential Development Parcel Frontage"	That portion of the Lot or a Residential Development Parcel which lies between the side Lot Lines and is adjacent to the Street or Road serving the Lot or the Residential Development Parcel.
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TO: LDC Metro Planning Commission
(for 5/18/09 meeting inclusion)
DATE: May 15, 2009
RE: Inherent NONCONFORMANCE
of "5th Street Bluff Subdivision"



Commissioners:

Even with added right-of-way as proposed, this preliminary plat remains nonconforming. The plat does not and cannot provide required minimum "frontage," as defined in the Subdivision Regulations (pp. 88-89):

"Lot Frontage ... (is) That portion of the Lot or Residential Development Parcel which lies between the side lot lines and is adjacent to the Street or Road serving the Lot or Residential Development Parcel."

That definition states the specific requirements in clear, explicit language, underlined above. To be defined as "frontage," the subject "portion" MUST be ADJACENT to the street. The arc that is adjacent to the street is under 40 feet. It is therefore insufficient to meet the city's stated minimum 40' requirement for defined frontage. The plat is thus nonconforming.

(Note: ANY similar arc located farther back into the property cannot be physically ADJACENT to the street. Hence, such a repositioned arc cannot, under the city's definitive standard, be called "frontage." The ONLY adjacent frontage in the instance at hand is at the pinch point, or narrowest point, between the two side lot lines. Only this measurement can determine conformance with the city's stated requirements, as set forth by the definition. Adding right-of-way here does not add frontage, only square footage to designated right-of-way behind it.)

To repeat: This is a nonconforming plat. It calls for direct denial on grounds of insufficient frontage, on a curve where any added driveway would elevate risk from hazardous to dangerous.

Respectfully,

Jacqueline Schafer, adjacent homeowner (1930 W. 5th)

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MAY 18 2009

City County Planning Office
Lawrence, Kansas

TO: LDC Metro Planning Commission
(for 5/18/09 meeting inclusion)
DATE: May 17, 2009
RE: Deviant Character & NONCOMPLIANCE
of "Fifth Street Bluff Subdivision"

Commissioners:

Is this what Horizon 2020 intends? This plat deviates from the long-established character, appearance, and flavor of the ENTIRE West 5th Street neighborhood on both sides within Grandview Heights. The jarring contrasts the plat represents are starkly clear to all neighbors.

First, the existing Grandview Heights neighborhood is characterized by broad-frontage lots with well-tended, visible yards and individualized, attractive landscaping. For emphasis: The homes are characterized at the street by their broad-frontage lots -- NOT the narrow, constricting, wedged-in intrusion this plat proposes, with its ambiguous entry. How could such a substandard, dangerous streetside approach possibly be considered "compatible" in any sense?

Second, existing homes along this section of West 5th Street are a unique blend of older architectural styles, typified by open, inviting facades directly facing the street. How can the prospects for an off-street, sublevel, declining, afterthought "lot" be considered compatible in such a well-designed and established subdivision of coherent properties?

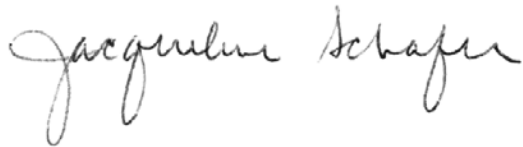
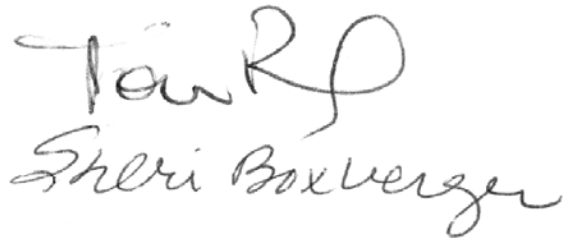
Third, the plat indicates but cannot show the visible disregard for the neighborhood already demonstrated by the massive, violent slashing and removal of trees from this parcel. Extensive destruction of tree canopy, with its loss likely to worsen existing downhill drainage conditions, is already evident. How is this compatible with a neighborhood that values ornamental and naturalized plantings, and preservation? At present, the lot could be a poster portrait for "Green Be Gone." (Drive-by viewing of this travesty has increased traffic markedly.)

Fourth, in all respects important to the neighbors, this plat deviates to such an extent that it can only further degrade and devalue all nearby homeowners' quality of life, while likely diminishing the appeal, marketability, safety, and market value of their homes. The incompatible, intrusive, dangerous nature of this proposal fuels vigorous opposition from neighboring property owners. We wonder how commissioners would feel about such a deviant intrusion into their neighborhoods.

Finally, This plat proposes deviant, spot development of an island parcel that has served as a fenced-in back yard for a Country Club Court 'parent' lot for decades. The fact that this parcel has been untethered from a separate subdivision (Countryside) underscores its separate character, origin, history, and flavor.

If the Commissioners believe in Horizon 2020's recommendations to protect "the character and appearance of existing low-density residential neighborhoods," they will deny approval to this plat for NONCOMPLIANCE on all significant grounds of importance to existing Grandview Heights homeowners. The mere square footage of the platted property matters little, in terms of the preceding.

Respectfully,

Handwritten signature of Jacqueline Schafer in cursive script.Handwritten signatures of Tom and Sheri Boxberger. The signature 'Tom' is written above 'Boxberger' in a cursive script.

Jacqueline Schafer and Mr. and Mrs. Tom Boxberger,
adjacent homeowners

From: Hass, Joette [mailto:JoetteH@sblsg.com]

Sent: Monday, May 18, 2009 9:49 AM

To: Mary Miller

Cc: 'jschafer@sunflower.com'; 'jschaf@ku.edu'; 'tebox39@yahoo.com'; 'cccinc@mac.com'; 'nancy@hfamily.net'; 'DJohnston@capfed.com'; 'Deb Johnston'

Subject:

Dear Mary,

Thank you again for organizing the meeting with neighbors and city officials on Monday, May 11, 2009. This meeting offered the exchange of information, concerns and the procedural steps for going forward. At this evening's meeting, although public comment may not be accepted, many neighborhood members will be in attendance.

It is my understanding that in other correspondence, Mr. Hernandez and Mr. Caldwell will be addressing information of a more technical nature. It is the intent of our letter to briefly address some of the other important issues. First, however, I would like to follow up on a couple of items from our meeting on May 11th.

1. City engineering indicated that it would be possible to request a drainage survey to address some of the concerns of the neighbors. Can this be a part of the discussion with the Planning Commission this evening?
2. Just to clarify any item regarding traffic safety would need to be directed to the traffic commission?
3. Our concerns as residents of this neighborhood are as follows:
 - a. Narrowness of the road jeopardizing the safety of current and possible future residents.
 - b. The disruption of the natural flow of drainage from these properties.
 - c. The disruption of a green space and all the subsequent plants, trees and animals.
 - d. The uneasiness of the type of property that would be built on the proposed plat.

In closing, in conjunction to item 3d above, it is our understanding that a site survey is not required in the case of a noncommercial property. However, if the current property owner is building a house for sale, rather than his own residence would this not constitute a commercial transaction?

Thank you again for all of your ongoing assistance in this issue.

Best regards,

Deborah K. Johnson

Joette R. Hass

1918 W. 5th Street

Lawrence, KS 66044

May 9. 2009

Mary Miller
P O Box 708
Lawrence, Ks. 66044

Dear Ms Miller:

I need to add my objections to allowing another access to 5th Street in the west 1900 block. I have lived at 1912 for over 30 years.

Previous problems with traffic on this hilly, curvey area resulted in the city placing 10 miles per mile signs on both sides of the street at the bottom of the hill which are completely ignored. My drive is on a curve and my mailbox had been damaged at least 3 times and several times when entering my driveway I've had to slam on the brakes to miss being hit.

For some reason traffic on 5th has greatly increased. This proposed added access is also on a curve and adds a great hazard especially in winter ice and snow.

Very truly yours,

Mrs. H. Penfield Jones

Mrs. H. Penfield Jones
1912 W. 5th St
Lawrence, Ks. 66044

Planning Commission

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MAY 19 2009

City County Planning Office
Lawrence, Kansas

I understand that a new house is proposed next to the previous one that was constructed last year on Country Club Court. My objection to another housing unit at this location is the inadequate storm water drainage system in this location. This spring I had had considerable flooding to my yard + garage. I have lived here 10 years and have not had flooding previous to this.

In addition earlier this year City Utilities did some sewer line work at the other home which is next to the new one. Both are situated behind + significantly higher than my home. See diagram

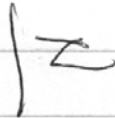
Thank you for your
consideration

416 Iowa

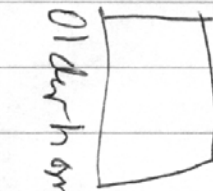
Kenneth L Smith

Country Club Dr

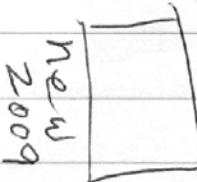
shrub
fill
slope



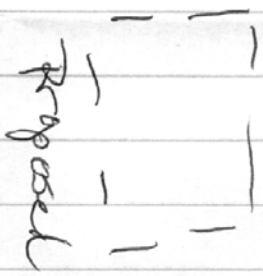
New
Garage
1,100 sq ft



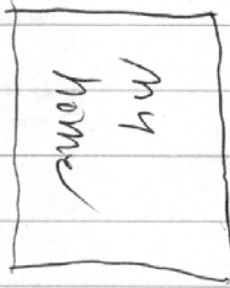
Older home



new
2009



Proposed



My
home

416

TOWA