

Bobbie Walthall

To: David L. Corliss
Subject: RE: Zoning needs to be predictable

From: Scott McCullough <smccullough@lawrenceks.org>
Date: November 14, 2011 9:39:21 PM CST
To: "David L. Corliss" <DCorliss@lawrenceks.org>, Hugh Carter <hughcarter@sunflower.com>
Subject: RE: Zoning needs to be predictable

The site plan presented for approval a few years ago maximized unit count (density) but not intensity in that it proposed 1-bedroom units. The applicant could have constructed 4-bedroom units which would have meant larger structures and more parking, thus using more of the property. While all the required open space was provided with the original project, additional land was left undeveloped (a decision of the owner). That the property was site planned with a portion remaining as vacant or open space left the **opportunity** for the owner to request upzoning since the owner did not use all of the land in the original development. Of course there is no guarantee of receiving upzoning, but the opportunity is there based on the way the site was designed with the original project. This could be viewed as a calculated risk by the owner for this specific housing product.

Because the land in question was used to calculate density for the existing apartments, I agree that this is not "infill" in the sense that it is a vacant lot with development rights unto itself. It was presented by the applicant in the Inverness Park District Plan to be developable property given the nature of the original development to not use all of the land for 1-bedroom apts. The plan now recognizes that additional 1-bedroom development can be appropriate for the property.

In Jamie's personal house example, if she had additional land to satisfy the code requirements for a new lot, she could potentially upzone and plat a new development parcel.

Please let me know of any questions.

Scott McCullough, Director - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708

office (785) 832-3154 | fax (785) 832-3160

From: David L. Corliss
Sent: Monday, November 14, 2011 8:18 PM
To: Hugh Carter; Scott McCullough
Subject: Re: Zoning needs to be predictable

Hugh, thanks for forwarding. I will ask Scott to prepare a response, thanks, dave

Sent from my Verizon Wireless 4GLTE smartphone

----- Reply message -----

From: "Hugh Carter" <hughcarter@sunflower.com>

To: "David L. Corliss" <DCorliss@lawrenceks.org>

Subject: Zoning needs to be predictable

Date: Mon, Nov 14, 2011 7:20 pm

Dave,

Can you or Scott speak to her comments regarding this area being planned as open space vs simply undeveloped or vacant? I don't recall hearing this before?

Thx

Sent from my iPhone. Please excuse typos & brevity!

Begin forwarded message:

From: "Jamie Hulse" <jamiehulse@att.net>

Date: November 13, 2011 12:01:44 PM CST

To: <hughcarter@sunflower.com>

Subject: Zoning needs to be predictable

Dear Commissioner Carter,

The argument that infill is accomplished by increasing density for a property that is already developed at maximum peak density is flawed. Infill needs to be encouraged on vacant ground, and be built in a way that conforms to current zoning. Infill needs to be an appropriate developmental land use mix, compatible with and not detrimental to, existing surrounding property owners. Approving the Remington Square rezoning request to accomplish infill sets an undesirable precedent for the city of Lawrence.

Zoning needs to be predictable. Ten years ago, the Legends Place apartment complex chose to build in their current location believing their complex would be surrounded by mixed use properties...not next to, and across the street from

FOUR other large apartment complexes. The developer of Legends Place certainly could not have predicted that within 10 years of building the first apartment complex in the neighborhood, a competing developer would gain approval of *double the density across the street*. Legends Place rents their apartments by the bedroom, so is actually competing for the some of the same tenants as Remington Square. Doubling density for Remington Square is detrimental to the other four complexes. That is why Legends Place signed a **Protest Petition**.

From

http://www2.ljworld.com/news/2002/mar/23/company_seeks_approval_for/
regarding The Legends Place apartments:

*Callaway said his company chose Lawrence as the site for its next project, in part, because **he believed the city was doing a good job of planning multifamily development.***

"What is very attractive about Lawrence is we feel it has very good urban development plans that control growth," Callaway said. "It is very hard for someone to come in and get a piece of land zoned and approved to do something like we are. We feel like we don't have to worry about four or five other properties coming in and rapidly depleting the market."

Zoning needs to be predictable. For most people, the purchase of their home is the single largest investment they will ever make and they most often choose carefully. People make purchasing decisions based on current zoning for surrounding properties. A person ought to be able to make a buying decision with some relative certainty that over the course of 10 years, the zoning and land use guidelines will not significantly change from the approved long term zoning plan. It is unreasonable to anticipate the potential for the density of a 15 acre property to double.

In reports and presentations, Planning Staff continues to describe the Remington Square 5 acres as "vacant" and "undeveloped", which is clearly misleading and has confused even the Planning Commissioners. The 5 acres is not "vacant" or "undeveloped". It is "open space". In 2008 the developer requested RM15 with a site plan that was approved, which maxed out his density on 10 acres of the property, leaving 5 acres of "open space", for the use and enjoyment of Remington Square tenants.

Planning Commissioners saying *"I am going to approve this because I don't know what else would go there"* and *"I don't really consider these units to be multi-family because they are 1 bedroom"* are both statements beyond the comprehension of neighbors. Nothing should go there - hence the description of "open space". And multiple 2 story buildings with 6 apartments per building, surrounded by parking lots full of cars are multi-family - 6 families per building. A family of 6 could live in a one bedroom apartment.

This increased density request is the equivalent of me saying *"I have a waiting list of people who want to live in my house, but there is no more room. I have*

'undeveloped land' behind my house, so on the basis of 'infill', I am requesting increased density so I can built a duplex in the 'vacant space'. My original site plan showed a house toward the front of the lot, leaving a large 'open space' out back for future potential development. The duplex will be 1 bedroom units, so it really won't be multi-family. The Grove is across the street at 15 units/acre, which makes my lot a 'step-down transition' into the single family neighborhood. This duplex will increase the city of Lawrence tax base. The hardship to me if this is not approved will be lost income from future rents." But my request is just silly, right? It's unreasonable. That wouldn't be fair to my next door neighbors who bought their single family home in a single family neighborhood know the density was 7 units per acre. Kind of similar to Legends Place, huh?

Single family homeowners were very involved in the planning process when the 160 acre Getto Tract was being annexed into the city in 1999. After much communication and many cooperative meetings, everyone felt positive and comfortable with the end result. However, over the last 11 years rezoning requests continue to be approved, and significantly erode the intended make-up of the overall neighborhood, with disregard to numerous neighbors' feedback, communications and continued involvement.

- Neighbors were told that density had to be increased and zoning changed to accommodate the Senior Housing Project. And it was tied into increased density for building Legends Place as well.
- We asked if increased density could be tied to the specific site plan. We asked many different people throughout the site plan process, many different times. We were told no each time.
- Within the last year, a City Commissioner said in a City Commission meeting that "we do that all the time, especially for commercial projects".
- Senior Housing Project site plan had extensive landscape buffering and solid fencing, plus one level duplexes on a cul-de-sac along Inverness.
- The zoning change and increased density were supported by the neighbors, and approved. The Senior Housing Project did not get built.
- With new zoning and higher density now in place, The Grove was built with an iron fence and landscaping that does not buffer, with 2 and 3 story buildings.
- The Grove was advised by Planning Staff to build within the existing zoning and not ask for changes to avoid the public process, since the neighborhoods were very vocal.
- Neighbors were aware that Walgreens requested a zoning change for the corner of Clinton Parkway and Crossgate. No neighborhood opposition occurred, because neighbors were in support of a mixed use development.

- Neighbors supported HyVee convenience store and car wash, again in support of mixed use.
 - Neighbors have not ever supported more apartments, and did not support the Inverness District Plan.
-

Another example, in very close proximity to the Getto tract...People bought single family homes in Parkway West #2, backing up to commercially zoned property, and they were comfortable with that zoning. After the single family new construction homes were sold, Swan Management built Aberdeen North and Aberdeen South.

From LJWorld 1999 articles:

Rezoning about 8.804 acres for the Aberdeen South Apartments from PCD-1, **planned commercial development**, to PRD-2, **planned residential development**.

The Aberdeen South property has been zoned for commercial use since 1992 but remains undeveloped.

Swan Management L.P. has proposed building the Aberdeen South Apartments at the northeast corner of 27th and Wakarusa. They would consist of 16 two-story buildings, each with eight two-bedroom apartments. Just north of the site is the Parkway West No. 2 subdivision, an area that consists of single-family homes on large lots.

Residents on the southern edge of the Parkway neighborhood complained that the proposal would result in large, multi-story apartment buildings being constructed within 50 feet of their back yards, with little or no buffer in between. They also complained that the proposal would surround their neighborhood on three sides with multi-family housing. Since their homes were built, the Aberdeen North Apartments have already been developed on the north edge of their neighborhood. Duplexes and some commercial development lie to the west.

The planning commission first considered the proposal at its June meeting, but the item was tabled for one month due to the large number of people who showed up to speak against the proposal. The Lawrence-Douglas County Planning Commission voted unanimously July 28 to recommend approval of the rezoning, subject to certain conditions.

Developers and planning commissioners say eventually there should be enough buffer between the apartments and houses. There is a steep drop-off behind the houses, so the apartments would sit at a lower elevation.

September 7, 1999

To the editor:

The city commission's approval of the preliminary development plan for the Aberdeen South apartments as well as the zoning of the Antioch Baptist Church property in Iowa Street are two recent examples of problems associated with zoning ordinances that allow for development of properties in unpredictable ways.

Perhaps the worst feature of zoning flexibility in Lawrence is that although a parcel may be zoned for one use category, it can be developed, according to the ordinance, for many so-called "lesser uses." In the case of the Aberdeen South Project, a use such as commercial specifically designed for neighborhood services might have been a welcome use. Knowledge that this tract could also be developed for the "lesser use" of high-density multi-family housing might have prevented some of those who purchased homes in this neighborhood from investing and therefore much of the controversy surrounding the project might have been avoided.

In the case of the Antioch Baptist Church property, the owners have stated an intention to develop a portion of the land for office use now. Because the entire parcel has been rezoned, without any firm idea of what the future development may look like, there will be tremendous flexibility in how the balance of the property could be developed at a later time. This is great for the Antioch property owners, but creates a lot of uncertainty for the surrounding neighborhood and the community at large. The League of Women Voters suggests that it would have been better to request that both the rezoning and replatting applications be submitted concurrently.

In both of these cases an ordinance which requires a development plan as part of the zoning application would have eliminated the uncertainty of the uses. Duncan Associates, the consultants charged with updating the current development regulations, has suggested a need for planning ordinances that are more predictable. It is League's hope that any zoning ordinances proposed by the consultants and adopted by the city will be more narrowly defined and thus more predictable.

Carrie F. Moore, president,

League of Women Voters -- Douglas County.

Please vote no to the Remington Square request for increased density of RM24. Do not establish a precedent for increasing density on properties throughout the city that are already maxed out at current zoning on the basis of infill. Instill confidence in the planning process and predictability of current zoning in Inverness Park, and for the city of Lawrence as a whole. Zoning must be predictable.

Sincerely,

Jamie Hulse

4403 Gretchen Ct.

393-2942

From: Andrew Cooper [mailto:decoupe71@gmail.com]

Sent: Thursday, October 20, 2011 9:44 PM

To: Sandra Day; gradually@hotmail.com; cblaser@sunflower.com; bradfink@stevensbrand.com; laraplancomm@sunflower.com; bculver@bankingunusual.com; bruce@kansascitysailing.com; kenziesingleton@hotmail.com; clay.britton@yahoo.com; squampva@aol.com; rhird@pihlhlawyers.com

Subject: Opposition of rezoning for Remington Place

Hello,

My wife and I would like to provide our opposition to the rezoning request to provide Remington Place the ability to add more apartments to their property.

We are against any more high density development in this area of Lawrence because it is already over saturated with apartment complexes.

Is there another area in Lawrence that has as many apartment complexes in a small radius from Crossgate and Clinton Parkway? It's just ridiculous! Drive west down Clinton Pkwy from Kasold and all you see is apartment complex after apartment complex. It's too much!

In our meetings to set the guidelines for future development that we have had over the last year with the City Planners, all feedback provided by ourselves and our neighbors requested no further high density development. Yet here we are having to dispute another request from Remington to rezone.

We oppose of this request to rezone Remington place and hope that you take into consideration our concerns of providing them access to build more apartments to an already over saturated area.

Sincerely,
Andrew and Leann Cooper
4408 Gretchen Ct.
Lawrence KS 66047

From: Larry Northrop [mailto:larry@larrynorthrop.com]

Sent: Monday, October 24, 2011 7:14 AM

To: Sandra Day

Cc: cblaser@sunflower.com; bradfink@stevensbrand.com; rhird@pihhlawyers.com; cdavis2@ku.edu; gradually@hotmail.com; laraplancomm@sunflower.com; squampva@aol.com; kenzieingleton@hotmail.com; bruce@kansascitysailing.com; bculver@bankingunusual.com

Subject: Wednesday meeting - Remington Place request

Is it true that upon discovery that Remington Place had built their complex on 2/3rds of their land after getting approval and wanted to come back to the city to get increased zoning in order to get more than what was originally agreed that then Mayor Mike Amyx quietly laughed? Mr. Amyx has been a great servant of the city for decades and I'm sure has "seen it all". I don't believe he or I have ever seen this one in such a short amount of time.

My neighborhood has worked with developers since this adjacent area has begun to be developed and we keep getting more multifamily here in higher proportion to the rest of the city. One city commissioner called it "low income housing in 20 years".

This is not right. Not the first part and not the second part.

Larry Northrop
RE/MAX Excel
1420 Wakarusa Dr
Suite 203
Lawrence, KS 66049
785-842-3535 cell

From: [Steven Hertzog](#)
To: [Sandra Day](#)
Subject: Remington Place rezoning
Date: Monday, October 24, 2011 7:56:25 AM
Attachments: [pastedGraphic.tiff](#)

Sandra,
Enough is Enough!!!!!!
Homeowners and residents of this neighborhood have been fighting rezoning in this area for additional apartment units years now. Our efforts keep falling on deaf ears I guess. I do not understand why another re zoning request is even being considered.
I hope this request is unanimously turned down by all members of the Planning Commission.
This is not what hundreds of tax paying homeowners want, it is only what 2-3 builders want.
Please,
Sincerely,
Steven Hertzog

Steven Hertzog
CREATIVE ROAD STUDIO
4160 Blackjack Oak Drive
Lawrence, Kansas 66047
phone/fax 785 856-1216
steven@creativeroadstudio.com
<http://www.CreativeRoadStudio.com>



From: [megan king](#)
To: [Sandra Day:](#)
Subject: remmington pl
Date: Monday, October 24, 2011 8:15:48 AM

Please vote no on remminton pl request for more apartments. This property is too close to the elementary and middle school to accomodate that much traffic flow.

Megan King
4400 gretchen ct

From: [Scott Myers](#)
To: [Sandra Day; gradually@hotmail.com; cblaser@sunflower.com;](#)
[bradfink@stevensbrand.com; laraplancomm@sunflower.com;](#)
[bculver@bankingunusual.com;](#)
Subject: Proposed zone change for Remington Place
Date: Monday, October 24, 2011 8:19:07 AM

City Planning Commission,

Please reject (once again) any proposal to change the zoning of Remington Place from R15 to R24. We DON'T need any additional high density complexes in the area.

Thank you,

--Scott Myers
4440 W24th Place, Lawrence KS

From: Ann Frame Hertzog [mailto:ann@kerngroupinc.com]

Sent: Monday, October 24, 2011 8:59 AM

To: Sandra Day

Subject: Remington Place rezoning

Sandra,

We have enough apartments in our area!! This is making our neighborhood less family friendly, hurting our property values and quality of life for our children.

We are not opposed to building, but rezoning again and again is exhausting.

Homeowners and residents of this neighborhood have been fighting rezoning in this area for additional apartment units years now.

Our efforts keep falling on deaf ears I guess.

I do not understand why another re zoning request is even being considered.

I hope this request is unanimously turned down by all members of the Planning Commission.

This is not what hundreds of tax paying homeowners want, it is only what 2-3 builders want.

Please, listen to the residents.

Sincerely,

Ann Frame Hertzog

Ann Frame Hertzog

4160 Blackjack Oak Drive

Lawrence, Kansas 66047

phone/fax 785 856-1216

cell 913 231-4875

aeframe@kualumni.org

<http://www.CreativeRoadStudio.com>

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

From: Marci Leuschen [mailto:leuschen@gmail.com]

Sent: Monday, October 24, 2011 8:57 AM

To: gradually@hotmail.com; cblaser@sunflower.com; bradfink@stevensbrand.com;
laraplancomm@sunflower.com; bculver@bankingunusual.com; rhird@pihhlawyers.com;
squampva@aol.com; clay.britton@yahoo.com; kenzieingleton@hotmail.com;
bruce@kansascitysailing.com; cdavis2@ku.edu

Cc: Sandra Day; Carl Leuschen

Subject: Remington Place apartments

Dear Planning Commission -

We are writing today to express our opposition to increasing the density of the Remington Place apartments. We feel that this increase should have been asked for during the original rezoning and more importantly that this area of town is saturated with apartments already. We are very concerned about the increase of traffic that 136 new units would add to this area. Please consider the negative impact these apartments will have to the Sunflower Park community and vote not to increase the density. Thank you - Marci and Carl Leuschen

Marci and Carl Leuschen
4153 Blackjack Oak Drive
Lawrence, KS 66047

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

From: Angela Jacobson [mailto:angelamk@swbell.net]

Sent: Monday, October 24, 2011 9:30 AM

To: Sandra Day

Subject: Opposition to Remington Place apartment increase

Dear Ms. Day,

Thomas and I want to strongly voice our opposition to increasing the density at the Remington Place apartment complex. This would not be good for our neighborhood, our schools or our children.

Thank you,
Angela

Angela & Thomas Jacobson
4416 Gretchen Ct.
Lawrence, KS 66047

From: Brad Remington [mailto:bradrwsp@yahoo.com]

Sent: Monday, October 24, 2011 9:52 AM

To: City Hall email

Subject: Addition to Remington Square

This email is to yet again voice my opposition for the additon to the east of Remington Square. Why is there a need for more apartments and traffic in our neighborhoods? This area is far to congested as it is. Among the many children walking to school, the decrease in property values and just headaches in the increased traffic. We as property owners in the area do not want this added traffic to our neighborhood with students. Please, vote this down once and for all, do we really want such a dondense population in the middle of our neighborhoods??

Brad Remington
4433 W. 24th Place

Davis Loupe
2205 Riviera Drive
Lawrence, KS 66047

October 24 2011

Dear Ms. Day,

I am writing in opposition to the **rezoning of the Remington Place apartments** to a denser multi-family zone. My opposition to the rezoning is based on several factors:

1. Strong Neighborhood Opposition to Additional Dense Multi-Family - There has been strong neighbor objection to more multi-family redevelopment in this area. Several attempts to rezone property in this area to dense multi-family have elicited strong negative reactions from the adjacent neighborhood residents. The neighbors have attended multiple meetings and have received support from the City Commissioners in their opposition. Should it be approved this would be the second rezoning of this property to a denser zoning in the last 5 years.

When the neighbors met in earlier meetings about the Inverness Park plan the strongest opposition the neighbors had was to additional density of multi-family units. The area which in its earlier days was characterized as mixed use now has 687 units. The neighbors have generally supported the recent plans for additional commercial density on adjacent units as this is a move toward real mixed use but I believe this support was given because the neighbors believed that there would be no additional multi-family density.

The Inverness Park Plan came about from a recommendation of the city commissioners to help rebalance the development of this area from one which had swung too far towards denser multi-family and to something that the neighbors would support. The plan was to guide the development of "undeveloped" parcels of land not to "redevelop" existing fully developed parcels such as Remington Place.

2. Excessive Multi-Family Density - The current level of multi-family development in the area. As described by the chart below the proposed rezoning would make Remington Place would add an additional 136 apartment units to a relative small residential area which already has 687 apartments. The rezoning would make Remington Place the densest development in terms of number apartment units per acre.

Multi Dwelling Development in Inverness Park

	Density - Apt Units per Acre	Actual Apt Units
Remington Place (existing) (Proposed)	15 (24)	224 (360)
Legends	12	200
The Grove	14	172
Wyndam	10	45
Crossgate Casitas	10	46
Current Total (Proposed Total)		687 (823)

Additional density of apartments would be excessive as this area, the Inverness Park area, has traditionally been a residential area that is predominantly populated by many families in single family homes with children in the adjacent schools. The area is within walking distance of four schools with about 1,662 students: Sunflower Elementary (480), Southwest Middle School (637), Bishop Seabury Academy (145) and Raintree Montessori (400).

3. Fully Developed - Recently Rezoned Property. The fact is.. this piece of property is already fully developed. The Remington Place property has recently already been rezoned to denser zone to allow its current development density. The developer chose to use all of the density on the western side of the property. In discussions about this piece of property the open space that was included in the original development has been characterized as "undeveloped" when in fact the developer chose to concentrate the development on the western side of the property leaving open space as part of their original plan.

The open space next to the buildings on this property seems to be "undeveloped" only because nothing has been done to landscape the open area. I am unsure if the original plans for the property required that this open space be landscaped or beautified in any fashion. It seems that this area has been left untouched in the anticipation of a second rezoning request.

The open area has been somewhat neglected since the original buildings were constructed. I am including two photos (below) taken last week which showing broken drainage pipes which have now been removed in the two years since Remington Place was built. It also shows sidewalks broken during the construction which have not been repaired. These photos seem to indicate that there have not been any plans to landscape this area since the apartments original construction.

Conclusion:

Remington Place should not be allowed a second denser rezoning request for an already developed piece of property. The open space next to the "built" portion of the property is developed even if it has not been improved. There is no urgent public need for rezoning this developed property and in fact there is a significant opposition to the rezoning.

Please consider my request to deny this rezoning request.

Sincerely,

Davis Loupe

Broken Drainage Pipes - abandoned on the Remington Square open space since the apartments were built.



Broken sidewalk where trucks delivered materials to Remington Square which have remained unrepaired since the apartments were built.



From: Clopton, Aaron W [mailto:ac1@ku.edu]
Sent: Monday, October 24, 2011 9:45 AM
To: Sandra Day
Subject: remington place

Ms. Day – I wanted to let you know how adamant I, and many of us around the area, are of the proposed rezoning below of Remington Place. For those of us who live out there, we know how important it is for this not to occur. This is beyond the fact that the these types of expansions run counter to growth mission of the Lawrence community. Please make sure that the right action occurs and that this proposal does not go any further. Thank you for any help in this matter.

Aaron Clopton

- Remington Place is currently zoned for 15 apartments/acre.
- Owner is requesting approval from Planning Commission for 24 apartments/acre.
- If approved, there will be **6 new apartment buildings** to the east of the current complex, and **136 more apartments**.
- Site Plan is attached.

Multi Dwelling Development in Inverness Park

	Density - Apt Units per Acre	Actual Apt Units
Remington Place (existing) (Proposed)	15 (24)	224 (360)
Legends	12	200
The Grove	14	172
Wyndam	10	45
Crossgate Casitas	10	46
Current Total (Proposed Total)		687 (823)

Aaron W. Clopton, PhD

Associate Professor, *Sport Management*
Health, Sport, & Exercise Sciences

The University of Kansas

161 Robinson

Lawrence, KS 66045

(785) 864-2297 – P

(785) 864-3343 – F

ac1@ku.edu

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

From: itsgreen@sunflower.com [mailto:itsgreen@sunflower.com]

Sent: Monday, October 24, 2011 9:54 AM

To: Sandra Day

Subject: Zoning changes opposition

Please stop the madness and deny the zoning request for Remington Place at Inverness Park. We don't need all those new apartments (currently zoned for

15

apartments per acre and the owner wants to go to 24 per acre).

Thank you.

Theresa Shively-Porter

4412 Gretchen Ct

Lawrence, KS 66047

785.760.1359 mobile

From: Candace Cobb [mailto:cmcjwc@gmail.com]
Sent: Monday, October 24, 2011 10:11 AM
To: Sandra Day
Subject: Proposal to Revise Remington Place Apartments

Ms. Day,

Please count this email as opposition to the proposal to increase Remington Place by 6 new apartment buildings which will result in 136 additional apartments. The traffic around round-about on Inverness and Crossgate is already busy enough at a variety of times throughout the day and night. The idea of escalating the risk to walkers, especially children, and other drivers seems unconscionable for the city to consider. Each of those 136 apartments could potentially have more than one driver living there.

Please consider this request to reconsider the approval of this additional multi-family housing in our neighborhood. The density here is continually increasing. It affects, and risks, the quality of life for the current residents by the increase of:

- automobile emissions,
- traffic considerations,
- potential lower property values,
- the risk to neighborhood school children and schools.

Thank you,

Candace M. Cobb
2716 Inverness Court
Lawrence, KS 66047-1891

Sandra Day

From: Scott McCullough
Sent: Wednesday, October 27, 2010 8:20 AM
To: Sandra Day
Subject: FW: Remington Place rezoning

For file.

Scott McCullough, Director - smccullough@ci.lawrence.ks.us Planning and Development Services
| www.lawrenceks.org City Hall, 6 E. 6th Street P.O. Box 708, Lawrence, KS 66044-0708 office
(785) 832-3154 | fax (785) 832-3160

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

From: Lara Planning [<mailto:laraplancomm@sunflower.com>]
Sent: Wednesday, October 27, 2010 8:20 AM
To: 'Angela Jacobson'
Cc: Scott McCullough
Subject: RE: Remington Place rezoning

Dear Jacobsons,

Thanks for the email!

Lara Adams Burger

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

From: Angela Jacobson [<mailto:angelamk@swbell.net>]
Sent: Tuesday, October 26, 2010 3:38 PM
To: laraplancomm@sunflower.com
Subject: Remington Place rezoning

Dear Planning Commissioner Burger,

We) oppose the rezoning request from RM15 to RM24 by owner of Remington Place, 4000-4200 W. 24th Place.

RM24 doubles the density from the original R01b zoning at 12 units/acre. If the rezoning is approved, there is nothing to prevent the owner from building 136 four BR units.

Sincerely,

Thomas & Angela Jacobson
4416 Gretchen Ct
Lawrence 66047

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.864 / Virus Database: 271.1.1/3220 - Release Date: 10/26/10 01:34:00

Sandra Day

From: Scott McCullough
Sent: Wednesday, October 27, 2010 8:24 AM
To: Sandra Day; Sheila Stogsdill
Subject: FW: Remington Pl - Annexation of Getto Tract 1999

For file

Scott McCullough, Director - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: Lara Planning [mailto:laraplancomm@sunflower.com]
Sent: Wednesday, October 27, 2010 8:23 AM
To: 'Jamie Hulse'
Cc: Scott McCullough
Subject: RE: Remington Pl - Annexation of Getto Tract 1999

Jamie,

Thank you for your comments.

Lara Adams Burger

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Tuesday, October 26, 2010 11:37 PM
To: laraplancomm@sunflower.com
Subject: Remington Pl - Annexation of Getto Tract 1999

Dear Lara,

A different Planning Commission determined appropriate zoning for the 160 acre Getto Tract when it was annexed into the city in 1999. As you decide whether it is appropriate to approve the request by Remington Place to increase density to RM24 on 15 acres, please consider the following...

When the Getto 160 acre Agriculture zoned tract was originally annexed into the city 11 years ago, Planning Commissioners & Planning Staff were determined to "get it right". They knew it was imperative to get the zoning right for a **mixed use development, to protect the surrounding low density neighborhoods from high density neighbors, and to provide a buffer to surrounding low density neighbors**. Planning Commissioners, Planning Staff and neighbors were united and committed to ensuring good planning for years in the future, not what was best at the moment for the property owner making the zoning request.

- The subject property was originally zoned **RO1b in 1999**, with a density of **12units/acre**.
- Then the city changed the zoning code city wide from **RO1b to RSO**, increasing density to **15units/acre**.
- In 2008 Remington Place owner requested rezoning to **RM15** as part of a purchase contingency.
 - Request was approved.

- Because of the subject property location, very few notifications were sent out.
- (The seller owned 3 properties in notification district. Bishop Seabury and corporations for several RM properties were the other property owners within the notification district.)
- Single family property owners in surrounding neighborhoods would have opposed the rezoning if they had been aware of the request.
- (Notification area has since been widened.)
- RSO multi-family property would have looked less institutional and massive, even at the same 15 units/acre, and likely would have resulted in fewer units built.
- Approving the request to rezone this 15 acres to **RM24** will **double** the density from what the 1999 Planning Commission AND Planning Staff determined was appropriate.
- The original plan in 1999 for the **entire 160 acre tract** included “**up to 200 apartments**”.
- There are currently **641 apartments** in 4 multi-family properties in the original 160 acre Getto tract – Remington Place, The Legends, The Grove and Wyndham.
- Adding 136 units will create a total of **777 apartments in 4 complexes**.
- There is an upcoming rezoning request in the next 30 days for another lot in the Getto tract for the Casitas project, which will potentially add even more apartments.
- The development intention for the 160 acre Getto tract at annexation was to be a **mixed use development** - by the developer/owner, Planning Commissioners, Planning Staff and interested single family property owners who participated in the planning process.
- The argument that increasing density from RM15 to RM24 is appropriate and supported by Planning Staff because surrounding properties are either vacant, or other multi-family complexes, is flawed and not valid.
 - Surrounding property values are actually negatively impacted MORE with previously approved increased density for The Legends, The Grove and Remington Place.
- There are 10 tracts/lots in the 160 acres.
 - **Four of the 10 tracts**/lots are medium density apartment complexes.
 - Four tracts are vacant and for sale.
 - One tract is townhomes.
 - One tract is single family homes.
 - This is not mixed use.
- Residential densities are defined in **Horizon 2020** as follows:
 - Low density residential development = 6 or fewer dwelling units per acre
 - Medium density residential development = 7-15 dwelling units per acre
 - High density residential development = 16-21 dwelling units per acre
- Approving the Remington Place rezoning request to increase density to RM24...
 - adds 136 units, for a total of 777 apartments in 4 complexes, with a 5th complex being proposed within 30 days,
 - exceeds High Density definition of 16-21 units/acre,
 - contradicts Planning Commission & Staff recommendations in 1999,
 - continues to erode the original mixed use development plan for the 160 acre tract,
 - does not make good or appropriate planning sense for the present time, or for 40 years in the future.

Please vote no for the rezoning request to RM24 by Remington Place.

Sincerely,

Jamie Hulse
4403 Gretchen Ct.

From http://www2.ljworld.com/news/1999/jul/05/150_million_neighborhood_on/

The project would feature new homes, duplexes, apartments, patio homes, a bike path, assisted-living units and medical care, a park, professional offices, and neighborhood shopping. "That's how you create a neighborhood," said Jim Harpool, president of Dial Realty-KC, which brought its plans to city hall last month. 'You've got to have a mix. This is a microcosm of the whole city."

Dial, which signed a contract for the land about 18 months ago, has plans to build or sell development rights for:

- 156 single-family homes, expected to sell for \$140,000 to \$400,000 and have pedestrian walkways leading to schools off site and offices, retail uses and other areas within the neighborhood.
- 10 acres, along the west side of Crossgate Drive, for "patio homes" targeted for empty nesters.
- 64 duplex residences, generally along the north side of 27th Street.
- Up to 200 units of apartments, essentially in the middle of the site.
- 13 acres for an assisted-living community, including on-site medical care. The site would be bordered by offices to the north, apartments to the east, a park to the south and Inverness Drive to the west.
- About 20 acres for offices, along the southern edge of Clinton Parkway.
- About 12 acres for commercial uses at the southwest corner of Clinton Parkway and Crossgate, or enough room for up to 60,000 square feet of retail shops. Harpool's description: "Neighborhood shopping, a restaurant or a neighborhood drugstore. Nothing intense -- no drive-through restaurant or gas stations."
- 20 acres of green space, most of it in a linear park running through the middle of the site. The green area already has a creek and would get a new bike path."

From http://www2.ljworld.com/news/1999/sep/22/s_annexation_of_getto/

Jim Harpool of Dial Realty said the city's refusal to accept commercial zoning in the area almost killed the \$100 million development.

The revised plan approved Tuesday night calls for **higher intensity multi-family developments along the eastern edge of the property.**

Harpool said the higher intensity housing is needed to offset many of the public costs of the project, including traffic lights, major street improvements and flood control measures at the southeast corner of the property.

Sandra Day

From: Scott McCullough
Sent: Wednesday, October 27, 2010 8:20 AM
To: Sandra Day
Subject: FW: Remington Place rezoning

For file

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: Lara Planning [<mailto:laraplancomm@sunflower.com>]
Sent: Wednesday, October 27, 2010 8:20 AM
To: 'megan king'
Cc: Scott McCullough
Subject: RE: Remington Place rezoning

Dear Ms. King,

Thank you for your comments.

Lara Adams Burger

From: megan king [<mailto:auntmeg@sunflower.com>]
Sent: Tuesday, October 26, 2010 2:19 PM
To: laraplancomm@sunflower.com
Subject: Remington Place rezoning

Dear Planning Commissioner Burger

I oppose the rezoning request from RM15 to RM24 by owner of Remington Place, 4000-4200 W.24th Place. RM24 doubles the density from the original RO1b zoning at 12 units/acre. If the rezoning is approved, there is nothing to prevent the owner from building 136 four BR units.

Sincerely,
Megan King
4400 Gretchen Ct

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.864 / Virus Database: 271.1.1/3219 - Release Date: 10/26/10 01:34:00

July 24, 2011

RECEIVED

JUL 25 2011

City County Planning Office
Lawrence, Kansas

Mr. Richard Hird, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE. AMEND HORIZON 2020, CHAPTER 14 LIST OF SPECIFIC PLANS, TO INCLUDE THE INVERNESS PARK DISTRICT PLAN.

Dear Chairman Hird and Planning Commissioners:

Before you incorporate this Specific Plan into *Horizon 2020*, we have two suggestions that we believe to be very important that you include in the Inverness Park District Plan.

1. The proposal to rezone the Remington Square apartment site to RM24 in order to permit additional one-bedroom apartments to be built in the adjacent vacant portion of the Remington Square apartments is understandable, but we believe there is a better method to control its design than simply rezoning the vacant land to a higher density conditioned RM district.

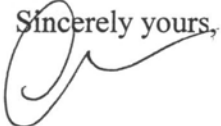
Explanation: The current apartments have no designated or designed area for open space recreation. Simply adding more of the same type of apartments will not create a better living environment without a better overall design of the development. We suggest that the current RM15 zoning would allow expansion of the one-bedroom apartments under a PD Overlay District that now has the new changes that have been made to that district. Using this new PD District would allow a recalculation of the density of the existing apartments plus the added 25% increase in density already allowed in the PD Overlay District. Another major advantage with a PD Overlay District would be the requirement for dedication of recreational open space.

This approach of utilizing the current RM15 zoning with a PD Overlay District should give the same result in increased number of apartments the developer is seeking, plus permitting a much better designed development.

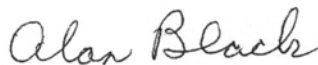
2. There is a proposal in this Plan for a pedestrian trail in a future park. We hope that there are many such trails in this neighborhood. In addition, we would like to suggest that a more direct pedestrian route in several locations to the school site also be considered, with the consent of the neighborhood and the affected homeowners. Adding pedestrian paths to several cul-de-sacs in the single family areas would facilitate and encourage more walking to school.

Thank you for your consideration. We hope that you find our suggestions useful.

Sincerely yours,



Caleb Morse
Board Member



Alan Black, Chairman
Land Use Committee

Sandra Day

From: Scott McCullough
Sent: Wednesday, October 27, 2010 8:25 AM
To: Sandra Day; Sheila Stogsdill
Subject: FW: Zoning needs to be predictable

For file

Scott McCullough, Director - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: Lara Planning [mailto:laraplancomm@sunflower.com]
Sent: Wednesday, October 27, 2010 8:23 AM
To: 'Jamie Hulse'
Cc: Scott McCullough
Subject: RE: Zoning needs to be predictable

Again,
Thank you.

Lara Adams Burger

From: Jamie Hulse [mailto:jamiehulse@att.net]
Sent: Wednesday, October 27, 2010 7:10 AM
To: laraplancomm@sunflower.com
Subject: Zoning needs to be predictable

Dear Lara,

The argument that infill is accomplished by increasing density for a property that is already developed at maximum peak density is flawed. Infill needs to be encouraged on vacant ground, and be built in a way that conforms to current zoning. Infill needs to be an appropriate developmental land use mix, compatible with and not detrimental to, existing surrounding property owners. Approving the Remington Place rezoning request to accomplish infill sets an undesirable precedent for the city of Lawrence.

Zoning needs to be predictable. The Legends apartment complex chose to build in their current location believing their complex would be surrounded by mixed use properties...not next to, and across the street from other large apartment complexes.

From http://www2.lijworld.com/news/2002/mar/23/company_seeks_approval_for_regarding_The_Legends_apartments:

Callaway said his company chose Lawrence as the site for its next project, in part, because **he believed the city was doing a good job of planning multifamily development.**

"What is very attractive about Lawrence is we feel it has very good urban development plans that control growth," Callaway said. "It is very hard for someone to come in and get a piece of land zoned and approved to do something like we are. We feel like we don't have to worry about four or five other properties coming in and rapidly depleting the market."

Zoning needs to be predictable. For most people, the purchase of their home is the single largest investment they will ever make and they most often choose carefully. People make purchasing decisions based on current zoning for surrounding properties. A person ought to be able to make a buying decision with some relative certainty that over the course of 10 years, the zoning and land use guidelines will not significantly change from the approved long term zoning plan. It is unreasonable to anticipate the potential for the density of a 15 acre property to double.

Single family homeowners were very involved in the planning process when the 160 acre Getto Tract was being annexed into the city in 1999. After much communication and many cooperative meetings, everyone felt positive and comfortable with the end result. However, over the last 11 years rezoning requests continue to be approved, and significantly erode the intended make-up of the overall neighborhood, with disregard to numerous neighbors' feedback, communications and continued involvement.

- Neighbors were told that density had to be increased and zoning changed to accommodate the Senior Housing Project. And it was tied into increased density for building The Legends as well.
- We asked if increased density could be tied to the specific site plan. We asked many different people throughout the site plan process, many different times. We were told no each time.
- Within the last year, a City Commissioner said in a meeting that "we do that all the time, especially for commercial projects".
- Site plan had extensive landscape buffering and solid fencing, plus one level duplexes on a cul-de-sac along Inverness.
- The zoning change and increased density were approved. The Senior Housing Project went away.
- With new zoning and higher density, The Grove was built with an iron fence and landscaping that does not buffer, with 2 and 3 story buildings.
- Neighbors were aware that Walgreens requested a zoning change for the corner of Clinton Parkway and Crossgate. No neighborhood opposition occurred, because neighbors were in support of a mixed use development. Walgreens' request was rejected by the city.

Another example, in very close proximity to the Getto tract...People bought single family homes in Parkway West #2, backing up to commercially zoned property, and they were comfortable with that

zoning. After the single family new construction homes were sold, Mike Stultz (Swan Mgmt) built Aberdeen North and Aberdeen South.

From LJWorld 1999 articles:

Rezoning about 8.804 acres for the Aberdeen South Apartments from PCD-1, **planned commercial development**, to PRD-2, **planned residential development**.

The Aberdeen South property has been zoned for commercial use since 1992 but remains undeveloped.

Swan Management L.P. has proposed building the Aberdeen South Apartments at the northeast corner of 27th and Wakarusa. They would consist of 16 two-story buildings, each with eight two-bedroom apartments. Just north of the site is the Parkway West No. 2 subdivision, an area that consists of single-family homes on large lots.

Residents on the southern edge of the Parkway neighborhood complained that the proposal would result in large, multi-story apartment buildings being constructed within 50 feet of their back yards, with little or no buffer in between. They also complained that the proposal would surround their neighborhood on three sides with multi-family housing. Since their homes were built, the Aberdeen North Apartments have already been developed on the north edge of their neighborhood. Duplexes and some commercial development lie to the west.

The planning commission first considered the proposal at its June meeting, but the item was tabled for one month due to the large number of people who showed up to speak against the proposal. The Lawrence-Douglas County Planning Commission voted unanimously July 28 to recommend approval of the rezoning, subject to certain conditions.

Developers and planning commissioners say eventually there should be enough buffer between the apartments and houses. There is a steep drop-off behind the houses, so the apartments would sit at a lower elevation.

September 7, 1999

To the editor:

The city commission's approval of the preliminary development plan for the Aberdeen South apartments as well as the zoning of the Antioch Baptist Church property in Iowa Street are two recent examples of problems associated with zoning ordinances that allow for development of properties in unpredictable ways.

Perhaps the worst feature of zoning flexibility in Lawrence is that although a parcel may be zoned for one use category, it can be developed, according to the ordinance, for many so-called "lesser uses." In the case of the Aberdeen South Project, a use such as commercial specifically designed for neighborhood

services might have been a welcome use. Knowledge that this tract could also be developed for the "lesser use" of high-density multi-family housing might have prevented some of those who purchased homes in this neighborhood from investing and therefore much of the controversy surrounding the project might have been avoided.

In the case of the Antioch Baptist Church property, the owners have stated an intention to develop a portion of the land for office use now. Because the entire parcel has been rezoned, without any firm idea of what the future development may look like, there will be tremendous flexibility in how the balance of the property could be developed at a later time. This is great for the Antioch property owners, but creates a lot of uncertainty for the surrounding neighborhood and the community at large. The League of Women Voters suggests that it would have been better to request that both the rezoning and replatting applications be submitted concurrently.

In both of these cases an ordinance which requires a development plan as part of the zoning application would have eliminated the uncertainty of the uses. Duncan Associates, the consultants charged with updating the current development regulations, has suggested a need for planning ordinances that are more predictable. It is League's hope that any zoning ordinances proposed by the consultants and adopted by the city will be more narrowly defined and thus more predictable.

Carrie F. Moore, president,

League of Women Voters -- Douglas County.

Please vote no to the Remington Place request for increased density of RM24. Do not establish a precedent for increasing density on properties throughout the city that are already maxed out at current zoning on the basis of infill. Instill confidence in the planning process and predictability of current zoning in Inverness Park, and for the city of Lawrence as a whole.

Sincerely,

Jamie Hulse

4403 Gretchen Ct.

393-2942

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.864 / Virus Database: 271.1.1/3221 - Release Date: 10/26/10 13:34:00