

**PLANNING COMMISSION REPORT  
NON PUBLIC HEARING ITEM**

PC Staff Report  
07/25/14

**ITEM NO. 5C PRELIMINARY PLAT FOR NAISMITH CREEK ADDITION; 751 W 29<sup>TH</sup>  
TERR (SLD)**

**PP-16-00221:** Consider a Preliminary Plat for Naismith Creek Addition, for 66 single-dwelling residential lots, located at 751 W 29<sup>th</sup> Terrace. The subdivision will take access from Alabama Street and W 29<sup>th</sup> Terrace east of Belle Haven Drive. Submitted by Landplan Engineering, for Savannah Holdings, LC, property owner of record.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Preliminary Plat for Naismith Creek Addition subject to the following conditions:

1. Provision of a revised Preliminary Plat with the following notes and changes:
  - a. Differentiate between existing and proposed contours lines (indicate where existing topography is changing) per the approval of the City Stormwater Engineer.
  - b. Show additional traffic calming per the City Traffic Engineer's approval.

**Reason for Request:** Pre-development requirement.

**KEY POINTS**

- Platting required as pre-development step.
- Application submitted concurrently with rezoning applications for detached residential development.
- Subdivision includes the creation of new public streets.

**SUBDIVISION CITATIONS TO CONSIDER**

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 10, 2012.

**ATTACHMENTS**

Attachment A: Preliminary Plat  
Attachment B: Plot Plan Concept

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

**Associated Cases**

- A-13-00437; Annexation of 14.53 Acres, Ord. No. 8953
- Z-13-00348; A to RM12D and RM12D-FP, Ord. No. 8954
- Z-16-00219; RM12D to RS5
- Z-16-00220; RM12D-FP to RS5-FP

**Other Action Required:**

- Submittal of final plat for administrative approval and recordation.
- City Commission acceptance of dedication of easements and rights-of-way on the Final Plat.

- Submittal and approval of public improvement plans and provision of means of assurance of completion shall be submitted prior to the recording of the Final Plat.
- Submittal and approval of building plans prior to release of building permits for development.

### PLANS AND STUDIES REQUIRED

- *Downstream Sanitary Sewer Analysis* – The concurrent rezoning application will reduce the density of the development from RM12D to RS5. The downstream sanitary sewer analysis and cover letter dated May 23, 2016 provided by Landplan Engineering has been reviewed and accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.
- *Drainage Study* – The Hydrologic & Hydraulic Study dated 5-23-2016 meets the specified requirements and is approved.
- *Traffic Study* – Accepted by Staff.

### PUBLIC COMMENT

Public comments regarding preliminary fill activity has been reported to the Planning Office.

Site Summary	
Gross Area:	14.53 Acres
Additional Right-of-Way (acres):	3.86 Acres
Tracts A & B:	.170 Acres
Number of Proposed Lots:	66
Minimum lot size:	5,004 SF
Maximum lot size:	16,167 SF
Average lot size:	6,929 SF
Minimum Lot Area:	5,000 SF per RS5 Zoning District
Tract A:	2,627SF (pedestrian access to Naismith Valley Park)
Tract B:	4,809 SF
Net Area:	10.50 Acres
Density:	Gross Density: 4.5 DU/Acre [66 units/14.53 Acres] Net Density: 6.2 DU/Acre [66 units/10.50 Acres]

### GENERAL INFORMATION

Current Zoning and Land Use:

RM12D (Multi-Dwelling Residential) District and RM12D-FP (Multi-Dwelling Residential Floodplain Overlay) District. Undeveloped land.

Surrounding Zoning and Land Use:

RM12 (Multi-Dwelling Residential) District to the north; Existing development includes both duplex and triplex residential units.

RS7 (Single-Dwelling Residential) District to the north and northeast east of Belle Haven Drive. Existing uses include a *Detached Dwelling* and a *Religious Assembly* use.

OS-FP (Open Space Floodplain Overlay) District to the east, west, and south. Existing Naismith Valley Park.

## STAFF REVIEW

This property is proposed to be platted as 66-lot residential subdivision for detached residential development.

## Zoning and Land Use

This application is submitted concurrently with two rezoning applications to accommodate detached residential development. The property is currently undeveloped and zoned for duplex development. The property is encumbered by regulatory floodplain.

## Streets and Access

This proposed preliminary plat extends the street network to the south with proposed street connections to Alabama Street and W. 29<sup>th</sup> Terrace. The Preliminary Plat shows a proposed traffic calming device along W. 30<sup>th</sup> Street. Additional traffic calming is needed per the review of the City Traffic Engineer and is reflected as a condition of approval. These improvements will continue to be evaluated with the Final Plat and Public Improvement plans as they are submitted.

An additional non-motorized connection is provided from the end of the 30<sup>th</sup> Street cul-de-sac to the Naismith Valley Park, via Tract A. Each lot is accommodated with direct access to a public street.

Previous plans for this area included a connection either from the subdivision or around the subdivision to the east and intersecting Louisiana Street to the east. A more detailed review of the required stream crossings has concluded that this connection is not feasible. Access to the public park land is accommodated from the pedestrian connection to the west. Individual lots along the south side of the development will also have immediate access to the park property. There are no improved paths planned for the open space to the south of the development or to the east to connect to Louisiana Street.

## Sidewalks

The proposed Subdivision includes new public sidewalks on both sides of streets within the subdivision. The following image highlights the existing and proposed public sidewalks in the immediate area.

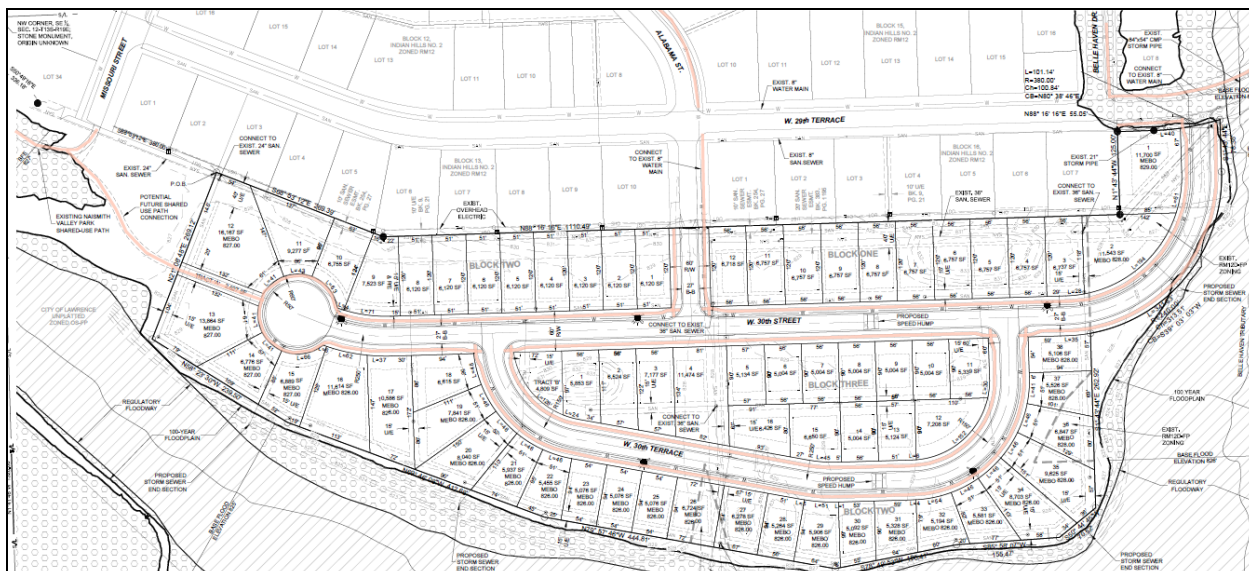
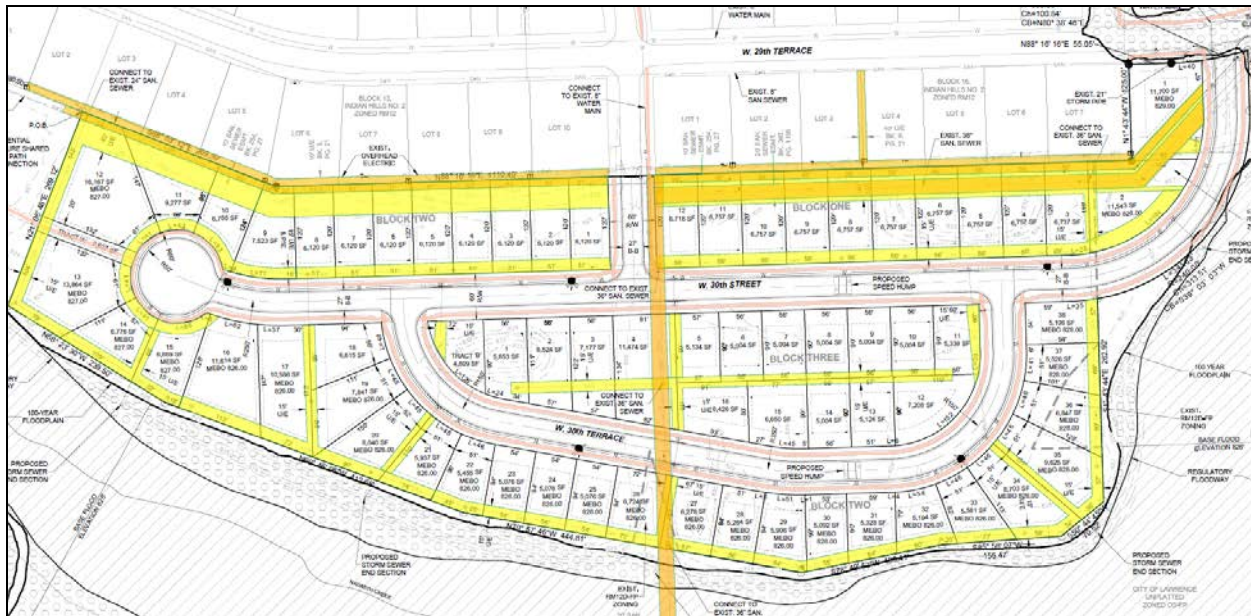


Figure 1: Sidewalk Map

Sidewalk construction and the recreation path connection will be required to be included with the future Public Improvement Plans for this residential development.

### Utilities and Infrastructure

The following image shows the existing and proposed easements. Yellow represents new utility easements. Orange represents existing and exclusive easements within the proposed subdivision and on the immediate development to the north. This property is encumbered by existing utility easements that bisect the property north and south and along the north property line.



**Figure 2: Utility Easement Map**

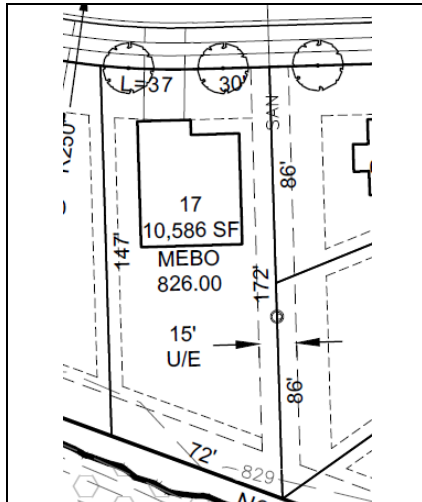
The city is working on the Naismith Valley interceptor sewer that will be installed along the north property line and result in the removal of Pump Station #8. The proposed preliminary plat shows a 40' wide utility easement along the north property line. The improvements have not been designed the easement width is based on a maximum possible improvement. Depending on the final design the easement could potentially be reduced. Staff has made the applicant aware of the design options and will continue to communication with the applicant/developer as design decisions are finalized. There is a possibility that the easement width could be reduced.

City Staff noted that the north portion of the property included existing "sanitary sewer easements." These easements are exclusive and do not accommodate any other utilities. The proposed preliminary plat shows a new 40' utility easement that would overlap the existing exclusive easements. City Utility Staff commented that the proposed 40' utility easement should be for the exclusive use for sanitary sewer. The proposed Preliminary Plat shows this exclusive easement.

A general utility easement located along the north side of W. 30<sup>th</sup> Street would allow for other utilities in addition to the proposed sanitary sewer along the front of the lots. This orientation typically has the effect of pushing street trees to the back of the utility easement. The proposed plat anticipates that street trees could be located between the sidewalk and the property line, within the street right-of-way. Maintaining adequate separation of trees and utilities will be required during utility construction and tree installation. Additional review of utility easements will be

included in the review of the Final Plat. Staff anticipates minor adjustments as public improvement plans are developed for the proposed subdivision.

City Utility staff has noted that structures must be located a minimum of 15' from the Sanitary Sewer and Water lines. The lot size and utility plan pose some challenge to this design requirement. The proposed subdivision shows typical utility easements centered on lot lines and the applicable front, side and rear setback or building envelop. Utilities located in the front or rear of a lot are typically not endanger of encroachment because the front and rear yard building setbacks are wider.



Block 2, Lot 17 Example:

- 15' utility easement centered on common property line.
- 7.5' easement on each half of lot line.
- Interior side lot line 5' setback.

To meet this standard an additional 7.5' setback would be required.

Assuming construction of sewer line on property line a minimum 15' setback on either side of the property line would be required to ensure minimum separation.

The structure could be located closer to the west property line to provide greater separation from the utility as an option.

As an alternative, the Development Code allows a structure to be setback 3' from an interior lot line when the sum of the two interior side yards equal the total required. In the above example, a 5' side yard setback is required, 5' on either side for a total of 10'. The building could be located on the lot so that it is 3' from the west property line and a minimum of 7' from the east property line. This example provides additional space from the sanitary sewer line while providing required setbacks. A larger building setback could be required along the east property line without changing the width of the easement. However, the plot plan included in this application is for conceptual purposes to demonstrate that each lot is buildable given the lot sizes and unique easements across some lots. These elements will continue to be reviewed with the Final Plat, Public Improvement Plans and building permit applications. The intent of including this discussion is to make public the challenge of building on small lots with extensive utility easements, but demonstrating that these lots can be buildable without variances.

Additional review of specific elements related to utility infrastructure will continue to be evaluated as part of a future Final Plat and public improvement plan application. Items such as the location of manholes will be included in that future review. The intent is to minimize or prohibit conflicts such as manholes in driveways and in accessible locations. This same concern extends to the placement of certain stormwater utility elements. The City Utility Engineer and the City Stormwater Engineer have noted specific concerns in the proposed design that must be addressed as part of the final design of the subdivision. These elements should not impact the proposed lot or block arrangement as proposed.

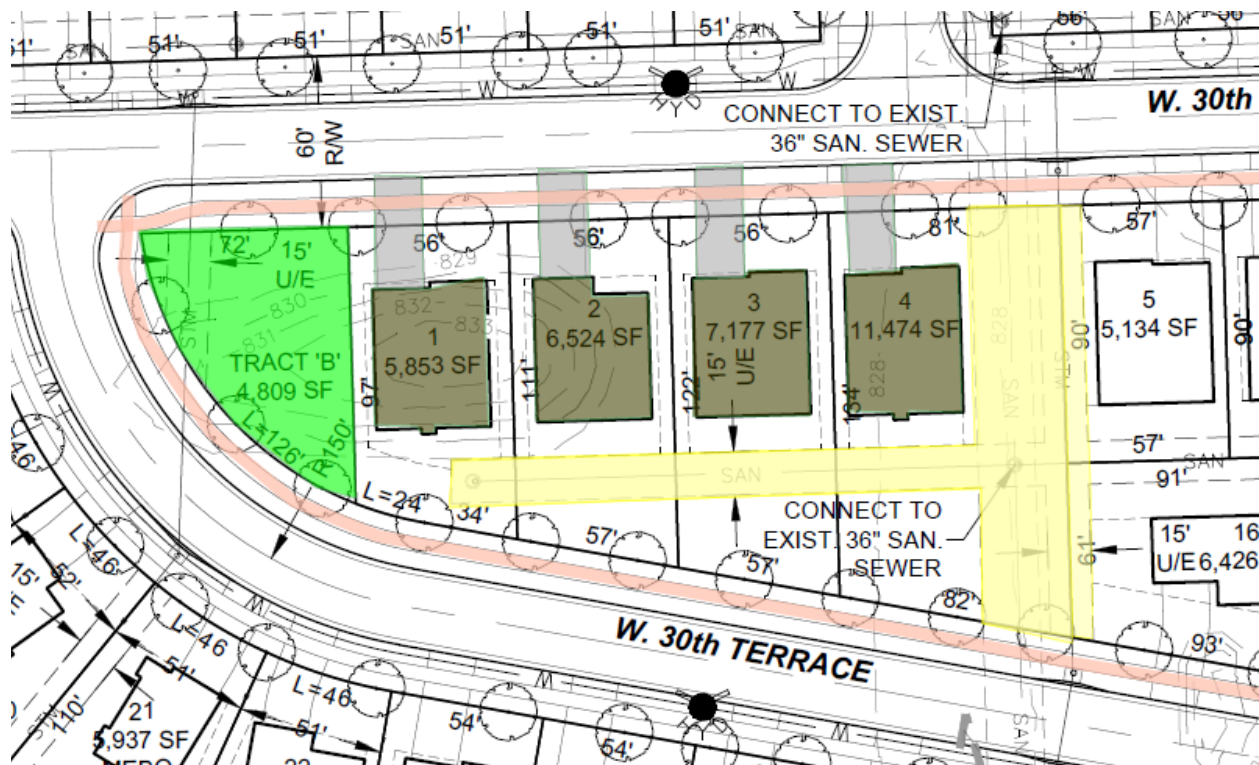
### Lot and Block Design

Subdivision design standards require that lots meet minimum lot area requirements of the base zoning district. This subdivision has been designed to accommodate development of lots with a minimum area of 5,000 SF per the proposed zoning request. The RS5 district allows a 40' lot width.



However, the code also requires lots that are less than 51' to share driveways. This proposed subdivision includes lots that meet or exceed the minimum lot width requirements in excess of 50' either at the frontage (along the right-of-way) or at the required front yard setback and are not required to provide shared driveways.

The configuration of the property as well as the encumbrance of existing infrastructure has resulted in the creation of 4 lots with "double frontage" or public streets along two sides resulting in a "through-lot." These lots differ from corner lots for obvious reasons. Building can be located on either street and access can be taken from either street. However the location of a utility easement across the south portion of the affected lots results in a probable development pattern with buildings facing W. 30<sup>th</sup> Street as shown on the plot plan attached to this report.



The proposed subdivision includes three blocks and two tracts. The subdivision is designed with sidewalks that provide pedestrian connections at appropriate locations to accommodate block length. Tract A, located at the west end of Block Two provides additional pedestrian connection to Naismith Park.

Development of Lot 1 and Lot 2, Block 1 has unique location requirements because much of the lots are encumbered by easement. The applicant provided a plat plan to demonstrate that a residence can be constructed compliant with required building setbacks given the restrictive nature of the easements.

Lots adjacent to all drainage easements and the regulatory floodplain are required to note the minimum habitable floor elevation of the structure. This information is shown on the face of the preliminary plat. Additionally the Preliminary Plat shows the required notation per section 20-809 (5) (ii) (c) that states: *"If a basement is built on a lot where a minimum elevation has been established, the building design is encouraged to incorporate a sump pump."*

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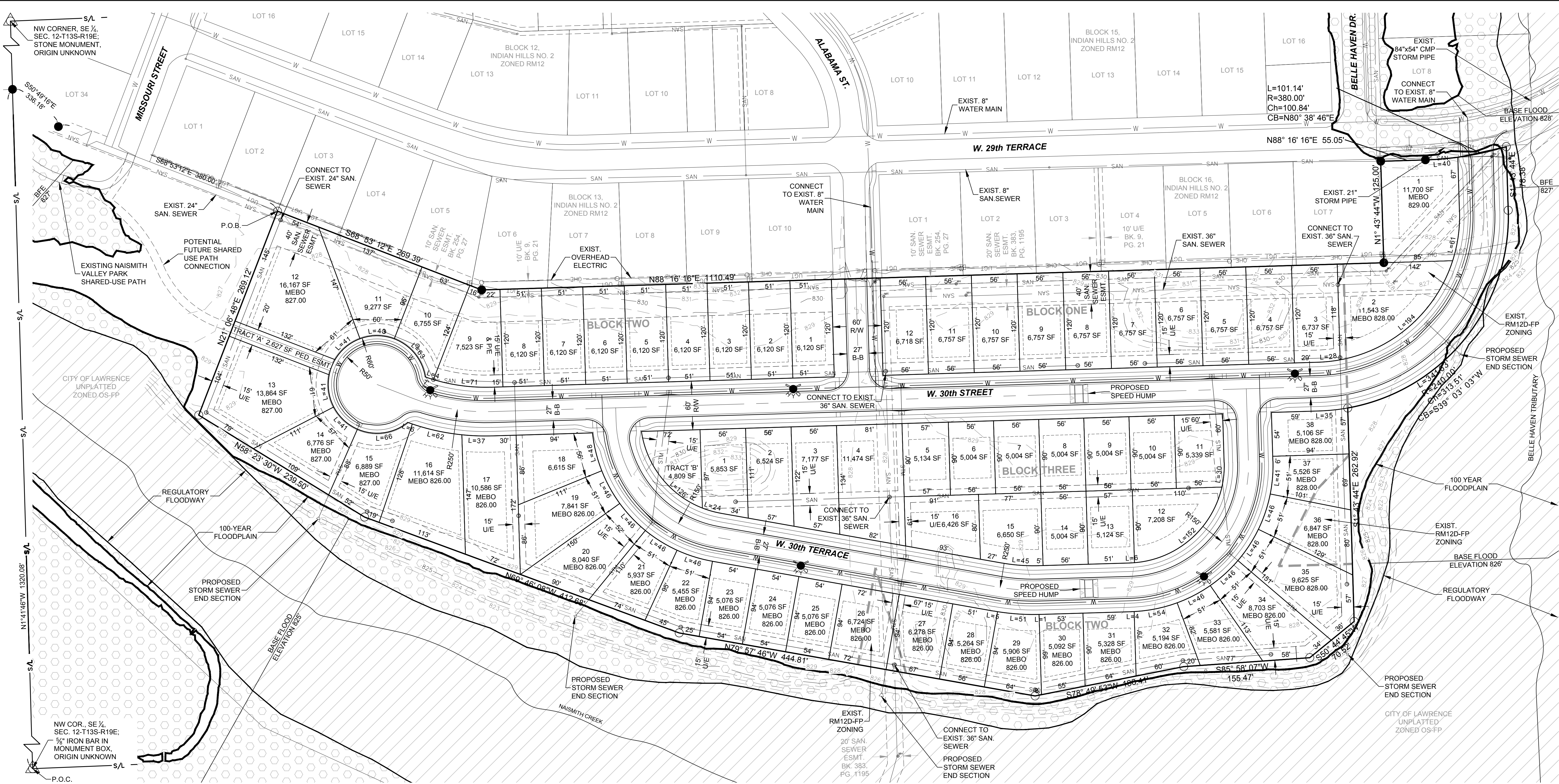
**Tracts A & B**

Tracts A and B are intended to be retained in ownership by a homeowner's association. Tract A provides connection to Naismith Valley Park. Tract A should be further described as a pedestrian easement to clearly articulate that use. The sidewalk connection will be included with public improvement plans in the future and constructed with the initial infrastructure for the subdivision. Tract B is intended as common open space. Notes regarding the use and ownership of these tracts is provided on the face of the plat.

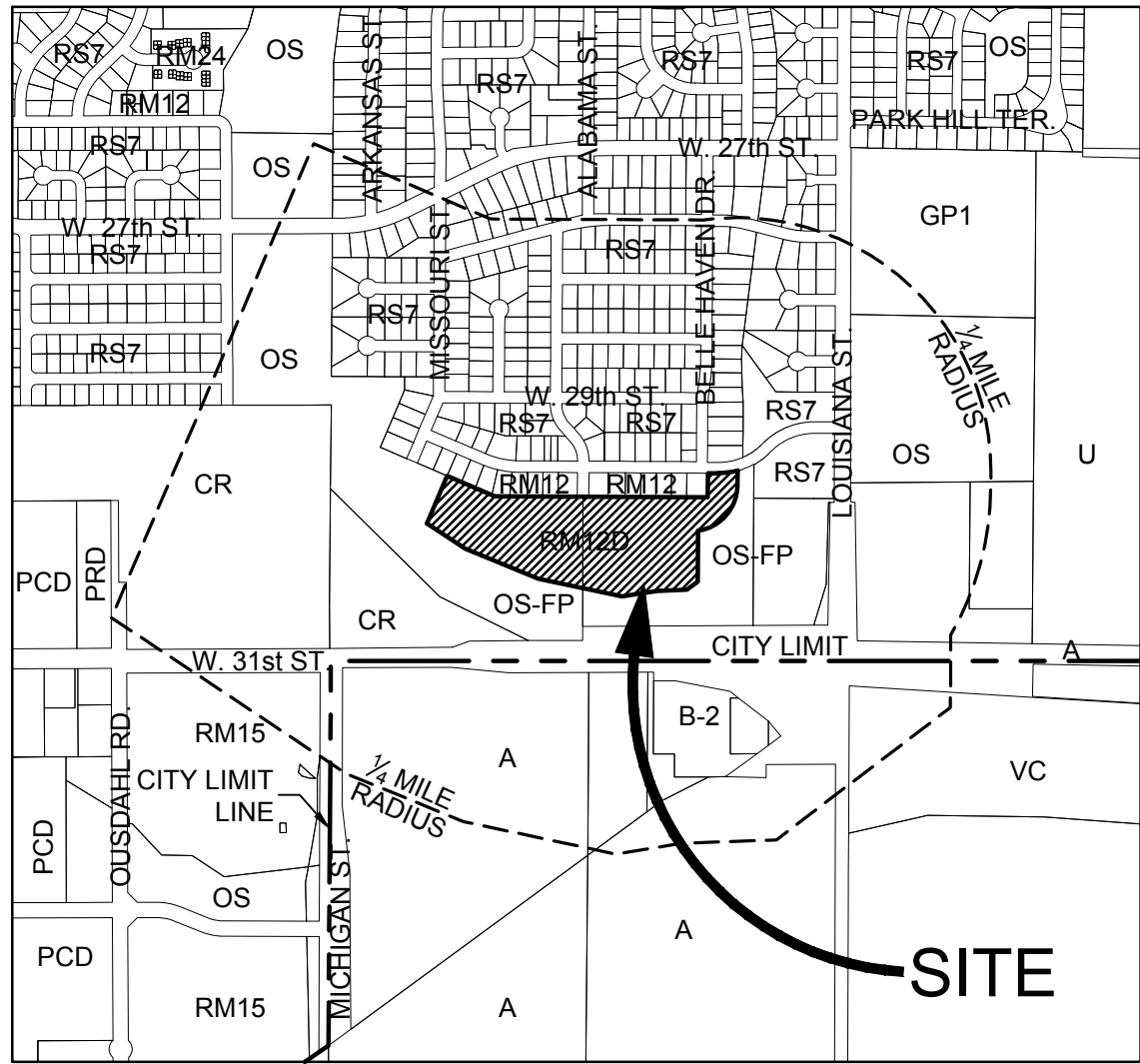
**Conformance**

The proposed preliminary plat conforms with the minimum required subdivision design standards. The future development will provide additional residential options within the established neighborhood network. The development will also provide additional connectivity to the public street, sidewalk and trail network for the surrounding area.





LOCATION MAP:



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 12, THENCE NORTH 01°41'46" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 1,320.08 FEET TO THE SOUTHEAST CORNER OF LOT 47, NAISMITH VALLEY NO. 1, A REPLAT OF A PART OF MEADOW LEA ESTATES, THENCE SOUTH 60°49'16" EAST, 336.18 FEET TO THE SOUTHWEST CORNER OF LOT 34, BLOCK 10, INDIAN HILLS NO. 2, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 68°53'12" EAST, ALONG THE SOUTHERLY LINE OF SAID ADDITION, 380.00 FEET TO THE SOUTHEAST CORNER OF LOT 2, BLOCK 13, OF SAID ADDITION AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 68°53'12" EAST, ALONG THE SOUTHERLY LINE OF SAID ADDITION, 269.39 FEET TO THE ANGLE POINT ON THE SOUTH LINE OF LOT 6, BLOCK 10, INDIAN HILLS NO. 2, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE NORTH 88°16'16" EAST, ALONG THE SOUTH LINE OF SAID ADDITION, A MEASURED DISTANCE OF 1,110.49 FEET TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 15 OF SAID ADDITION; THENCE NORTH 1°43'44" WEST, ALONG THE EAST LINE OF SAID LOT, 125.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEST 29TH STREET TERRACE; THENCE NORTH 88°16'16" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 55.05 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 380.00 FEET, AN ARC LENGTH OF 101.14 FEET, A CHORD BEARING NORTH 80°38'46" EAST AND A CHORD LENGTH OF 100.84 FEET; THENCE SOUTH 1°43'44" EAST, 78.38 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 240.00 FEET, AN ARC LENGTH OF 341.63 FEET, A CHORD BEARING SOUTH 39°03'03" WEST AND A CHORD LENGTH OF 313.51 FEET; THENCE SOUTH 1°43'44" EAST, 282.92 FEET; THENCE SOUTH 50°44'45" WEST, 70.52 FEET; THENCE SOUTH 85°58'07" WEST, 155.47 FEET; THENCE SOUTH 78°49'53" WEST, 186.41 FEET; THENCE NORTH 79°57'46" WEST, 444.81 FEET; THENCE NORTH 69°46'08" WEST, 412.68 FEET; THENCE NORTH 58°23'30" WEST, 239.50 FEET; NORTH 21°06'48" EAST, 269.12 FEET TO THE POINT OF BEGINNING. CONTAINS 14.530 ACRES, MORE OR LESS.

GENERAL NOTES:

- OWNER: SAVANNAH HOLDINGS, LC  
2612 BLUESTEM DRIVE  
LAWRENCE, KANSAS 66047
- LAND PLANNER/  
CIVIL ENGINEER/  
SURVEYOR: LANDPLAN ENGINEERING, P.A.  
1310 WAKARUSA DRIVE  
LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY PERFORMED BY LANDPLAN ENGINEERING, P.A., MAY, 2016.
- EXISTING ZONING: RM12D, RM12D-FP
- PROPOSED ZONING: RS5, RS5-FP
- EXISTING LAND USE: VACANT
- PROPOSED LAND USE: LOW DENSITY RESIDENTIAL
- A PORTION OF THE SUBJECT PROPERTY DOES LIE WITHIN A DESIGNATED "SPECIAL FLOOD HAZARD AREA" AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM), PANEL NO. 188, MAP NUMBER 20045C0186D, DOUGLAS COUNTY, KANSAS, BEARING AN EFFECTIVE DATE OF SEPTEMBER 2, 2015.
- TYPICAL SOIL TYPES: WABASH SILTY CLAY LOAM, OCCASIONALLY FLOODED; WABASH SILTY CLAY, OCCASIONALLY FLOODED; SIBLEYVILLE LOAM, 3 TO 7% SLOPES.
- PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE FINALIZED AT THE TIME OF SITE ENGINEERING.
- DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
- ALL UTILITIES WILL BE LOCATED UNDERGROUND, PER SECTION 20-809(f)(4)(iv) OF THE CITY CODE.
- IF A BASEMENT IS BUILT ON A LOT WHERE A MINIMUM ELEVATION HAS BEEN ESTABLISHED, THE BUILDING DESIGN IS ENCOURAGED TO INCORPORATE A SUMP PUMP. A FLOODPLAIN DEVELOPMENT PERMIT SHALL BE INITIATED BY ANY PERSON, FIRM, CORPORATION OR UNIT OF GOVERNMENT PROPOSING ANY CONSTRUCTION, SUBSTANTIAL IMPROVEMENT OR OTHER DEVELOPMENT IN THE FLOODPLAIN OVERLAY

- DISTRICT BY THE FILING OF AN APPLICATION IN WRITING ON A FORM FURNISHED FOR THAT PURPOSE WITH THE FLOODPLAIN ADMINISTRATOR.
16. THE BASIS OF THE BEARINGS FOR THIS PLAT IS KANSAS STATE PLANE NORTH.
17. TRACTS 'A' AND 'B' WILL BE PRIVATELY OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION. THE FINAL PLAT WILL DEDICATE TRACT 'A' AS A PEDESTRIAN EASEMENT IN ORDER TO FACILITATE A CONNECTION TO THE NAISMITH VALLEY PARK SHARED USE PATH. TRACT 'B' WILL PROVIDE COMMON OPEN SPACE.

SITE SUMMARY:

<b>GROSS AREA:</b>	632,920 SF / 14.530 AC	<b>BLOCK TWO</b>	268,700 SF / 6.169 AC
<b>RIGHTS-OF-WAY</b>	168,142 SF / 3.860 AC	<b>NET AREA:</b>	38
<b>TRACTS</b>	7,436 SF / 0.171 AC	<b>TOTAL LOTS:</b>	38
<b>NET AREA:</b>	457,342 SF / 10.499 AC	<b>AVERAGE LOT SIZE:</b>	7,071 SF / 0.162 AC
<b>TOTAL LOTS:</b>	66	<b>MINIMUM LOT AREA:</b>	5,076 SF / 0.117 AC
<b>AVERAGE LOT SIZE:</b>	6,929 SF / 0.159 AC	<b>MAXIMUM LOT AREA:</b>	16,167 SF / 0.371 AC
<b>MINIMUM LOT AREA:</b>	5,004 SF / 0.115 AC		
<b>MAXIMUM LOT AREA:</b>	16,167 SF / 0.371 AC		

<b>BLOCK ONE</b>	90,757 SF / 2.083 AC	<b>BLOCK THREE</b>	96,934 SF / 2.225 AC
<b>NET AREA:</b>	12	<b>TOTAL LOTS:</b>	16
<b>TOTAL LOTS:</b>	12	<b>AVERAGE LOT SIZE:</b>	6,058 SF / 0.139 AC
<b>AVERAGE LOT SIZE:</b>	7,583 SF / 0.174 AC	<b>MINIMUM LOT AREA:</b>	5,076 SF / 0.115 AC
<b>MINIMUM LOT AREA:</b>	5,004 SF / 0.115 AC	<b>MAXIMUM LOT AREA:</b>	11,474 SF / 0.263 AC
<b>MAXIMUM LOT AREA:</b>	11,700 SF / 0.269 AC		

BENCHMARKS:

- BM #1: "A" ON SOUTH, RIM SAN. MANHOLE SE121319-118
- BM#2: "A" ON SOUTH RIM SAN. MANHOLE SE121319-138

PROVISION AND FINANCING OF ROADS, SEWER AND OTHER PUBLIC SERVICES:

- THE SUBDIVISION WILL INCLUDE THE DEDICATION OF RIGHTS-OF-WAY ASSOCIATED WITH ALL INTERNAL ROADS SHOWN.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH MAIN LOCATED IN THE EAST HALF OF THE ALABAMA STREET RIGHT-OF-WAY AND AN EXISTING 8-INCH MAIN LOCATED IN THE NORTH HALF OF THE W. 29TH TERRACE RIGHT-OF-WAY.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA AN EXISTING 36-INCH MAIN LOCATED IN A DEDICATED SANITARY SEWER EASEMENT WITHIN THE BOUNDARY OF THE SUBDIVISION AND AN EXISTING 24-INCH MAIN LOCATED IN A DEDICATED SANITARY SEWER EASEMENT ADJACENT TO THE NORTH PROPERTY LINE OF THE SUBDIVISION.
- PURCHASERS OF THE LOTS IN THE SUBDIVISION WILL NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISION OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

SCALE: 1" = 60'



**LANDPLAN ENGINEERING P.A.**

Lawrence, KS • Kansas City, MO • The Woodlands, TX

1310 Wakarusa Drive, Suite 100  
Lawrence, Kansas 66049  
785.843.7530 (p) | 785.843.2410 (f)  
info@landplan-pa.com | www.landplan-pa.com

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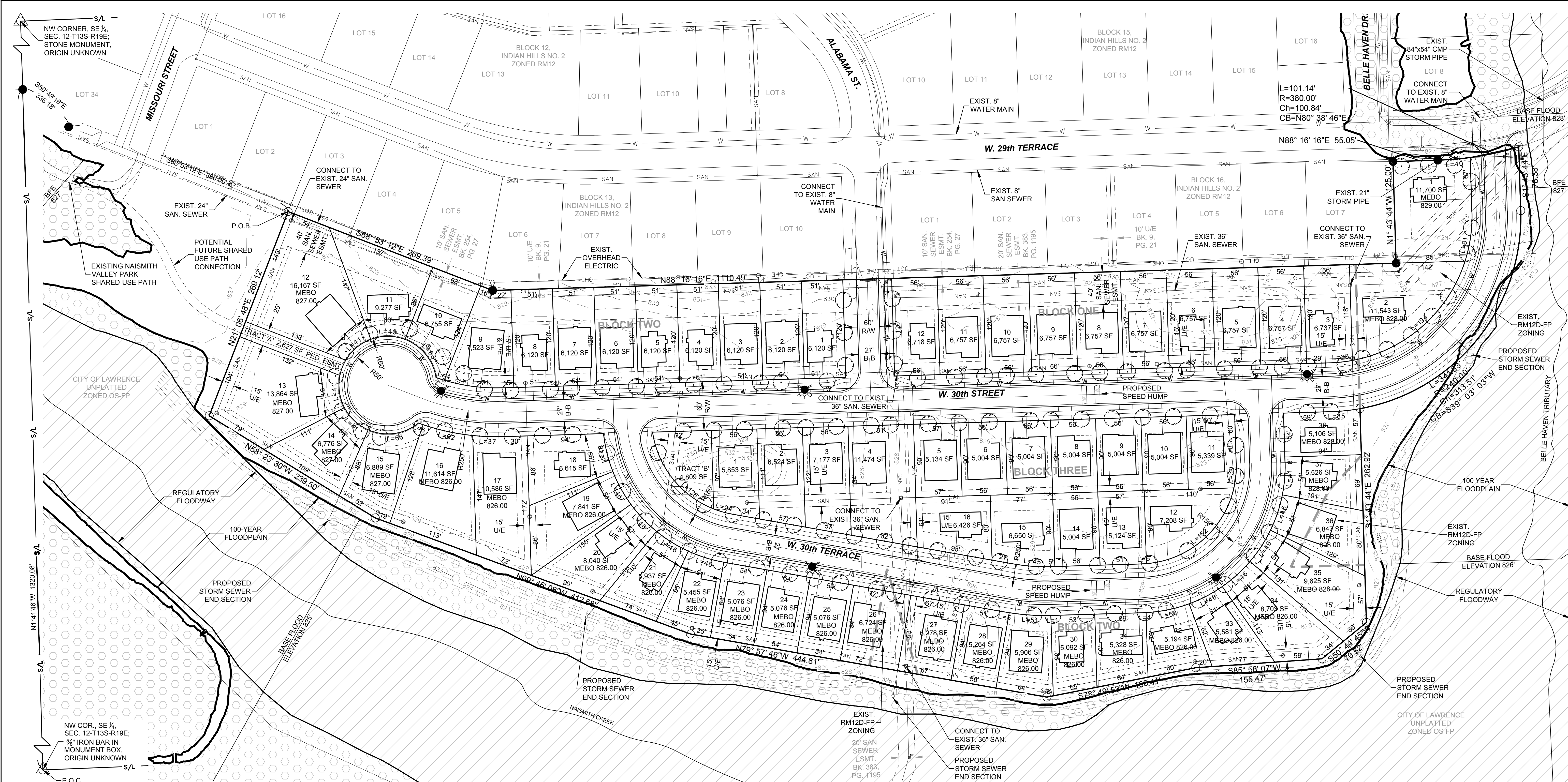
715 W. 29TH TERRACE  
LAWRENCE, KANSAS 66046  
A PRELIMINARY PLAT FOR  
NAISMITH CREEK ADDITION

REV	DATE	DESCRIPTION
1	5/7/16	LOT DIMS, WEBS
2	6/30/16	PER DEPT. COMMENTS
3	7/15/16	PER DEPT. COMMENTS

DATE:	5/23/16
PROJECT NO.:	20163015
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	BZ

ISSUE	SHEET NO.
	1
OF	1 SHEETS

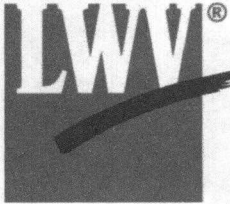




REV	DATE	DESCRIPTION
1	6/1/16	LOT DIMS, MERO...
2	6/30/16	PER DEPT. COMM...
3	7/15/16	PER DEPT. COMM...

ISSUE	SHEET NO.
	2
	OF 1 SHEETS

DATE:	5/23/16
PROJECT NO.:	20163015
DESIGNED BY:	LPE
DRAWN BY:	BS
CHECKED BY:	BZ



LEAGUE OF WOMEN VOTERS®  
OF LAWRENCE/DOUGLAS COUNTY

July 24, 2016

RECEIVED

JUL 25 2016

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Lawrence, Kansas

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Carol Klinknett

Ann Carlin Ozegovic

Melissa Wick

To: Mr. Patrick Kelly, Chair, and Planning Commission Members  
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 5C: PRELIMINARY PLAT FOR NAISMITH CREEK ADDITION; 751  
W 29TH TERRACE

The League of Women Voters of Lawrence-Douglas County is concerned about the proposal for Naismith Creek Addition, which would create 65 single-dwelling residential lots on approximately 15 acres adjacent to Naismith Creek. One of our important Environmental Positions is that "development should avoid hazardous building sites such as unstable slopes, uncompacted or undesignated fill, or areas subject to flooding."

Our concern is with potential flooding of homes that would be built there. Neighbors remember many times when this area has been flooded. In 1993, water was released from Clinton Lake to keep it from over-topping the emergency spillway. This raised the level in the Wakarusa River, thereby closing the flap gates at the south end of the drainage ditch along the west side of the original Baker Wetlands. That resulted in having no outlet for the storm water coming off the KU campus, from the neighborhood and from the commercial development along 23rd Street. Several cars and trucks parked along Belle Haven Drive had water above their tires. If these circumstances occur again, worse flooding will probably happen. Additional impervious surface would be created in the form of rooftops and driveways, which would increase runoff. In anticipation, there is a notation on the plat that if basements are going to be used, it is suggested to install sump pumps.

The plat does not comply with Subdivision Design regulations, which require that a drainage plan be shown. The plat should show "Location of any area in the Floodplain Overlay District, locations and direction of flow of all water courses; and base flood elevation at water course entrances to and exits from the proposed Subdivision."

We think it would be desirable to leave this site as open space. If there is to be development, there should be a buffer between the creek and the buildings.

Thank you for considering our letter.

Sincerely yours,

Marlene Merrill  
Co-President

Alan Black, Chairman  
Land Use Committee

---

PO BOX 1072 • LAWRENCE KS 66044-1072

[lawrenceksleague@gmail.com](mailto:lawrenceksleague@gmail.com) • [www.lawrenceleague.com](http://www.lawrenceleague.com)  
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**July 24, 2016**

**To: Chairman Patrick Kelly, Members of the Lawrence/Douglas County Planning Commission**

**From: Joyce and Ron Wolf, 1605 East 318 Road, Lecompton, KS 66050**

**Subject: ITEM NO. 5C PRELIMINARY PLAT FOR NAISMITH CREEK ADDITION**

We apologize for being unable to attend the meeting on Monday. We both are members of the Board of Jayhawk Audubon Society and that same date and time will be the annual planning meeting – preparing for the coming 2016-17 year, which closely follows the KU academic calendar.

We are interested in Item 5C because we lived in Indian Hills and were active in the Neighborhood Association and continue to own property in the area. Our first reaction when we looked at the preliminary plat was: “that’s a lot of houses in a relatively small area.” When compared to the lots already built upon to the north, those that already exist look to be about twice as large as the proposed ones. Upon closer examination, it appears that there are hardly any open spaces left for storm water to go during heavy rainfalls. With the addition of all these rooftops and driveways, there will be an enormous amount of extra runoff going into the adjacent Naismith Creek. Has anyone calculated the amount of extra runoff from this area after being developed as proposed?

For those unfamiliar with the Indian Hills area, it is part of a much larger watershed and receives most of the storm water from the KU campus east of Iowa Street and south of Jayhawk Boulevard. We all are aware that more impervious surfaces continue to be added by new construction on the campus. Additionally all the commercial development along 23<sup>rd</sup> Street from Iowa to Louisiana drains to the south and are part of this drainage area. Naismith Creek is the primary water course which carries most of this runoff. We both remember that during extremely heavy downpours, cars and trucks parked along Belle Haven Drive often would have water above the tires.

During the flood of 1993, the intersection of Louisiana and 31<sup>st</sup> Streets was completely flooded and impassible. This was due to the discharge from Clinton Lake, which raised the level of the Wakarusa River above normal levels, so that the flap gates (at the southern point where the drainage ditch along the west side of the original Baker Wetlands) were closed. This made all the drainage from Naismith Creek and the “Belle Haven ditch” back up because there was no place for the water to go, thus flooding the above-mentioned intersection. We visited this site on Sunday afternoon; the situation remains the same, so when the Wakarusa River is running higher than normal, the flaps will close and drainage from Naismith will have nowhere to go.

Furthermore, with the suggestion that “lots with basements it is recommended to install sump pumps” indicates that someone recognizes the inherent risks of building in this area so close to and in some places part of the floodplain.

Given the regular and historic nature of flooding in the area, it seems to us that a few adjustments to the new subdivision would be desirable:

I – If the southern-most line of lots from at least lots #20 through #34 would be eliminated, not only would this allow the open space to be available for the smooth continuation of the Naismith Valley Park and Bike



Path it would, more importantly, provide the area with a buffer from floods. And as open space, it would be more complementary with Naismith Park father north. We can think of no other place in Lawrence where a dedicated, non-motorized path utilizes a street designed for motorized traffic. A bike path that is diverted onto a city street, as is proposed, may pose safety hazards that could be avoided by continuing the bike path along the southern portion of the area. At one time, the IHNA adopted this position to maintain part of the area as city-owned open space and continue the park/bike path to a point along Louisiana Street.

II – This reconfiguration of the preliminary plat would also fulfill the top scores of the newly released (July 12, 2016) findings of the Lawrence Parks and Recreation Master Plan. The **Summary of Selected Findings of the Master Plan** states that the most important amenities in Lawrence included: 1) open space and natural area, 2) community parks, 3) trails and pathways, all of which are designed to encourage citizens to spend more time outside. Also as part of this survey, the following were found: The most important aspects of Lawrence's open space and natural areas are "protecting/preserving existing open space and natural areas" and "protecting wildlife habitats." As part of the finding, the top two values were: Promoting Active Lifestyles and Investing in Youth – totally in sync with the suggestion to ensure the area under consideration incorporates open space, preserves and extends natural areas, and provides immeasurable benefits to residents of the area.

Again, by leaving the southernmost portion of the plat as open space, this would provide a wonderful example of development being compatible with and recognizing the opinions expressed by a large majority of citizens of Lawrence regarding what they see as desirable. Perhaps this portion of the park could be named in memory of a loved one of the developers – much like the McGrew Nature Preserve near Quail Run Elementary School and the Pat Dawson Billings Nature Area near Southwest Middle School.

III – By turning the southern portion of the preliminary plat into dedicated open space, it would provide not only a buffer from floods, it would also be a great place for neighborhood children to be able to play close to home without having to cross Louisiana Street, which is a major arterial and carries a lot of traffic.

We appreciate your thoughtful consideration of these comments.

Sincerely,

Joyce and Ron Wolf

PS: We will try to also send a photo of the flap gates, to make that part of the letter clearer as to what happens when they are closed by the pressure of high water levels in the Wakarusa River.