

RECEIVED

MAY 19 2004

City County Planning Office
Lawrence, Kansas

Dear Myles:

It has come to my attention, albeit piecemeal, that a contractor is seeking permission to build two or three houses on the corner of 12th and Monterey, in the Western Hills Area.

This (approx) one acre tract now holds Don Chaney's former house, which I understand will be moved south on the same lot, with two additional houses built facing north, on the south side of 12th street and possibly one more.

The integrity of the Western Hills concept will have been violated and the tradition of 1 acre per house placed in great jeopardy if this is approved. Realizing that a few lots have already been split in the area further concerns a number of residents of this 40 year old neighborhood. 12th and Monterey is the gateway to Western Hills. This allowance will set a precedent in motion that will, in essence, decimate the neighborhood over time.

I can realize the need of land for building. In this morning's paper, a builder said that construction was down due, in part, to the absence of available lots. This is not the way to make more lots available. I recently visited the area at Kasold and Peterson Road (Hutton Farms or some such name) and was shocked at the minimal distance between structures being built there. Really, is this the future of Lawrence, Kansas?...the city where everyone wants to live? The city that is the envy of all in Kansas?

I have been told that during the upcoming planning commission meeting that both the preliminary and final hearings are held on the same day. Is it true that the meeting is not open to discussion from the public? This, simplistic as it may sound, does not ring of democracy in action. If my information is correct (no public comment), I strongly encourage you to alter that rule and allow those who will be gravely affected to voice their concerns.

If you have information to which I need to access, please be in touch. I appreciate this opportunity to contact you and hope you appreciate the concerns we have. I have lived in the Western Hills area since 1963, so this is not some spur of the moment concern about my adopted living area. This is my long-time home, I love the area, and want to see no harm come to it.

As an aside, I assume you are not an Irishman. However, if you have ever been to "The Emerald Isle", you can see the futility of constant division of land. In the end, no one has benefited from the misplaced policies and practices of the English and Irish over hundreds of years. I have seen it, and it's not pretty. Let us not follow a flawed path in Lawrence!

Thank you for reading my concerns.

Arthur "Fred" McElhenie
3920 W. 13th St.
66049
fmcelhenie@ku.edu
842-0789

RECEIVED

MAY 18 2004

City County Planning Office
Lawrence, Kansas

May 10, 2004

Jeff Tully
City/County Planner
6th & Massachusetts
P.O. Box 708
Lawrence, KS 66044-0708

Dear Mr. Tully,

We are property owners at 3920 W. 12th Street, and have lived here for 28 years. We are in a unique subdivision--Western Hills. In the beginning, all of the homes were built on 1-2 acre lots. This is why we purchased our home, so our children would have space to play and we could garden, etc.

The current proposal to divide the property at 1201 Monterey Way into 3 parcels of land is very disturbing. Recently other land parcels were divided into 1/2 acre lots, please don't make it even worse by dividing into smaller plots. If you divide .78 of a acre into 3 plots of land, it will be the beginning of a neighborhood that looks the same as any other city neighborhood. The original identity will be lost.

We enjoy the isolation from the next property, and now our grandchildren enjoy the freedom to run and play in a big yard when they visit.

Please do not destroy our neighborhood. We love it the way it is.

Gary & Elois Allan
3920 W. 12th Street
Lawrence, KS 66049

Gary Allan
Elois Allan

Jeff Tully

From: Marlene Glass [mfglass@ku.edu]

Sent: Tuesday, May 18, 2004 10:40 AM

To: jtully@ci.lawrence.ks.us

Subject: Objection to R L Subdivision

May 18, 2004

To: Jeff Tully
Lawrence-Douglas County Metropolitan Planning Commission
City Hall, 6 East 6th Street
Lawrence, KS 66044

Mr. Tully:

The undersigned have been residents for nearly 40 years at what is now addressed as 1200 Hacienda Lane, Lawrence, 66049-3526.

By word of mouth, we have been made aware of the proposed platting for the proposed R L Subdivision.

We wish to notify the Planning Commission of our objection to the proposal.

Three houses on what has been the location of a single family home obviously does nothing to maintain the character of the neighborhood of one house on a lot of approximately one acre.

A second concern is one of safety. Neighborhood streets are rarely used for parking and two additional driveways on smaller lots are likely to contribute to such on 12th Street. Monterey Way and 12th Street is a busy intersection because of the access to Perry Park, traffic on 12th Street and the collective usage of Monterey Way.

Sincerely

Marlene F. Glass
Raymond C. Glass

5/18/2004

From: Srl82556@aol.com

Sent: Monday, May 17, 2004 11:31 PM

To: jtully@ci.lawrence.ks.us

Subject: Opposition to proposal to divide lot at 1201 Monterey Way

We are strongly opposed to the proposal by the new owner of the property at 1201 Monterey Way, Ron Lawrenz, and submitted by Randy Hamm. The proposal of moving the present house to the south of the lot and adding two more houses to that one lot -- essentially dividing the present lot into three, would create an area non-compatible with the rest of the neighborhood. This would devalue all other property in the area. This plan would also cause the destruction of a number of trees and green space which are valuable to the ambiance of the city.

It is our understanding that it would violate the original agreements of the present residents-- that of leaving all lots undivided to provide each home and the area a uniqueness that is being eliminated by proposals just as the above mentioned.

It is also our understanding that the residents purchased their property thinking they would be protected from the congestion this proposal would create. It would create a safety concern for the children in the area.

Please consider the possible damage to other properties from the amount of construction, both directly and indirectly, and the emotional impact a change of this magnitude will have on the present residents of this neighborhood, as well as the erosion influence of the total area that this proposal may have.

We are submitting a request that this proposal not be approved because of the negative affect it would have on the whole general area.

Mr. and Mrs. Carl E. Locke, Jr.
1331 Ranchero Dr. Lawrence,
Ks

Jeff Tully

From: lesrollins@sunflower.com
Sent: Monday, May 17, 2004 10:01 PM
To: jtully@ci.lawrence.ks.us
Subject: Lot subdividing in Western Hills

Dear Mr Tully,

My name is Les Rollins and my family has lived at 1221 Wagon Wheel Rd since Oct 1965. One of the things that we love here so much is the large lots and feeling of openness. My father built this home and I grew up here. My mother and I still live here and I was hoping to stay here the rest of my life. But, I am very concerned about the subdividing of the lot at 12th and Monterey Way. I feel that if the city lets this happen it will happen with other lots when they are sold. I do not believe anybody that lives here will ever subdivide, but if they sell to somebody who is only interested in making a buck it will destroy the neighborhood they we love so much. Please don't let this happen.

Thank You
Leslie Rollins

Jeff Tully

From: Bruce Passman [bpassman@sunflower.com]
Sent: Monday, May 17, 2004 9:26 PM
To: jtully@ci.lawrence.ks.us
Cc: carmela@eccs.ku.edu; rhelmick@avitar-chemical.com
Subject: Western Hills Zoning

Mr. Jeff Tully
Lawrence - Douglas County Metropolitan Planning Office

Dear Mr. Tully:

I am writing in regard to the following items for the Commission's next agenda that pertain to the Western Hills Subdivision:

PP-04-11-04
PP-05-15-04.

I have lived in this subdivision for the past two years and own the residence at 4120 W. 13th and the adjacent property directly north of our residence known as 1215 Lake View. I am disappointed to hear that the Planning Commission is considering approval of the three lot residential split at 1201 Monterey Way. We relocated to this area from Johnson County and specifically looked for a neighborhood where houses had been constructed on large lots. As you know it is challenging to find such in the newer developments in Douglas County. We spent the better part of six months in search of a residence and, fortunately, found one in Western Hills.

The concerns that have been outlined for you regarding the effect of this lot split are clear. Any continued approval of lot splits in order to promote new construction in this area will do serious harm to this unique neighborhood. Lawrence prides itself on its diversity both in terms of population, and in terms of the design of the overall community. The Planning Commission is to be praised for its attention to maintaining the integrity of the Lawrence community. Western Hills is an area that contributes in a positive way to the neighborhood diversity we value in Lawrence. It appears that to the west and south, there are ample opportunities to create a mix of residential areas that are developed on small lots. Let's not turn Western Hills into such a development.

If these requests are approved it will increase traffic flow, negatively impact storm water drainage, infuse construction into an already built out area, and of greatest concern, sacrifice the integrity of the neighborhood.

I have one of the only remaining empty lots at 1215 Lake View. Approving the request could have tremendous personal gain for me. By splitting my lot into three and developing those into residences, I would be able to benefit financially. One of our main reasons for purchasing the additional lot and leaving it vacant was to preserve the integrity of the Western Hills area. I would only ask that you do the same.
Sincerely,

Bruce Passman
4120 W. 13th
1215 Lake View

bpassman@sunflower.com

5/18/2004

Jeff Tully

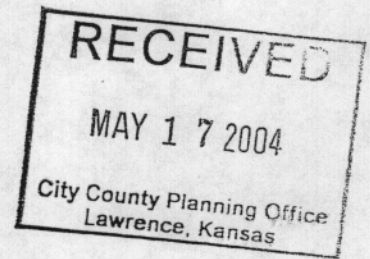
From: Johnrkeller@aol.com
Sent: Monday, May 17, 2004 8:20 PM
To: jtully@ci.lawrence.ks.us
Cc: carmela@eccs.ku.edu
Subject: PP-04-11-04 and PF-04-15-04

Dear Mr. Tully,

As a resident and property owner in Western Hills for over 17 years, I am very concerned about the proposed subdivision of 1201 Monterey Way. We purchased our home here because of the character of this neighborhood. It is attractive to me because of the space provided by large lots. Any more homes built here will degrade the nature of my neighborhood. I have always looked forward to growing old here. Please help that to happen by denying this proposal!

Sincerely,

John Keller
4201 W 13th St



Mr Jeff Tully
Lawrence Planning Commission
6 E 6th St
Lawrence Kansas 66044

Ref PP041504 & PF041504

Dear Mr. Tully:

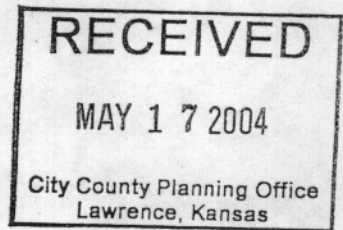
My wife and I have heard that there is a possibility of some change in the area here in the area where we live. We built a home in Western Hills area in 1964 with the understanding the area was to limit home sites to at least one acre of land. We built this home on one acre and a half. All the other homes in the area were on at least one acre of land.

We wanted space and that is the prime reason we built out here. We have space enough to grow a good sized garden and have 13 trees here. It's what we wanted so we bought here and built here.

Now there is already a division between our site and the next one north of us. It wasn't discussed with us and the first thing we knew there was construction going on and today there is a huge house next to us. And we hear that there is plans for a developer to purchase a site at the southwest corner of 12th and Monterey with intentions to take the house that exists there and move it to another part of the 1 acre and build TWO more homes on this site. That completely violates the compact we had when we built here. We like space and we expect the area to stay the way it is.

Dale F. Heiserman Sr & Charlotte Heiserman
Dale Heiserman and Charlotte Heiserman
1221 Hacienda Lane
Lawrence, Kansas 66049

Jeff Tully, City/County Planner
Lawrence/Douglas County Planning Commission
6 E. 6th St.
Lawrence, KS 66044



Lawrence/Douglas County Planning Commissioners,

I am writing to you in concern of the property at 1201 Monterey Way. It is on your May 26, 2004 agenda as PP-04-11-04 and PF-04-15-04 Preliminary and Final Plat for R L Subdivision.

It is my understanding that this property has been purchased by Ron Lawrenz and he intends to subdivide the property into three lots. He will move the existing home onto one of those lots and then build two more homes.

Our subdivision (Western Hills) is comprised of homes that sit on ½, 1, or 2 acre lots. Most sit on 1 acre. This situation is what makes our neighborhood unique. This extra space is one of the reasons we and most of our neighbors bought our homes. It would be very uncharacteristic of our neighborhood to have three homes on one lot. This is also a corner property. The way I see corner lots is that they tend to reflect the type of neighborhood you are entering. Again, it would not reflect what is beyond that corner.

The property also has several mature trees. Is the developer willing to work around those so that the homes will have mature trees like the rest of the neighborhood? The neighborhood was established in the 60's and the trees are certainly a welcome sight compared to new neighborhoods which have none.

A big concern to me is if the homes are built and utilities or foundations are put in, will there be blasting done. Western Hills sits on a rock ledge. The existing home on the property has foundation problems. The house on the next lot at 3911 W. 12th had extensive foundation work done last summer. We have foundation problems also. If they have to blast **I STRONGLY OBJECT**. When Somerset Heights was built, they did do blasting and our whole house shook. Some neighbors then complained of seeing cracks that were not there before. If blasting occurs and we have more problems, who is responsible?

Another concern is that by allowing a developer to subdivide, are you setting a precedent to our neighborhood. That if a home is bought it is OK to have the lot divided and not take the existing characteristics of the neighborhood into consideration. Our neighborhood will lose its uniqueness and become just another subdivision in the city.

Please take all these comments into consideration before issuing a decision on this property.

Thank you,

Teresa Rew
Dan Rew

Teresa and Dan Rew
3910 W. 12th
Lawrence, KS 66044

Jeff Tully

From: Claudia Hooge [cjhooge@sunflower.com]**Sent:** Monday, May 17, 2004 10:53 AM**To:** carmela@eccs.ku.edu**Cc:** jtully@ci.lawrence.ks.us**Subject:** Neighborhood Alert

Carmela--

I was not aware that a meeting was being conducted on Saturday regarding this new development in our neighborhood. If John was, he didn't tell me. Anyway, we are very concerned about what has been proposed for the corner lot at 12th & Monterey. Could you provide us with any more information that is not covered on the flyer? We would like our voices to count and would like to make an informed reply to the city commission. We understand that nothing we say may persuade the city to reconsider this proposal, but we sure want to try.

We bought our home here 8 years ago BECAUSE of the neighborhood's big lots, privacy, the quiet streets and the belief that this area would remain so. That was our understanding at the time and it was one of the factors that made our choice so appealing. We are really distressed that this parceling out of a lot will open the floodgates for similar possibilities when any lot is now sold in this neighborhood. We do not want to see this happen, do not want to see the integrity of the neighborhood to be altered by the city, and do not want to be forced to accept this possible trend. We are assuming others feel the same. Western Hills is a very unique setting, plopped as it is, in the middle of suburbia, yet retaining a sense of spaciousness, beautiful old trees and landscapes, and the dearth of traffic and noise. Old West Lawrence fought for years to preserve its uniqueness and part in Lawrence's history. We don't see why we can't argue in favor of preserving this unique setting for future generations as well. It would be a sad and short-sighted thing if the character of this neighborhood was forced to become a thing of the past.

If you could enlighten us as to our rights, the current zoning laws, what has already been discussed in the May 15th meeting and anything else pertinent, we would be grateful. We love living here and want to do anything we can to keep our neighborhood intact as much as possible. Thanks, Carmela.

John and Claudia Hooge
4100 W. 12th St. 843-
8728

5/17/2004

Jeff Tully

From: Peggy L Johnson [peggy.l.johnson@aexp.com]
Sent: Monday, May 17, 2004 9:51 AM
To: jtully@ci.lawrence.ks.us
Subject: Re: Western Hills neighborhood

Mr. Tully:

I am a property owner in the Western Hills neighborhood located at 4121 W 12th Street. When we moved to this neighborhood in 1997, we liked to aspect of the acre + lots. I understand that the property at the corner of 12th and Monterey Way has sold to a person that wishes to divided that into on lot into space for three houses, thus 3 access points.

I have concerns about the increased traffic from a safety point of view.

I am also concerned about storm water drainage. We have already felt the development of the properties north and west of us with increased run off. Adding more housing, simply adds to this problem.

The city agreed to vacate 12th and 13th Streets to preserve green space, but allowing 3 houses on one lot does not support that past view point. that is a concern.

Also, as we sit on a layer of rock, blasting results in further damage to existing foundations.

I hope the city will think long and hard before allowing a variance for this change. If this variance is granted, how many will follow?

Thank you for your time. I would be happy to answer any questions you might have of me. T am so grateful for the wonderful government we have in Lawrence, KS. We have officials %wend staff that listen and act in a prudent manner.

Peggy Johnson
4121 W 12th Street
Home phone 842-3209
Work phone 841-2985

American Express made the following
annotations on 05/17/2004 07:51:35 AM

"This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify us by reply e-mail and immediately and permanently delete this message and any attachments. Thank you."

=====

From: Deedeekll@aol.com

Sent: Sunday, May 16, 2004 6:01 PM

To: jtully@ci.lawrence.ks.us

Subject: (no subject)

Dear Mr. Tully,

My name is Dolores Kilburn and I live at 1130 Wagon Wheel Rd. in Westem Hills. I have lived here for 30 years. We received a note telling us about the proposed 3 lot plat at the corner of 12th and Monterey. I cannot figure why you would consider this move. We are probably the last area in Lawrence that has not changed to houses every 50 ft. It seems to me like this must bother a lot of planners. When we were annexed. we were promised my things that did not happen. Wagon Wheel was to be closed at 11th St. and the city put in concrete barriers. They took them down in less than 1 week. We were told the land behind us would be platted in 75 or 100 foot lots. They were platted in 55 foot lots. We were told we would not have to go on a sewer until ours did not work. That was not true. We have just paid over \$ 10,000.00 for ours that was not even half used up. The sewer was put in both sides of my land and tore up so bad I do not think we will ever get our yard back.

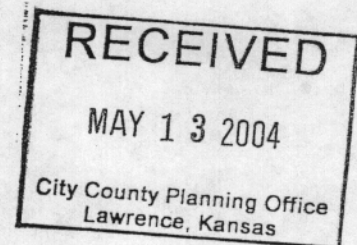
Most people living in this area are retired people like my self and some has to sell part of their land or move because of high taxes and the sewer cost. I know the regular concerns like traffic storm water and construction mess is every neighborhoods problem, but please think about us for a minute and not mess with the integrity of this small area again.

I think the worst part of this is the letter saying we could attend the meeting but were not allowed to speak. You are our elected officials, why will you not listen. Our home is most valued. I am sure 3 more houses could not make that much difference to the city of Lawrence. Thank you for reading this.

Arthur and Marilyn McElhenie 3920 W. 13th St. Lawrence, KS 66049

May 11, 2004

Mr. Jeff Tully
c/o Douglas County Commission
6 E. 6th Street
Lawrence, Kansas 66044



Dear Mr. Tully:

By means of this letter, we wish to express our serious concern about the placement of three houses on the property at 1201 Monterey Way. This is the house previously occupied by Don Chaney.

Such a cluster of residences violates the character, tradition and history of this area, which is now more than 40 years old. While we are aware that some lot-splitting has occurred in the Western Hills area, no instance where multiple dwellings have been placed on one lot has occurred, to the best of our knowledge.

Western Hills represents one of the few areas left in Lawrence that contains moderately priced houses in an environment that is very attractive to potential buyers. To degrade the area by increasing the density to the degree suggested is tantamount to block busting...and just as unacceptable.

We encourage you and the County Commissioners to carefully consider the final approval of this action as a proactive move to save a neighborhood from the developers who seem to stop at nothing to obtain a lot and then develop the maximum out of it.

I submit for your mental review, the development on the corner of Kasold and Peterson Road, where many of the structures do not exceed 5 or 6 feet distance from one another. A shameful display of overuse of land and shouting "poor planning". I believe it is called Hutton Farms. This is not the way we want this community proceeding; this is not the way we foresee the Western Hills area.

This decision could set a dangerous precedent that benefits only. The loss of a number of mature trees on that corner, a gateway to the neighborhood, would also change the character of the area many people have chosen to live. A correspondent of mine indicated that you were unaware that sanitary sewers have been installed in Western Hills. As residents we are aware that there are some regulations regarding the number of sewers allowed in certain areas. For these and many other reasons, please proceed with caution and include us in your deliberations.

Thank you for your consideration.

Sincerely,

Arthur & Marilyn McElhenie

Arthur and Marilyn McElhenie

RECEIVED

MAY 12 2004

City County Planning Office
Lawrence, Kansas

May 10, 2004

Jeff Tully
City/County Planner
6th & Massachusetts
P.O. Box 708
Lawrence, KS 66044-0708

Dear Mr. Tully,

We are property owners at 3930 W. 12th Street, and have lived here for 21 years. We are in a unique subdivision--Western Hills. In the beginning, all of the homes were built on 1-2 acre lots. This is why we purchased our home, so would have space for our grandchildren to play and we could garden, etc. We moved to Lawrence from Clinton, and liked the subdivision because it had the best of the city and the country with all the conveniences of town.

The current proposal to divide the property at 1201 Monterey Way into 3 parcels of land is very disturbing. Recently other land parcels were divided into 1/2 acre lots, please don't make it even worse by dividing into smaller plots. If you divide .78 of a acre into 3 plots of land, it will be the beginning of a neighborhood that looks the same as any other city neighborhood. The original identity will be lost.

We enjoy the isolation from the next property, and now our great-grandchild will also enjoy the freedom to run and play in a big yard when he visits.

Please do not destroy our neighborhood. We love it the way it is.

Charles & Janet Mills
3930 W. 12th Street
Lawrence, KS 66049

Charles & Janet Mills

May 11, 2004

To: Lawrence-Douglas Co. Metropolitan Planning Comm.
6th and Mass.
P.O. Box 708,
Lawrence, KS 66044

RECEIVED

MAY 12 2004

City County Planning Office
Lawrence, Kansas

Re: PP-04-11-04 } R.L. Subdivision
PF-04-15-04 }

Gentlemen:

Our property and home is directly West of this Plat and we disapprove of the plans for this "Cherry" property. It's too small for three living residences - this area was design for homes with lawns and gardens; one of the main reasons for us buying our home here in 1964.

If three residences are placed on this plat it will destroy the beauty and quietness of this neighborhood. Also will lower the value of our property and those close by - is that fair?

Thank you,

Fred and Jo Lehman
3911 W. West Street
Lawrence KS 66049-3507



Memorandum

TO: Members of the Planning Commission

FROM: Jeff Tully, City/County Planner *J. Tully*

RE: Additional citizen comment, RL Subdivision Replat

DATE: May 21, 2004

Planning Staff received a telephone call from Kristen Howick, property owner at 1221 Monterey Way. Ms. Howick supports a property owner's right to subdivide this property into three lots and three subsequent dwelling units. Howick wanted this information to be shared with the Planning Commission.

To:
City Mayor
Laurence City Commissioners
Jeh Tully AICP

My wife and I were both born and raised in, and have lived in Lawrence all our lives. We lived in East and Central parts of the city for most of this time.

Ten years ago we moved to Western Hills as our retirement home, to enjoy looking out the window or door and not seeing a house 10 or 12 feet from our view.

We accepted being forced on to the city sewer system at great expense to each home owner, and we have seen our taxes about double.

Please don't force us to give up the quaintness of this small area of town.

If the proposal for 1201 Monteneroy is approved, it will allow developers to pressure other home owners to sell their property, and Western Hills will become wall to wall houses.

We would like to add our names to others who oppose this replat for RL Subdivision.

Thank you in advance for listening to our concerns, and leaving a little green space in our town.

Sincerely

Robert L. and Dorothy Johnson

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MAY 21 2004

CITY MANAGERS OFFICE
LAWRENCE, KS

Mr. & Mrs. Robert L. Johnson
1411 Wagon Wheel Rd.
Lawrence, KS 66049

C:CC

Planning

Item 2
4011 W. 12th Street
Lawrence, KS 66049
May 18, 2004

RECEIVED

MAY 21 2004

City County Planning Office
Lawrence, Kansas

Mr. Jeff Tully
Lawrence Douglas County Metropolitan Planning Office
6 East 6th Street
Lawrence, KS 66044

Dear Mr. Tully,

We are residents of the Western Hills/Sloan Addition/Ranchero Estates area of Lawrence. We are deeply troubled about the proposal that will come before the Planning Commission on May 26 regarding the requests of Item No. 2A, PP-04-11-04, and Item No. 2B, PF-04-15-04 to subdivide one lot in our neighborhood into three lots. Our concerns include the following points.

Concerns regarding the effect of allowing three houses per lot:

Safety: increased traffic

Storm water drainage: tripling dwellings(or more!! Who knows where it will lead?) will result in more concrete and less green space and may lead to a city decision to require curbs and gutters, etc., all paid for by residents.

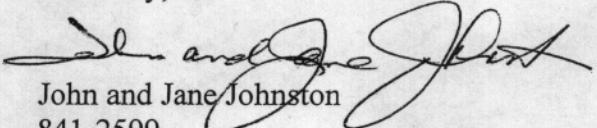
Integrity of the neighborhood: We will lose green space, established trees, ambience of the larger lots. When the city agreed some years ago to vacate 12th and 13th streets, they indicated that the decision was in part to preserve the unique character of this neighborhood.

Construction blasting: As we all know too well, many lots in this area contain a lot of rock. Further construction would result in blasting, which can result in damaged foundations.

Decrease in property values: A significant part of the charm and appeal of the neighborhood is the size of the lots. The destruction of that value on one lot with effect the value of all lots.

We urge the Planning Commission to postpone any decision on this matter until more study can be made regarding the interests of the neighborhood as to property values and environmental impact of such increased density. Please come walk around our area, one of the unique neighborhoods of Lawrence, and consider first-hand the damage possible from this proposal.

Sincerely,


John and Jane Johnston
841-2599

Item 2

RECEIVED

MAY 21 2004

City County Planning Office
Lawrence, Kansas

K. Howick
1221 Monterey Way
Lawrence, KS 66049

Mr. Jeff Tully &
City of Lawrence KS Planning Commission
6th & Mass.
Lawrence Ks 66044-0708

Dear Mr. Tully & Planning Commission,

Upon hearing of the opposition of SOME of the neighbors to Mr. Lawrez' proposed subdivision of 1201 Monterey Way, I felt compelled to address you in writing. When we moved into this neighborhood many years ago, my real estate agent was very careful to point out that homes in the area had been laid out on the lots to allow for subdivision of the properties as desired. I believe in some cases this has already been done.

When the issue of sanitary sewers in the area was raised, my husband (whose professional duties include environmental impact statements) addressed the City Commission and pointed out that by mandating sewers, the Commission was enabling subdivision of lots. One of the chief supporters of the mandatory sewers was Carmela Sibley representing the Western Hills Neighborhood Association.

The proposed lots are well within city standards for housing lots. There are few trees in the proposed building space as is and the City has well documented and enforced "tree mandates." in new subdivisions. Therefore, loss of green space is negligible and may actually be enhanced by additional landscaping. There are sidewalks along Monterey Way and both sanitary and storm sewers already in place. The City may require Mr. Lawrenz to install both curbs and sidewalks along 12th St. as safety measures and sculpt the lots to encourage adequate run off as common in other subdivisions. I, for one, would encourage them to do so.

In short, Mr. Lawrez' proposed subdivision is well within City code and the original plans for the neighborhood. I see no reason to deny or postpone approval. Ms Sibley and the neighborhood association do not speak for all homeowners in the area. They are failing to accept the consequences of their actions, even when it was pointed out to them at the time.

Sincerely,

Kristin E. Howick

cc:MR

Item 2

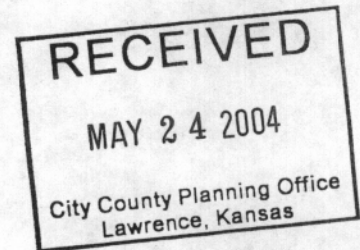
WESTERN HILLS ASSOCIATION

LAWRENCE, KANSAS 66049

LAWRENCE: AN OASIS IN KANSAS. WESTERN HILLS: AN OASIS IN LAWRENCE.

May 24, 2004

**City Planners
City Commission**



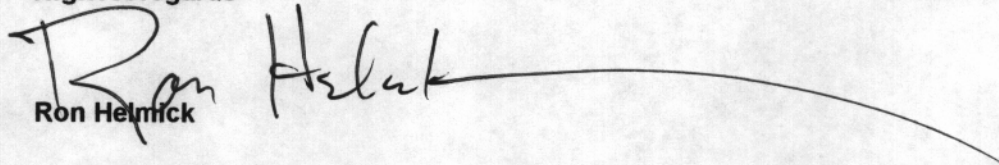
To Whom It Concerns:

This petition of the Western Hills Area property owners is respectfully submitted in protest to the development at 1201 Monterey Way that has been in the works the last 60-90 days. We have a high percentage of signatures of area residences on this petition, and had only 2 weeks notice to get it done. The short time frame alone, in which we were allowed to respond and did, indicates our desire to protect our oasis and our absolute resolve to continue our efforts to protect a unique area in a unique community.

The great use of life is to spend it for something that will outlast it.
-William James

The people of Western Hills hope, with all their convictions, our oasis will prosper with that of wise, far reaching decision making. We of Western Hills would enjoy sharing, and offering tours of our neighborhood with Lawrence decision-makers. We believe *all people* appreciate fresh air, space to grow, and uniqueness in purpose.

Highest regards


Ron Helmick

**POPULAR PROTEST PETITION
SUBMITTED BY LAND OWNERS OF WESTERN HILLS NEIGHBORHOOD
RE MAY 26, 2004 AGENDA ITEMS**

We, the undersigned, all being property owners of land located in the Western Hills Addition, Sloan Addition and Ranchero Estates (the "Western Hills Neighborhood Area), do hereby protest the approval of the Preliminary Plat for R L Subdivision (Item No. 2a, PP-04-11-04) and the Final Plat for R L Subdivision (Item No. 2B, PF-04-15-04), on the following property, to-wit:

1201 Monterey Way

We, the undersigned homeowners in the Western Hills Neighborhood Area, purchased our residences in the Western Hills Neighborhood Area based on the character and nature of the neighborhood. A neighborhood such as the Western Hills Neighborhood Area with large, expansive lots is rare in the Lawrence area. When the previous owners of 1201 Monterey Way placed their property on the market for sale, it was purchased by Ron Lawrenze, the developer/builder who submitted the Preliminary and Final Plats which are the subject of this protest petition. It is the intent of that developer to relocate the existing residence to one of the lots, and to build additional residences on the other two lots. If the Plats are approved by the Commission, the neighborhood will consist of a majority of homes on large beautiful lots, and three homes clumped right together whereby destroying the character and aesthetics of the neighborhood

We, the undersigned, realize that the above-referenced Items are non-public hearing items, and that, therefore, oral comments will not be heard at the May 26 agenda. The undersigned are submitting this popular protest petition as opposed to inundating the Commission with separate items of correspondence as the undersigned have the same or similar objections to the requested Plat. Those objections are as follows:

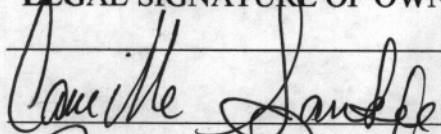
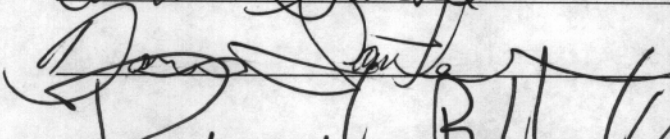
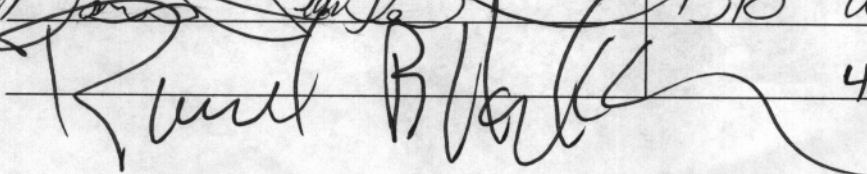
1. As stated above, the basic character and nature of the neighborhood will change, and it is not the desire of the homeowners in the Western Hills Neighborhood Area for the character and nature of the neighborhood to be changed by increasing the density of the number of residences.
2. One of the fears of the undersigned is that if the Plats are approved a precedent will be set and developers/builders will purchase homes which are placed on the market for sale and will divide those lots into as many lots as they can and inundate the neighborhood with new development.
3. Currently, the smallest parcel of land in the subdivision is approximately .50 acres with a vast majority of the lots at one acre or more. If the Preliminary and Final Plats are approved, and the .78 acres is allowed to be divided into three (3) lots, the neighborhood will now have three (3) lots of approximately .26 acres (11,325.60 sq ft) assuming an equal division.

4. Having three (3) lots of approximately .26 acres each, with houses to be placed on each lot, will diminish the uniqueness of the neighborhood and will negatively impact the fair market value of the surrounding properties.
5. Currently the smallest residential structure in the neighborhood is approximately 1,600 square feet. If the Preliminary and Final Plats are approved, houses will be constructed on each lot which will be substantially smaller in size and the existence of such small residences will negatively impact the fair market value of the surrounding properties as well as destroy the uniqueness of the neighborhood aesthetics.
7. If the Preliminary and Final Plats are approved, traffic flow in the area will be increased.
8. If the Preliminary and Final Plats are approved, there may be a need for a storm water drainage system in the neighborhood, which currently does not exist.
9. If the Preliminary and Final Plats are approved, there will be an infusion of construction into an already built up area.
10. Possible repercussions from blasting for utilities or foundations, if necessary.
11. Negative impact on the aesthetic value of the neighborhood from removal of mature trees that add shade and character to the neighborhood.
12. The lot for which is the subject of the Preliminary and Final Plat and which is to be divided into three separate lots is on an entrance corner of the neighborhood, and if that lot is divided into three separate lots the division would negatively impact the character, beauty and uniqueness of the neighborhood.

In sum, we are requesting that we, the undersigned, be allowed to make the decisions that affect our homes, our residences, the neighborhood where we spend our weekends, where we relax from the daily grind, where we find comfort. We believe that a majority of the homeowners in the neighborhood should have the right to make the decisions which affect the neighborhood, not one single builder and not the Planning Commission.

LEGAL SIGNATURE OF OWNER

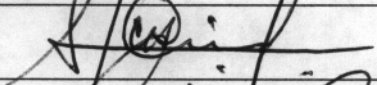
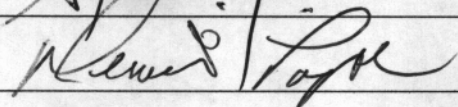
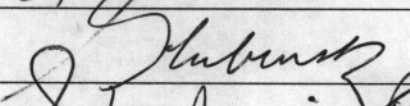
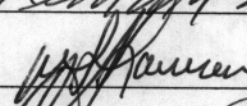
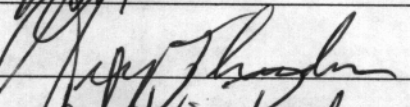
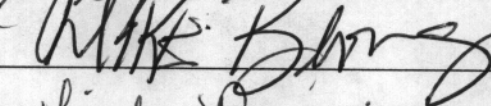
PROPERTY DESCRIPTION
(Address)

	1310 Wagon Wheel Rd
	1310 Wagon Wheel Rd
	4130 W 12

LEGAL SIGNATURE OF OWNER

PROPERTY DESCRIPTION

(Address)

	4000 W. 12 th St
	1215 HARPER AVE
Arthur F. McEhene	3920 W. 13 th
Marilyn McEhene	3920 W. 13 th
Thany E. Hall	3901 W. 13 th
John Humphrey	1320 Ranchero Dr.
Roger A. Brewer	1310 Ranchero Dr.
Leguna M. Carter	1211 Ranchero Ct.
	4101 W 13 th St.
Stephanie Botteron	4110 W 13 th St
David B. Hies	1420 wagon wheel
Elysebeth Patton	1421 wagon wheel
Dorothy A. Johnson	1411 Wagon Wheel
William M. Cagle	1321 WAGON WHEEL RD.
Camela S. Sley	4101 W. 12 th
David V. Klant	1311 Monterey Way
Worin Bryan	1421 Monterey Way
Robert L. Bryan	1421 Monterey Way
	3907 W 14 th St
	3911 W. 14 th St.
	3921 W. 14 th
Linda Browning	3921 W. 14 th

LEGAL SIGNATURE OF OWNER

PROPERTY DESCRIPTION
(Address)

Mrs. Bew	3910 W. 12 th Lawrence KS 66049
Jan Bew	3910 W. 12 th Lawrence KS 66049
Art Hooze	4100 W. 12 th Lawrence KS 66049
Claudia Hooze	4100 W. 12 th ST. LAWRENCE, KS 66049
Victor J. Contrakis	4110 W. 12 th St. Lawrence, KS 66049
Walter C. Canavan	4120 W 12 th , Lawrence, KS 66049
Jeannette Plugg	4120 W 12 th Lawrence, KS 66049
Donna Plugg	4121 W 12 th Lawrence, KS 66049
Paul Stern	4111 W 12 th Law. KS 66049
John C. Schuch	4011 W. 12 th St. Lawrence KS 66049
Joseph N. Johnson	4011 W. 12 th St. Lawrence, KS 66049
Henry J. Harris	4010 W. 12 th LAW. KS.
Gene A. Smith	4010 W. 12 th St. Lawrence, KS 66049
Ante J. Miles	3930 W. 12 th Lawrence, KS. 66049
Charles A. Miller	3930 W 12 th Law. KS 66049
John C. Allen	3920 W. 12 th Law. KS 66049
Dorothy L. Allan	3920 W 12 th Lawrence KS 66049
Joyce A. Williams	1201 Hacienda Ln. 66049
Edward C. Shaw	1200 Hacienda Ln 66049-3526
Marlene Glass	1200 Hacienda Ln 66049
Paul F. Lehman	3911 W 12 th St. 66049
Jo A. Lehman	3911 W. 12 th , Lawrence - 66049

LEGAL SIGNATURE OF OWNER

PROPERTY DESCRIPTION
(Address)

Norma Bloom

4040 w 14th

Mellie Emerson

3920 W. 14[±]h

Robert Johnson

1411 Wagon Wheel Rd

Melanie L. Klamet

1311 MONTEREY WAY, 66049

[illegible]



Memorandum

TO: Members of the Planning Commission

FROM: Jeff Tully, City/County Planner *J. Tully*

RE: Answers to Planning Commission questions, Items 2A and 2B

DATE: May 26, 2004

The following information is provided as responses to Planning Commission's questions regarding the Preliminary and Final Plat of the RL Subdivision at W. 12th Street and Monterey Way (Items 2A and 2B on the May 26, 2004 Planning Commission agenda). As I understand it, these items have been pulled from the meeting's Consent Agenda, but remain as non-public hearing items.

Question: Is there a covenant or legal document binding the owners to 1 or 2 acre lots?

Answer: Planning Staff knows of no covenant or legal document that restricts lot splits in this area.

Question: Street safety – is the engineering and size and connectivity adequate if all lots are subdivided? If not, when?

Answer: If the Sloan Addition, Western Hills Suburban Rancheros Addition and the remaining unplatted lots (as seen on the color map provided to the Planning Commission) were to all experience lot splits, the density would increase from roughly 70 lots/dwelling units to approximately 120 lots/dwelling units. According to Terese Gorman, City Engineer, the local streets within this area could accommodate the increase in density as the local streets feed into both an arterial (W. 15th Street) and a collector (Monterey Way) and traffic generated would not exceed the maximum capacity of a local street.

Question: Curb cuts onto this street; are they a danger to the public?

Answer: The present curb cut (and existing residence) on Monterey Way will be relocated further south on the lot. No additional curb cuts will be added to Monterey Way. The two additional lots will take access from W. 12th Street.

Question: Sewer – is it adequate if all lots are subdivided? If not when?

Answer: According to Terese Gorman, sewer connectivity to all lots could be provided (at the developer's expense) as lots split and develop. The existing sewer main currently

touches all lots in the subject area. Additionally, these sewers were generally designed to accommodate lot splits in this area of Lawrence.

Question: Are the trees significant to this area? Will they be saved?

Answer: The developer expects only to remove one existing Sycamore tree located roughly to where the existing house will be relocated.

Question: Is the character of the neighborhood with one and two acre lots a defining characteristic to such an extent that this goes against Horizon 2020, i.e. character of the Old West Lawrence Neighborhood. The following is the applicable section from *Horizon 2020*:

CHAPTER FIVE - RESIDENTIAL LAND USE Low-Density Residential Land Use

GOAL 3: Neighborhood Conservation

The character and appearance of existing low-density residential neighborhoods should be protected and improvements made where necessary to maintain the values of properties and enhance the quality of life.

Answer: See the following.

Question: Would this be considered a "takings" if the Planning Commission recommended denial of the Preliminary and Final Plats?

Answer: According to David Corliss, City Attorney, the City may face a regulatory takings claim if the platting of this property is denied without a strong public policy rationale that is supported by facts. Have all lot splits and replats in the subject area been treated the same by the Planning Commission? As a reminder, since 1992, approximately seven single-family lots within the immediate area of the subject property mostly in the Western Hills Suburban Rancheros Subdivision have been subdivided to create two lots for single-family residences. As previously stated, in 1989, the Lindsey Heights Subdivision located immediately north of the subject property was platted and subdivided from one lot into three smaller lots. The majority of these divisions occurred after the installation of sanitary sewers in the area, which occurred in 1987 and 2001.

Further, if the Planning Commission believes that these Preliminary and Final Plats are out of character with the Western Hills neighborhood, then zoning laws need to reflect the significance of the level of change to that neighborhood character. If the RS-1 (Single-Family Residence) District zoning, which has a minimum lot area of 10,000 doesn't reflect the proper zoning, then the Planning Commission may move to recommend rezoning of the area to reflect existing neighborhood character, which is primarily single-family homes on one acre lots.

Question: Will this require blasting?

Answer: Planning Staff provided the applicant with the City's Blasting policy early in the review process. According to Terese Gorman, at the subject property, rock is located approximately 5 feet below grade. The developer indicates that if economically feasible

basements will be added to the new homes that front onto W. 12th Street. It is the preference of the developer to not conduct any blasting on the subject property for any foundation or sewer work.

Question: Does this require a variance?

Answer: None have been requested and Planning Staff is not aware of any variances required to approve either the Preliminary or Final Plat.

Question: What is the cost savings to the community between infill construction vs. new construction in fringe areas?

Answer: The City does not track that information in any formal manner. Infrastructure costs associated with residential development (either infill or new development) is typically paid for by the developer. With regard to the subject property, infrastructure is already in place for the infill development.