

LAW OFFICES
BARBER EMERSON, L.C.

1211 MASSACHUSETTS STREET
POST OFFICE BOX 667
LAWRENCE, KANSAS 66044
(785) 843-6600
FACSIMILE (785) 843-8405

JOHN A. EMERSON
BYRON E. SPRINGER
RICHARD L. ZINN
CALVIN J. KARLIN
JANE M. ELDREDGE
MARK A. ANDERSEN*
WILLIAM N. FLEMING*
CHERYL L. TRENHOLM*
TERENCE E. LEIBOLD*
TERRENCE J. CAMPBELL*
MATTHEW D. RICHARDS*

*ADMITTED IN KANSAS AND MISSOURI

RICHARD A. BARBER
(1911-1998)

GLEE S. SMITH, JR.
OF COUNSEL

August 19, 2005

William N. Fleming Email:
wfleming@barberemerson.com

Hand Delivered

Lawrence-Douglas County Planning Commission
First Floor City Hall
6 East 6th Street
Lawrence, Kansas 66044

Dear Chairman Riordan and Commissioners:

The purpose of this letter is to explain the reasons why Mary's Lake Properties, LLC (the "Owner") is requesting a variance from the cul-de-sac regulations (Sec. 21-607.2(k)). Attached is a map labeled "Preliminary Plat" that shows the current development plan for a single-family residential development located to the west of Mary's Lake in Lawrence, Kansas. The development has thirty-nine lots, and has a cul-de-sac at the end. The length of the cul-de-sac is 1184 feet, which exceeds the permitted length of cul-de-sacs permitted by the ordinance by 184 feet. As noted, the Owner has requested a variance to permit the longer cul-de-sac length.

As originally planned, the Owner intended to develop a larger parcel than what is currently shown on the Preliminary Plat. As shown on the attached map labeled "Original Concept", the development was planned with more lots and an oval street design that would not have required a variance. During this initial planning period, the Owner went to the Planning Office for feedback. City staff organized a meeting with the Parks and Recreation Department and recommended that the City of Lawrence consider purchasing approximately six acres to the City located adjacent to Mary's Lake. This would preserve an area for park land and green space, and allow the City to maintain its existing walking trail that traverses the Owner's property. The City and Owner have negotiated an agreement in principle for the City to acquire this land, although no formal contract has been executed. One result of the Owner's attempt to preserve green space and park land for the City of Lawrence is that its planned development must be changed to eliminate the original oval shape. This creates the need to request a variance for the longer cul-de-sac.

Another factor must also be considered. As originally envisioned, the Owner was going to preserve a lot on the south side of the property that would be zoned for office use. See

Lawrence-Douglas County Planning Commission

August 19, 2005

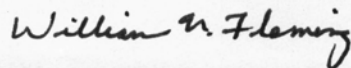
Page 2

preliminary plat attached labeled "Office Lot Concept." The access to this lot would be from 31st Street to the south, once 31st Street was improved. City Planning staff later decided that it did not want any access to be granted to 31st Street for this portion of the property. Accordingly, the development plan was revised to accommodate this request, and eliminate access to 31st Street for this lot, thereby requiring the 184 foot extension of the street. If the City of Lawrence is concerned about a cul-de-sac that exceeds the length requirement, then a possible solution is to grant the Owner access to 31st Street across the south end of the property. If the City of Lawrence does not want to grant access to 31st Street, then the only solutions are to (1) grant a variance so that the cul-de-sac can be lengthened, or (2) if no variance is granted, go back to the original design that envisions an oval shaped development with the result that the City would lose approximately six acres of valuable park land and have no alternative but to relocate its walking path around the west side of Mary's Lake.

Based on the foregoing considerations, we believe that the strategy that is in the best interests of the citizens of Lawrence and the Owner is for the City of Lawrence to grant the Owner a variance from the cul-de-sac regulations that would permit the Owner to complete its development in the manner shown in the Preliminary Plat. The Owner has done everything possible from the beginning of this project to consult with the Planning Department, and other City departments, and believe that they will continue to support approval of the requested variance.

Very Truly Yours,

BARBER EMERSON, L.C.



William N. Fleming

cc: Mike Wildgen
Dave Corliss
Linda Finger

- ACCESS EASEMENT - LEGAL
DESCRIPTION WRITTEN BUT NOT
RECORDED AS OF DEC. 2003.

SITE SUMMARY
16.57 ACRES
R-2 ZONING
61 LOTS
70' x 102' MIN.
60' x 47' BUILDING ENVELOPE

SITE SUMMARY
16.57 ACRES
R-2 ZONING
61 LOTS
70' x 102' MIN.
60' x 47' BUILDING ENVELOPE

North

Scale: 1"=100'

[illegible][illegible]

THE FOLLOWING IS
A SUMMARY OF THE
DATA OBTAINED FOR
CONCENTRATION

100 20 10 5 200 300

SCALE: $1'' = 100'$

A Preliminary Plat for
MARY'S LAKE ADDITION

What will be the



Landplan Engineering, P.A.

Civil Engineering
Landscape Architecture
Community Planning
Surveying

1310 Waterbury Drive Lawrence, Kansas 66044 Tel: (785) 843-7530 Fax: (785) 843-2410 eweb1	Lincoln Exchange Building 1800 Seneca, Suite 400 Kansas City, Missouri 64112 Tel: (816) 251-7234 Fax: (816) 251-2844 eweb1
---	---

DATE	8/30/00
PROJECT NO.	02700
DRG. BY	03700P
DESIGNED BY	LAY
DRAWN BY	GRI
CHECKED BY	AKH
SHEET NO.	
1	OF 1
SHEET	

"PRELIMINARY PLAT"

