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APR 23 2018

City County Planning Office
Lawrence, Kansas

April 23, 2018

City of Lawrence
Planning and Development Services

Re: SUP-18-00076 Bishop Seabury Academy

I represent Wimbledon Terrace Townhome Association and the 23 unit townhomes on the property adjoining Bishop Seabury's west property line. We have a private drive and private green space and landscaping on our property (4301 Wimbledon Terrace)

As a part of this expansion we would like to request Bishop Seabury install a barrier/wood fence on the west property line to separate the properties. We already have a wood fence along Clinton Parkway on our property to help cut down foot traffic across our property and also noise from 23rd street. A solid fence on the Bishop Seabury west property line would offer a sound barrier and hopefully prevent foot traffic across our property. In the past we have experienced recurring problems with students cutting across our private green spaces to get to the school rather than using the public sidewalks. In some areas it was so bad a foot path was actually cut in the lawn. There have also been times when the students were playing outside and came over west of the tree line and were playing on our property. A solid fence would alleviate this foot traffic on our property. We also have a lot of senior residents/drivers. We do not want the liability concerns of students on our property.

It is our understanding (from city aerial views) the cedar trees are on the Bishop Seabury property. I would also like to point out these need treatment for bagworms and would also like to request during their excavation that the thorny trees and shrubs on their property be removed. They are near our property and constanting putting out thorny feeders.

Your consideration of these factors is greatly appreciated. The fence is essential in eliminating the walking through our private property. Without it the students will continue to cut through and with the expansion this will only become a greater problem.

I am unable to attend the meeting due to other conflicts. Please share and consider our concerns. This letter was provided prior to 10 a.m. to be considered as an official comment.

Sincerely,

Janice Rake

Janice Rake (unit 3A)
President, Wimbledon Terrace Townhome Association
620-473-0646 janicrerake@gmail.com

April 20, 2018

RE: Special Use Permit Bishop Seabury Academy

Hello Bishop Seabury

I have lived in the west building of the Wimbledon townhomes next to the tennis courts for over 25 years. We have always enjoyed having Bishop Seabury Academy as our neighbors. Aside from adding to the educational service, culture and character of Lawrence, Bishop Seabury's students and faculty have been courteous and respectful of their residential neighbors.

We recently learned that you plan to expand and renovate your property. It seems that much of the expansion will enhance your property and its appearance to the neighbors. Part of your plan mentions that you will replace the tennis courts with landscaping and plantings.
In this aspect of the renovation, there are a couple of issues that residents of the west Wimbledon building wish to raise.

1. We are not sure of the exact property lines but the plantings of the row of juniper shrubs along the south side of the west building. This planting occurred many years ago when Alvamar owned the property. We would like these shrubs to remain in place. We will continue to trim and maintain these juniper shrubs.

2. If possible, we would prefer that the construction time is optimized so that their is minimal time between when the demolition occurs and the new construction is completed.

Again thank you for being excellent neighbors.

Sincerely,

Ron Aust
4221 Wimbledon Drive

To: Sandra Day, City/County Planner

Lawrence-Douglas County Metropolitan Planning Commission
From: Tom Cotte', Unit Owner Wimbledon Townhomes Association
Re: **Bishop Seabury Academy's Application for a *Special Use Permit,*** SUP-18-00076, April 23, 2018
Date: April 19, 1018

Wimbledon Townhomes Association (**WTA**) consists of two six-unit buildings plus a six-stall garage structure, built in the 1980s on 4 acres. Bishop Seabury Academy's (**BSA**) north boundary parallels WTA's south border, about 615 feet. At any one-time, only 15 people occupy these twelve residences: two thirds are retired; 4 working; no less than three occupants are near or 80+ years old. The southern side of the WTA buildings have small back yards and are seriously exposed: All twelve units have medium or large patios, some with two sets of sliding glass doors; eight homes have balconies, each with double sliding doors; and six apartment master bedrooms which have doors leading to some of the patios. Presently, the existing Seabury structures and tennis courts shield our property from Clinton Parkway and people traffic. Generally speaking, in contrast to Seabury's improvement plan, WTA's southern exposure of the Academy looks like the rear yard of a large residence, i.e., the swimming pool, tennis courts, scattered green spaces, etc.

We appreciate our relationship with Bishop Seabury Academy: They have been a good neighbor and cognizant of our interests. Also, we extend a huge thanks to Sandra Day for her efforts in quickly responding to our members' requests and providing helpful suggestions to expeditiously process our appeal to the Commission.

WTA has several CONCERNS regarding Seabury's new project:

1. SCHEDULING OF EXCAVATION AND CONSTRUCTION; OTHER RELEVANT MATTERS: We understand the building process will occur during the off-school months into the latter half of 2019. We ask: What will be the condition and appearance of the grounds during the interim periods between excavation and construction? Furthermore, what effect will the excavation activity and equipment have on the integrity of the 8" sanitary sewer pipe in the easement shared with Seabury? Reportedly, the funding campaign to finance the project may not be fulfilled (Chad Lawhorn, *Lawrence Journal-World,* April 15, 2018). What delay, if any, will this cause for commencing and completing Phase I? . . . not to mention the continuing inconvenience and discomfort to our town-home owners?

2. DRAINAGE:

Water drains not only along our southern (Seabury's northern) border but also from the west on and through our front lawns toward the eastern channel. Add the water coming off the golf course and this culvert can quickly become flooded with or without the catch basin immediately south of the street bridge. Query: What effect on the drainage situation with emphasis on the reshaping of ground on the west resulting from the tennis courts? What assurance do we have that our property can avoid flooding in the event of long, hard rains?

3. SANITARY SEWER PIPES:

According to Lawrence Engineering and Utility Departments (Chris Rice and Cody Weber commissioned CCTV camera run), the City 's 8" line in the easement behind the east building is the City's responsibility to maintain. Of note however is that the pipe is a mere twenty feet (+ or-) from the pool which is scheduled to be removed and filled with earth. The sewer line in the easement south of the west building is only 4" in diameter was installed 40 years ago and owned and maintained by WTA. Here we are questioning the effect of movement, compacting and terracing of dirt and possible disturbance of WTA's sewer systems.

4. APPEARANCE OF THE NEW COMPLEX FROM WTA'S VIEWPOINT:

Presently, the location of the existing buildings and tennis courts forms a barrier on Seabury's land between Clinton Parkway and WTA. Following the destruction of specified structures and the removal of the tennis courts and finish grading, the question arises as to the appearance of the in-process condition during and following completion of Phase I, which we understand will continue for one and a half years (?) from start to finish of the project. Examples: will the resulting open space created by removal of the tennis courts on the west between the highway and WTA be partially or totally secured in order to prevent open passage to our property from the north and south? The distance between the eastern town-home patios and the northern side of the new building is approximately fifty feet. Can the rear exposure of the new structure be somewhat concealed so as to detract from the strip mall appearance on SBA's north side?

5. EFFECT ON VALUE:

Discussions with three local longtime, seasoned Realtors produced consensus that a decrease in value of Wimbledon Townhomes is inevitable. This condition will occur during the long construction period and for an un-measurable time thereafter.

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RECOMMENDATIONS:

1. Furnish a current schedule to a representative of WTA (or Tom Cotte', tkc1936@hotmail.com) of the construction process and provide periodic up-dates of any changes.
2. Shield the rear (north side) of the new building with fast-growing trees which will eventually grow into each other to a height of 12-15'.
3. Furnish a detailed plan of the proposed drainage system on BSA's northern border.
4. Furnish a suitable fence or other effective barrier on BSA's northern side which effectively prevents persons from crossing onto WTA grounds from as far south as Clinton Parkway.
5. Present landscaping treatments during non-construction periods.
6. Submit security/lighting plans for buildings and grounds.

Thank you for your consideration.

Tom Cotte'
4215 Wimbledon Dr.
Lawrence, KS 66047
620-481-0756

Sandra,

Thank you for visiting with me and explaining some of the things the city planners are doing in preparation for the commission meeting as they consider the approval of the Bishop Seabury special use permit. Bishop Seabury has been a good neighbor; however, I do have some concerns that merit consideration to mediate some of the issues that may arise both before, during, and after the construction of the new building. In this letter, I will discuss two issues I think should be reviewed as you prepare for the meeting: the sewer line / ground water drainage and the landscaping on the north side of the new building.

Sewer line / ground water drainage: After our discussion I walked the grounds on the south and east sides of the Wimbledon Townhomes Association (WTA). As we discussed, it is unknown where the school ties into the city sewer line and I saw no indication where that might be. I did discover what I believe is a ground water drain that captures ground water about 6 feet east of the western manhole. Based on the drawings we reviewed, I believe the drain is inside the city easement, but over or very close to WTA property. I spoke with several WTA owners and no one knows anything about this drain. If the school has a ground water drainage system in that area, I could not see where it drains into the stream on the east side of the property and I think it would be unusual if the ground water were draining into the current sewer line.

As I walked along the stream bed on the east side of WTA looking for any indication of a ground water drain from the school, I discovered an underground drain that begins on the south side of the Wimbledon Drive bridge that allows the normal water flow from the golf course area north of the road to be piped underground for about 100 yards along the northeast corner of the WTA property and exits through what appears to be about a 14" pipe downstream between the homes and school property. During normal flow, there are no issues, but after a heavy snow fall or rain storm the flow exceeds the drainage pipes capacity and the WTA gets a significant amount of ground water in the stream bed that erodes WTA property. As you look at the water flow in the area, I would recommend you consider whether or not the current diversion of the stream flow through the existing pipe is adequate to protect WTA property and consider where the school will connect its proposed ground water drainage system that rings the new building and projected future expansion on the west and north sides of the proposed building sites.

I am also concerned about the sewer line that runs in the easement area between the WTA and the new school building. I recently got a note from Tom Cotte' who had met with the Lawrence Utility and Engineering Departments. To discuss the sewer line position and condition. He said they had followed up on your request and had run a camera through the sewer line. I appreciate your quick action to determine its condition. Additionally, the city engineer, Chris Wice, said the city would maintain the 8" sewer line that they believed is buried 6 – 8' feet deep. The WTA really appreciates the city's agreement to maintain the 8" line.

Given our clay-based soil that expands and contracts depending on moisture content and how close the building will be to the property line, I am concerned that the heavy equipment

required to remove the pool and the tennis courts, as well as haul in and compact the dirt for the building's foundation could damage the line. While I understand from your note that "any damage to the line resulting from construction – that would be the responsibility of the developer/contractor," if it were to be damaged, the impact on WTA would be significant because it is likely that the damage would not be known until the line back-up.

Landscaping on the north side of the new building: I appreciate you taking time to explain how the city views the requirements for the distance between a building and the property line and the density of the landscaping between single-family homes and multi-use buildings (apartment buildings, townhomes, condominiums, etc.). You explained that there is a significant difference in the landscaping density requirements between single-family homes and multi-use buildings. While I understand that currently the city considers connected condominiums and townhomes in the same category as commercial apartment complexes, I do not believe that decision is in line with the city's current **mission**, "We are committed to providing excellent City services that enhance the quality of life for the Lawrence Community," and one of the city's **critical success factors** "Safe, Healthy and Welcoming Neighborhoods - All people in Lawrence live in neighborhoods that provide opportunities to lead a healthy lifestyle through good neighborhood design with access to safe and affordable housing and other services that help them meet their basic needs. The diverse and unique features of our neighborhoods are celebrated, creating a stronger community as a whole."

I recommend the city reconsider its decision to treat the single-family home owners whose walls happen to be connected (condominiums and townhomes) as they do the tenant occupied commercial apartment complexes. Given the dramatic difference in owner and tenant life styles and the neighborhoods where they are generally located, I question if it is consistent with the city's mission and critical success factors in view of the very different perspectives between tenants of commercial apartments and the owners of condominiums and townhouses.

The WTA is very different than a commercial apartment complex where tenants constantly transition through rental units without any vested interest in maintaining the building or the aesthetics of the property. The WTA owners are single-family home owners who live in their homes for many years and are vested in maintaining the building and the aesthetics around the building. Our owners enjoy spending time on their porches with family and friends just like the other single-family homes owners along Wimbledon Drive. The only real difference between single-family home owners and WTA owners is that we have connected walls and we work together to reduce the workload on an individual owner for the maintenance of their individual home. I do believe that the landscaping between the new building and our homes should be more closely in line with that of a single-family home than a commercial apartment complex. In short, it should provide privacy and enhance the view from the WTA owner's porches and not just look like the back of a commercial shopping center with a few windows and doors.

Thanks again for taking time to help me understand a few of the many aspects the city is considering as it reviews this special use permit prior to the commission meeting. I hope you have a good trip next week and I am sorry you will not be at the commission meeting, you have

a wealth of information and I really appreciated how you explained the issues as you considered both the cities, the developer and the WTA perspectives.

Respectfully,

Bob Banning
4211 Wimbledon Dr.
785 979-8038

From: Mary Curtis [mailto:mary@drckansas.org]
Sent: Tuesday, April 17, 2018 4:17 PM
To: Sandra Day <sday@lawrenceks.org>
Cc: terrij719 <josar2x2@aol.com>; tom <tkc1936@hotmail.com>
Subject: "Special Use Permit', Bishop Seabury Academy, Meeting April 23rd, 2018

Ms. Sandra Day
Planning Commission

Dear Ms. Day:

After meeting with some of the homeowners from the Wimbledon Townhomes Homeowner Association about the proposed construction at Bishop Seabury Academy, I would like to share some concerns that were voiced at the meeting. They are as follows:

1) We are, of course, concerned about noise and debris during the construction phase, because it is taking place in our "back yard." We would like assurances that work on the project will be limited to weekdays and to reasonable hours, and that every effort will be made to minimize the disruption to the neighbors.
2) We are worried because neighbors, including children, already use the area around the tennis courts to walk their dogs, to play, and to travel back and forth to the school and to 23rd Street. We are concerned that during the construction phase there will be even more traffic through our property, and that neighbors (and especially their children) will have access to and be attracted to the construction area. We would like assurances that during the construction phase there will be adequate fencing to prevent foot traffic through our property and use by neighbors of those potentially dangerous areas where the construction is taking place.
3) We are concerned that the project will produce an unsightly view from our townhomes. We would like assurances that the completed project will include landscaping to create a visual barrier between our homes and the new buildings. This is our "back yard," and the finished project should present a pleasant view from our patios and windows. We are aware that the current plans include extensive landscaping along the north side of the Bishop Seabury property, and we would like the school to commit to actually installing the landscaping and to maintaining it.

Thank you for passing along our concerns. I am planning to be at the meeting on Monday, and would like to address the commissioners.

Mary Curtis
4219 Wimbledon Drive
Lawrence, KS 66047
(785)841-5378
mary@drckansas.org

From: terrij719 [mailto:josar2x2@aol.com]
Sent: Saturday, April 14, 2018 4:09 PM
To: Sandra Day <sday@lawrenceks.org>; tom <tkc1936@hotmail.com>
Subject: Re: Bishop Seabury project

Dear Sandra,

I am writing regarding the upcoming special use permit that Bishop Seabury Academy is asking for regarding the upcoming expansion. First I want you to know that Bishop Seabury has been a great neighbor and invited the neighborhood to a meeting to explain their project. I attended the meeting and was thankful for the opportunity to see and ask questions. I walked outside after the presentation and talked with the architect. I shared with them my concern regarding the draining and how the water flows, especially during rainy times. The creek space by my unit fills up very quickly and the water runs quickly through the properties. Not only does the water run rapid, the water level raises up onto our property as well up the banks on the opposing side. I want to share my concerns with you as well as I am unable to attend the meeting on April 23rd. I understand the upcoming expansion but want all stakeholders to be aware of the drainage concerns when there is a lot of snow or rain. Thank you for your time to read my concern. Please let me know if you have any further questions.

Terri Johnson
4205 Wimbledon Drive
Lawrence, KS 66047
785-760-4131

From: Tom Kluge [mailto:tijkluge@gmail.com]
Sent: Tuesday, April 17, 2018 7:50 PM
To: Sandra Day <sday@lawrenceks.org>; tkc1936 <tkc1936@hotmail.com>
Subject: Bishop Seabury Academy Special Use Permit

Sandra,
I'm writing to express some concerns about the Bishop Seabury Academy renovation project that they are embarking upon. First let me say that they are a very good neighbor to the Wimbledon Town Home association. They invited all of us to a meeting at which they explained what they were planning to do complete with drawings and a detailed explanation by the architect. We appreciated that very much. Nonetheless, I have concerns about the results of what they are planning.
The four tennis courts they have are going to be removed which is a good thing as they are old, cracked, not maintained, and an eyesore. My concern is the drainage that will result from them removing the courts. There is a definite slope to what will remain and I'm not sure the runoff can be handled by the drainage that is now available. I'm also concerned about how they will landscape the bare ground that will remain. I do not recall them mentioning putting in a fence that will separate our properties once the project is complete either. I think aesthetically that would be a good idea.
Along with the drainage issue I'm concerned about the Association's sewer line that borders the property. With all the heavy equipment that will be used during construction the possibility of it being run over and damaged is very good. If it is damaged that could be a major expense and headache for the Association.
I'm very much in favor of the Academy expanding because they are a top notch institution. However, I am asking the Commission to take into consideration the Association's concerns as well so the two entities can continue to live in peace and harmony.

Tom Kluge
4223 Wimbledon Drive
Lawrence KS 66047
316-734-6168