

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

January 6, 2012

Mr. Aron E. Cromwell, Mayor
Members of the Lawrence City Commission
City Hall
Lawrence, Kansas 66044

RECEIVED
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CITY MANAGERS OFFICE
LAWRENCE, KS

RE: REGULAR AGENDA ITEM NO. 2: TA 8-12-11, HEIGHT RESTRICTIONS ON NON-RS DIST.

Dear Mayor Cromwell and Lawrence City Commissioners:

As you have probably noted, the Lawrence-Douglas County League of Women Voters has sent several letters on this issue to the Planning Commission. We appreciate that the Planning Commission adopted some of our requests.

However, our main concern has been that the most effective protection for single family neighborhoods in our current unmodified Land Development Code has been the provision in Section 20-602(h)(2)(i) and (ii) that requires the height of any non-RS district building to be not greater than that of any adjacent RS building or to be separated from the lot line by a distance equal to the height of the non-RS building. That means, for example, that a 45-foot tall building would have to be a minimum of 45 feet from the lot line that is adjacent to an RS district. A non-RS building the same height as its adjacent single family home would be considered less invasive, and would be allowed the standard yard dimension.

When the new Land Development Code was being written, most of our apartments were three stories with balconies, and when adjacent to single family districts had caused formerly stable owner-occupied areas to become rental. Because of the lack of predictability in the development of conventional multiple-family districts in our previous code, we had contacted a member of the Department of Urban Planning at KU, Professor Cliff Ellis, for help in how to alleviate the problems. We had suggested heavy screening. His reply was that screening, for various reasons, was less than effective. The following was his suggestion:

"As we discussed, the genesis of the problem is the placing of the land uses in such close proximity. Using New Urbanist principles, there would be a more gradual transition from apartment buildings to single family homes (a "density gradient"), not an abrupt transition across a property line. The land use pattern is forcing you to use berms, fences, and landscaping to erect a visual wall between land uses that shouldn't be so close together to begin with." [emphasis added]

Professor Ellis included several examples of how mixed use developments could be arranged to be more compatible. We have included as an attachment one of his illustrations of how this "density gradient" has been used by one notable architectural team.

We are requesting two things: (1) do not remove Section 20-602(h)(2)(i) and (ii) from our Land Development Code; and (2) require a density gradient that deals with gradual height increases from the lower to the higher residential densities or non-residential use when single family development is adjacent to a proposed non-single family development. The second request would require study and rewriting certain areas in the code but would remedy a long-needed and very serious problem with our Lawrence development practices.

Sincerely yours,

Milton Scott
Vice President

Alan Black
Alan Black, Chairman
Land Use Committee

Attachment

ATTACHMENT

USE OF A "STEP-DOWN" BUILDING DESIGN, ALONG WITH AN ALLEY (AND SOME LANDSCAPING), TO IMPROVE THE COMPATIBILITY OF AN APARTMENT BUILDING AND SINGLE FAMILY HOUSES.

High density
apartments



Single family
dwellings

This is the shoreline for the village of Lakeside in Texas by DPZ (1995). The six story apartment buildings step down to join the scale of the first adjacent house in the residential street behind. The adjustment of the scale is not the only tool available; the shared syntax of windows and walls and pitched roofs helps significantly in integrating smaller and larger buildings. *(Paraphrase from text)*

Source: Duany, Andres, Elizabeth Plater-Zyberk, and Robert Alminana. 2003. *The New Civic Art: Elements of Town Planning*. New York: Rizzoli.

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

October 23, 2011

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



RE. ITEM NO.2: TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT, CHP 20; DEVELOPMENT ADJACENT TO RESIDENTIAL DISTRICTS (MJL)

Dear Chairman Hird and Planning Commissioners:

We are again presenting you our letter that we sent to you in September, Appendix A, with some additional comments.

We note that one of our requests, that of separating into two columns the RM12 and RM12D Districts in Section 20-601, the Density and Dimensional Standards tables, was responded to positively by staff. We thank you very much.

However, we must repeat our request to not remove Section 20-602(h)(2). We have given you our reasons in our previous letter sent to you in September. We would like to add that it is extremely important to separate tall buildings from single family dwellings as far a possible. This can be justified on the basis of health and safety as well as privacy. When buildings are too close they block sunlight, air and breezes, as well as pose potential fire hazards. Setting a uniform standard of only 25 feet between a lot line and a 45-foot building is much too close to a single family dwelling!

One of the major problems that we have with multiple family developments in Lawrence is their unpredictability. The only distinction between conventional multiple family districts is their density. There is no predictability in bulk, building type, or any other feature outside of the maximum permitted heights. This makes planning their integration into a neighborhood development based on the graduated bulk and height sequence suggested by Cliff Ellis impossible here unless the development goes to a Planned Development Overlay approach.

We ask that you rethink this text amendment, approve the above proposed change to the RM12 and RM12D, and leave in, at the very least, the Section 20-602(h)(2) that requires the adjacent non-RS building to be the same distance from the lot line as its height when adjacent to an RS dwelling.

Thank you for listening.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Caleb Morse".

Caleb Morse
Board Member and Secretary

A handwritten signature in black ink, appearing to read "Alan Black".

Alan Black, Chairman
Land Use Committee

Attachment: Appendix A

APPENDIX A

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

September 25, 2011

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

RE. ITEM NO. 6: TEXT AMENDMENT TA-8-12-11 TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20 (MJL)

Dear Chairman Hird and Planning Commissioners:

We urgently request that you not approve Text Amendment TA-8-12-11 to our Lawrence Land Development Code as it is now proposed. We request that you consider three changes to this TA.

- (1) that you leave in our Code Section 20-602(h) as it is presently written. This provision requires that a non-RS building adjacent to an RS building either be the same height as the RS building or the non-RS building shall be set back from the lot line the distance of its own height.
- (2) that you initiate a change to Table 20-601(a) with a text amendment that separates the RM12D (duplex) District from the RM12 (general multiple family) District and gives the RM12D (duplex) District its own column and places the RM12 District where it belongs with the other general multiple family districts in its own separate table. It should have the general multiple family height and setback restrictions—the same required setbacks as the other general RM districts, since there is no distinction between the RM12 District and other general RM Districts except density.
- (3) if you do not follow our above two requests, then we ask that you make the provisions of Sections 20-1101(a) through (c) mandatory. This is the only article and sections that provide protections to single-family areas. These sections are now only permissive and apparently have never been used since their adoption.

We ask for these changes for the following reason:

One of our most important League positions on Environmental Quality and Land Use since the 1970s has been the support of good neighborhood planning, with the goal of creating strong, viable and stable neighborhoods. Over the years it has been shown that thriving cities have stable, vibrant neighborhoods. What creates the environment for this has been the same as for any economic investment: the predictability of a present and future compatible, supportive environment. When land uses such as out-of scale buildings, apartments and other incompatible uses are foisted on neighborhoods inappropriately, even at the edges, it has a deteriorating effect that spreads. Single-family homes become rental properties. Landlords of these houses don't have the same incentives for good maintenance as their former owner-occupants had. Neighborhoods deteriorate. As neighborhoods go, cities deteriorate. We can't afford to let this happen. We must provide the land use and regulatory protections needed for stable neighborhoods and high percentages of owner-occupied housing.

We also suggest that this would be the time to review our current land use policies and regulations involving neighborhoods. We believe that our planners have misinterpreted the principles of "smart growth." Some of our newest areas are so poorly planned that they provide no areas where people looking for single-family homes in stable neighborhoods can go. We would like to review these issues with you.

Again, we ask that you seriously consider our three requests.

Sincerely yours,

Kay Hale
President

Alan Black, Chairman
Land Use Committee

East Lawrence Neighborhood Association

P.O. Box 442393
Lawrence, KS 66044
eastlawrence@yahoo.com



September 26, 2011

Planning Commission
City Hall
6 E. 6th Street
Lawrence, KS 66044

Dear Commission Members,

The East Lawrence Neighborhood Association would like to show our support for item #6 of the September 26th agenda. The tables lay out Density and Dimensional Standards especially concerning setbacks and height. The Planning Department has done a good job of clarifying and simplifying the tables to make it easier for all citizens to understand the rules and we appreciate that.

However, we are aware that LAN President Gwen Klingenberg has some further text changes she would like included and we support her changes. We feel that these further changes would go farther to help to preserve the property rights and property values in our neighborhood, and also ensure the integrity and historic identity of the East Lawrence area. Our neighborhood is on the upswing in community building and neighborhood pride, and we appreciate clear and fair standards to work with.

Sincerely,

Leslie Soden, President
East Lawrence Neighborhood Association

Dear Chairperson and Commissioners:

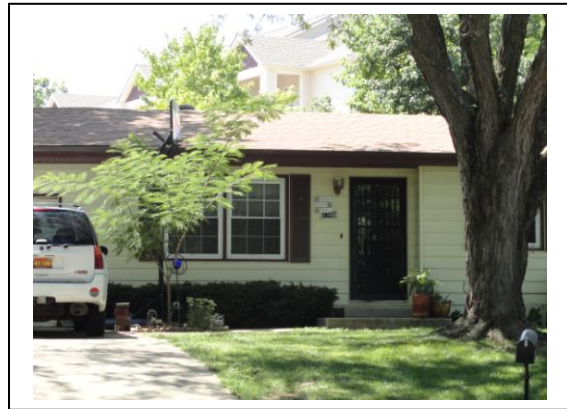
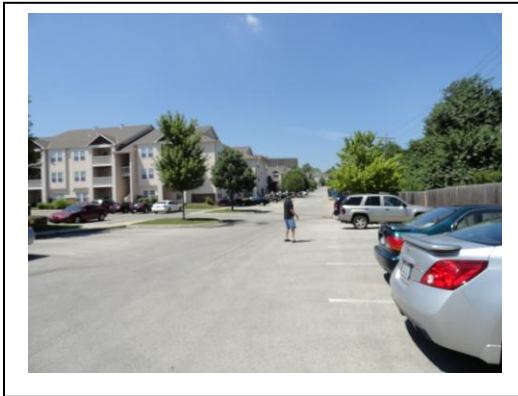
One of two decisions need to be made on the placement of certainty for neighborhoods which would be to retain 20-602 with some adjustments for the added standards to the table or create strong language in Art. 11 which would continue requiring protections presently in place and not downgrade our neighborhoods and that the RM12 and RMD be separated.

The backbone of any community is its neighborhoods. Not retail or apartments or even businesses that do not pay their employees enough to live in the community they work in. A community grows from the investment homeowners make in that community. If we downgrade or allow an attitude as stated by the staff that protections of neighborhoods are “extremely burdensome” then we encourage destabilization of our neighborhoods and not only no growth, but the reversal. Once we again pull out of the financial downfall the country is facing what is it we want in Lawrence? We worry about being business unfriendly, when we should be worrying about the loss of the third most important item and the only one we as a community can control on the list that any company is looking to set up shop and that is the quality of life a community offers. “...In neighborhoods where they are unsure or uncomfortable, a gem of a house for a great price is not worth it to them, as the perceptions of the surroundings of that home is negative.” (Spilchak. T. n.d.).

Devaluing our neighborhoods deteriorates a community and the if a community has a perception of negative surroundings then no one wants to buy there. We as a community should be concerned about being family unfriendly. When an office, apartment, retail or even industrial districts are built first a homeowner may choose to live near them knowing what they are getting into. When the neighborhoods is built first then the only choice a homeowner has is to move if they do not want to live by what it being built and they feel forced out of their home they have been known to move out of town.

In several neighborhoods in this community there were stable neighborhoods with owner/occupied houses and in each case where a tall development was later built those houses along the perimeter next to the tall buildings are now rental properties. The apartments on Stuart and Comet Lane for example. The apartments on Stuart have a double parking lot with a roadway between the parking lots and a nice grassy area before the buildings and now the

owner/occupied ranch houses are now rental property where the renters even state that if the apartment buildings were any closer they would not have rented there.



Apartments on Stuart and one of the house that was owner/occupied and is now rental. Speaking with the owner after the apartments were first built and recently after she put it up as rental property. The houses on the end of the cul-de-sac our now rental. Not just this house.

Communities throughout the country are pushing smart growth while we have set aside a chapter to explicitly deal with smart growth instead of incorporating smart growth practices. Even the president of National Association of Realtors Ron Phipps supports strong neighborhoods and the NRA website states 56% of Americans prefer smart growth neighborhoods stated,

“The survey also found that community characteristics are very important to most people. When considering a home purchase, 88 percent of respondents placed more value on the quality of the neighborhood than the size of the home,....”
(Wardlaw, M. April, 2011).

There is an attached paper by Cliff Ellis which demonstrates why this practice is done throughout the country and in thriving communities do not believe that it is “extremely burdensome” on any development whether it is RM or any nonresidential district.

At the City Commission meeting it was stated that one reason it was decided to split this discussion with the PD overlay was because this discussion had farther reaching affects throughout Lawrence and it was suggested we take a look at our residential protections. That should include Art. 11 which if the section 20-602 h is completely removed neighborhoods no longer have a requirement of protections only a “may”.

By removing

(2) Height Limit on Projects Adjoining Certain Residential Zoning Districts

(i) Applicability

The Height limitations set out in this Section shall apply to any Building constructed in a non-RS Zoning District on a Parcel adjoining, or separated only by an Alley or a Public Street from, a Parcel of land in any RS Zoning District, except that this limit shall not apply to any Building constructed in the CD Zoning District.

(ii) Height Limit Related to Setback

Any Building or Structure to which this Section is applicable shall be set back from the Yard line adjoining the RS Zoning District by the minimum Setback established in Section 20-601 when the Building or Structure is the same or lesser Height than the Building or Structure on the adjoining RS Lot. When the Height of the Building or Structure exceeds the Height of the Building or Structure on the adjoining RS Lot, the minimum Setback for the non-RS zoned property shall be equal to the Building's Height.

we lose the only requirement or certainty that setback buildings would not impede light, sight and privacy to family homes and would allow buildings the size of the apartments on Stuart to be built as close as 25ft from someone's backyard or worse someone's side yard. If a house has a 5 ft setback on the side yard and if for some reason a three story apartment were to be built next to the side yard a 21 ft building would be over shadowed by a three story building only 25 ft from the yard. **If the apartments were in a RM12 district they could be built 10 ft from a house.** The perception and reality is the loss of security, safety, and privacy.

The staff's wish to put in the tables some black and white standards that support requiring protections for residential districts with the understanding that the development community gravitates to the tables and not the text is appreciated. The staff trying to get everyone on board with the same understanding in hopes to prevent the continued disagreements between those who wish to build next to those who have already invested is also appreciated.

The changes in the tables are a great start. But we have not dealt with how we are going to protect neighborhoods if we remove certainty for a "may". That certainly being 20-602 h for the "may" in Art. 11

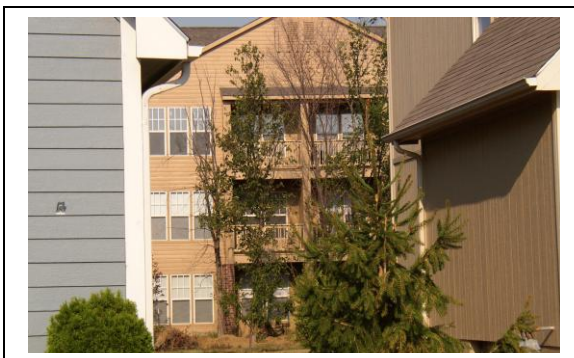
(a) Design and Operational Compatibility Standards—Discretionary Approvals

As a condition of approval of any Special Use Permit, Map Amendment, site plan or other discretionary approval of any **multi-Family use or nonresidential** use located within 500 feet of any less intensive residential district, the City Commission, **Planning Director**, **Planning Commission** or other review body **may impose conditions** that exceed the minimum requirements of this Chapter and that, in the opinion of the review body, are necessary to reduce or minimize any potentially adverse impacts on residential property, including, but not necessarily limited to, the following:

- (1) location on a site of activities that generate potential adverse impacts on adjacent uses, such as noises and glare;
- (2) placement and buffering of trash receptacles;
- (3) location of loading and delivery areas;
- (4) lighting location, intensity, and hours of illumination;
- (5) placement and illumination of outdoor vending machines, telephones, and similar outdoor services and activities;
- (6) additional **Landscaping** and buffering;
- (7) **Height restrictions** to preserve light and privacy and views of significant features as viewed from public property and rights-of-way;
- (8) preservation of natural lighting and solar **Access**;
- (9) ventilation and control of odors and fumes; and
- (10) paving or other surface treatment for dust control.

The standards in the table might also be enough to offset the need to equal the house size mentioned in 20-602 h to using the district height size.

When working through this discussion bufferyards were mentioned as an important part of privacy, but bufferyards do not immediately create privacy as in the case of Canyon Court. When visiting Joseph Dr. there were a few trees and now the property owners had to put in more trees and fencing at the homeowners' expense.

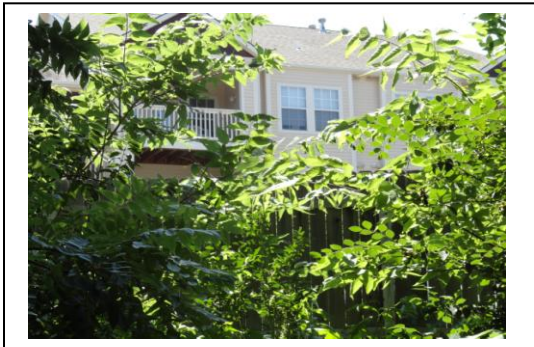


Canyon Court shortly after being built.



Do we truly support forcing homeowners to finance further privacy items and then make them decide they must put the property up for rental since they lost their sense of privacy, safety and security?

The second picture in this document also had a buffer yard or a no man's land between two fences:



Bufferyards are nice, but do NOT provide privacy especially at the beginning.

One of the reasons the code is more explicit in today's code is the older code had complaints of uncertainty for the development community. This alleviated the lack of specifics. Since there is no way to predict the building type and size in a various districts that will be next door to a house or block or even several blocks of houses it was easier to create the certainty that any building next to single family homes did not impede the privacy, safety and security either in

sense or reality. We lose that sense and reality if we remove 20-602 h altogether and do not find somewhere equally set in the codes.

Also, for some reason we believe that RM12 and RMD should be under the same standards and there is a picture below of RM1 (RM12 today) being three story buildings with balconies. The reason for the RMD is its use as a buffer building type and tends to be no more than two stories tall and two units and the RM12 is not and they should not be put under one category with the same standards since their use is not the same.



At the time this was built it was built as RM1 which according to the table on page 11 of our new development codes is now called RM12. If you will note the building is the same as the other buildings I have been presenting. Why would we not also provide the same setbacks for RM12 as we do the other RM districts?

Jefferson Commons on 2511 W 31st.

This building under the draft table could be set only 5 ft from one's yard or 10 ft total from bedroom windows.

After the residential protections subject is approved our neighborhoods should continue to thrive and be stable by continuing the protections that provide certainty of safety, security and privacy for homeowners who invest in Lawrence. We have RM districts that have clearly followed the step approach in Lawrence and so it is not "extremely burdensome" to build appropriately for continued stable neighborhoods.

That is why we need to either leave 20-602 in Art.6 with some variation that supports the added setback in the tables or add stronger language in Art. 11 and we need to separate RM12 from RMD since RM12 allows the same building sizes as the other RM districts and RMD is a smaller single family sized building type use as a buffer unit between taller buildings and single family building.

The very basis for community is for people to live together for our mutual benefit. Neighborhoods do not come to business, business comes to neighborhoods. Unstable neighborhoods lose business.

References

- Spilchak, T., Point2 Education Coordinator (n.d.). I love this place: the importance of neighborhoods in home purchases. Point2Agent.
http://www.point2agenteducation.com/z_-_The_Importance_of_Neighborhoods/page_2158633.html
- Wardlaw, M. (April, 2011). NAR study finds americans prefer smart growth communities. National Association of Realtors.
http://www.realtor.org/press_room/news_releases/2011/04/smart_growth

PRIVACY PERFORMANCE STANDARD BETWEEN INCOMPATIBLE USES

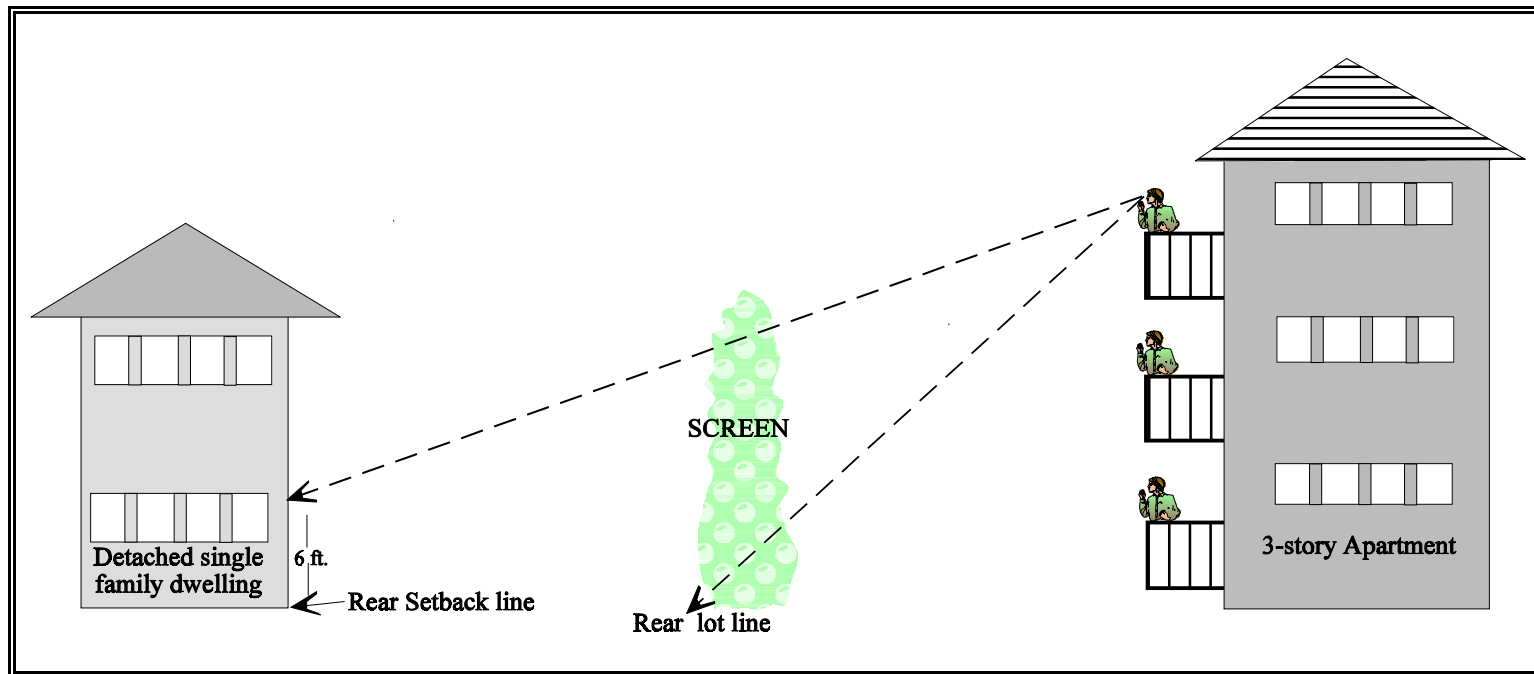


Figure 1. This is a suggestion for a performance standard where an apartment or apartments with rear balconies are planned to be built adjacent and to the rear of existing or planned single family dwellings. The dotted lines are sight lines that start six feet from the topmost balcony floor measured from its outer edge, and cover the back yard area and first floor level of the single family dwelling. The developer has a choice of providing his own method for completely interrupting the highest sight line from the ground level up to at least one foot above it for the length of the apartment rear lot line. Please note that rear balconies facing onto side lot lines of single family areas pose a similar problem with a different geometry.

The screening choices have to be listed, and would include providing for an immediate and complete view-interrupting screen of evergreen vegetation and trees, or a berm and fence of the same dimension, (a berm alone wouldn't be sufficient), or building lower profile residential buildings such as two-story duplexes, townhomes, or other lower profile housing types between the apartment and the single family area.

Meeting the performance standard would be mandatory. The standard would apply to all proposed apartments with balconies adjacent to rear lot lines of existing or planned single family areas regardless of the height of the balcony. Using sight lines gives the developer the flexibility of increasing his yard width between the lots so the height of the screening could be lower, or building a lower profile building in between, or providing some other effective view interrupting barrier from a list provided in the ordinance. Please note the term “view interrupting barrier.” This means a completely view-impenetrable screen, not just a “view reducing” one.

SUBJECT: PERFORMANCE STANDARDS BETWEEN INCOMPATIBLE USES

On 3 Apr 2004 at 16:29, licht wrote:

- >
- > Dear Prof. Ellis:
- >
- > This is a follow-up to the telephone conversation on transitional standards between incompatible
- > uses that we need to add to our draft new code. The zoning provisions of the Land Development
- > Code have been approved by the Planning Commission and now will soon be coming before the
- > City Commission. This is a conventional district, and because of that, all design standards must
- > be written into the code. The Code does include performance standards of a sort, so this might
- > be the way to go to bolster areas where it is so inadequate.
- >
- > As you remember, our multiple family districts make no distinctions in housing types, and we
- > have no transitional district, so zoning alone is no protection between incompatible uses. We do
- > have chapters on Use Regulations and Density and Dimensional Standards, and a chapter on
- > General Development Standards that has one Section on Protection Standards for Residential
- > Districts, but these are totally inadequate and permissive, besides.
- >
- > I reviewed my copy of Anton Neleson's book, and could not find what might be applicable to our
- > need for performance standards between incompatible uses. Peter Calthorpe's approach of
- > using TODs seems a bit more like Lawrence in that he surrounds the mixed use commercial
- > centers (usually located on an arterial intersection) with a planned sequence of housing types
- > and neighborhood oriented non-residential uses, all pedestrian oriented and with transit hubs.
- > People accuse him of only supporting rail transportation, but he designs neighborhood-size bus
- > TODs, too.
- >
- > The nightmare that sent me to the drawing board was an apartment built off of Sixth Street that
- > has balconies facing directly behind two single family homes on Joseph Drive. This is only one
- > example. In the next message I will send you a picture of this. Following this, is a stab at a
- > performance standard to deal with such a situation, because potentially it has become a real
- > problem here.
- >
- > If you know of any codes that have approaches that would be similarly applicable, our Land Use
- > Committee would be most grateful to have these references. I know how busy you must be, and
- > we want to avoid imposing on your time.
- >
- > Two messages will follow with attachments. Thank you very much for your interest.
- >
- > Betty Lichtwardt
- > 2131 Terrace RD, 66049
- > 842-0547
- > licht@ku.edu
- >

Cliff Ellis, Ph.D., AICP
Assistant Professor
Graduate Program in Urban Planning
School of Architecture and Urban Design
University of Kansas
1465 Jayhawk Blvd., 317 Marvin Hall
Lawrence, KS 66045-7614

Phone: (785) 864-3129 Fax: (785) 864-5301
E-mail: cellis@ku.edu

The following section of this message contains a file attachment prepared for transmission using the Internet MIME message format. If you are using Pegasus Mail, or any other MIME-compliant system, you should be able to save it or view it from within your mailer. If you cannot, please ask your system administrator for assistance.

---- File information -----
File: IncompatibleLandUses.doc
Date: 12 Apr 2004, 12:04
Size: 1534976 bytes.
Type: Unknown

ANSWER FROM PROF. ELLIS

Dear Betty:

I finally had a little time to take a closer look at your transitional standard diagrams. I'm sure that there are many ordinances governing this type of situation around the country, but I would have to do some research to find them. Also, the American Planning Association may have some publications on this particular topic (screening and buffering adjacent land uses), but I don't have any titles off the top of my head. I wish that I had more time to help out, but this is a pretty hectic time of the semester.

Offhand, your formulation looks pretty good, if you really want to achieve full privacy for the people in the single-family homes. However, I was wondering just how tall the trees and fences would have to be in order to provide full screening from the third floor balcony. It might be advisable to run a test and see exactly how high that would be. Then, the issue is what type of tree would provide full screening all year around? Probably a tall evergreen. But what if those trees would have to be 20-30 feet tall? Would the developer of the apartment building have to import fully grown, 30 foot evergreens? (It can be done, but would be expensive). Or would he be allowed to plant trees that would (within a certain number of years) grow tall enough to provide full screening?

For the view from the third-floor balcony, I don't think that any regular fence would be tall enough to provide effective screening. There really are limits to how high a fence can go before it becomes an eyesore in itself.

As we discussed, the genesis of the problem is the placing of the land uses in such close proximity. Using New Urbanist principles, there would be a more gradual transition from apartment buildings to single-family homes (a "density gradient"), not an abrupt transition across a property line. The land use pattern is forcing you to use berms, fences, and landscaping to erect a visual wall between land uses that shouldn't be so close together to begin with* In the attachment to this message, I have provided a few schematic illustrations of how the problem is managed in New Urbanist developments. First, the progression of land uses is a gradual gradient from the center of the neighborhood to the periphery. Second, streets, alleys, and civic spaces are used to separate different land uses (e.g., a single-family block from a townhouse block), rather than berms, fences, and landscaping (although these certainly can play a role.....). Mixed uses integrated into walkable neighborhoods are a good thing, but they have to be designed properly in order to work.

In the image of the Lakeside project in Texas, there is also the use of a "step-down" configuration of the apartment building, to make it compatible with the adjacent single-family homes. Landscaping is also used. But the landscaping required to provide some screening of backyard areas is much more manageable when the apartment building steps down to a lower elevation, to match with the scale of the single-family homes.

Sorry that I can't think of any "magic bullet" documents. You could surf the Internet using Google (typing in keywords such as visual performance standards, zoning buffers, screening land uses, etc.) and see if you can turn up any model ordinances.

* Underlining has been added.

Gwen, this is the crux of our problem. We are now eliminating the band aids.

I think that the basic idea of your proposed performance standard is OK. It's hard to imagine what else could be done, given the situation that you describe. But I do wonder about exactly how high the trees would have to be to provide full screening. I think that you need to pin that down before hand. It isn't such an easy matter to create a huge, opaque wall of tall evergreens. (A landscape architect would be able to provide an estimate of cost and feasibility.) A person standing on a third-floor balcony has a very elevated view of the surrounding landscape, and it may not be so easy to provide a screen that sticks up high enough to interrupt the line of site. (Also, evergreens taper at the top, reducing their effectiveness at blocking views. Deciduous trees have full canopies at the top, but shed their leaves in the fall and may not provide the full screening that you want during the fall and winter months.)

Anyway, those are a few thoughts. I doubt that much of what I've said is particularly helpful for the fine-tuning of your particular performance standard. I don't deal with this kind of thing on a daily basis. (Do any of the staff of the Lawrence-Douglas County Planning Department have detailed experience with the writing of such performance standards?)

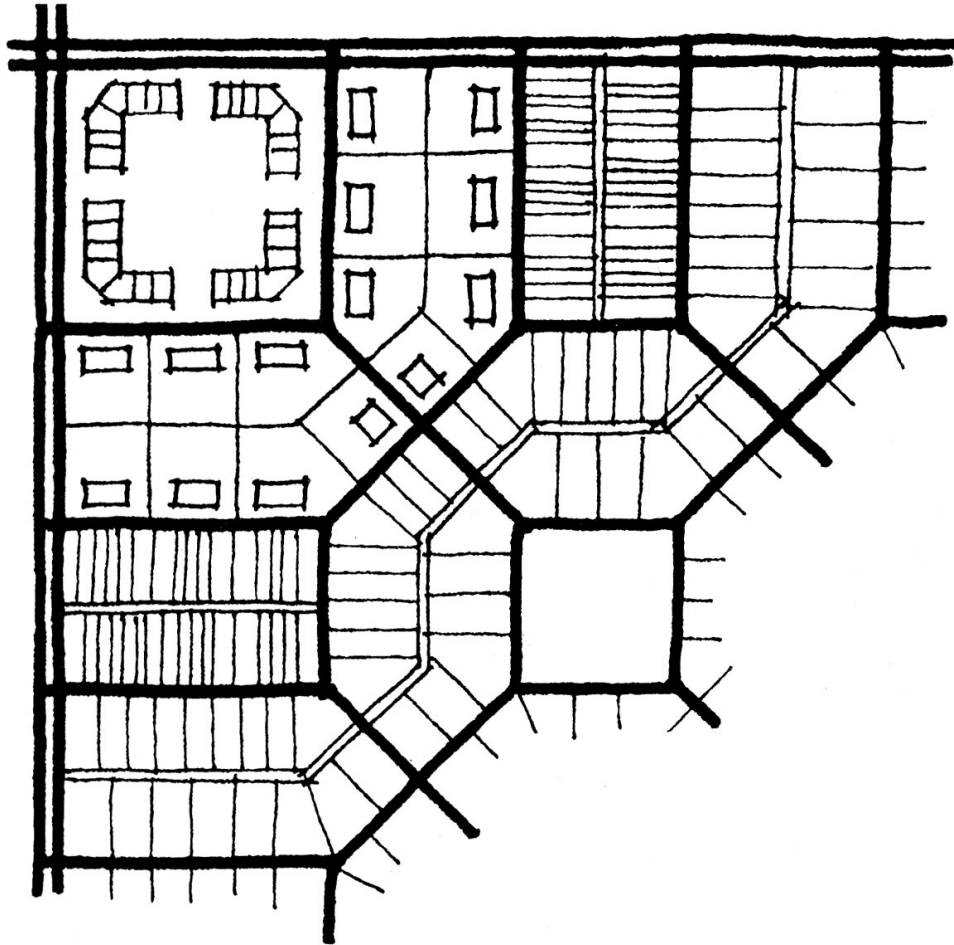
Good luck with your effort. Let me know if you have any more questions. And it would be interesting to find out how everything turns out in the end, after it is debated and a final decision is made.

Best regards,

Cliff Ellis

=====

USE OF STREETS AND ALLEYS TO SEPARATE LAND USES (WHILE STILL MAINTAINING WALKABILITY AND A NETWORK OF INTERCONNECTED STREETS)



Commercial, offices, apartments, townhouses, and medium- and low-density housing can all occur in a confined area and be served by a continuous, interconnected street network. A logical, orderly progression of land uses can coexist without having to use setbacks, landscaping, and fences extensively as blocking or transitional elements. Instead, streets and alleys serve as the transitional elements. (*Paraphrase from text*)

Source: Hall, Kenneth B., and Gerald A. Porterfield. 2001. *Community by Design: New Urbanism for Suburbs and Small Communities*. New York: McGraw-Hill.

USE OF A “STEP-DOWN” BUILDING DESIGN, ALONG WITH AN ALLEY (AND SOME LANDSCAPING), TO IMPROVE THE COMPATIBILITY OF AN APARTMENT BUILDING AND SINGLE FAMILY HOUSES.



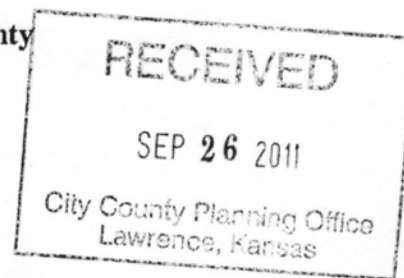
This is the waterfront for the village of Lakeside in Texas by DPZ (1995). The six story apartment buildings step down to join the scale of the first adjacent house in the residential street behind. The adjustment of the scale is not the only tool available; the shared syntax of windows and walls and pitched roofs helps significantly in integrating smaller and larger buildings. *(Paraphrase from text)*

Source: Duany, Andres, Elizabeth Plater-Zyberk, and Robert Alminana. 2003. *The New Civic Art: Elements of Town Planning*. New York: Rizzoli.

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

September 25, 2011

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



RE. ITEM NO. 6: TEXT AMENDMENT TA-8-12-11 TO CITY OF LAWRENCE DEVELOPMENT CODE; CHP 20 (MJL)

Dear Chairman Hird and Planning Commissioners:

We urgently request that you not approve Text Amendment TA-8-12-11 to our Lawrence Land Development Code as it is now proposed. We request that you consider three changes to this TA.

- (1) that you leave in our Code Section 20-602(h) as it is presently written. This provision requires that a non-RS building adjacent to an RS building either be the same height as the RS building or the non-RS building shall be set back from the lot line the distance of its own height.
- (2) that you initiate a change to Table 20-601(a) with a text amendment that separates the RM12D (duplex) District from the RM12 (general multiple family) District and gives the RM12D (duplex) District its own column and places the RM12 District where it belongs with the other general multiple family districts in its own separate column. It should have the general multiple family height and setback restrictions—the same required setbacks as the other general RM districts, since there is no distinction between the RM12 District and other general RM Districts except density.
- (3) if you do not follow our above two requests, then we ask that you make the provisions of Sections 20-1101(a) through (c) mandatory. This is the only article and sections that provide protections to single-family areas. These sections are now only permissive and apparently have never been used since their adoption.

We ask for these changes for the following reason:

One of our most important League positions on Environmental Quality and Land Use since the 1970s has been the support of good neighborhood planning, with the goal of creating strong, viable and stable neighborhoods. Over the years it has been shown that thriving cities have stable, vibrant neighborhoods. What creates the environment for this has been the same as for any economic investment: the predictability of a present and future compatible, supportive environment. When land uses such as out-of-scale buildings, apartments and other incompatible uses are foisted on neighborhoods inappropriately, even at the edges, it has a deteriorating effect that spreads. Single-family homes become rental properties. Landlords of these houses don't have the same incentives for good maintenance as their former owner-occupants had. Neighborhoods deteriorate. As neighborhoods go, cities deteriorate. We can't afford to let this happen. We must provide the land use and regulatory protections needed for stable neighborhoods and high percentages of owner-occupied housing.

We also suggest that this would be the time to review our current land use policies and regulations involving neighborhoods. We believe that our planners have misinterpreted the principles of "smart growth." Some of our newest areas are so poorly planned that they provide no areas where people looking for single-family homes in stable neighborhoods can go. We would like to review these issues with you.

Again, we ask that you seriously consider our three requests.

Sincerely yours,

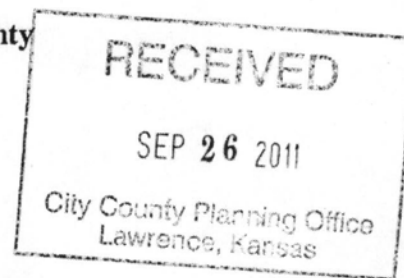
Kay Hale
Kay Hale
President

Alan Black
Alan Black, Chairman
Land Use Committee

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