

# PETEFISH

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Olin K. Petefish (1912-2001)  
Jeffrey O. Heeb (retired)

November 9, 2012

Dr. Bruce Liese, Chairman  
Lawrence Douglas County Planning Commission  
Mr. Scott McCullough  
Director, Planning & Development Services  
City of Lawrence  
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Re: Sports Village Project  
November 12, 2012 Meeting Agenda Item #2B  
Jack Graham, land owner

Dear Dr. Liese and Mr. McCullough,

As you know, we represent Jack Graham, who resides at 1685 E 1000 Road, Lawrence, Kansas 66044. Mr. Graham's residence is adjacent to the property being considered for annexation and rezoning for use as a Sports Village, which are Items 2.A and 2.B on the November 12, 2012 meeting agenda.

My client does not object to the annexation of the property, as requested in Item 2.A. However, my client is very concerned about the unrestricted zoning of the property to GPI, as requested in Item 2.B.

Land Development Code, Section 20-219(a) describes the purpose of the GPI District:

The GPI District is a Special Purpose Base District primarily intended to accommodate Institutional Uses occupying significant land areas but not appropriate for development in the H District or on property designated on the official zoning map as U. The District regulations are designed to offer the

institution maximum flexibility for patterns of uses within the District while ensuring that uses and development patterns along the edges of the District are compatible with adjoining land uses. (emphasis added)

Though capitalized, the term “Institutional Uses” is not defined in the Land Development Code.

The Use Table appearing in Article 4 of the Land Development Code drastically expands the nature of land uses allowed in the GPI District by adding “Entertainment & Spectator Sports, General” and “Entertainment & Spectator Sports, Limited” to the permitted uses. The term “Entertainment and Spectator Sports” is defined in Section 20-1725 as “Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings...” General Entertainment and Spectator Sports is defined expansively as, “Those uses generating an attendance of 501 or more people such as theaters (movie or legitimate), large exhibition halls, field houses, stadiums and sports complexes.” (emphasis added). Limited Entertainment and Spectator Sports is defined as uses conducted within an enclosed building with a capacity of 500 or less people.

Our client does not want this project turned into an entertainment venue instead of a sports village for the community. Preliminary plans included a 5,000 seat outdoor amphitheatre that seemed a curious addition to a sports facility. The plans submitted on November 8, 2012 do not include the amphitheatre, but those plans are subject to change. In addition, my client has obvious concerns about light pollution, noise and traffic issues that will be inevitable with such a development. Some of these issues are appropriate for the site plan review stage, but other issues can and should be addressed now in the context of the zoning request.

In considering the zoning request, the Planning Commission should take into consideration questions and concerns about the plans for ownership, development and management of the project. The City will apparently be responsible for the operation and management of the recreation center, but it appears that Bliss Sports, LC (Thomas Fritzell) will be the lessee and operator of the facilities on the KU side of the project. KU Endowment will simply own the land and improvements. Bliss Sports, LC would be able to use the facilities in any manner allowed in the GPI District.

To help alleviate concerns about how the property might be used in the future with GPI zoning, the Commission should use one of its tools – conditional zoning – to set some very basic parameters to ensure that the use of the property is consistent with a sports and recreation facility. If the property is rezoned to the GPI District, it should be conditioned upon the allowed uses being amended to

- (a) clarify that the zoning is conditioned upon the land being used for a sports village project and not any other project;
  - (b) exclude the use of the facilities for outdoor entertainment, such as an amphitheatre, as described in General Entertainment and Spectator Sports, Code Section 20-1725(2);
- and

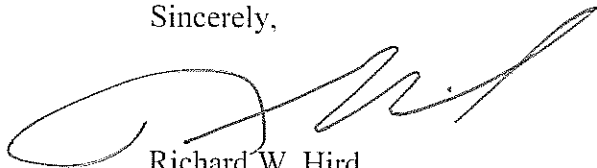
(c) exclude the use of outdoor lighting after 11:00 p.m.

We understand that our elected officials have not yet approved the financing for the project and there are many other hurdles to overcome; however, we respectfully submit that the addition of the conditions to the GPI zoning, as requested above, would be a good first step toward resolving some of the issues.

I would be most appreciative if you would circulate this letter to the members of the Planning Commission. In accordance with the Bylaws of the Planning Commission, I will recuse myself from the discussion and vote on these agenda items and another member of our firm will appear on behalf of Mr. Graham.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard W. Hird', with a large, sweeping flourish at the end.

Richard W. Hird  
Petefish, Immel, Heeb & Hird, LLP



**LEAGUE OF WOMEN VOTERS®**  
OF LAWRENCE/DOUGLAS COUNTY

**RECEIVED**  
NOV 12 2012  
City County Planning Office  
Lawrence, Kansas

*President*  
**Melinda Henderson**

November 12, 2012

*President-Elect*  
**David Burress**

Mr. Bruce Liese, Chairman  
Members, Lawrence-Douglas County Metropolitan Planning Commission  
City Hall • Lawrence, KS 66044

*Vice President*  
**Milton Scott**

RE. ITEM NO. 2B: A TO GPI; 110 ACRES; E OF K-10 & N OF W 6TH ST (MKM)

*Secretary*  
**Caleb Morse**

Dear Chairman Liese and Planning Commissioners:

*Treasurer*  
**Marjorie Cole**

The League of Women Voter of Lawrence/Douglas County has some extensive environmental positions, some of which would apply to the rezoning and development of this proposed joint KU and City recreational area. Our overall Environmental Position is to "...[adapt] development to the capabilities of the land rather than adapting the land to the requirements of the development." We also strongly support good neighborhood planning. Therefore we ask that you consider the following points before you take action on this rezoning request.

*Directors*  
**Margaret Arnold**

1. There is a need to consider the effects of this type of intensive use on the surrounding areas. We suggest that the Planning Commission consider the Special Use Permit in conjunction with the rezoning rather than separately; i.e., defer the rezoning until December and consider it at the same time as you consider the Special Use Permit so that you can better be able to apply the specific conditions that this property will need.

**Bonnie Dunham**

2. The residential land immediately to the south of this project will be unstable if left as it currently is zoned for residential use. We ask the Planning Commission to consider this adjacent area carefully and how it should ultimately be used, possibly as a transitional area, before approving the rezoning.

**James Dunn**

3. Environmental effects of the development need to be considered:

**Sally Hayden**

a. The amount of impermeable surface of the overall development should be minimized as much as possible because of its effect on Baldwin Creek. We suggest using permeable surfaces for hard-surfaced courts and parking. It can be foreseen that this development will have a major impact on the downstream areas unless its impact can be anticipated and minimized.

**Cille King**

b. The trail (or trails) around the stream in the Baldwin Creek Park should be made as minimally damaging as possible. We suggest that they be specified as walking trails rather than as multi-purpose trails and designed with a natural surface rather than with paving. The reason is because of the trail's proximity to the streambed and need for erosion protection as well as the need for preserving forestation. Please do not approve a site plan that will allow paved-surface multi-use trails within Baldwin Creek Park. We hope you will consider this with the Special Use Permit.

**Ruth Lichtwardt**

c. Please do not allow construction within the creek's adjacent tributaries such as the location of the alternate amphitheater shown on the Concept Plan that uses the projected pond area for that purpose.

**Marlene Merrill**

These are only some of the issues that you will have to decide with this project. We appreciate your careful consideration of this development now and in December.

Sincerely yours,

Melinda Henderson  
President

Alan Black, Chairman  
Land Use Committee