

May 8, 2013

Mr. David Corliss, City Manager
6 East 6th Street
PO Box 708
Lawrence, Kansas 66044

RE: 100 East Ninth Street Easement/Building Setback Request

Dear David:

Pursuant to our previous discussions, on behalf of Compton Rentals, LLC, the current owner of 100 East Ninth Street property, we would like to request the City to grant us a thirty (30) foot easement, building setback or dedication on the City-owned parking lot property located to the north of the proposed project. As you know, the Compton Rentals property is located at the north-east corner of 9th and New Hampshire Street and is the proposed location of a new, seven story mixed-use project to be developed by a newly formed company, 100 East Ninth Street, LLC.

We would like to request a building setback, easement or dedication for the south thirty feet of the City owned parking lot. City of Lawrence Building Code, Section 705.8.1 provides that if there is not at least 30 feet between structures, a water curtain has to be added to our project that will increase the cost of the project and make it less feasible. A copy of this Code provision is attached to this correspondence. In addition, we intend to have balconies and windows on the north side of our building, and we want to insure there is natural light and ventilation for these units.

Thank you in advance for your consideration of this request and we look forward to working with you to bring this exciting Project to downtown Lawrence.

Very Truly Yours,

Bill

William N . Fleming, Esq.
General Counsel

Cc: Doug Compton

705.8.1 Allowable area of openings.

The maximum area of unprotected and protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in Table 705.8.

Exceptions:

1. In other than Group H occupancies, unlimited unprotected openings are permitted in the first story above grade either:

1.1. Where the wall faces a street and has a fire separation distance of more than 15 feet (4572 mm); or

1.2. Where the wall faces an unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall not be less than 30 feet (9144 mm) in width and shall have access from a street by a posted fire lane in accordance with the International Fire Code .

2. Buildings whose exterior bearing walls, exterior nonbearing walls and exterior primary structural frame are not required to be fire-resistance rated shall be permitted to have unlimited unprotected openings.

705.8.2 Protected openings.

Where openings are required to be protected, fire doors and fire shutters shall comply with Section 715.4 and fire window assemblies shall comply with Section 715.5.

Exception: Opening protectives are not required where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the exterior openings are protected by a water curtain using automatic sprinklers approved for that use.