

# PETEFISH

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October 16, 2015

Lawrence City Commissioners

Mayor Mike Amyx

Commissioner Leslie Soden

Commissioner Matthew Herbert

Commissioner Stuart Boley

Commissioner Lisa Larsen

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Re: SUP-15-00334  
Special use Permit for Rock Chalk Park Tennis Facility

Dear Commissioners,

As previously indicated, I represent Jack Graham, who resides at 1685 E 1000 Road, Lawrence, Kansas 66044, which is adjacent to part of the East property line of Rock Chalk Park. Mr. Graham and I appeared before the Planning Commission on September 21, 2015 to express concerns with the lighting plan for the proposed KU Tennis Facility, as set forth in SUP-15-00334. The purpose of this correspondence is to acknowledge that, based upon the most recent proposal of Staff and the Applicant, my client will neither oppose, nor endorse, the proposed lighting plan.

As you may know, the City has a duty to mitigate adverse impacts of lighting, as set forth in Section 20-1103(e)(5) of the Development Code:

Lighting shall be designed, to the maximum extent feasible, to minimize adverse impacts on traffic safety and nuisance impacts on R-zoned property. Mitigation can be required via extra landscaping, earlier shut-off times for the lights, cutoff fixtures (where feasible) and other techniques.

We asked the Planning Commission whether the applicant or Staff had explored the options for light hoods and whether the proposed 10" light hoods would minimize the nuisance impacts on adjoining properties "to the maximum extent feasible." In response to our questions, the Planning Commission asked the Staff to research whether there are hoods available that would do a better job of shielding neighbors from the glare of the tennis court lights.

On October 7, 2015, Scott McCullough, Director of Planning and Development Services, provided an email and documents, indicating that 12" hoods would be installed on the two light banks that

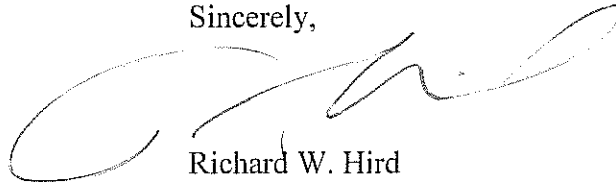
are visible from my client's residence. The remaining light banks will use 10" hoods, which are the same hoods used on the rest of the lights in Rock Chalk Park. We appreciate Mr. McCullough communicating with us regarding staff's research.

It is very unfortunate that the availability and cost of the 12" hoods was not investigated prior to the approval of the lighting plan for Rock Chalk Park. By the time the Commission considered the lighting plan for Rock Chalk Park, the lighting, which clearly violated the City Code, had already been installed without the proper approvals. Other neighbors have complained about the glare from the Rock Chalk Park lighting. Perhaps this could have been avoided to some degree.

My client will not object to the pending SUP application; however, Mr. Graham is not the only neighbor affected by the lighting of the tennis courts and if the use of 12" hoods would reduce the glare for surrounding properties, the Commission should consider the cost and benefit of requiring the longer hoods. To my knowledge, the additional cost of using 12" hoods versus 10" hoods has never been disclosed.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard W. Hird', with a large, sweeping initial 'R'.

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

cc: Mary Miller (via email)  
Scott McCullough (via email)

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September 17, 2015

Lawrence/Douglas County Planning Commission  
c/o Scott McCullough, Director  
Planning and Development Services

Via email: [smccullough@lawrenceks.org](mailto:smccullough@lawrenceks.org)

Re: SUP-15-00334  
Special use Permit for Rock Chalk Park Tennis Facility

Dear Chairman Britton and Commissioners,

I represent Jack Graham, who resides at 1685 E 1000 Road, Lawrence, Kansas 66044, which is adjacent to part of the East property line of Rock Chalk Park. I am writing to express my client's concerns with the lighting plan for the proposed KU Tennis Facility, as set forth in SUP-15-00334.

The ambient light, and particularly the glare, from the lights around the stadiums in Rock-Chalk Park are significant problems for my client, but the glare from the City's tennis court lights is even worse. Because of this experience, my client asks that the Planning Commission carefully consider its duty to mitigate the adverse impacts of the tennis court lights to the maximum extent feasible. The Staff Report (p.7) correctly recites the obligation of the City to mitigate adverse impacts of lighting, as set forth in Section 20-1103(e)(5) of the Development Code:

Lighting shall be designed, to the maximum extent feasible, to minimize adverse impacts on traffic safety and nuisance impacts on R-zoned property. Mitigation can be required via extra landscaping, earlier shut-off times for the lights, cutoff fixtures (where feasible) and other techniques.

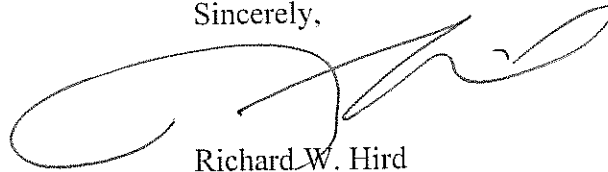
My client appreciates and supports Staff's position that the hours of operation should be limited to the same hours of operation for the City tennis courts (10:30 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday). The exception for "... unless there is a tournament that runs past that time" could be worded more precisely, but is acceptable in theory.

However, issuance of the SUP should be further conditioned upon the applicant demonstrating that the shields on the lighting fixtures are the best available shields to mitigate glare to "the maximum

extent feasible.” The Staff Report indicates the lighting fixtures and shields are the same type that were installed on the City tennis courts, but the Staff Report does not indicate whether the applicant or Staff has investigated whether there are other, more effective fixture shields available. My client respectfully submits that under Section 20-1103(e)(5) of the Development Code, the City has the obligation to make that inquiry before approving the proposed lighting. The fact that the fixtures are the same as the fixtures used on the City tennis courts does not satisfy the requirement of the Development Code unless the City investigated and determined that at that time, no other, more effective shields were available, and that since that approval, no other, better shields have become available.

Thank you for your service to the community. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard W. Hird', with a large, stylized loop on the left side.

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

cc: Mary Miller (via email)