

LAWRENCE KS

MARCH 14, 2008

TO: LAWRENCE - DOUGLAS COUNTY METROPOLITAN
PLANNING COMMISSION
FROM: RWD #6 CHAIRMAN DONALD M. FUSTON

IF THE PLANNING COMMISSION RECOMMENDS
ANNEXATION OF 154.9 ACRES LOCATED AT N.W. CORNER
OF 1800 ROAD AND E. 900 ROAD, WHO WILL PROVIDE WATER
FOR THE INDUSTRIAL SITE WITH ADDED LAGOONS?

RWD #6 DOES NOT HAVE THE CAPACITY OR ABILITY
TO PROVIDE WATER TO AN INDUSTRIAL SITE WITHOUT
AFFECTING SERVICE TO OUR OTHER CONSUMERS.

STONEWALL FARMS (STEVE SCHWADA) HAS NEVER
PROVIDED AN ESTIMATED WATER CONSUMPTION TO RWD #6.
A WATER CONSUMPTION IN EXCESS OF 2,000,000 GALLONS OF
WATER A YEAR WOULD REQUIRE RWD #6 TO RATION WATER
TO 300+ WATER CUSTOMERS AND THE INDUSTRIAL SITE.

SHOULD THE PLANNING COMMISSION RECOMMEND ANNEXATION
AND THE CITY COMMISSION APPROVE, WHAT WOULD THE CITY DO
ABOUT RWD #6 WATER DISTRIBUTION LINE THAT IS LOCATED
ON THE SOUTH SIDE OF THE PROPERTY AND EXTENDS A FULL
HALF MILE. THE LINE IN QUESTION IS A MAJOR TRANSMISSION
LINE FROM THE PUMP STATION TO THE WATER TOWER.

ARTICLE 6 SECTION 4 OF RWD #6 BY-LAWS GIVES THE
B.O.D. A RIGHT TO DENY A WATER BENEFIT UNIT TO A
CONSUMER IF THE WATER CONSUMPTION WOULD IMPAIR
SERVICE TO THE OTHER WATER USERS IN THE DISTRICT

RECEIVED

MAR 17 2008

City County Planning Office
Lawrence, Kansas

Donald M. Fuston, CHAIRMAN RWD #6

To: County Commission, City Commission, Members of the Lawrence-Douglas
County Planning Commission

Date: March 20, 2008

RE: Annexation, zoning and Chapter 7 revisions

I am writing concerning item A-02-02-08 which will be heard by the Lawrence-Douglas County Metropolitan Planning Commission on Wednesday March 26, 2008.

In December the Planning Commission heard a request to rezone this property from Agricultural to I-2 Industrial. The Commission on a 7 to 2 vote approved the request. Reviewing the statements of the Commissioners at the meeting the key reason for approval of the rezoning request was that it is inevitable that the site would one day be Industrial. In fact the property meets the location criteria described in the latest draft of Chapter 7 of Horizon 2020. There is no doubt that developing the property defined in A-02-02-08 as I-2 is a highly profitable investment for both the landowners and a significant new tax base for the city and/or county and for the Lecompton school district. Now before any decision on the rezoning request has been decided by the county, the property has now requested annexation into the city.

I am not writing to insist that this property should not be annexed or rezoned. I am writing to insist that the city and county operate per statute (K.S.A. 12-747), policy (Horizon 2020) and precedent (Joint City County Ordinance No. 8218). As a property owner within a 1,000 feet of the property to be discussed as item A-02-02-08 at the March 26 Planning Commission meeting, I made an investment based on the City/County Comprehensive plan which stated that this area would not be in line for development for another 10 to 15 years. The Lawrence/Douglas County Comprehensive Plan states:

"The Comprehensive Plan provides a vision for the community. It is used as a policy guide that identifies the community's goals for directing future land use decisions. The Plan is also used by property owners to identify where and how development should occur; by residents to understand what the city and county anticipates for future land uses within the community; and by the city, county and other public agencies to plan for future improvements to serve the growing population of the community.

Specifically, the city and county use the Comprehensive Plan to evaluate development proposals; to coordinate development at the fringes of the county's cities; to form the foundation for specific area plans; to project future service and facilities needs; and to meet the requirements for federal and state grant programs. The Comprehensive Plan is used most often as a tool to assist the community's decision makers in evaluating the appropriateness of land development proposals. The Comprehensive Plan allows the decision makers to look at the entire community and the effects of land use decisions on the community as a whole to determine whether individual proposals are consistent with the overall goals of the community."

While I made an investment based on the Comprehensive Plan, I also understood that policy and planning are ever changing and I had no belief that the plan could not be amended much sooner. It is my understanding that statute, policy and precedent appear to require that a sector plan be developed for this area prior to decisions regarding zoning

and/or annexation. Why are decisions being made without doing this important planning step? The description of the Sector Plan in Chapter 14 of Horizon 2020 seems to match rather precisely this particular property and the surrounding area. I am interested in assuring that there is a level of compatibility between land uses in this area which has had no planning. Just as the land involved in A-02-02-08 is in need of rezoning so is much of the land adjacent to the subject property. I did not understand why the suggestion by the chair of the Planning Commission that the area undergo a sector plan was summarily dismissed by seven planning Commissioners until I began researching statute, policy and precedent.

My research lead to what is I am sure obvious to those involved in local planning and development: Until there are changes to Chapter 7 of Horizon 2020 any planning effort would not result in a rapid change in zoning of the property in question because it does not meet key criteria of the current plan. Those key criteria are in layman's terms 1.) Develop the UGA before unincorporated areas of the county and 2.) Any industrial area must have access to municipal services. Current policy is that areas like this need to "wait their turn". If current policy were to stay in place it would appear to me that any development of the land involved in A-02-02-08 would be many, many years away.

However, I have reviewed the proposed revisions to Chapter 7 dated March 2008 and it appears to solve the two impediments to the land involved in A-02-02-08. The draft of Chapter 7 March 2008 proposes to include and allow Industrial development outside the UGA in unincorporated areas of Douglas County. The second policy change proposed in the draft of Chapter 7 is very specific to land involved in A-02-02-08. On page 7-7 under the heading Farmers Turnpike after describing the need for a plan and the lack of municipal services the document continues "Pending approval of a sector plan, an interim step may be to allow the site to have limited development of warehouse and distribution activities, utilizing rural infrastructure until such time that urban services are available". I would like to assume that language on page 7-7 which matches exactly the request of the applicant's earlier request for rezoning is mere coincidence, but let's call a spade a spade. It is designed to create the necessary policy to move forward with some industrial development on the site. With approval of Chapter 7 the two key reasons why industrial rezoning of the site would have to be denied are now removed.

In the December meeting of the Planning Commission discussed above, one of the seven commissioners voting in favor of the zoning change stated unequivocally that another reason he was voting for rezoning was "this zoning change is free there will be no cost to the county". While the naiveté of the belief in "free" makes a respectful comment difficult if not impossible, I believe that the appropriate governmental entities should examine the potential for significant costs to the City/County that this policy might create. If ultimately annexed by the city, implicit in that action is a commitment to provide a full range of city services, water, sewer, police and fire protection etc., services which clearly carry a high cost to the taxpayers of Douglas County. Neither zoning, nor annexation is "free".

I would respectfully request that the planning commission, the City commission and the County Commission follow the statutes, policy, and precedents and request a sector plan be completed in a timely manner prior to rezoning or annexation. Second, I would like to request that Draft Chapter 7 March 2008 page 7-14 Policy 2.2 be expanded to add that fiscal impact analysis be utilized for developments seeking to develop industrial sites without the benefit of municipal services.

Respectfully,

Steve McDowell
1846 E 900 Road
Lawrence, Kansas 66049

From: dnlward [<mailto:dnlward@sunflower.com>]

Sent: Monday, March 24, 2008 9:00 AM

To: suehack@sunflower.com; mdever@sunflower.com; robchestnut@sunflower.com; boog@lawrence.ixks.com; mikeamyx515@hotmail.com; Dave Corliss

Cc: Lisa Harris E-mail; gmoore@kellerappraisal.com; cblaser@sunflower.com;

bradfink@stevensbrand.com; hugh.carter@ubs.com; grant@dgcounty.com;

rhird@pihhlawyers.com; thomasjennings@hotmail.com; jeff@chaney-inc.com;

dennis.lawson@frontierfarmcredit.com; cjones@sunflower.com; jmcclhaney@douglas-county.com; rcjphj@aol.com; Sandra Day

Subject: A-02-02-08 Annexation of 155 acres at the NW corner of N 1800 Road & E 900 Road.

Dear Mayor, Commissioners and Planners,

My family and I live on a farm/ranch at the NE corner of 1800 Road & E 900 Road, just next to the proposed annexation property. While we would rather have our neighborhood and country life stay the same, we know that development is inevitable--especially given our proximity to the I-70 interchange. And if development is inevitable, we would rather that the city annex the property so that we, the neighbor, have the benefit of the city's regulations. Also, we ask that extensive planning be done to preserve this beautiful area and protect our natural resources. (Bald eagles visit our pond at 1800 & 900 Road and livestock drink from it. Our pond drains into the pond across the road to our neighbors to the South--where their livestock drink. Their pond drains into another neighbor's pond--where they frequently eat the fish from it.)

Please keep in mind that the land out here is not just empty space, but homes and dreams. In our case, 3 generations of dreams. Please do your best to plan out this region so that future Lawrencians will be proud of this area. Plan well so they will be proud of the work that you did making the city a nice place to live.

Please have a good plan before you begin.

Sincerely,

Lynn Ward

922 N. 1800 Road

Lawrence, KS 66049

842-6416

dnlward@sunflower.com

March 23, 2008

Jane M. Eldredge
E-Mail: jeldredge@barberemerson.com

Mr. Grant Eichhorn, Chair
Lawrence/Douglas County Metropolitan
Planning Commission
City Hall
6 East Sixth Street
Lawrence, Kansas 66044

Via Facsimile and U.S. Mail

Re: Item Number 13, Annexation of 154.9 Acres; NW Corner N 800 Rd. and
E 900 Road

Dear Chairman Eichhorn:

Your planning staff has provided a partial laundry list of all of the issues that a developer must address before he/she can pull a building permit for a new industrial building in Douglas County. As you are aware the development process involves many steps, each one obtaining more detailed information and planning and costs than the one before it.

In December 2007, a majority of this planning commission (7-2) recommended this site for county industrial zoning. Following that recommendation, some neighbors asked for more time before it went to the County Commission (suggesting three months) so that they could get their protest petition together and study the issues. The property owners agreed to accommodate the neighbors' request for delay.

During that time the planning staff apparently initiated a sector plan while the city manager was suggesting that it would be in the interests of the City of Lawrence to have the site annexed so that compatibility with City standards could be assured and any increased property taxes could flow to the City. The property owners were unaware of the staff initiated sector plan. There had been no public notice or meeting regarding the initiation of a sector plan. No committee was appointed. No meetings were planned or initiated with these property owners as stakeholders.

On February 12, 2008 the City Commission voted 4-1 to refer consideration of this annexation to the Planning Commission for its recommendation. The task of the Planning Commission is to determine whether the annexation for an industrial purpose is in conformity with

Horizon 2020. On December 17, 2007 this Planning Commission found that the request to re-zone this property to county industrial zoning was in conformance with Horizon 2020.

If annexed, this would be considered **an island annexation** like East Hills Business Park, the Airport and the Wakarusa Water Treatment facility. Such annexations are specifically permitted by state statutes, are consistent with our Annexation Policy (AP-74) and the policies of our comprehensive plan, HORIZON 2020.

Contrary to the staff report summary:

1. **NO DETAILED SERVICE DELIVERY PLAN IS REQUIRED FOR THIS ANNEXATION.**

A detailed service delivery plan is only required when the city is unilaterally annexing property. The purpose of that detailed service delivery plan is to protect the property owner from being annexed, paying city taxes, but not being given city services that would be supported by those taxes.

2. **THIS ANNEXATION IS NOT PREMATURE.**

This area is part of our comprehensive plan, HORIZON 2020, which by self definition “. . . provides a vision for the community. It is used as a policy guide that identifies the community’s goals for directing future land use decisions.” HORIZON 2020, page 1.

The Industrial and Employment-Related Land Use Chapter of HORIZON 2020, has the stated goal of increasing our job growth by 20,000 additional jobs by the year 2020 which “. . . requires the community to make available an adequate amount of land in a number of locations to meet diverse development needs”. HORIZON 2020, p. 7-1.

Chapter 7 also “. . . recommends the development of new employment areas. These **may** include E. 23rd Street, S. Iowa Street at the SLT, and the southeast corner of the intersection of US-24/40 and N. 3rd Street.” But there is **nothing** in this chapter that limits future industrial areas to just these locations. It points out what **may** be included, but does not limit locations to those that may be included.

It has been more than 10 years since HORIZON 2020 was adopted. The fact that this site is not shown on Map 3-1 -Lawrence Urban Growth Area, Service Areas & Future Land Use does not prohibit it from being considered for annexation, because as the Proposed Annexation Areas Policy 3.2.c., on page 4-8 of HORIZON 2020 points out that Map 3-1 shows only the land proposed for **near-term** annexation. More than ten years after the adoption of this plan, that map can hardly be expected to show every possible industrial area for the long term.

3. NO ADDITIONAL STUDY OF THIS SITE IS REQUIRED PRIOR TO ANNEXATION

If annexation is recommended by the planning commission, both the city and county commissions must approve it, before a request for a city zoning designation, preliminary plat, final plat, site plan, traffic study, public improvement plan, can be reviewed. All of these approvals will address the myriad of concerns raised by the staff report and in the proper development sequence.

Industrial land, unlike commercial or residential or even park land is not necessary to serve a neighborhood or a portion of our community, but is required to serve our entire community. It is where new jobs are created for our residents. It is how we create a tax base that is not primarily dependent on the home owner to fund our local governments and all of the amenities we enjoy.

Our newly adopted Land Development Code, and particularly the joint subdivision regulations, provide very detailed and specific protections for the county rural residential neighbors around this site. There is no need to delay development of this site to ensure proper development of it and therefore duplicate the ordinances that are already in place. The access to this site will be from arterial roads, not local ones, the Land Development Code will address the buffering. Please move forward with an annexation recommendation for approval in order to provide for development of this important industrial site for the benefit of our entire county knowing that our Land Development Code will address the immediate neighbors stated concerns.

4. DEFERRAL IS NOT IN THE INTERESTS OF THE COMMUNITY

The staff request for deferral is not in the interests of our community that has an immediate need to make usable industrial sites available now. We are unable to offer potential industrial users any choices of sites. This project has been delayed for three months to accommodate the neighbors requests and to respond to the city commission interest in having it annexed. Zoning is still to be completed either in the City or the County. City requirements provide for more stringent development requirements than the county. Preliminary site work, preliminary plats and preliminary planning is underway. HORIZON 2020, Chapter 14 describes a sector plan as covering one or more sections of land and taking from 18 - 24 months to develop.

Having previously made the finding that industrial use on this site is in conformity with HORIZON 2020, there is no need to delay the development of this property until a sector plan is completed. If a sector plan is appropriate for an area surrounding this site, that is a decision for the Planning Commission that can be made without delay to this project that was already in the pipeline. The City Commission thought that it was in the interests of the City to have this industrial

development in the City to provide more stringent development standards and to assure that this development will be compatible with the City standards when the surrounding areas are annexed.

Therefore, we request that you recommend approval of the proposed annexation to the City and County commissions.

Thank you for your consideration.

Sincerely,

BARBER EMERSON, L.C.

Jane M. Eldredge

JME:klb

bcc: James D. Schwada

From: Dave Ross [mailto:rossfam@grapevine.net]

Sent: Sunday, March 23, 2008 9:14 PM

To: lharris@ku.edu; gmoore@kellerappraisal.com; cblaser@sunflower.com; bradfink@stevensbrand.com; hugh.carter@ubs.com; grant@dgcounty.com; rhird@pihlhlawyers.com; thomasjennings@hotmail.com; jeff@chaney-inc.com; dennis.lawson@frontierfarmcredit.com; suehack@sunflower.com; mdever@sunflower.com; robchestnut@sunflower.com; boog@lawrence.ixks.com; mikeamyx515@hotmail.com; dcorliss@ci.lawrence.ks.us; cjones@sunflower.com; jmcclhaney@douglas-county.com; rcjphj@aol.com; sday@ci.lawrence.ks.us

Cc: sgu1972@hotmail.com; rossfam@grapevine.net

Subject: Re: Item No. 13 Annexation of 154.9 acres; NW corner N 1800 Rd and E 900 Rd (SLD) for the 3/26/08 meeting agenda

Dear Commissioners;

I support the staff report recommending a sector plan be completed prior to any consideration for annexation.

There are several reasons:

- Not included in the Horizon 2020
- Outside of the Urban Growth Area
- Current urban services are over two miles away, resulting in the following concerns for any non-residential use of the property;
 - No plans to extend water service to the property with the current rural water district nearing capacity
 - Not included in any sanitary sewer public improvement plans
 - No active development plans to extend utilities
 - No storm water public improvement plan
 - Lies outside of service response districts in support of emergency services
- Lack of a detailed plan for the property and what would be required to support it.

Horizon 2020 already includes a Nodal plan for the intersection of West 6th and Kansas Highway 10 that meets all the same criteria of this property and is much further along in the planning process with zero capacity utilized to date.

The request for annexation is premature and the lack of sufficient planning not only of this sector, but within the overall master plan, is critical before proceeding. The assessment of the feasibility of not only this property, but to assure non-intrusive development to the surrounding neighbors while attracting the appropriate industrial growth to the right areas of our community, requires planning be completed first.

Sincerely,

David J. Ross

Homeowner within 1,000 feet and

President of the Scenic Riverway Community Association (SRCA)

c:

SRCA Secretary Stan Unruh

SRCA Attorney Ronald Schneider

-----Original Message-----

From: Michael Tourtellot [<mailto:michael.tourtellot@gmail.com>]

Sent: Sunday, March 23, 2008 2:30 PM

To: grant@dgcounty.com

Subject: annexation

Dear Grant Eichhorn,

I am writing to you to say that my wife, Elinor, and I are opposed to the annexation by Lawrence of the approximately 157 acres just north of the intersection of the K-10 bypass and the Farmer's Turnpike. We understand that the owners want the land rezoned as industrial--it is currently zoned as agricultural. That land does not have access to water or sewer lines, and the Horizon 2020 plan does not include industrial development in that area. I believe there are much better locations for industrial development, including the old Farmland property.

We moved to Lawrence in 1975, and we love the place. In 1980, my wife and I brought our two small children to our current home, which is on about 168 acres a couple of miles northwest of the proposed development. We drive by that area to reach our doctors and grocery stores and favorite restaurants in Lawrence. We have watched Lawrence grow over the last thirty-plus years, sometimes in a remarkably well considered way, and sometimes not. I understand that development happens, but to go against the approved Horizon 2020 plan and to stretch the resources of a city that already is challenged to maintain current infrastructure is wrong.

I will watch to see how this decision goes, and who votes for what. My wife and I vote, too. Thank you for your attention in this matter.

Yours truly,
Michael K. Tourtellot

740 North 1851 Diagonal Road
Lecompton, KS 66050

-----Original Message-----

From: mhinrichsen [<mailto:mhinrichsen@nekesc.org>]

Sent: Sunday, March 23, 2008 10:47 PM

To: lharris@ku.edu; gmoore@kellerappraisal.com; cblaser@sunflower.com;
bradfink@stevensbrand.com; grant@dgcounty.com; rhird@pihhlawyers.com;
thomasjennings@hotmail.com; jeff@chaney-inc.com; hugh.carter@ubs.com;
dennis.lawson@frontierfarmcredit.com

Subject: Regarding annexation of NW corner N1800 Rd.

We are writing to urge you to please oppose the annexation of the potential industrial development project just north of the K-10 bypass and Farmers Turnpike (at 900E & 1800N). We have been residents at our present location for nearly twenty four years and have gradually seen the influx of development and added traffic to our once quiet country living. It was actually enjoyable while the Lecompton Bridge was closed last year simply because the traffic on our road (Farmers Turnpike) had decreased significantly.

Might we suggest that any industrial park be placed where the infrastructure

is already in place without causing undue financial strain and preventing further erosion of our country lifestyle. Please consider all of us residing in this area as if this was YOUR neighborhood, knowing that we are strongly opposed to such development.

Thank you,
Doug and Margie Hinrichsen
768 N 1800 Rd.
Lecompton, Ks. 66050

mhinrichsen@nekesc.org

Dave Corliss

From: Kathy Bourgeois [kbourgeois@sunflower.com]
Sent: Sunday, March 23, 2008 8:45 PM
To: suehack@sunflower.com; mdever@sunflower.com; robchestnut@sunflower.com;
boog@sunflower.com; mikeamyx515@hotmail.com; Dave Corliss; cjones@sunflower.com;
jmcclhaney@douglas-county.com; rcjphi@aol.com; sgu1972@hotmail.com
Subject: industrial development

I am writing in regards to proposed plans concerning the industrial development project on 157 acres just north of the intersection of K-10 Bypass and the Farmers Turnpike. My husband and I have recently bought property that would be affected by this proposed project. Our purpose in purchasing our home in this area is to secure a peaceful and secluded country area. The proposed project almost directly east of our home would cause daily and nightly problems for us. Please consider the needs of your country home owners in deciding the future of this corner of the county. We are quite definitely opposed to the alteration of zoning or annexation of this area. Thanks for your consideration of all your constituents.

Kathy Bourgeois
kbourgeois@sunflower.com

Dave Corliss

From: Steven Sindt [ssindt@msn.com]
Sent: Sunday, March 23, 2008 3:01 PM
To: Dave Corliss
Subject: annexation

I strongly oppose being annexed in to the city of Lawrence. I just learned yesterday about the proposal, and the letters of opposition need to be sent by Monday noon. Today is Easter Sunday, so there is not much time to contact all the neighbors to write letters. What is your hurry to push this through? I have happily lived at this address in the county since 1980, and now it looks like I will be forced into the city! I do not want to be in the city; please reconsider this proposal!

Joan Holmes
1738 E. 800 Rd
Lawrence, KS 66049
785 766 6836

Dave Corliss

From: bill.kellnhofer@kalmarind.com
Sent: Monday, March 24, 2008 7:34 AM
To: suehack@sunflower.com; mdever@sunflower.com; robchestnut@sunflower.com;
boog@lawrence.ixks.com; mikeamyx515@hotmail.com; Dave Corliss
Subject: Industrial Developement - 900E & 1800N

Please be advised that my wife Lanna and myself are strongly opposed to the development of this land as an industrial warehouse or any other type of business. We are located 1 mile east (1888 E 978 Rd). This would completely change our view to the west from rolling farm land to an industrial eyesore. Not to mention all the problems with such a development, like noise and light pollution, run off, 10 acre lagoon, not to mention Douglas county water #6 can not handle the water demands for such a development. This will also have a negative impact on property values.

This is not what we signed up for when we moved to the country 15 years ago.
Please do the right thing and vote no for re-zoning or the annexation of this property.

Thank you,

Best Regards,

Bill Kellnhofer

Dave Corliss

From: Carolynmicek@aol.com
Sent: Sunday, March 23, 2008 9:02 PM
To: suehack@sunflower.com; mdever@sunflower.com; robchestnut@sunflower.com;
boog@lawrence.ixks.com; mikeamymx515@hotmail.com; Dave Corliss
Subject: annexation at 900E & 1800N

Dear Commissioners,

The property at 900E & 1800N is zoned for agriculture and I support this designation. I have recently moved into this neighborhood and I was drawn to the quiet nature of this area of the county. A change in the zoning to Industrial 2 or an annexation of this property would change the character of the neighborhood as well as create more traffic, pollution, lights, noise and possible crime.

It is my understanding that Horizon 2020 and The Northwest Plan do not support this type of request. In these plans, sections 20 and 21 are to be left rural in character with residential use in very low density. Higher intensive lands are designated at Sixth street and the South Lawrence Trafficway. Furthermore, Horizon 2020 seeks to develop zoned areas along the K-10 corridor, including the Farmland property and the SE business park, for industrial use.

I would also like to point out that this property does not have sewer service or the infrastructure to support a change in zoning or annexation. Our rural water district does not have the resources necessary support an industrial park.

For these reasons, I strongly encourage you to reject the annexation request.

Carolyn Micek

Create a Home Theater Like the Pros. [Watch the video on AOL Home.](#)

Dave Corliss

From: cynthia pippert [lftymom@sbcglobal.net]
Sent: Monday, March 24, 2008 7:14 AM
To: suehack@sunflower.com; mdever@sunflower.com; robchestnut@sunflower.com;
boog@lawrence.ixks.com; mikeamyx515@hotmail.com; Dave Corliss
Subject: Annexation A-02-02-08

We oppose the proposal of annexation for industrial development on 157 acres just north of the intersection of K-10 bypass and Farmers turnpike (at 900E & 1800N)!!

Don't let this pass!!

Sincerely,

Cindy and Allan Pippert
1748 E. 800 Road

Dave Corliss

From: Stan Unruh [sgu1972@hotmail.com]
Sent: Sunday, March 23, 2008 10:47 PM
To: Lisa Harris E-mail; gmoore@kellerappraisal.com; cblaser@sunflower.com; bradfink@stevensbrand.com; hugh.carter@ubs.com; grant@dgcounty.com; rhird@pihlawyers.com; thomasjennings@hotmail.com; jeff@chaney-inc.com; dennis.lawson@frontierfarmcredit.com; suehack@sunflower.com; mdever@sunflower.com; robchestnut@sunflower.com; boog@lawrence.ixks.com; mikeamyx515@hotmail.com; Dave Corliss; cjones@sunflower.com; jmcclhaney@douglas-county.com; rcjphj@aol.com
Subject: Opposition to K-10 and I-70 Annexation

March 23, 2008

To the City Commission, the City and County Planning Commission, and County Commission.

Subject: Annexation Proposal of property at K-10 and Farmers Turnpike

I am writing to voice my concern over an item that will be heard by the Planning Commission this coming Wednesday evening, March 26.

The 157 acres of property at K-10 and Farmers Turnpike is currently zoned agricultural and happens to be across the road from my residential property. I understand that this is an attractive piece of property for development due to its convenient access to I-70. I do not fault the property owner for attempting to profit from his investment, nor can I fault the local governments for attracting industry and jobs to the community, as that is what they were elected to do. However, I feel that the development of this area is proceeding in a way that is ill advised, and contrary to earlier planning as set out in Chapter 7 of the Horizon 2020 document.

It is my understanding that this document states development should occur in the designated UGA (Urban Growth Area), and only in areas that contain municipal services, before extending to any unincorporated areas of the county. The area in question contains neither of these requirements.

The initial request from the developer was for the county to zone this property as industrial. Before the County Commission was allowed to vote on that, an annexation proposal was put forth in its place. Because of the location, this would have to be an island annex, and over two miles of municipal services including water and sewer would have to be extended to the site. Needless to say, this seems to be a very expensive proposition.

Why is this property being considered over the industrial areas with municipal services already in place, which are currently in compliance with Horizon 2020? A perfect example is the Farmland property, the SE business park, and the K-10 corridor in general. Are the best interests of the community really being considered by circumventing careful and meticulous planning paid for by the taxpayers? What was the purpose of such planning if the interests of developers are going to take precedence over the better interest of the community?

Now changes to Chapter 7 of Horizon 2020 have been proposed which will allow this property to be compatible. This seems to me, to put the proverbial cart before the horse. The plan should guide the development, not the other way around. If we change the plan based upon the specifics of individual situations, or because of pressure from influential individuals, it seems to me the impact of the planning is weakened considerably.

If changes must be made to Chapter 7, I believe they should include a very careful analysis of all details regarding the annexation, including the expenses of extending services to the property and the impact to the local residents and the community.

Perhaps there are circumstances I am not aware of which deem the development of this property to be best for the community. But I would ask that time be allowed to develop a specific sector plan, and that all consequences be carefully considered first. I also believe the public should have a significant voice in this process. My fear is that an attempt is being made to railroad this annexation and zoning through before the public has had time to react.

The Planning Committee Staff has recommended deferral until a sector plan has been completed, and has pointed out the

inconsistencies with Horizon 2020. Please carefully consider the recommendations of the staff.

Sincerely,

Stan Unruh
1826 E 900 Road
Lawrence, Kansas 66049

Test your Star IQ [Play now!](#)

Dave Corliss

From: Marie Willis [mjwillis@hughes.net]
Sent: Monday, March 24, 2008 9:47 AM
To: Dave Corliss
Subject: annexation

Dear City Manager Corliss,

I am writing you concerning the annexation of 157 acres of property belonging to Mr. Schwada and his associates, which lies just north of the intersection of the K-10 bypass and the Farmers' Turnpike.

Since I live near this area I am particularly interested in the prudent and wise development of this property, development which would benefit not only a few investors but would also benefit the surrounding neighbors and the Lawrence and Douglas County citizens as well.

First of all, I am not opposed to development. I do, however, question premature and precipitous actions taken in haste which may later be repented in leisure, as the old adage warns.

Truly, the major question for me, is: Why Now? Why must the city annex a property that is out of the Urban Growth area, a property that does not have access to infrastructure such as water and sewer, a property whose zoning has already been protested by the adjacent property owners – why must this property be annexed so prematurely? Frankly, it makes one suspicious.

Surely it is better to redefine the zoning, making it less general and more particular as to what exactly can be done with this property. Surely it is better and more prudent, especially given the problems that the city faced with the property at Wakarusa and 6th St. (after the fact), than to act too quickly and in opposition to the fears held by so many of us who would have to bear the consequences of hasty decision making.

I ask you to vote against annexation at this time.

Sincerely yours,
Marie J. Willis
982 N1892 Rd.
Lawrence, KS 66049

March 23, 2008

John W. Lewis
1807 East 800 Rd.
Lecompton, KS 66050

Planning Commissioners

RE: A-02-02-08

Dear Commissioners;

I am writing this letter in opposition to the annexation listed under A-02-02-08, which entails land at the NW corner of N. 1800 Road and E. 900 Roads. I want to avoid the typical NIMBY arguments (even though I agree with some of them) and address other substantial issues. First, since some of you know me personally, and my work history, I feel I should qualify that these are *my opinions only, and in no way reflect any official position or opinion from my work organizations*. I am not, and have never been, an official spokesperson for the law enforcement agencies I work(ed) for; however, I also cannot ignore the understanding and experience I have gained while planning for and realizing the effects from annexations into the City.

It does not take a trained investigative mind to see Mr. Schwada's motive in trying to annex this land into the City, even though it goes against City policies. Mr. Schwada presented this rezoning to the County Commission in 2003 and again in 2007, and was rebuffed both times, as it was not appropriate to rezone this area according to policies in place. It is obvious that Mr. Schwada is trying to circumvent the County Commission in order to not be unsuccessful again. Mr. Schwada is a businessman and is trying to make money. I have no problem with that, but he seems to be trying to "bend" the rules for that to occur.

I know the City has long had a policy against "island" annexations, which this would be. Part of the reasoning is the potential drain on resources for things like emergency services. If annexed, this area would then need to be covered by Lawrence Police, and also Lawrence Fire responders, meaning they will have to drive miles outside the City to respond to any calls for service. Since Mr. Schwada has refused to say what type of industry he wants to establish, it is impossible to tell what the toll on City services could be. This seems to be a financial risk in a time when the City appears to so strapped for funds that several services are being delayed (or not done at all) and there is open talk about forcing City employees to take an across the board pay cut. Additionally, we all know areas do not exist autonomously and will affect the surrounding areas, possibly increasing calls for service from the Sheriff's Office and the local fire departments, who have their own budgetary concerns.

I am aware in this case, there is a possibility of not extending city infrastructure to the area, but that brings another set of problems. Is the county infrastructure capable of handling whatever is constructed there? The requested zoning covers a multitude of

businesses with a wide range of potential usages of services. Again, since it is not known what type of industry is being proposed, there is a question whether the water district can actually handle the increase. If not, then will the already established residents suffer deteriorated service, or be forced to pay a lot of money for upgrades that are not needed?

This annexation and re-zoning also does not fit with the existing policies of Horizon 2020. There is a historical precedent to be considered also. I can not quote exact details, but several years ago the land where The Heritage Baptist Church now stands was vacant and for sale. This land is one-half mile from the land being considered in this action, and equidistance from the Kansas Turnpike exchange. For a couple of years it was used as a temporary asphalt plant while the Kansas Turnpike was repaved. When the asphalt plant was moved out the land went for sale.

There were several potential buyers for the property and all wanted some form of industrial zoning. One talked about substantially was a 24 hour large truck wash and mechanic station. The County Commission stood its ground and refused all these requests as they did not fit the proper use for the land, as based on the growth management policies. I have heard that perhaps Mr. Schwada has the same idea in mind for this current property.

I feel if you objectively study this proposed annexation, you should reach the same conclusion as your planning staff did. This is not the proper use for this area and it does not comply with the growth management policies that are in effect. I would hope that you would also see this as nothing more than a way to circumvent the County Commission, which at the current time would be the proper forum for any rezoning of this parcel.

Thank you for your time and thought in this matter.

Very truly yours,

John W. Lewis

RONALD SCHNEIDER

ATTORNEY AT LAW
900 MASSACHUSETTS, SUITE 600
LAWRENCE, KANSAS 66044
OFFICE: (785) 841-2040
FAX: (785) 856-0243

March 23, 2008

The Lawrence-Douglas County Metropolitan Planning Commission
Planning Department
Sixth and Massachusetts St.
Lawrence, Kansas 66044

VIA FAX. 832-3160

RE: Agenda Item: A-O2-02-08
Proposed annexation of 154.9 Acres

Dear Chairman and Planning Commission::

Please be advised that I have been retained by The Scenic Riverway Community Association, Inc. and a number of other individuals regarding the above proposed annexation of property. On behalf of my clients, this letter is directed to express their strong opposition to this annexation request.

As you know, the Planning Staff has prepared a report which addresses many of the problems and concerns about this request for annexation. It is obvious that this application creates far more problems and questions than any possible benefits that the applicant may claim that the annexation could remotely offer the Community. I refer to the conclusion made in the Planning Staff's report:

The proposed application lacks a detailed service delivery plan that assesses the time and provision of major infrastructure and how this infrastructure may be extended to other surrounding properties in the future. The proposed request is premature due to the lack of comprehensive planning in and for the area. Additional study of the area should be considered prior to proceeding with the proposed annexation.

The staff recommends that the Planning Commission find that the proposed annexation should be deferred until a sector plan can be completed to provide a comprehensive and professional approach to the land use issues in the area.

I respectfully request and recommend that the Planning Commission determines that this application for annexation be **DENIED** in its entirety. Of primary importance, this proposed annexation fails to identify any costs that will be incurred by the City and

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County if approved. The City's closest border is over 1.5 miles to the South and an estimated 2 miles to the East. The costs to extend services to this site are substantial, and for some reason, the application and report does not even offer a broad estimate for such expenses. This must be among the highest concerns by the City when reviewing such an application for annexation. No doubt the applicant's financial interests will be enhanced if its land is annexed, but at what costs and benefits to the City and community at large ?

In addition, the application should be denied for the following reasons:

1. The area is outside the Urban Growth Area.
2. Industrial development is not consistent with Horizon 2020.
3. Island annexation violates the annexation principals set forth in Horizon 2020.
4. Horizon 2020 recommends that this area remain open and used primarily for agricultural land.
5. It is anticipated that the applicant intends some form of industrial/commercial use which will adversely affect the nearby farms and residential properties.
6. Noise and potential environmental hazards are a concern.
7. Depending upon the specific use, increased traffic will cause substantial public safety issues. The current roads are not capable of handling a significant increase in traffic.
8. Waste water will present significant adverse impact upon the area. The current wastewater master plan does not address this area.
9. The rural water district is unable to supply adequate and the City's master plan does not address extending water to this area.
10. Plans for extending utilities to this area have not been developed or presented.
11. There are no plans for providing emergency services, which must be developed and costs assessed.
12. The proposed annexation is contrary to the growth management policies set forth in Horizon 2020.
13. There are no significant benefits to the community if this land is annexed by the City.

Finally, this "island annexation" requires specific statutory procedures and considerations, pursuant to K.S.A. 12-520 (c) . I believe the City of Lecompton requires appropriate notice and be afforded an opportunity to review this application. Pursuant to this statute, I seriously question if this annexation can meet the requirement that the County Commissioners must find and determine that "the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county ". Accordingly, the proposed use by the applicant must be presented and considered at this time, as required by law.

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Your consideration of these issues is truly appreciated, and I trust after thoughtful consideration of all relevant facts and information, you will recommend denial of this application for annexation.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Schneider", with a stylized flourish at the end.

Ronald Schneider

RS/eaf

From: JoAnn F [<mailto:sepiaspirt@hotmail.com>]
Sent: Saturday, March 22, 2008 5:21 PM
To: Scott McCullough
Subject: Lecompton Site Proposed Rezoning/Annexing

From: Joe and JoAnn Farb, 1958 e 850 Rd, Lecompton, Ks. 66050

Re: zoning/annexing or permitting of I-2 on land near 900E & 1800N

Dear Scott:

I urge you to NOT allow this piece of land to be zoned I-2, this would allow activities that could totally undermine this area's desirability for residential purposes for the hundreds who already live directly north(downwind/downstream/downsound) of this tract of land.

The fact that the owner of this land has said he is NOT interested in I -1 zoning which would be more restrictive, but somewhat protective of the rights of those already residing here, suggests that he has plans in mind for this land which might be very problematic to those affected, and is not being forthcoming with his real intent.

A much better solution to the need for I-2 sites with I-70 access, is to use the Farmland Industries property. Why allow virgin beautiful, uncontaminated land to go I-2 while an already contaminated one sits unused? We understand that Horizon 2020 already has plans to build an interchange to I-70 by the Farmland Property. Wouldn't it make more sense to move up the plans for that construction rather than investing more in infrastructure on a piece of land that is currently outside of the urban growth core? Many of us bought property and built homes in this area based upon the fact that there was NO I-2 zoned land nearby. Changing that now, may expose the county/city to legal claims for compensation from citizens whose property values have been adversely affected by this change. In essence a change from published plans, that damages citizens may be a form of "takings".

Please don't allow this land to be zoned I-2, and please don't allow this land to be annexed into the city of Lawrence. If this land must be commercially or industrially developed, please allow those living within a mile of it, to help craft binding guidelines that would absolutely prohibit this property from activities which would adversely affect the hundreds whose homes are nearby.

Please email us back and let us know your plans with regard to this issue.

Sincerely,

JoAnn and Joe Farb