

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

Amy Miller

From: Nuts2sell@aol.com
Sent: Tuesday, May 20, 2008 1:15 PM
To: grant@dgcounty.com; Denny Brown; bradfink@stevensbrand.com; Michelle Leininger; Amy Miller
Subject: Re: planning comm--Agenda 11 and 13

J. Grant Eichhorn
 Planning Commission Chair(?)

Brad Finkeldei
 Planning Commission Vice-Chair(?)

Planning Staff Members Ms. Miller and Ms. leininger

Apparently, I am late getting these comments in but I imagine that staff may appreciate my not having to bring the more technical English-usage suggestions up for the first time in open public comment. Also, I am a making points I would like you to consider that affect my property closely.

Item 13--Chapter 7, Horizon 2020.

I appreciate the insertion of some language in Horizon 2020 which recognizes prime farmland but the language is confusing. I suggest some ways to tighten up some unclear language:

current draft:

The preservation of high-quality agricultural land has been a substantial topic in the community and [?] is recognized as a finite resource that is important to the regional economy.

Comment:

The subject of the second clause is confusing. I suggest the following:

The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, has been a substantial topic in the community.

or, better yet:

High-quality agricultural land has been recognized as a finite resource that is important to the regional economy.

Current Draft:

High-quality agricultural land is generally defined as available land that has good soil quality and an adequate moisture supply to produce high yields of crops.

Comment:

Perhaps what you mean is "high available water capacity" which is the term of art used in the soil descriptions by the NRCS. I don't see why this criteria should be singled out as more important than "well drained", for example, or any of the other descriptive characteristics. Agricultural capability rating is derived as a result of a combination of several soil characteristics, which leads me to the next phrase:

Current draft:

Within Douglas County these are generally restricted to Capability Class 1 and 2, non-irrigated lands as identified by the National Resources Conservation Service.

This can be read that only non-irrigated lands can be high-quality agricultural land. It is confusing at least. I suggest either dropping the "non-irrigated lands" phrase completely (fyi: there is no irrigated capability rating for our area) or conforming more exactly to the NRCS language, like the following:

Within Douglas County these are *capability class (nonirrigated)*: 1 and 2 as identified by the National Resources Conservation Service.

The reference to Douglas County is also unnecessary. Combining my comments, you arrive at my best suggestion for the first paragraph:

High-quality agricultural land has been recognized as a finite resource that is important to the regional economy. High-quality agricultural land is generally defined as available land that has good soil quality, being *capability class (nonirrigated)*: 1 and 2 agricultural soils as identified by the National Resources Conservation Service.

For further elucidation, I insert below a snapshot from the NRCS description of a sample (Eudora Silt Loam) soil, to which, if reference is to be made to these studies, our Horizon 2020 language should conform.

Properties and qualities
 Slope: 0 to 1 percent
 Depth to restrictive feature: More than 80 inches
 Drainage class: Well drained
 Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.60 to 2.00 in/hr)
 Depth to water table: More than 80 inches
 Frequency of flooding: Rare
 Frequency of ponding: None
 Calcium carbonate, maximum content: 5 percent
 Available water capacity: High (about 11.8 inches)
 Interpretive groups
 Land capability (nonirrigated): 1

My following comments run to the substance of other provisions I have reviewed and which affect my interests..

I find fault with the new language in Chapter 7, under Airport, at page 7.6, to wit:

*The area around the Lawrence Municipal Airport **best suited** for industrial development generally lies southwest of the airport and North of I-70 and encompasses roughly 230 acres. This site has access to I-70, Highways 24 and 40, and the Lawrence Municipal Airport. [emphasis added].*

I take this 230 acre reference to mean the private property of the Pine Family Farms and its associates. If this is correct, I find this objectionable on five grounds.

First, the land involved is right under the landing/takeoff approach pattern of a runway, not off to the side where we might minimize flight hazards and light distractions and ground casualties in the event of a crash.

Second, the area is highly visible from I-70 and development showing the roofs and backsides of

buildings to the elevated interstate highway would detract from the otherwise scenic views at the gateway to the city.

Third, the area described is the best farm soil of the area and its development flies in the face of preservation of prime farm soils.

Fourth, the area described in this section is not the "best suited" land for commercial or industrial development compared to other nearby properties aside from the fact that the farmer/owner wants to develop it. Objectively, the properties along US 24/59 north from the Maple Grove Industrial Park for the first 1/2 mile are equally well suited for industrial or commercial development. These areas are equally close in road miles to the I-70 toll interchange and are already adjacent to or across the highway from existing industrial/commercial uses. If prime farmland concerns are to be set aside for one project, then it would be unfair and impractical to exclude these superior areas. Also, if the character of the neighborhood changes to predominantly development, then agriculture become less appropriate. Also, agricultural practices (chemical sprays and dust) become noxious in the vicinity of developments.

Fifth, this particular paragraph which characterizes a particular property as "best suited" is an argumentative statement about a property for which there is a pending rezoning application before the governing body of the City of Lawrence. Moreover, it is a matter on which there has been a successful petition-protest by neighboring landowners under Kansas law. I am one of the objecting landowner-petitioners, and I object to this paragraph as an interference with the statutory process.

Furthermore, this language will necessarily be either mooted or contradicted by the governing body in that separate matter, and will likely become irrelevant in either case.

Item 13.

Finally, I renew my objection to the Smart Code Sector Plan, Page 15-7. I object to the location of Smart Code developments on the prime farmlands, and the flood prone areas shown in the areas north of Lawrence in the agricultural floodplain. Additionally, I would point out that the location of the bulls-eye on the corner of US 24/59 and North 1900 is particularly inappropriate for a smart-code project because of the busy freight railroad and the railroad crossing there.



Thank you for consideration

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League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

March 23, 2008

Grant Eichhorn, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 12: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 7 –
INDUSTRIAL AND EMPLOYMENT RELATED LAND USE

Dear Chairman Eichhorn and Planning Commissioners:

We have annotated the Draft Horizon 2020, Chapter 7 - Industrial and Employment Related Land Use and extracted the annotated pages as Exhibit 1. We hope that you will incorporate these comments and suggestions into the amended Chapter 7, *Horizon 2020*.

There is one very serious loophole that is repeated in this version of Chapter 7 that we ask you to correct. The general locational criteria and specific criteria, page 7-14, Goal 2, Policy 2.1 and Policy 2.2, now include general criteria regarding the location to transportation networks and environmental characteristics needed for locating industrial developments, but have no criteria requiring any locational relationship to cities and urban infrastructure, or to the Urban Growth Areas of the cities in Douglas County. The only statement is that the development (Goal 2, Policy 2.1.e.) “Be annexed before development *if* [emphasis added] adjacent to municipal boundaries.”

The significance of this statement is that it would require industrial and employment-related developments to be annexed ONLY if adjacent to city boundaries. Otherwise, this statement implies, an industrial use or employment-related use could be located anywhere in the Rural Area, and presumably also, in the UGA of the cities, without annexation as long as it conforms to the other criteria. What this statement does is open up almost the entire county to random industrial and employment-related development.

We hope this is not what was intended by the changes to Chapter 7, which heretofore strictly limited the location and types of industrial and employment-related development in the Rural Area of Douglas County.

The experience of other communities has indicated that the location and timing of industrial and employment related developments are extremely important in realizing the hoped-for benefits that they bring to the community. In Boulder, Colorado when the IBM plant moved into a site in unincorporated Boulder County in the early 1960s, the costs due to the influx of population into the City of Boulder were not offset by the taxes from the IBM plant because the taxes went to the county. DuPage County, Illinois, in the late 1980s is an example of the negative effect of random county development where the infrastructure costs were not offset by the tax benefits. Infrastructure extensions (sewer, water, power, emergency and other types of services) well beyond the urban boundaries along with the accompanying road improvements needed, proved to create the opposite effects of the hoped-for fiscal benefits for either the counties or cities in DuPage County.

We ask that you change this statement Goal 2, Policy 2.1.e. to read: “be adjacent to municipal boundaries and annexed before development.”

Thank you.

Sincerely yours,

Carrie Lindsey
President Elect

Alan Black, Chairman
Land Use Committee

EXHIBIT #1

These are annotated pages extracted from the amended version of Draft Chapter 7, Industrial, etc. Land Use submitted to the PC by LUC

- Increase the number and diversity of jobs available to the citizens of Douglas County to stabilize the future employment base and generate additional wealth in the community.
- Identify an adequate amount of available land in a number of locations in Douglas County to meet diverse industrial and business related development needs.

Would you please give some technical justification for establishing this number of new jobs by 2020? Or is this just wishful thinking?

Increase community involvement in economic development activities, by partnering with the local business community and area educational institutions to bring new technology and investment to the region for the purpose of meeting the economic development job growth goal of securing twenty thousand new jobs in Douglas County by 2020.

- Protect, enhance, and retain existing industrial-related land use areas serving the community.
- Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future.
- Encourage site availability, site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development.
- ~~Encourage~~ ^{Provide} bicycle, pedestrian and public transit access from neighborhoods to industrial and business employment centers.

Also add: "Avoid sites that are hazardous and/or abnormally costly to develop such as areas subject to flooding, and/or in need of extraordinary infrastructure costs to prepare sites for development."

Minimize impacts to the natural environment in the identification of new industrial and business development areas or in the redevelopment of existing areas. Whenever possible, industrial and business development should encourage the retention of open space to serve a variety of purposes, including stormwater management, preservation of wildlife habitat and ecological functions, recreational opportunities, and reduction of visual impacts on surrounding areas.

1. INDUSTRIAL LAND USE

INDUSTRIAL LAND USE CATEGORIES

Industrial development in Douglas County has taken on many shapes and forms in the past. This Comprehensive Plan recognizes this variety in development and establishes the following categories of industrial-related land use:

- **Warehouse and Distribution** - an area generally characterized by businesses involved in the warehousing and distribution of wholesale goods and supplies.

- be of adequate parcel size, generally over forty acres;
- lie primarily outside of the 100-year or regulatory floodplain;
- have minimal average slopes;
- be located outside prime agricultural farmland as defined by United States Department of Agriculture.¹

After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should *substantially* meet the following **specific** criteria on a site plan or development plan level:

- preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
- encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
- have available and adequate utilities, infrastructure and services for the proposed use;
- be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;
- ~~be annexed before development if adjacent to municipal boundaries.~~

This opens up the entire county to industrial development. This should read, "be adjacent to municipal boundaries and annexed before development."

Initial applications for site considerations should first be weighted against the general locational criteria, and then against the specific criteria as individual proposals move through the development process. A non-exclusive list of sites that substantially meet the general criteria are illustrated in Map 7-2, Map of General Locations for Future Industrial and Business Park Development, and are detailed in descriptions below. Locations initiated through the planning process that are not on Map 7-2 will be weighted against the general locational criteria above.

INDIVIDUAL SITE ANALYSIS:

- **Farmland Industries**

Transportation: State Highway and Rail access

Parcel Size: 275+ acres

Floodplain: None

Slope: Mostly minimal (0-3%) with some 3-7% and higher

Prime Farmland: Approximately 20% covered.

Generally this area is located north of K-10, west of East Hills Business Park, south of N 1500 Road, and west of E 1575 Road. While the entire site contains roughly 400+ acres, the proposed Farmland Industries Redevelopment Plan, currently working through the approval process, identifies approximately 275 acres of land for industrial uses. The site has access to K-10 Highway, as well as possible future connections to East Hills Business Park. In addition the site has direct access to rail lines that exist on the north end of the property. The site lies outside of the 100-year floodplain and is generally covered by

¹ Prime Agricultural Farmland as defined by the United States Department of Agriculture, National Resources Conservation Service in the National Soil Survey Handbook and illustrated for Douglas County through the Web Soil Survey.

minimal (0-3%) slopes, with a few areas having 3-7% and higher slopes. Approximately 20% of the area is covered by prime farmland. Portions of the site pose some challenges related to environmental clean-up from the prior use that needs to be addressed before re-development, but would be a good site for Warehouse and Distribution, Office Research and Industrial uses, especially when combined in a collaborative park setting.

- **Southeast Area**

Transportation: State Highway access

Parcel Size: 200+ acres (with an additional 30 identified for Warehouse)

Floodplain: None

Slope: Minimal (0-3%)

Prime Farmland: Approximately 90% covered.

The Southeast Industrial Area is located on the south side of East 23rd Street/Kansas Highway 10, south of East Hills Business Park. This area consists of general industrial land uses and it is anticipated this area will experience increased industrial development as noted in the Southeast Area Plan. That plan recommends less intense Industrial uses, such as Warehouse and Distribution and Office Research for approximately 30 acres south of N 1360 Road between E 1700 Road and E 1750 Road. The plan recommends more intense industrial uses for the roughly 200 acres for the area northwest of the intersection of 25th Terrace and Franklin Road, the area east of Franklin Road, north of E. 25th Street and N. 1360 Road, west of E. 1750 Road (Noria Road), and south of E. 23rd Street/K-10 Highway and the area north and south of Franklin Park Circle. Like East Hills Business Park, the Southeast Industrial Area will serve as the eastern gateway to the community. This site has access to Kansas Highway 10 and lies outside of the 100-year floodplain. The area is generally covered by minimal (0-3%) slopes and is almost 90% covered by prime agricultural farmland.

- **Airport**

Any development here would precipitate the need for very costly storm drainage infrastructure. It is a hazardous area because of its location within or surrounded by the area of inundation following a breach in the levee.

Transportation: Federal Interstate, State Highway, Air and Rail access

Parcel Size: 230+ acres

Floodplain: Approximately 10% of those 230 acres

Slope: Minimal; 0-3%

Prime Farmland: Approximately 90% covered.

The Lawrence Municipal Airport, located in North Lawrence along US-24/40/59, is a newly developing industrial area of the community. Aviation enterprises are present and there is the potential for additional aviation and related enterprises. Currently, the airport is an island surrounded by some county industrial land use, but mostly agricultural land uses. As development continues to occur in neighboring Leavenworth County, the US-24/40/59 corridor will become a major thoroughfare. As the City begins initiating long-range planning activities for improved municipal services to and stormwater management within this area, development pressures will increase for this area. It is recommended by this Comprehensive Plan that annexation be a part of any industrial development proposed for this area. As this area evolves into a community gateway, development proposals are also encouraged to employ sound site planning

This was originally considered one of the best sites.

of Highway 40 and is detailed in the West 6th Street/K-10 Nodal Plan. The area contains approximately 300 acres and lies outside of the 100-year floodplain. The area is located adjacent to both Highway 40 and K-10 Highway, as well as being in close proximity to I-70. The site has mostly minimal slopes (0-3%) with some 3-7% slopes and is approximately 40% covered by prime farmland. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would be best suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

- **Eudora North & Eudora South**

Areas have been generally identified on the east side of Eudora, both north and south of K-10 Highway that would be appropriate for Industrial development. It is recommended that Eudora annex both areas prior to development.

- **Baldwin City**

The Comprehensive Plan already identifies that a general area to the west of the current Baldwin City limits would be ideal for industrial development at such time that the City of Baldwin is able to provide utilities to the site. Baldwin City is currently in the process of drafting and adopting a comprehensive plan and therefore any decisions regarding specific locations for this site should wait until that process is complete.

- **Highway 56 and Highway 59**

The Comprehensive Plan identifies that a general area near the proposed intersection of Highways 56 and 59 would be ideal for industrial development in the future. It may be possible to develop the site to a limited extent prior to the available of urban services; however, intense development should wait until such time that urban services are able to be provided.

- **Midland Junction**

This area generally lies near the intersection of N 2000 Road and Highway 24/59 north of Lawrence. While the area is located within the Urban Growth Area for the City of Lawrence, development is not anticipated for more than 30 years. This area is located in proximity to transportation networks and meets the general location criteria making it ideal for industrial development in the future.

- **Highway 56 and K-33**

The Comprehensive Plan identifies that a general area near the intersection of Highways 56 and K-33 would be ideal for industrial development in the future due to its proximity to the proposed Gardner Intermodal Facility. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that urban services are able to be provided.

Guidelines are needed to provide direction on how much, where and at what scale industrial and employment-related development is appropriate for the market it is intended to serve.

GOAL 2: Criteria for Location of New Industrial and Employment-Related Development

Provide industrial and employment-related areas to meet the economic needs of the community.

Policy 2.1: Utilize Locational Criteria for All Industrial and Employment-Related Development

1. A given site, whether located within City limits, in the UGA, or in unincorporated areas of Douglas County, should *substantially* meet the following **general** locational criteria:
 - a. be in close proximity to Federal and State transportation networks;
 - b. be of adequate parcel size, generally over forty acres;
 - c. lie primarily outside of the 100-year or regulatory floodplain;
 - d. have minimal average slopes;
 - e. be located outside prime agricultural farmland as defined by United States Department of Agriculture.¹
2. After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should *substantially* meet the following **specific** criteria on a site plan or development plan level:
 - a. preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
 - b. encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
 - c. have available and adequate utilities, infrastructure and services for the proposed use;
 - d. be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;
 - e. ~~be annexed before development if adjacent to municipal boundaries.~~
 - f. Utilize the following general locational criteria in reviewing industrial and employment-related development request.

How are you going to provide pollution control with direct discharge into floodplains?

Please reverse this sentence to read: "be adjacent to municipal boundaries and annexed before development;"

Policy 2.2: Require Impact Analysis to Ensure Adequate Infrastructure Facilities Thank you.

Utilize fiscal impact analysis for developments seeking tax abatements or other forms of public assistance to ensure that the costs for public services or facilities by the development can be recovered from revenues generated.

COMMENT: This statement, Policy 2.1.e. would allow random development of industrial and employment related uses and parks in the Rural Area of the County because it implies that only proposed developments adjacent to cities need to be annexed, and otherwise, if all other criteria are met, they would be allowed without the restriction of being annexed. This is a major loophole. Please reword this as suggested above.

Policy 2.3: Adhere to Designated Land Uses

- a. Locate the development of planned industrial, office research and warehouse distribution facilities in accordance with the general locational criteria listed on p. 7-5. Additionally, sites that meet those criteria are identified on Map 7-2. Require annexation of sites that are adjacent to the City of Lawrence limits.

This needs a modifier.
Taken by itself, it
opens the county to
random development
of industrial sites.

b. Designate new industrial, office research and warehouse distribution areas to support job creation. Ensure that new industrial, office research and warehouse distribution developments are concentrated in areas with similar compatible uses.

- c. Large-scale industrial and employment-related development should be located in planned parks to help ensure coordination of circulation systems, lot configuration, site layout [building, parking and access facilities], and environmental amenities.


Policy 2.4: Maintain an Inventory of Industrial and Employment-Related Land Uses and Develop a Method to Monitor Related Growth

- a. Maintain a methodology for site selection that takes into consideration industrial users needs and the best interests of the community.
- b. Identify and plan for an appropriate supply of industrially zoned land.
- c. Develop a technique to monitor the aggregate size of industrial and employment-related developments within the community.

Policy 2.5: Ensure Compatibility of Development

- a. Establish design guidelines and standards for new industrial and employment-related development.
- b. Encourage best management practices for site planning and design that include, but are not limited to, the consideration of natural site features, building placement and orientation, vehicular and pedestrian circulation patterns, open space, landscaping, lighting, stormwater management, and interfacing with adjacent neighborhoods and development.
- c. Encourage building design techniques that include, but are not limited to, the consideration of facade and exterior wall articulation, materials and colors, rooflines, entryways, signage, and energy and resource conservation.
- d. Major entrances into industrial and business parks should be identified by attractive "gateway" features. Gateways should include special signage, landscaping and accent lighting, and/or a common sculptural feature and should be located outside the public street rights-of-way.

- d. Use high quality materials in the construction of screening and landscaping to decrease long-term maintenance costs. Quality of site landscaping shall mirror the quality of the overall development.

- 
- e. Unsightly views and light trespass ^{shall} ~~should~~ be screened from neighboring properties and the public right-of-way. Building materials or structures incompatible with the image of a high-quality development, such as chain-link fences, outdoor storage facilities, etc., should not be the means of screening areas visible from public streets or adjacent parcels.

5. Lighting

Any lighting used to illuminate parking areas, signs or structures shall be placed to deflect light away from any adjoining property or from public streets through fixture type, height and location.

Policy 3.2: Consideration of Transitional Uses

- a. Consider low-intensity commercial or office development as a transition between industrial and employment-related development and low-density residential neighborhoods. The low-intensity commercial or office development should include:
 - 1. Design elements such as: height, massing, and scale compatible with the surrounding low-density residential uses;
 - 2. Site design compatible with surrounding residential neighborhoods with consideration given to extensive screening, building and parking orientation, and preservation of natural site amenities; and
 - 3. Site access provided from arterial, collector or access/frontage streets and traffic directed away from surrounding residential areas.
- b. Encourage the integration of higher-density residential development through compatible design with industrial and employment-related developments and the surrounding low-density residential neighborhoods. Compatible design includes proper building transition and buffers.
- c. Utilize medium- or high-intensity recreational facilities as a transitional use to lesser-intensity uses. Encourage the joint use of parking facilities to serve the recreational uses.
- d. Incorporate open spaces and natural site features as a transitional use between industrial and employment-related development and low-density residential development.

- d. Adequate ingress and egress from industrial and employment-related centers should strive to provide a minimum of two access points.
- e. Encourage shared access between adjacent industrial and employment-related developments. Plan for coordinated traffic circulation within and adjacent to proposed development areas.

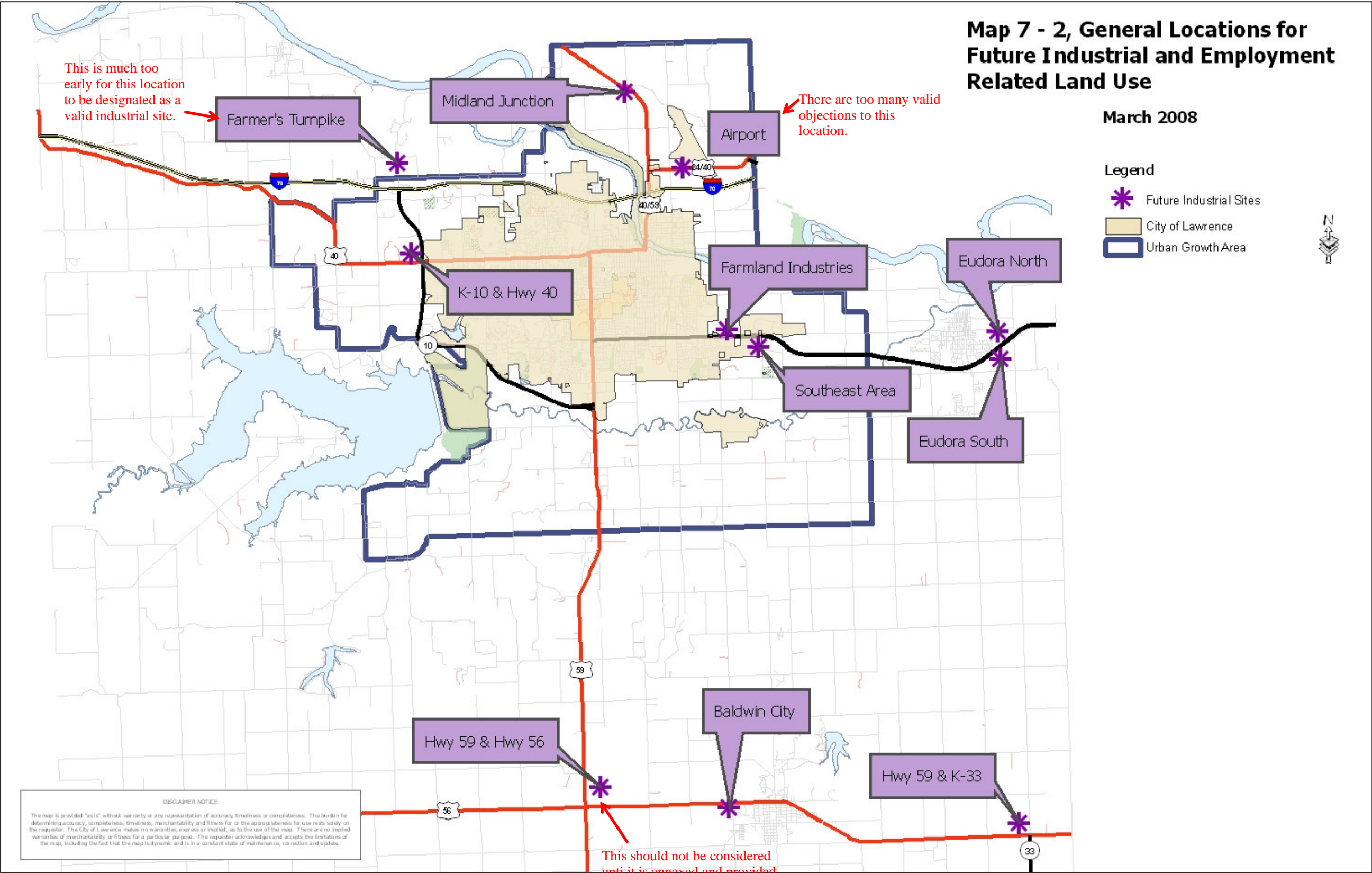
Policy 4.4: Pedestrian Access and Circulation

- a. Provide sidewalks on both sides of all streets (public and private).
- b. Provide safe, convenient pedestrian access from parking areas and avoid pedestrian and vehicular conflicts within these industrial and employment-related developments.
- c. Include bicycle access, or the potential for such access, within industrial and employment-related developments, between major employment areas within the community, and with the community's overall bicycle network.
- d. ~~Strongly consider~~ Provide public transit facilities and pedestrian-related facilities as a requirement of industrial and business park development.
- e. Encourage public transit.

Policy 4.5: Parking and Loading

- a. Develop parking areas in convenient locations to support industrial and employment-related traffic.
- b. Identify potential parking areas which will serve mass transit and carpooling.
- c. Ensure adequate loading space, within a building or a side or rear yard, in such a way that all storage, standing and maneuvering of trucks will take place solely on private property and be screened or buffered from adjacent lower-intensity uses.

A major failing of our public transportation system is that the City does not require bus stops WITHIN large commercial centers; and this would also include industrial parks. Target, for example, objected to allowing city buses to get close to the Target entrance because the driveway surface would not take the wear. The city should require that provision be made for bus entry and convenient stops within large centers and business parks.



From: Marguerite [mailto:mermeling@myvine.com]
Sent: Monday, March 24, 2008 9:59 AM
To: Scott McCullough
Subject: Chapter 7 PC

Dear Planning Staff and Planning Commission,

As members of Scenic Riverway Community Association, we disagree with changes made to Chapter 7 and recommend the following for discussion and consideration.

1. P7-4 paragraph under heading Lawrence- New Industrial Areas, last sentence “The following criteria strike a balance between industrial user needs and community interests, as well as being aligned with criteria developed through the ECO2 process”. These “industrial user needs” have been ‘suggested’ by Chamber of Commerce without any paper trail of documentation to substantiate their recommendations. It is therefore impossible to make this statement.
2. Under Individual Site analysis: Farmers Turnpike strike “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”. This recommends/suggests suboptimal use of land that is positioned as a **gateway** for two cities and could frustrate future more economically valuable development at this site. Suggestion of interim uses is premature, without foundation and is poor planning without future cost benefit analysis.

Stan Unruh
Secretary

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 12, CPA-2004-02 - Revised Amended Chapter Seven
of Horizon 2020

Dear Chairman Eichhorn:

Thank you, your sub-committee and the staff for the work in the revisions to this Chapter. It is much improved. However, there are some inconsistencies that should be clarified before adoption of this Chapter. The inconsistencies are as follows:

1. One of the most important strategies found on Page 7-2 is **“Protect, enhance, and retain existing industrial-related land use areas serving the community.”** This strategy is specifically undermined by the following:
2.
 - a. Page 7-4 Burroughs Creek Corridor, please delete the last sentence of that paragraph:
~~“Future development of this area should be in accordance with the Burroughs Creek Corridor Plan”.~~

The Burroughs Creek Corridor Plan as adopted by the City Commission in 2006, recommends significant re-zoning of these existing small industrial lots. The Burroughs Creek Corridor Plan should be promptly reconsidered as it is in direct conflict with the otherwise expressed policy of this Planning Commission to preserve the small industrial sites where most of our “homegrown businesses” are located. At the very least the Burroughs Creek Corridor Plan should be amended to clearly state that in the event of a conflict, Horizon 2020 controls.

- b. Page 7-4, second paragraph under **Union Pacific Railroad Corridor**, the first sentence should be revised as:
~~“New development, redevelopment and expansion in the area should be encouraged to establish standard sized development parcels and upgrade and improve the appearance and image of the area.”~~

Changing the sizes of the lots to “standard sizes” is in direct conflict with the policy behind the text amendment (TA-07-14-07) approved by the Planning Commission on February 27, 2008, to allow the smaller parcels and setbacks to remain. The text amendment protects these smaller businesses and smaller industrial sites from the newly adopted larger lot and setback requirements of the Land Development Code; and

- c. Page 7-4, second paragraph, please delete the last sentence is:

~~“Where consolidation of industrial sites is impractical, it is recommended those properties be converted to residential and/or neighborhood commercial uses.”~~

The point of preserving the smaller industrial sites is to enhance and protect our smaller businesses and allow them to expand. It is **not** to convert these sites to residential or neighborhood commercial areas. Such conversions would diminish our already too small supply of such smaller industrial sites.

3. On page 7-4 **LAWRENCE-NEW INDUSTRIAL AREAS**, the last sentence should be modified as follows:

~~“The following criteria strike a balance between industrial user needs and community interests, as well as being adopted with criteria developed with the ECO² process.”~~

The ECO² process and plan are well under way, but not complete. A decision to adopt the ECO² process into Horizon 2020 should be a separate consideration by the Planning Commission with proper prior public notice. It should not be until after the staff review of ECO² is complete. Such a policy decision should be carefully considered because of its ramification for the entire comprehensive plan. It should not be adopted *de facto* as a mere insertion into the revised Industrial Chapter.

4. On pages 7-4 through 7-5, Locational Criteria for Industrial Developments, the general locational criteria are excellent and should be used to determine conformity with the Comprehensive Plan, with the exception of the last bullet which should be deleted, which is:

- ~~***“be located outside prime agricultural farmland as defined by United States Department of Agriculture”.***~~

There is no definition of “prime agricultural farmland” in Horizon 2020 itself. If such a dramatic policy change is to be made, it should be made in light of other considerations of the use of “prime agricultural farmland” as well. For instance is rural residential or commercial permissible, but not industrial? What goals are we trying to accomplish?

The proposed criteria is too vague to offer any guidance as to whether our goal is to preserve certain ground for farming or only to prevent it from becoming industrial. This criteria is over broad and over reaching. It will only become a contentious and divisive factor among neighbors.

5. **Specific Criteria** on page 7-5 contains a list of things that are to be met for a proposed industrial location to be in conformance with the comprehensive plan. All of these criteria are requirements of a site plan or development plan. Each one can be addressed by the developer once a specific business or industry is ready to select that site. These are criteria that are not appropriate in identifying locations for future industrial sites. They are appropriate to consider with the development of a designated and zoned site when it is ready for a site plan or development plan for a particular end user. These should be deleted as locational criteria. All are required in the Land Development Code at the appropriate point in the development cycle.

Horizon 2020 **“provides a vision for the community.”**, Horizon 2020, p. 1, first sentence. The implementation of the vision is the Land Development Code. Only when an industrial user has been identified will it be possible to ascertain whether there are available and adequate utilities, infrastructure and services for the proposed use. It is confusing to refer to some of these later requirements as location criteria.

As we have been told by Beth Johnson of the Lawrence/Douglas County Chamber of Commerce, the site selection people used by most industrial users will not wait for the annexation, zoning and initial planning of a proposed site. Often they want a site that can be

moved into within six to twelve months. Therefore, the location of the site and the zoning should be complete before a prospective industrial user would even be able to address the “specific criteria”. Therefore, please revise the first full paragraph on p.7-5 as follows:

~~*“After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site specific criteria. Sites should substantially meet the following specific criteria on a site plan or development plan level:*~~

- ~~*• preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;*~~
- ~~*• encourage natural stormwater management, including locations that permit direct discharge to the flood plain;*~~
- ~~*• have available and adequate utilities, infrastructure and services for the proposed use;*~~
- ~~*• be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;*~~
- ~~*• be annexed before development if adjacent to municipal boundaries.*~~

~~*Initial applications for site considerations should first be weighted against the general locational criteria, and then against the specific criteria as individual proposals move through the development process.*~~

~~*A non-exclusive list of sites that substantially meet the general criteria are illustrated in Map 7-2, Map of General Locations for Future Industrial and Business Park Development, and are detailed in descriptions below. Locations initiated through the planning process that are not on Map 7-2 will be weighted against the general locational criteria above.*~~

6. **INDIVIDUAL SITE ANALYSIS** on pages 7-5 through 7-9 should be consistent. The I-70/K-10 Industrial Park site is the only one of eleven proposed industrial sites for which a sector plan is required. This is neither logical nor consistent. There no longer appears to be any doubt that this is a logical and badly needed industrial site. If the Planning Commission elects to direct a 4000 acre sector plan for the Farmer’s Turnpike area, it should do so without including this site. Such a sector plan and should not be used as yet another reason to delay consideration of this annexation. Please modify the description of the I-70/K-10 site on page 7-7 as follows:

- **“Farmer’s Turnpike I-70/K-10 Industrial Park**

Transportation: Federal Interstate and State Highway access
Parcel Size: 150 acres, with possibility of more
Flood plain: None
Slope: Mainly 0-3%
Prime Farmland: Approximately 40% covered.

The Farmer’s Turnpike I-70/K-10 Industrial Park area lies generally north of N 1800 Road (Farmer’s Turnpike) near the intersection of Kansas Highway 10 and I-70. The proposed area contains roughly 150 acres with the potential for more land. to be identified for industrial and employment related land use through the long-range planning process. That process includes completion of a sector plan prior to annexation and development to better understand appropriate land uses, infrastructure issues and other service issues, such as police and fire protection. The area contains land of minimal slope (0-3%) and also lies outside of the 100-year flood plain. Approximately 40% of the 150 acre site is covered with prime farmland. This area substantially meets the general locational criteria and will be an important future economic development area for the Lawrence community because of its prime location near the I-70 interchange. The site is adjacent to, but outside of the Urban Growth Area, and is some distance from the Lawrence city limits making providing urban infrastructure a challenge. It is presently served by rural utilities. 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. In the future, this area will be an important gateway to the city that has the opportunity to develop as a work-live campus type center or Industrial/Business/Research Park.”

7. On page 7-12, under Policy 1.1, please add a new section d. as follows:

“d. Retain setbacks and lot sizes that were permitted under the prior Lawrence Zoning Ordinance in order to allow development, redevelopment and expansion of the existing older industrial areas in a harmonious way.”

The addition of this policy will support the text amendment (TA-07-14-07) to the Land Development Code as approved by the Planning Commission in February 2008.

Eichhorn, Grant

March 23, 2008

Page 6

8. Page 7-14, please delete Policy 2.1.1.e. and Policy 2.1.2. in its entirety, for the reasons stated above.
9. On page 7-15, Policy 2.3.a., please rewrite as follows:

Policy 2.3: Adhere to Designated Land Uses

- a. Locate the development of planned industrial, office research and warehouse distribution facilities in accordance with the general locational criteria listed on p. 7.5. ~~Additionally, sites that meet those criteria are identified on Map 7-2. Require annexation of sites that are adjacent to the City of Lawrence limits.~~***

The strategy stated on page 7-5 that potential industrial locations that meet the general location criteria, but are not on Map 7-2, will be considered based on the general location criteria was an excellent addition. However, unless you delete the next to last sentence, no sites that are not on Map 7-2 will be considered and the flexible strategy will be defeated. The last sentence regarding our annexation policy should be deleted as redundant because it is included in Chapter 4 - Growth management.

Thank you for your consideration of these requested revisions and concerns prior to making a recommendation for adoption.

Sincerely,

BARBER EMERSON, L.C.

Jane M. Eldredge

JME:klb

Eichhorn, Grant

March 23, 2008

Page 7

bcc: James D. Schwada

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

RECEIVED

MAY 19 2008

City County Planning Office
Lawrence, Kansas

May 18, 2008

Grant Eichhorn, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

Re: ITEM NO. 11: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 7 –
INDUSTRIAL AND EMPLOYMENT RELATED LAND USE

Dear Chairman Eichhorn and Planning Commissioners:

We see the same issues in this version of Chapter 7, Horizon 2020, that have created concern for the League regarding the lack of specificity in proposed locations for industrial and employment related land use which would allow a proliferation of intensive uses in the Rural Area of the County. As one of our members pointed out, the use of the term in "proximity" to, without provision for access to the mentioned thoroughfares would allow location of these uses along the full length of the highways.

We are attaching our previous most recent letter to you regarding our concerns about this new Chapter 7 addition to Horizon 2020.

Sincerely yours,


Milton Scott
Board Representative



Alan Black, Chairman
Land Use Committee

ATTACHMENT

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

March 23, 2008

Grant Eichhorn, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 12: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 7 –
INDUSTRIAL AND EMPLOYMENT RELATED LAND USE

Dear Chairman Eichhorn and Planning Commissioners:

We have annotated the Draft Horizon 2020, Chapter 7 - Industrial and Employment Related Land Use and extracted the annotated pages as Exhibit 1. We hope that you will incorporate these comments and suggestions into the amended Chapter 7, *Horizon 2020*.

There is one very serious loophole that is repeated in this version of Chapter 7 that we ask you to correct. The general locational criteria and specific criteria, page 7-14, Goal 2, Policy 2.1 and Policy 2.2, now include general criteria regarding the location to transportation networks and environmental characteristics needed for locating industrial developments, but have no criteria requiring any locational relationship to cities and urban infrastructure, or to the Urban Growth Areas of the cities in Douglas County. The only statement is that the development (Goal 2, Policy 2.1.e.) "Be annexed before development *if [emphasis added]* adjacent to municipal boundaries."

The significance of this statement is that it would require industrial and employment-related developments to be annexed ONLY if adjacent to city boundaries. Otherwise, this statement implies, an industrial use or employment-related use could be located anywhere in the Rural Area, and presumably also, in the UGA of the cities, without annexation as long as it conforms to the other criteria. What this statement does is open up almost the entire county to random industrial and employment-related development.

We hope this is not what was intended by the changes to Chapter 7, which heretofore strictly limited the location and types of industrial and employment-related development in the Rural Area of Douglas County.

The experience of other communities has indicated that the location and timing of industrial and employment related developments are extremely important in realizing the hoped-for benefits that they bring to the community. In Boulder, Colorado when the IBM plant moved into a site in unincorporated Boulder County in the early 1960s, the costs due to the influx of population into the City of Boulder were not offset by the taxes from the IBM plant because the taxes went to the county. DuPage County, Illinois, in the late 1980s is an example of the negative effect of random county development where the infrastructure costs were not offset by the tax benefits. Infrastructure extensions (sewer, water, power, emergency and other types of services) well beyond the urban boundaries along with the accompanying road improvements needed, proved to create the opposite effects of the hoped-for fiscal benefits for either the counties or cities in DuPage County.

We ask that you change this statement Goal 2, Policy 2.1.e. to read: "be adjacent to municipal boundaries and annexed before development."

Thank you.

Sincerely yours,

Carrie Lindsey
President Elect

Alan Black, Chairman
Land Use Committee

Attachment

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 OF COUNSEL

May 19, 2008

MAY 19 2008

City County Planning Office
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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: Planning Commission Agenda Item No. 11 - Industrial and Employment-Related
 Land Use

Dear Chairman Eichhorn:

Please make the following changes to the May 2008 Draft of the revised Chapter Seven:

1. Page 7-4, please delete the last sentence under the description of the Union Pacific Railroad Corridor. That sentence is: "~~Where consolidation of industrial sites is impractical, it is recommended those properties be converted to residential and/or neighborhood commercial uses.~~"
2. Page 7-7: the description of the I-70 and K-10 industrial site: please delete the last sentence of this description which is: "~~In the future, this area will be an important gateway to the City that has the opportunity to develop as a work-live campus type center or Industrial/Business/Research Park.~~" This sentence should be replaced with, "**This area would be best suited for Warehouse Distribution Uses, Industrial Uses, Work-live Campus Type Centers and Industrial/Business/Research Parks.**"

The industrial land use categories of Warehouse and Distribution and Industrial are permitted at the Farmland Industries site, the Southeast Area site, the Airport site and the K-10 and Highway 40 site.

Eichhorn, Grant

May 19, 2008

Page 2

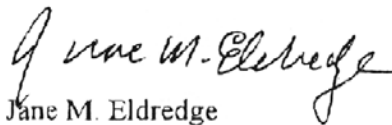
The I-70/K-10 site is uniquely suited for warehouse distribution and industrial land uses as defined in this chapter. These uses should not be excluded from this site.

3. Policy 2.1(1)(e), please delete this reference to prime agricultural farmland.

Thank you for your consideration.

Sincerely,

BARBER EMERSON, L.C.

A handwritten signature in cursive script, appearing to read "Jane M. Eldredge".

Jane M. Eldredge

JME:klb

James W. Grauerholz

1100 E. 19th St., Lawrence KS 66046 U.S.A.

tel: 785-841-2141 / FAX: 785-841-7640 / cell: 785-840-4203

email: <Seward23@aol.com>

March 24, 2008

Amy Miller
Long Range Planner
Lawrence-Douglas County Planning Office
City Hall
Lawrence KS 66044

re: Horizon 2020, Chapter 7, Industrial Uses; draft March 2008

Dear Amy,

Thank you for addressing the concerns that I expressed in my letter to Sheila Stogsdill dated Nov. 20, 2007, about proposed revisions in Chapter 7 where it deals with the Burroughs Creek Corridor (the former Santa Fe Railroad Corridor), i.e., in the map at page 7-25, and in the Chapter's new text at page 7-4:

The Burroughs Creek Corridor (the former Santa Fe Railroad Corridor) stretches from East 31st Street to the Kansas River in East Lawrence and includes a north and south segment. Parts of the corridor area offer smaller land parcels and provide* opportunities for small business owners to coexist with neighboring residential uses. Future development of this area should be in accordance with the Burroughs Creek Corridor Plan.

(* typo corrected: "parts ... provide" rather than "provides")

Technical comments:

[1] The Burroughs Creek Corridor Plan's Study Area did not include the area north of 9th Street (extended) to the Kansas River; see p. 1-1 and map at 1-3. But the additional area comprises only two zoning districts: the large employment-related area zoned "IG," with several industrial/commercial uses, and the large area zoned "GPI," comprising the City's sewage-treatment plant and the northern part of Brook Creek Park, to the Kansas River. I believe it is appropriate to include these districts.

[2] The mention of "a north and south segment" included, in the Dec. 2004 draft, language specifying "23rd Street" as the dividing line between the two segments; that is absent from this draft, perhaps rendering the mention of two "segments" unclear.

[3] I believe the new sentence that mentions the Burroughs Creek Corridor Plan should be reinforced slightly, with language along these lines:

Future development of this area should be in accordance with the Goals and Recommendations established in the Burroughs Creek Corridor Plan.

My thanks to you and the Planning Commissioners for considering these slight, final suggested amendments.

Sincerely,



James W. Grauerholz
Brook Creek Neighborhood Association member
Burroughs Creek Corridor Plan Study Committee, 2005–2006