

January 28, 2009

Jones called the regular session meeting to order at 6:35 p.m. on Wednesday, January 28, 2009 with all members present.

CONSENT AGENDA 01-28-09

Jones moved approval of the following Consent Agenda:

- ▶ Commission Order Nos. 09-002 and 09-003 (on file with the office of the Clerk)

Motion was seconded by Flory and carried unanimously.

PLANNING 01-28-09

The Board conducted a public hearing for **CPA-2008-6**, West of K-10 Plan to consider approval of Joint Ordinance No. 8340 and County Resolution amending the Comprehensive Plan "Horizon 2020" by approving and incorporating by reference "Chapter 14 – Specific Plans, West of K-10 Plan, CPA 2008-6, October 20, 2008 Edition." Dan Warner, Lawrence-Douglas County Metropolitan Planning Department, presented the item.

Warner gave a short presentation explaining the changes that evolved between drafts 1 through 4. The Planning Commission approved draft 4 with a 6-2 vote on October 20, 2008, and the City Commission approved draft 4 on a 5-0 vote on December 2, 2008. Warner stated draft 4 was a compromise with the surrounding landowners, not everyone is getting what they want.

There was discussion regarding E902 Road and its connection to Clinton Parkway. Warner explained placement on the plan at this point does not show accurate location through the listed high-density designation. Flory asked if there will be a traffic outlet for the high-density to the south. Warner replied the traffic will at least go south where the Lake Point Drive will extend, that option will be carried out in the development process. There will have to be a traffic analysis and some access to Clinton Parkway.

Thellman stated concerns regarding development, its effect on the Clinton Reservoir and its water supply for the population and the sediment runoff in the area. Neighbors in the low points are very concerned. Warner stated sediment control should definitely be a priority in this area and the City has regulations regarding this in place to control construction runoff.

Jones asked if it is typical transition to step down from high density, to medium density and then low density. Warner stated that is the typical land

use plan. However, as in the draft presented, he doesn't feel the high density backed up to low density is bad. Jones asked what the basic reason was for back high density to low density on this plan. Warner replied it was a compromise based on comments from the surrounding landowners.

Jones opened for public comment:

Mary Ann Hoffmann, MD; 1439 E. 920 Road, stated she is opposed to high density and commercial comprehensive plan designations in her area. She also has concerns regarding increased property taxes if draft 4 is approved. There has been an increase in car break-ins because of the development in the area. Jones asked what type of development she prefers. Hoffmann stated one house per acre.

Gerald Potter, 910 N 1452 Road, stated he feels the request for high density development in the area is all about money. He does not want to be annexed into the City. He stated concerns about an increase in traffic and flooding as development occurs. He would like to see his property left as urban reserved.

Jones asked how many houses could be built under a high-density scenario. Warner determined approximately 225 houses or units after parking and open space in a 15 acre area. Jones asked when it is feasible to annex and sewer the property. Warner stated there are utilities there because of nearby development. Jones commented that development could occur soon. Warner replied that was correct. Jones questioned whether 902 Road would be able to support the traffic created by 225 homes or units. Warner stated he could not answer that at this time. Any urban developer would have to have a traffic analysis and perhaps reconstruct some roads. Jones asked how we know this will happen in advance of the construction of these houses. Warner responded that this process is part of the development phase. Jones asked if there is a mechanism in the plan that prohibits the building of the house before the road is improved. Warner stated "no." Restrictions happen at the development stage.

Flory asked for confirmation that there are two traffic outlets available to the high-density proposed residential area. Warner stated, "yes, potentially." There will be options to get to Clinton Parkway. Jones stated he is not confident that these issues, regarding roads and traffic, and will be addressed properly.

George F. Paley, 1448 E 920 Road, stated concern from the amount of traffic that will be generated by the already existing subdivision that is not complete. He is against development in the area.

Laura Stephenson, resident, stated she feels it doesn't make sense to backup high-density development against low-density residential.

Kristel Lewis, 1430 E. 902 Road, stated the area is not what it used to be and it's only matter of when the area to be developed, not if. She would like the best possible use of her land when the time comes to relocate. She is content with the current plan up for consideration.

Jones asked Warner what zoning and density is allowable in high and medium density development. Warner stated high is RM-24, allowing for up to 24 units to the acre, medium is RM-12 allowing for 12 units per acres.

Jones moved to close the public hearing portion of meeting; Flory seconded and the motion carried unanimously.

Flory stated that land use issues are the most difficult to deal with. This is clearly a situation where the overall plan is quite acceptable and he feels a compromise was certainly been made between planning and the area landowners. The very low density did not change, the low-density was expanded to get rid of the medium density. The high density is keeping with the preference of the landowners, which he feels is logical. Flory feels confident the traffic issues will be addressed. He plans to support staff's recommendation for approval of the current plan.

Thellman questioned whether there is a way to measure when we are approaching a water crisis. Warner stated the utilities department creates a master plan every few years for water and waste water. He stated sewers may be an issue at some point, not water.

Jones stated the thinks we have to start with principle, which is a stepping down in uses. He feels the land on the east side of E902 Road listed on the proposed map as high density, should be medium density. Not everyone can have the high use of their property, otherwise there is no point in zoning. The point of zoning is to have high density use and low density use separated by a meaningful transition. He feels these principles matter. He wants to send a message to staff and the Planning Commission that sound planning principles really matter to us.

Flory asked for clarification that the decision tonight is not setting zoning. This is a general principal of how we think the area should grow. We are not making a water or sewer decision, just a general decision. Zoning would have to be approved. Warner stated that is correct.

Linda Finger, Planning Resource Coordinator, stated this comprehensive plan is a guiding principal used for rezoning and is weighted heavily.

Thellman stated her concern is the enormous push for urbanization. She is generally concerned that we have limited natural resources and funds to pay for what we are already developing in terms of infrastructure. We need to be careful how we push into the rural areas. She would like to see less dense development. She will not support this draft.

Jones moved to send the CPA-2008-6 plan back to the Planning Commission with the recommendation that they address the transition issue between high and low density making the property east of the proposed E902 Road, currently designated as high density, to be redrafted as medium density. Motion was seconded Thellman carried 2-1 with Flory in opposition.

MISCELLANEOUS 01-28-09

Jones asked for staff to add a discussion to the agenda for the Monday, February 2, 2009, concerning the UGA, development west of the South Lawrence Traffic way and to discuss planning principles. He asked Planning staff to see Planning Commissioner Highberger's comments on growth.

PUBLIC WORKS 01-28-09

Keith Browning, Director of Public Works, discussed with the Board the possibility of the Route 438 (Farmer's Turnpike) improvement project being eligible for federal funding under the Economic Stimulus package in the approximate amount of \$2.6 million. According to KDOT, the plans for this project meet federal requirements. Browning and staff will meet with KDOT – Bureau of Local Project on January 29, 2009 to discuss this project. Browning asked that the Board consider closing the bidding process that was scheduled for February 10, 2009. If we do not receive federal funding, the project will have to be rebid.

Flory moved to close the bid opening for Route 438 improvement project scheduled for February 10, 2009 defer any further local consideration until a determination on funding as been made. Motion was seconded by Jones and carried unanimously.

Jones asked Browning to come back to the Board with a list of projects possibly eligible Economic Stimulus funding

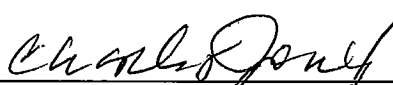
ACCOUNTS PAYABLE 01-28-09

Jones moved to approve a wire transfer for accounts payable in the amount of \$458,730.00 to be paid on 01/30/09; and a manual check in the amount of \$67,939.00 paid on 01/26/09. Motion was seconded by Thellman and carried unanimously.


MISCELLANEOUS 01-28-09

Hubbard Collinsworth, representing the homeless community, stated today was the homeless count. He has concerns that the numbers may not be accurate and will continue to increase due to our troubled economy.

Jones moved to adjourn; Flory seconded and the motion carried.



Charles Jones, Chairman



Nancy Thellman, Vice-Chair

ATTEST:



Jamie Shew, County Clerk



Jim Flory, Member