

PLANNING COMMISSION REPORT NON-PUBLIC HEARING ITEM

PC Staff Report
10/26/09

ITEM NO. 4A: ANNEXATION OF 34.38 ACRES LOCATED ON THE SOUTHEAST CORNER OF W 31ST STREET AND KASOLD DRIVE. (MKM)

A-8-3-09: Annexation of approximately 34.38 acres and adjacent right-of-way for Wesleyan Church Development, located southeast of 31st and Kasold Drive. Submitted by Dean Grob, for Chester B. Spray Trust, property owner of record and Wesleyan Church, Contract Purchaser.

STAFF RECOMMENDATION: Staff recommends approval of the requested annexation of approximately 34.38 acres and adjacent right-of-way on the southeast corner of W 31st Street and Kasold Drive.

Applicant's Reason for Request: *"The property is bound on the north and partial on the east by property within the City. Annexation is desired to obtain City services for development of the property. The Lawrence Wesleyan Church desires a large parcel of land to develop and relocate their church."*

KEY POINTS

- Subject property is located within Service Area 1 of the Urban Growth Area. Per Section 20-803(a) of the Subdivision Regulations, annexation is required prior to development of properties within Service Area 1.
- This request is accompanied by three rezoning requests.
- Annexation of the full street right-of-way of adjacent streets is required. [Section 20-810(d)(1)(v) of the Subdivision Regulations]. The area being requested for annexation increased from 34.38 to 37.14 acres as a result of the inclusion of the full right-of-way width of adjacent E 1200 Road (Kasold Drive, extended).

COMPREHENSIVE PLAN FACTORS TO CONSIDER

- The proposal is compliant with the Comprehensive Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated items also being considered at the October Planning Commission meeting:

- Rezoning request [Z-8-14-09] from County A (Agricultural) to RM12 (Multi-Dwelling Residential)
- Rezoning request [Z-8-15-09] from County A (Agricultural) and County V-C (Valley Channel) to OS (Open Space)
- Rezoning request [Z-8-16-09] from RM12 (Multi-Dwelling Residential) and OS (Open Space) to RM12-FP (Multi-Dwelling Residential Floodplain Overlay District) and OS-FP (Open Space Floodplain Overlay District)

Other action required:

- City Commission approval of annexation and adoption of ordinance.
- City Commission approval of rezoning requests and adoption of ordinances.
- Publication of rezoning and annexation ordinances.
- Platting of the property through a preliminary and final plat.

- Submittal and administrative approval of site plan for the church and multi-dwelling residential developments—unless the proposed residential development contains duplexes which do not share common space (Per Section 20-1305(c)(1) of the Development Code).
- Submittal and administrative approval of Floodplain Development Permit for any development activity.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

EXISTING CONDITIONS

Current Zoning and Land Use: A (County-Agricultural) and V-C (County-Valley Channel) and Floodplain Overlay Districts; undeveloped land in the unincorporated portion of the County used for agricultural purposes with a multi-use path located along the southern edge of the property.

Surrounding Zoning and Land Use: To the east:
RMO (Multi-Dwelling Residential-Office) District with a portion located within the Floodplain Overlay District; extended care facility-general;
UR (Urban Reserve) District; church;
CO (Commercial Office); single-dwelling residence;
RS10 (Single-Dwelling Residential) District with a portion located within the Floodplain Overlay District; undeveloped;
A (County-Agricultural) District with portions of the property encumbered with floodplain; agricultural uses;

To the north: RM12 (Multi-Dwelling Residential) District; Duplex and Multi-Dwelling Residences

To the west: A (County-Agricultural), and V-C (County-Valley Channel), Districts with portions of the property encumbered with floodplain; electrical sub-station, a minor utility, and agricultural uses

To the south: A (County-Agricultural) District and V-C (County-Valley Channel) District; property is encumbered with floodplain; woodland, agricultural uses and a multi-use path.

Site Summary

Gross Area: 35.52 acres (measured to centerline of the road, due to county easement rather than right-of-way)

Gross Area requested for annexation: 37.14 acres

Subject property is located within Service Area 1 of the Urban Growth Area as defined in *Horizon 2020*.

STAFF REVIEW

Annexation Procedure

Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. Section 20-810(d)(1)(v) of the Subdivision Regulations require that the full right-of-way for all boundary line roads be annexed to the City. E 1200 Road is designated as a 'minor arterial' on the Major Thoroughfares Map. Per Section 20-810(d)(4)(1) of the Subdivision Regulations, 100 ft of right-of-way is required for minor arterials. Approximately 70 ft is currently provided as right-of-way easement for E 1200 Road. The annexation request includes the full right-of-way for the boundary line road, E 1200 Road with the exception of 330 ft adjacent to the Westar substation located at 1287 E 1200 Road.

General Location and Site Characteristics

The site requested for annexation is located in the southeast corner of the W 31st Street/Kasold Drive intersection that is generally known as 'Kasold on the Curve'.

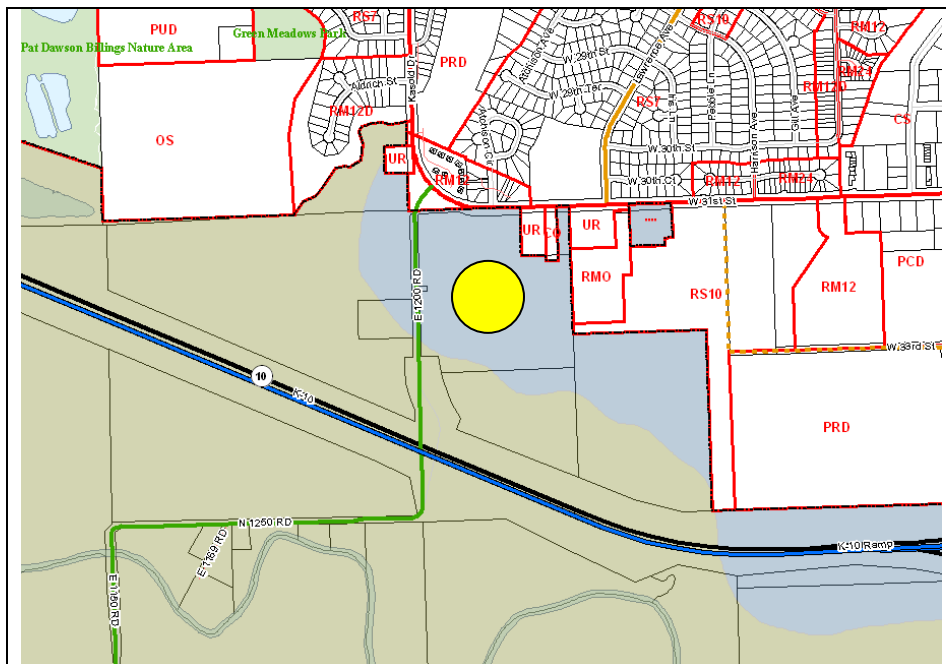
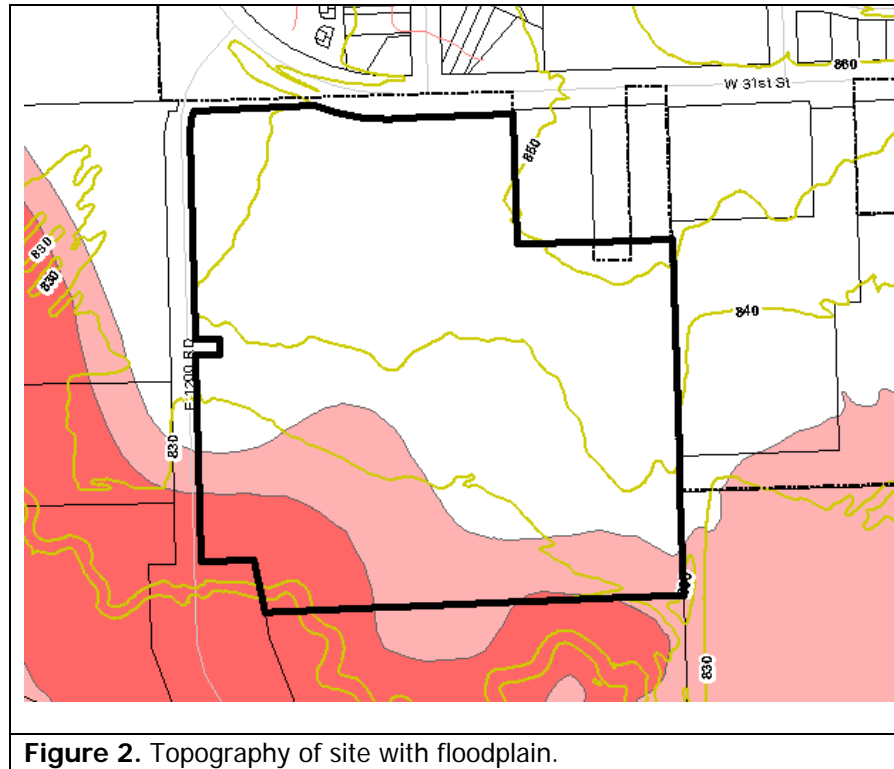


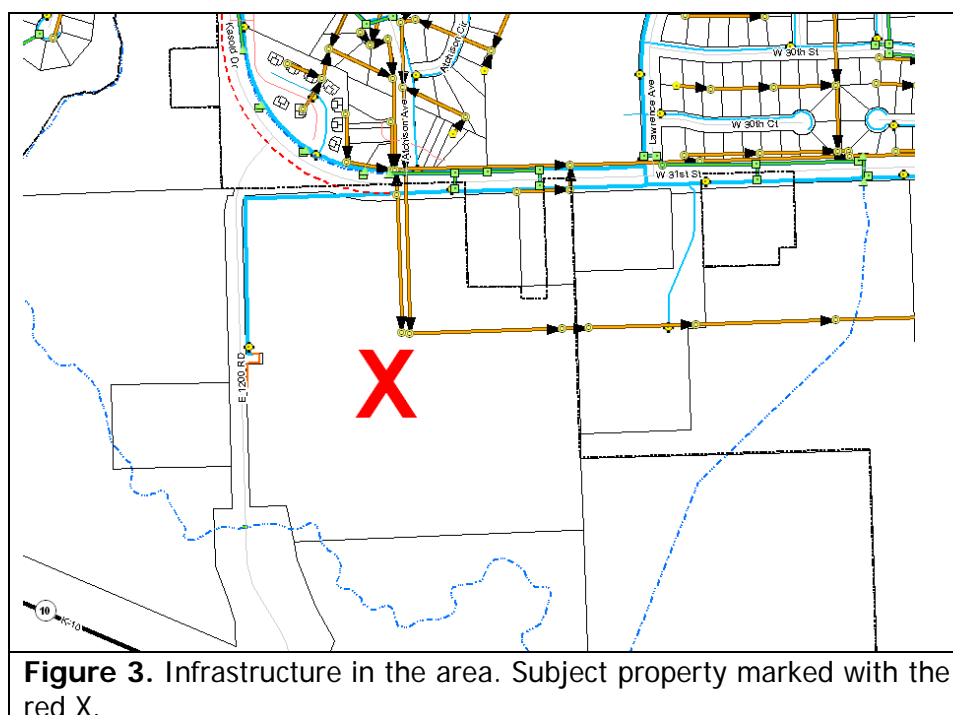
Figure 1. Subject property is marked with yellow dot. Properties shown in white are within the city limits of Lawrence. Areas outside the City limits are color coded with blue representing the A District and green, the V-C District.

The subject property is currently zoned A (Agricultural) and V-C Valley Channel Districts. The property is encumbered by floodplain; therefore, a rezoning request to the floodplain overlay district is requested. The property is relatively level, with an upper elevation of 850 in the northeast corner and a lower elevation of 826 in the southwest corner. This is a 24 ft drop in elevation through a distance of 1280 ft which is less than a 2% slope. The southern portion of the property is within the floodplain with the regulatory floodway encumbering the southwest corner. (Figure 2)



Infrastructure and Utility Extension

A downstream sanitary sewer analysis dated 08-24-09 has been provided to the Utilities Department for Review. Approval of the downstream sanitary sewer analysis is pending minor revisions. Based upon the 2003 wastewater masterplan and the 2006 CIP Project Evaluation Projects for Wakarusa River Basin WR-6, there is adequate capacity downstream to accommodate the rezoning of this property. The area can be served with City water as a 12" main is located on the west property line.



COMPREHENSIVE PLAN

The subject property is located within Service Area 1 of the Urban Growth Area as shown in Map 3-1 of *Horizon 2020*. Service Area 1 includes lands which are proximate to the existing city limits and can be readily served by community facilities and services. The Annexation Policies listed on page 4-5 of *Horizon 2020* states that annexation shall be required prior to development in Service Area 1 of the Lawrence Urban Growth Area.

Chapter Five '*Residential Land Use*' recommends that "Requests for annexation shall be consistent with approved watershed/sub-basin, sector, neighborhood, nodal, corridor, specific issue/district plans." (page 5-1, *Horizon 2020*) The subject area is recommended for 'low density residential' development in the *Revised Southern Development Plan*. The RM12 Zoning District being requested for this property is noted as an applicable zoning district for this location on Page 18 of the plan.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be made by the applicant for Rural Water District facilities serving the property to be annexed. This area is not served by a Rural Water District, so no compensation is necessary; however, a metering facility for Rural Water District No. 5 is located adjacent to E 1200 Road. This property will be annexed into the City along with the road right-of-way. The Rural Water District has an access easement north of the facility which provides access from E 1200 Road. This easement shall be included on the plat as a utility access easement.

The annexation request is consistent with the annexation policies found in *Horizon 2020* and with the recommendations in the *Revised Southern Development Plan* as recommended in the Residential Development Strategies of *Horizon 2020*.

SUMMARY OF LAND USE AND REQUEST

The subject property is currently zoned for agricultural uses. The property adjacent to the west, south and a portion of the east boundaries of the proposed annexation request are zoned for agricultural uses with agriculture being the primary land use. KDOT right-of-way and the K-10 bypass is located approximately 550 feet south of the subject property boundary. The southern portion of the subject property as well as the property to the south is encumbered with floodplain and floodway (Figure 2).

The applicant plans to develop this property as a church and a residential subdivision with open space for passive or active recreation.

The applicant requested information as to their responsibility for the improvement of E 1200 Road as the location of the South Lawrence Trafficway and the presence of floodplain and floodway present challenges for road construction. An agreement is being developed with this annexation request to clarify the road improvements and future public improvements that the property owner would be responsible for. This agreement has not yet been executed, but staff assumes the applicant will continue to pursue this.