

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

From: bamrottweiler@sunflower.com [mailto:bamrottweiler@sunflower.com]

Sent: Tuesday, October 26, 2010 8:27 AM

To: Scott McCullough

Subject:

Scott, the Rothwell family owns property just west of Steve Schwada's 51 acres. We are in favor of the rezoning and annexation of his property.

Thanks Steven Rothwell

From: Dan Brogren [mailto:dbrogren@tckansas.com]

Sent: Monday, October 25, 2010 11:51 AM

To: Scott McCullough

Subject: Planning Commission Agenda; Meeting Oct 27, Items 6a & 6b

The Trust Company of Kansas is agent and attorney-in-fact for an individual who owns property to the west of the subject-tract, on N 1800 Road. Please be advised that owner has no objection whatsoever to the requested annexation/zoning request referenced under your above-subject Items 6a and 6b.

Dan

Daniel P. Brogren, CTFA

The Trust Company of Kansas

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October 25, 2010

Dear Commissioners,

The membership of the Scenic Riverway Community Association wish to share with the Commissioners our thoughts on the proposed annexation and rezoning of the 51 acre site located on the Farmer's Turnpike. We strongly oppose this application based on the following:

Historical Planning Considerations. The community has a rich history of adverse consequences resulting from abrupt departure from comprehensive plans. The South Lawrence Trafficway is an example. Plan 95, adopted in 1977, envisioned a circumferential road connecting I-70 to K-10 east of the city, looping to the west south of the Wakarusa River, and continuing north to North 1800 Road (Farmers' Turnpike). Instead of implementing this plan, or carefully reviewing alternatives, a controversial road has awaited completion for a quarter of a century.

For over 35 years the comprehensive plan projected industrial growth south of K-10 on the eastern edge of Lawrence. This designation appears to have been insightful – particularly if K-10 and I-70 were linked in this area. Based upon the expectation of industrial land use, transitional zones could be planned and land values would adjust to this long-range forecast. Conversely, when a large tract of ground in the northwest was reclassified for industrial use, many existing properties were adversely impacted. This is the kind of situation that comprehensive planning is designed to avoid.

Future Planning Considerations. Lawrence has a significant amount of land within the city limits (much of it platted) zoned for residential, commercial, and industrial use. Improved commercial and industrial properties are available. Land and facilities are available to accommodate the bioscience initiative, which represents the most promising activity in support of economic development. Approximately, 20 years ago (based on informed demographic calculations) a need for 1,000 acres of industrial ground was forecast. This model assumed an annual 2% population growth and industrial site demand based upon historical data. Population growth has slowed dramatically and, more importantly, industrial growth is one of the slowest performing sectors in the US economy. There is little likelihood that traditional industrial

development will play a significant role in attracting new businesses to the Lawrence community.

Before pressing ahead with plan modification, annexations, and rezoning, it would seem wise to undertake an analytical process to reasonably forecast the community's land use needs over the next 20 years. It is a generally accepted planning rule that the Urban Growth Area represents where and how a community will grow over the next 20 years. The Urban Growth Boundary for Lawrence appears to be way too expansive and lacks comprehensive land use definition. The comprehensive plan and Urban Growth Area should be tightly coupled with infrastructure master plans. When land developers are allowed to dictate the direction and nature of development, these valuable planning documents become unsynchronized.

Planning for industrial growth should evaluate several scenarios. Building sites in and around the Santa Fe Industrial Park should be investigated and inventoried. Infrastructure is readily available. Because Kansas City is becoming a major inter-modal distribution center, it appears probable that K-Mart will relocate its facilities away from Lawrence (the cost to move freight by rail is 10% of the cost of truck transport). Lawrence should prepare and plan for this event. Redevelopment of the Farmland site will provide opportunities for growth that should be incorporated into the planning process. Land on the west side of the SLT near Highway 40 is planned for industrial development. This site provides easy access to I-70.

Infrastructure and Fiscal Implications. Annexation is the first step toward developing an area. Normally, the extension of infrastructure is well planned and imminent prior to annexation. Other than sending a clear signal with respect to the direction of development, annexation without intent to extend infrastructure would appear to be premature and pointless. If major development northwest of Lawrence is to be undertaken, the fiscal impact should be carefully measured. The decision to locate the new wastewater treatment facility on the extreme southeast edge of Lawrence was based, in part, on future growth south of the Wakarusa River. The plant will progressively serve thousands of acres of development with gravity-flow sanitary sewer lines. This plan for development is cost-effective. In contrast, large-scale sewer demand northwest of Lawrence will require construction of a major trunk line to convey sewage to the new treatment plant. This plan for development will be very expensive. If development pressure is to continue in the northwest, at a minimum, an engineering study should be commissioned to determine the fiscal implication.

Island annexation is a negative phrase among professional planners. Only in very rare circumstances does this municipal action make sense. The East Hills Business Park may be an example of a defensible exception. It would have been difficult to accomplish a contiguous annexation. There was a need for industrial sites and a plan

in place to immediately extend infrastructure. It would be difficult to find examples across the country of communities engaging in speculative island annexations with no immediate plans to extend infrastructure. Not only does this practice serve no clear purpose, it may create barriers for responsible land use in the future.

Farmer's Turnpike Sector Plan Review. This plan was adopted without the benefit and inclusion of the resident stakeholders input from the sector area or as a part of a master plan. It was initiated and undertaken for a single property owner. The plan concepts by the Neighborhood Association were not adequately represented in the public forum by staff. The Neighborhood Association's ideas and were not included in the adopted document.

Upon annexation of the 155 acre property at the intersection of K10 and Farmers Turnpike, the City Commissioners stated there would be no city funding for utilities to the property for the foreseeable future. The commenting Commissioners and Planning Staff stated that the Sector Plan did not commit this area to specific zoning, only to broad conceptual ideas for urbanization and that it was a plan to evolve over the next 20-30 years. Moving forward on additional new annexations and rezoning within a year's time, is a breach of promise from what was understood by the sector area residents.

In Summary. Before further annexation and rezoning, there needs to be a comprehensive plan tightly coupled with infrastructure master plans. (Utilizing the Charrette Planning Process would be a great option.) This would result in public awareness of the master plan and how we'll get there, prior to any submissions of changes into the City or County.

We can develop a plan that everyone can support.

The members of the Scenic Riverway Community Association respectfully request that the Planning, City, and County Commissioners reject this annexation and subsequent rezoning application, based on the above.

Sincerely,

David J. Ross
President
The Scenic Riverway Community Association

The Scenic Riverway Community Association is a Neighborhood Association of Households in the Northwest Area of Douglas County.

October 23, 2010

Re: Proposed annexation of 51.13 acres at N 1800 Road & E 1000 Road

Lawrence-Douglas County Planning Commissioners:

Thank you for giving me the opportunity to address the Planning Commission on this important issue, and I appreciate you taking the time to read my comments.

I strongly urge you to deny the annexation request for the 51 acre property located at N 1800 Road & E 1000 Road.

This is the first proposal for annexation in this area since the K-10 & Farmer's Turnpike sector plan was approved in January 2009, and this will set the precedent for all the future annexations in this area. I urge you to think more closely about annexation and development in this area before proceeding.

It is not in the best interest of the community at large to develop and/or extend the existing city infrastructure at this time to support this annexation request.

Currently the public investment to extend infrastructure to this site is too high, and the investment return is too low for this site. In September of this year, the city acquired the former Farmland Industries site, which is many times better suited to industrial development than the green-field site at N 1800 Road & E 1000 Road as proposed for annexation. Brown-field sites such as the former Farmland Industries site should be developed prior to green- field sites.

The lead editorial of the Lawrence Journal World on October 1, 2010 carries the message that Lawrence has acquired an industrial site with "significant economic development potential". The Farmland site has infrastructure already in place, and we should be looking to develop sites like Farmland before we consider an island annexation into the city where no infrastructure exists.

Given our current economic climate, the time is not right to proceed with annexation of this site. At some point as the city grows, the extension of infrastructure will be required, and annexation and development should be done at that time. However, now is not the time to annex another piece of property that is outside the current urban growth area. Instead, I urge you to reconsider the development and zoning possibilities for the K-10 & Farmer's Turnpike plan, and together the community can come up with a plan for the future that will benefit all parties.

To recap, this is the first proposal for annexation in this area since the K-10 & Farmer's Turnpike sector plan was approved in January 2009, and this will set the precedent for all the future annexations in this area. I urge you deny the request for annexation.

Thank you,
Darrel Ward

October 23, 2010

Re: Proposed annexation of 51.13 acres at N 1800 Road & E 1000 Road

Dear Lawrence-Douglas County Planning Commissioners:

I strongly urge you to deny the annexation request for the property located at N 1800 Road & E 1000 Road.

There's been a lot of talk about sustainability in Douglas County lately, and one of the sustainability issues that applies to this particular annexation request are the Class I & II soils that make up part of this property. Between 40%-45% of the soil in this property are Class II soils. According to the US Department of Agriculture, this soil is classified as Sharpsburg silt loam, and "is well suited to all crops commonly grown in this county".

There is a significant enough presence of Class I & II soils in the K-10 & Farmer's Turnpike plan to warrant closer consideration of the protection of Class I & II soils within this area.

Various Planning Commissioners have publicly stated that Class I & II soils should be protected resource in Douglas County. I would offer that agriculture is the highest and best use for these types of soils. I don't think I need to remind anyone that when land is removed from agriculture it is removed from agriculture forever as there is no replacement.

The K10 & Farmer's Turnpike plan is not a static document, and it's reasonable to expect that the document will be updated periodically to reflect changes in planning/development best-practices, such as the protection of Class I & II soils.

Referring to documents presented to the Planning Commission on May 26, 2010 by Barbara Clark, Assistant Professor of Environmental Soil Science at Kansas State University, as of 2005, 38.6% of all Class II soils in Douglas County have been developed. As a community we really need to stop and take a hard look at the loss of these soils to development, and balance that the need for development with the preservation of scarce & irreplaceable agricultural resources.

The site at N 1800 Road & E 1000 Road is actively farmed, and has been actively farmed for many, many years; more years than I can remember. This isn't idle farmland, a pasture, or even a hay field. It's actively farmed in row crops. The annexation and subsequent rezoning of this property to an industrial site will remove active and profitable farm land from the books; this farm ground will simply cease to exist.

It is simply not in the best interest of the community at large to develop our Class I & II soils and it is simply not in the best interest of the community to approve this annexation request at this time.

Thank you for allowing me to participate in the discussion of this issue, and thank you for taking the time to consider my comments.

Sincerely,
Lynn M. Ward
922 N. 1800 Road
Lawrence, KS 66049

From: Funksters5@aol.com [mailto:Funksters5@aol.com]

Sent: Sunday, October 24, 2010 11:40 PM

To: Sandra Day; cblaser@sunflower.com; lharris1540@gmail.com; bradfink@stevensbrand.com; laraplancomm@sunflower.com; rhird@pihlhlawyers.com; charlie.dominguez@therenewgroup.com; MontanaStan62@gmail.com; ksingleton@kcsdv.org; bruce@kansascitysailing.com; mikeamyx515@hotmail.com; aroncromwell@gmail.com; ljohnson@peridiangroup.com; mdever@sunflower.com; robchestnut@sunflower.com; mgaughan@douglas-county.com; nthellman@douglas-county.com; jflory@douglas-county.com; David L. Corliss; Scott McCullough

Subject: annexation 51 acres

I am writing to oppose the annexation and rezoning of 51 acres along the Farmers Turnpike. This property is sandwiched between a historic 150 year old stone farmhouse and barn and a church. It doesn't seem like IG should be the creamy center here. The sector plan has this area colored in office research purple.

The sector plan I am referring to was rammed through in a record three months. Planners ignored input from area neighbors. Proper planning, which usually takes upwards of 24 months, has been given to other areas such as the Northeast area plan but has been neglected in the Northwest area plan. Its because of injustices like this that there is a lawsuit.

The area neighbors attempted to resolve the lawsuit involving 159 acres at the I-70 Lecompton interchange with a compromise of a lower zoning but was shot down by the developer. I think the city and governing bodies should be as uncompromising with this same developer and not yield to the intense IG zoning request of the 51 acres. I also think its only appropriate to be granted a new sector plan with input from the people who actually live here.

Loren Funk

984 North 1800 Road
Lawrence, Kansas 66049
October 24, 2009

By Hand Delivery
And email to Sandra Day

Lawrence-Douglas County Metropolitan Planning Commission
6 East 6th Street
Lawrence, Kansas 66044

Re: A-9-3-10; Z-9-13-10

Dear Commissioners:

We offer these comments in opposition to the proposed annexation and zoning change referenced above for approximately 51 acres located at the southwest corner of N. 1800 Road (Farmer's Turnpike) and E. 1000 Road (Queens Road). We own the property, approximately 65 acres, which is directly across the Farmer's Turnpike to the north and reside in our home on that property.

Our opposition is based on the following:

As to the annexation,

1. An island annexation, which this would be, is unsound planning. If land in the subject area is to be annexed into the City it should not be done on a piecemeal basis but rather should be done as a whole in areas that are contiguous to the City and from which infrastructure could be extended, and only then after a full opportunity for input from affected property owners.
2. To be useful for the proposed zoning, infrastructure (water and sewer) would have to be extended. There is no present estimate of the cost to the City of such an extension. To annex the land before such cost is known and how that cost would be covered is putting the cart before the horse.
3. As the commission knows, this proposal follows a previous island annexation in this area. Objections were raised to that annexation and in the course of the approval of that annexation, residents of this area who objected were told that exceptional circumstances justified the approval, and, further, that the City was not beginning a process of piecemeal island annexations.

As to the zoning,

1. The property's present use is agricultural - row crops - has been so used for as long as anyone living in this area can remember. Soil maps indicate a substantial portion of the property contains Class 2 soil. We understand that the property is presently platted for residential development. In any case, the requested IG

- zoning, by the City's own zoning classification language, is inconsistent with residential uses. In addition to our residence, there are several other residences within the immediate view shed of the property.
2. Without infrastructure, the property has no meaningful potential as IG zoned property.
 3. It appears that the City has ample IG zoned property available for development, property that has needed infrastructure.
 4. In view of the adjacent residential properties, if there is a zoning change it should be to a more limited classification that is considered consistent with residential uses and even that should be conditioned upon appropriate mitigation measures, such as noise and light limits, the construction of berms, and access should be limited to Queens Road.

General comments as to both,

1. We have read and agree with the comments submitted by David Ross on behalf of the Scenic Riverway Community Association.
2. We participated in the process that led to the island annexation referred to earlier. As you no doubt know, that process was contentious and led to an outcome that remains legally unresolved. Of greater importance, that process did not produce the desired outcome, i.e. the location within the annexed area of a warehouse for a local manufacturer that the City and County and Chamber of Commerce want to retain in Lawrence/Douglas County. We do not want to rehash that matter except to say that the Scenic Riverway Community Association made proposals directly to the affected landowners/developers, the manufacturer, and to representatives of the City and County that would have permitted the warehouse to be built and would have led to an immediate settlement of the legal issues. We were disappointed that those proposals were rejected out of hand. We bring this up to indicate we accept the fact that land uses change and property owners should have the ability to direct the uses of their land. But the inevitability of change and the rights of owners to take advantage of such change should not be without regard to or entirely inconsistent with the desires and rights of other property owners to continue with long established uses. In that regard, we reside in a house and on property that have been in continuous use as rural, agricultural, and residential for well over a century.

Thank you for your consideration of our concerns.

Cynthia Haines

James Haines

Steve McDowell
1846 East 900th Road
Lawrence, Kansas 66049

Sandra Day
City/County Planner
City of Lawrence/Douglas County Planning & Development Services
6 East 6th Street
P.O. Box 708
Lawrence, Kansas 66044

Dear Ms. Day,

I am writing to express my opposition to A-9-3-10, the proposed annexation of 51.3 acres, located at the southwest corner of N 1800 Rd and E. 1000 Rd. Until there is an analysis of the costs associated and a plan to develop infrastructure to said annexation this action is premature.

As a resident in the area I listened intently to the Commission when it decided to annex the 155 acres a half mile west of this property. The Commissioners at that meeting stated that this was a unique situation and would not result in a domino effect of more island annexations in this area.

I strongly encourage the planning commission recommend not to annex this property.

Sincerely,

Steve McDowell