

ITEM NO. 6A 51.13 ACRES; N 1800 RD & E 1000 RD (SLD)

A-9-3-10: Consider an Annexation request of approximately 51.13 acres, located at the southwest corner of N 1800 Rd (Farmer's Turnpike) and E 1000 Rd (Queens Extended). Submitted by Venture Properties, Inc., property owner of record.

ITEM NO. 6B COUNTY A-1 TO CITY IG; 51.13 ACRES; N 1800 RD & E 1000 RD (SLD)

Z-9-13-10: Consider a request to rezone approximately 51.13 acres from County A-1 (Suburban Home Residential) to City IG (General Industrial), located on the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Extended). Submitted by Venture Properties, Inc., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 6A and 6B together.

Commissioner Harris asked why staff was recommending annexation for this item but not for the Berry Plastics rezoning they heard on Monday.

Ms. Day said this was a voluntary annexation by the property owner and it was within the Urban Growth Area. City plans talk about seeking and encouraging voluntary annexation over the City annexing it. She said the Berry Plastics site was further out and was not within any identified areas at this time.

Mr. McCullough said this was an area currently being studied for water and wastewater master planning and the Berry Plastics site was outside of that.

APPLICANT PRESENTATION

Ms. Jane Eldredge, Barber Emerson said both this site and the Berry Plastics site were not contiguous to the City limits so an annexation could only be done with consent or at the request of the property owner. She showed pictures of the area on the overhead. She also showed on the overhead different sector plans that were considered during the sector plan process. She said this annexation and rezoning request were the poster child of long range planning. She said the principals and goals in Horizon 2020 identify this area of the city as one that would be helpful in assisting job growth. She said the Sector Plan for the area was not uniformly loved by all but that it was a compromise that was the result of a lot of hard work in trying to keep the community goals in mind as well as the residents. She stated one of the reasons annexation was required along this corridor was to bring into play the much more rigorous city standards that would apply to landscaping, parking, stormwater, sewer, buffering, and setbacks. All of those things are required under city codes but not county codes. She also said it would bring it within the ambience of the city industrial zoning as opposed to the county industrial zoning. She said the property owners have had prospects looking at the site.

PUBLIC HEARING

Mr. Tom Kern, President of Lawrence Chamber of Commerce, said the site was within the Horizon 2020 and Farmer's Turnpike Plan as industrial and follows the logical process of planning already done. He said there exists a significant need for additional industrial sites in Lawrence and Douglas County, especially larger tract sites of 45-50 acres or larger. He said the land was relatively flat and had excellent road access. He said the Chamber, the City, and others have done significant investigations looking at the economic feasibility of providing water and sewer to the sites so that eventually a benefit district could be created. He said the Chamber supported the annexation and rezoning and felt it was in the best interest of the community.

Ms. Beth Johnson, Chamber of Commerce, discussed the limited availability of properties for industrial use. She said some of the properties that show up on the map as being available industrial land are not willing land owners so they are not available. She mentioned several businesses that looked at coming to Lawrence. She displayed on the overhead the economic development prospect overview from 2006-September of 2010:

Economic Development Prospect Overview from 2006-2010 (Sept.)

	2006	2007	2008	2009	2010
Number of Inquiries - Total	66	63	47	46	30
Number of Inquiries - Land	16	18	10	18	7
I70 Specific Request				3	4
% Eliminated due to lack of site	35%	51%	55%	35%	71%
Requests for up to 5 Acres	12%	6%	0%	0%	0%
Requests for 6-10 Acres	19%	17%	0%	6%	0%
Requests for 11-30 Acres	31%	11%	0%	6%	0%
Requests for 31-50 Acres	0%	17%	30%	17%	29%
Requests for 51-99 Acres	12%	33%	20%	11%	29%
Requests for 100+ Acres	26%	17%	50%	28%	43%

Number of Inquiries - Buildings	33	31	24	35	21
% Eliminated due to lack of building				43%	33%
Requests for 1-25,999 Square Feet	18%	13%	38%	20%	29%
Requests for 26,000-44,999 SF	24%	23%	13%	23%	14%
Requests for 45,000-75,999 SF	18%	13%	4%	9%	19%
Requests for 76,000-99,999 SF	6%	16%	13%	6%	14%
Requests for 100,000-149,999 SF	9%	10%	8%	14%	5%
Requests for 150,000-199,999 SF	9%	10%	13%	20%	10%
Requests for 200,000-399,999 SF	6%	13%	13%	11%	19%
Requests for 400,000+ SF	9%	3%	0%	3%	5%

Mr. Dan Brogren, The Trust Company of Kansas, agent and attorney-in-fact for an individual who owns property to the west of the subject-tract, on N 1800 Road. He said the owner had no objection whatsoever to the requested annexation/zoning request referenced under Items 6a and 6b.

Mr. Greg Burger, lives at 1847 E 800 Road, expressed opposition to the rezoning and annexation. He felt it was too soon for this to take place. He did not want an industrial park in his neighborhood. He expressed concern about the bike path not being wide enough. He said currently the bike lane is 2' between Kasold and the Farmer's Turnpike/K-10 by-pass. He was concerned about decreased property values. He said it was farmland and he moved to the country to get away from the city. He was disappointed in the process in general.

Commissioner Liese asked how far Mr. Burger lived from the proposed site.

Mr. Burger said about two miles in driving distance.

Commissioner Liese asked how likely it would be that he would see the property from his house.

Mr. Burger said it was not likely he would see the property from his house but he was concerned about a domino effect.

Commissioner Liese asked if his main concern was aesthetics.

Mr. Burger said yes and increased traffic as well.

Ms. Marguerite Ermeling, lives north of the area about ½ mile on 950 Road, said she wanted to point out several things she felt needed to have the curtain pulled back on. She appreciated the comments by the Commission in expressing interest in public participation with Berry Plastics and how it moved along well. She said that did not happen with the Sector Plan process for this area as suggested earlier. She said this particular Commission gave a 9-0 vote to go explore Ms. Bonnie Johnson's presentation in work meetings. She said the one big public announcement meeting had about 75 people in attendance and that they met at the Lawrence Aquatic Center. She said the Planning Staff was nearly tarred and feathered out of there because the people were presented with a 'done deal' type plan of what staff had come up with and what they expected it to be. She felt the process did not start out well and was not at all what happened with the Northeast Sector Planning process. She said they were offered three work sessions and they offered 13 names on a list to the Planning Department. She said they were only allowed 5 people to be present and that they were told by Mr. McCullough that he had been instructed that they were only allowed to stay in the toolbox and not allowed to pursue any investigation into Ms. Bonnie Johnson's presentation. She said they ended up with a plan that did not register the neighbors and did not register the larger group of the area at all. She stated the plan that her group presented was not considered on any level. She said the plan that was adopted was the one that was pushed upon the group and not what the neighborhood would like to see. She also said this annexation and rezoning was brought to the Planning Commission falsely with the suggestion that there was any real participation of the neighborhood or other stakeholders. She felt this was not a well done study or sector plan, upon which was now going to base another opportunity for annexation. She recommended that the Sector Plan needed to come back and done correctly.

Commissioner Burger asked Ms. Ermeling what she would change about the Sector Plan.

Ms. Ermeling said her groups plan included the 150 acres of heavy industrial IG and looked at the rest of the area as relatively agricultural. She said Ms. Bonnie Johnson brought awareness to the Commissions that there were possibilities of how integrating different levels of industrial into a rural space and brought forward the kinds of zoning changes or additions of zoning brackets that could be created creatively. She said that was not considered at all. She said regarding the solar company that Ms. Beth Johnson mentioned that looked into Mr. Schwada's 155 acres, her group came forward to meet with the City and Berry Plastics and offered to drop all cases for the purpose of them getting that area to use. She said they offered to drop it all on the basis of two things; a lower industrial rating instead of IG, and a review of the discussion about the Sector Plan. She said their offer was declined.

Commissioner Liese asked Ms. Ermeling to comment on the annexation and zoning separately.

Ms. Ermeling said if the sector plan was different this piece of property would probably not be coming forward right now for annexation. She was concerned about island annexation with no intent of what would go there out on the perimeter of an urban grown area which she felt was massive for this city. She said even if the floodplain and all the protected lands were taken out there was still a massive amount of urban growth area to grow into. She was concerned about the cost of extending infrastructure out there and felt it was premature to annex the property. She said this was not a unique piece of land and was just near an interchange. She said the Commission might want more industrial zoning but that there should be a more coordinated effort than just surrounding the entire community with it.

Commissioner Liese inquired about her compromise of lighter zoning.

Ms. Ermeling said that related to the 155 acres at the intersection of K-10 and Farmer's Turnpike. She said her group sent the letter to the City and requested the meeting to occur, which it did. She said on Monday Berry Plastics told her that they did not have a problem with the condition. She said to her knowledge it was the property owner that did not want lighter zoning. She said she did not know how the City felt about it.

Commissioner Burger asked what percentage of the Sector Plan she objected to.

Ms. Ermeling said she did not have that off the top of her head.

Mr. Jim Haines said he lives directly across the turnpike from the 51 acres being discussed tonight. He said he was with Ms. Marguerite Ermeling during the sector planning process and everything she said was accurate from his perspective. He said there was a tremendous amount of process but he was not able to cite one substantive element that was suggested by the residential neighbors that ended up in the final plan. He said Ms. Jane Eldridge used the word 'compromise' but that it was not an appropriate word to use to describe the sector planning process. He said his preference would be that the property remain agricultural, but he was realistic and a landowner should be able to direct the use of his/her land, within limits. He felt that when a change in use was requested that the requested change should, within limits, be consistent with the established uses in the immediate neighborhood. He said there were residential houses directly in view of this land. He said it was not realistic for him to always expect to see corn growing there and knew at some point the land would be developed, but did not agree with it going from a corn field to the highest level of intensive industrial use when there are residences immediately adjacent.

Commissioner Liese inquired about Mr. Haines statement "that nothing proposed by residents was followed."

Mr. Haines said that was his recollection. He said he was part of the meeting at which they attempted to make a compromise with Berry Plastics and he supported the Berry Plastics proposal of 155 acres.

Mr. Darrel Ward, 922 N 1800 Road, urged them to deny the annexation and rezoning of the property. He discussed the size of the property and timing of the annexation and rezoning. He said regarding the size it was a long narrow site and typically industrial sites would not be a good fit for long narrow sites. He said regarding the timing there was no rush to annex and rezone the property because the developer had no client lined up for this site. He said in the K-10 & Farmer's Turnpike Sector Plan there were a lot of references to large sites and large scale industrial uses. He said he is an industrial designer with Black & Veatch and the site was not big enough for proper industrial use. He stated this was the first rezoning in the K-10 & Farmer's Turnpike Sector Plan and would set a precedent or create a domino effect for rezoning and development in the area. He read a quote from Benjamin Franklin "one fact will ruin a good argument." Mr. Ward gave one fact that there was no rush to rezone or annex the property.

Commissioner Liese said he was interested in Mr. Ward's thoughts as a neighbor since he too lives in the area. He said he was not convinced that timing wasn't an issue given what Ms. Beth Johnson shared about businesses interested in space on I-70. He said he was not comfortable judging how a developer or industry decide to design their space. He asked how it would affect Mr. Ward as a property owner in the area.

Mr. Ward said he would have to look at it every day and drive past it every day. He spoke about Ms. Beth Johnson's figures on 4 inquiries out of 30 inquiries requested I-70 sites which was only 11% so he was concerned about catering to the minority. He said if half or a third of the applicants asked for I-70 access that would be a different matter. He said he had 47 years invested in the area and did not think this intensive of industrial was a right fit.

Mr. David Corliss, City Manager, told a story about his daughter looking for a prom dress and how she wanted multiple choices not just one dress to choose from. He related the story to businesses also wanting choices for sites. He stated that industries need multiple locations to choose from and the community needs to provide choices. He said some businesses are going to want to locate along the I-70 corridor. He said there have been discussions this evening about the validity of the adopted K-10 & Farmer's Turnpike Sector Plan. He said it was approved by County Commission, City Commission, and a lawsuit against it was dismissed. He asked Planning Commission to use planning documents already in place. He said they have looked at infrastructure extensions at the location. He said this site was active during Berry Plastics discussions until Berry Plastics decided to relocate. He said he wanted to make sure that when the next industry comes to town they have additional sites to try and locate companies within the community. He stated that if the community does not expand its tax base it will either have to increase taxes or decrease services. He stated he was also in some of the

meetings regarding the 155 acres for Berry Plastics. He said he had a different recollection as to the number of conditions the plaintiffs proposed in order to dismiss the lawsuit, which he said continued to this day. He emphasized the need for choices in the community and that developers want a selection of sites to choose from.

Commissioner Harris asked Mr. Corliss to elaborate on infrastructure plans.

Mr. Corliss displayed a sewer and water line map on the overhead. He stated the City has Comprehensive Water and Wastewater Master Plans and that one of the ways to determine where lines go was through the Comprehensive Master Plan process. He said the Development Policy indicates that if a property owner consents to annexation within the city they can extend, at their cost, city water and city sewer facilities to their property. He stated those were the two primary guides for getting infrastructure to a site. He said water was a little problematic and the best way to get water to the site was to cut through Rural Water District #6, which they have had discussions with. He said the City treats the water that Rural Water District #6 uses. He said they have also had discussions with Rural Water District #1 which serves the area south of I-70.

Commissioner Harris inquired about what they needed to do to determine whether an annexation and rezoning would not hinder or prevent proper growth of the area. She wondered about getting infrastructure to a property and said it sounded like the line would follow gravity and then go back to the property, not just going the shortest distance.

Mr. Corliss said that was correct. He said the infrastructure installations would make sense for the long term urbanization of the property.

Commissioner Liese said he was trying to keep the annexation and rezoning separate. He inquired about the City's involvement about discussions regarding annexation with community members and if it would be normal.

Mr. Corliss said it would not be normal in this situation or probably in most situations. He said it would usually be the responsibility of the applicant when they have more definitiveness on the project. He said he has not had any conversations with adjacent property owners.

Mr. McCullough said there was an extra process built into the City's policy to send annexation requests over 10 acres to Planning Commission, which was not required by statute, but was a practice to get public input of the community.

Commissioner Liese asked if this was the process.

Mr. McCullough said yes.

Mr. Corliss said there was no statutory requirement for annexation requests made by the applicant to go before Planning Commission. It was a City decision to have annexations of more than 10 acres be reviewed through Planning Commission.

Mr. Dave Ross, President of Scenic Riverview Community Association, said Mr. Dave Corliss was correct, there were actually three things the group asked for in the Berry Plastics meeting Mr. Corliss referenced. He said they saw an article in the Lawrence Journal World in December that Berry Plastics was considering moving out to that area so the group initiated through their attorney a letter to the City Manager requesting a meeting with the City Manager and Berry Plastics. He said after seeing the plan of Berry Plastics and what they were wanting the group had a side meeting for 15 minutes and came back with three suggestions; downzoning to either IBP or IL, incorporate design guidelines with things such as berming and screening, and that the Sector Plan would be looked at again. He thought Berry Plastics and the City Manager thought the requests were reasonable. He said the developer agreed to only downzone the 60 acres that Berry Plastics wanted. He said one thing that had not been pointed out was that he asked Ms. Beth Johnson if there was anything that could

be built in East Hills Business Park that could not be built with IL zoning. He said the answer he was given was no. He wondered why the property had to have IG zoning because he said there would be very little resistance to IL zoning. He said the answer he got from the developer was that the developer wants to keep his options open. He said that sort of language scares the neighbors. He requested that if Planning Commission proceeds with the annexation they at least consider a lesser zoning on the property. He said another thing that hasn't been discussed is the quality of life issue. He said he spends a lot of time in Boulder, Colorado and that they have a green zone around the city that no one can build upon. He said he read a recent newspaper about American Planning Association designating Massachusetts Street as a 'great street.' He said in 1986 a developer wanted to knock down the 600 Massachusetts Street and put in a downtown mall. He said the lead developer of record was Mr. Duane Schwada and that the apple hasn't fallen far from the tree.

Commissioner Hird inquired about his comments about a green zone and asked where IG zoning would go.

Mr. Ross said he had not thought about it. He said the offer to the City still stands to drop the litigation. He felt that IL would be more appropriate zoning.

Commissioner Hird asked where he would want IG zoning.

Mr. Ross said the Farmland piece of property and more pieces on the east side of town. He wondered if an IG zoning type of business would really take them to the dance. He felt that IL or IBP zoning could give them what they need in terms of employment, quality of employment, and the type of wages they want. He said he was in favor of helping the Chamber get what they need to attract jobs to the community but felt IG zoning was too intense and was concerned it would create a domino effect. He said one of the comments Commissioner Chestnut made during the Lowe's rejection was that he felt like it was a breach of promise to the neighborhood. Mr. Ross said his group feels that way about this project.

Commissioner Hird asked if Mr. Ross participated in the sector plan process.

Mr. Ross said yes, he was present at every single meeting.

Commissioner Rasmussen said he remembered a lot of effort from City Staff to go out and engage with residents of the area and stakeholders. He said he also remembered a lot of Planning Commission meetings where they worked on the Farmer's Turnpike Sector Plan. He asked how Mr. Ross could say that that plan was adopted without the benefit and inclusion of stakeholder input.

Mr. Ross said that Ms. Ermeling and Mr. Haines already addressed that. He said the plan that the group showed of rural industrial parks in Illinois, Canada, and California seemed to peak the Planning Commissions interest and that Planning Commission instructed the group to pursue those. He said when the group attempted to do that they were told it could not be done in Lawrence. He said the plans Ms. Jane Eldredge showed on the overhead tonight almost reflected a full circle from the original plan to what ultimately happened.

Commissioner Rasmussen said he voted against the K-10 Farmers Turnpike Sector Plan because every time they got an iteration before Planning Commission the amount of industrial land shown on future land use map seemed to go down.

Mr. Ross said when his group did the numbers and showed their plan it had more industrial space with more at the east end.

Commissioner Rasmussen said the ultimate plan that Planning Commission ended up voting on was quite a bit less industrial land than what they started with. He said he voted against it because he felt the amount of industrial space along that corridor went down inappropriately.

Commissioner Blaser inquired about the comment in the Scenic Riverview Community Association letter regarding the probability of Kmart relocating its facilities away from Lawrence. He said he has not heard anything about that and asked if he had facts regarding that statement.

Mr. Ross said that was just conjecture based on some of the things the Scenic Riverview Community Association has talked about. He said it was a probability statement for them to think about.

Mr. McCullough said the Planning Commission inquired to him about the factuality of that statement because it was stated as a pretty hard statement in the letter 'it appears probable that Kmart will relocate its facilities away from Lawrence.' He said there have been recent discussions with Sears about a minor improvement at that site but there was no indication that they were ready to leave Lawrence, and in fact it was quite the opposite indication because they have invested a lot of time, money, and effort into a state of the art warehouse facility for their needs.

Mr. Don Rothwell said he was the executive of his father's estate which was directly west of the property in question and they agree with the annexation and rezoning. He said the new road was progress and if they don't have facilities in place for these corporations to relocate they will go somewhere else. He was in favor of the proposal.

Mr. Rich Mahaley said he lives across the highway from the land proposed for annexation and rezoning. He said at neighbor meetings he felt like the sector plan was in place and did not feel like the neighbors were involved. He said he would be able to see the facility across the highway. He said he has no problem with progress but he does have a problem with the level of zoning and felt that a lower zoning would be more appropriate. He expressed concern regarding drainage and flooding issues of the property. He said the property was far from the interchange and traffic would increase. He stated Queens Road was a chip-n-seal road and expressed concern about increased traffic on it. He also expressed concern about his property value being lowered.

Ms. Ermeling said she understood the need for some level of industrial but that it seems to be a committed major move to make it really available everywhere all around this community. She said it was necessary to have some of that and some variety of choices. She wondered why the solar business didn't consider the northwest corner of Highway 40/10. She said the point was to look at the bigger scope of things and that IG zoning does not necessarily equal jobs. She said this site and area has been determined that it is going to be IG and eliminates it to be something else that still brings in jobs and taxes. She said they do need sites for IG but how much. She questioned the concept that the whole thing needed to be IG and felt they needed variety.

APPLICANT CLOSING COMMENTS

Ms. Jane Eldredge thanked the Commission for being patient.

COMMISSION DISCUSSION

Commissioner Finkeldei asked staff to comment about the drainage that one of the speakers mentioned as a concern.

Mr. McCullough said development was a linear process. He said they will determine through studies where warrants will exist for making improvements for adding elements of bike lanes, sidewalks, paths, and such. He said that development starts out unimproved and as development occurs they make the necessary improvements required. The road improvements and drainage issues would be studied at the appropriate process development time and that it was not necessarily at the rezoning and annexation time. He felt the city stormwater standards were higher than the county and that they go to great lengths to retain/detain water appropriately for each development.

Commissioner Harris inquired about the sentence 'will not hinder or prevent the proper growth of that area.' She asked for examples of projects that they would conclude that it would hinder growth and development.

Mr. McCullough said if there were a utility plan that was associated with this request that may not have been thoughtfully planned out and wouldn't take the whole watershed into account. Some of those decisions have to be made as they move down the line on those projects. He said they have tried to demonstrate that if they are seeking to develop industrially there may be interim infrastructure solutions that may have to occur in the interim until urban services are required or can be extended to those development projects. He said industrial development was a little different animal than residential and commercial development because it could be a much longer timeframe to get full occupants. He said East Hills Business Park, for example, was still not fully occupied. He said in this particular case the ground work and foundation have been laid for proper growth and development because they have done the sector planning, in the midst of utility planning, reviewing master plans, and looking at a first step in development on a couple of parcels. He said this was not the first parcel to annex and rezone in the Farmer's Turnpike Sector Plan.

Mr. Corliss said the language was taken from KSA520c, which was the island annexation statute. He said its primary purpose was to make sure cities would not annex property that would interfere with the orderly development of other cities. He gave an example of where there would be major conflict, such as if the city wanted to annex property that would be in the orderly growth pattern of another urbanizing area or incorporated city.

Commissioner Harris said on Monday they talked a lot about traffic on Farmer's Turnpike and that it was good that Berry's Plastics would have lighter truck loads. She wondered about the possible impact of heavier truck loads on the road from this project.

Mr. McCullough said if there were improvements warranted, such as turn lanes or signalization, could be paid for by a specific project or part of a benefit district that would be shared by a finite area of property owners. He said the traffic studies help determine when those things are needed. He said the Farmer's Turnpike carries a lot of truck traffic today because of the industry to the east over to the west interchange. He said typically arterial road sections were borne by the public at large.

Commissioner Harris asked if the public at large was the county or city.

Mr. McCullough said it could be either and depends on whether it's a shared or internal road.

Commissioner Liese said he was really doing his best to keep the annexation and rezoning separate. He asked each Commissioner to comment about keeping them separate. He wondered if they could really break the requests apart.

Commissioner Finkeldei said the short answer was yes because it was two separate votes. He said he would support the annexation and rezoning. He said a few months ago he voted against the Lowe's project location because it went against a lot of different sector plans in place. He said in this case he would support the annexation and rezoning because of the sector plan that was passed designating the land as IG. He said he respectfully disagreed with people who said there was no public input process. He said he personally sat through five Planning Commission meetings regarding the subject. He said it was true they did not adopt the plan everyone agreed with or liked but that there was certainly a public input process. He said Planning Commission, City Commission, and County Commission all adopted the sector plan. He said the request complies with the plan. He said annexation was consistent within the urban growth area and in an area that was planned for. He felt it was important to have IG zoned land available. He said regarding the domino effect, it depended if there was other land to be used. He felt it was important to follow plans that they pass.

Commissioner Singleton said she would support both the annexation and rezoning for a variety of reasons. She said it does go along with sector plan that went through the appropriate process. She said she voted against the sector plan and was in the minority. She said she remembered Planning Commission meetings that went till 1:00am listening to public comment and that some of the compromises went into the plan. She said there was public participation and that this was the sector plan that came out of the process. She felt as a Planning Commission they were responsible for looking to the sector plan for guidance when making decisions. She said

this piece of property makes complete sense because it abuts I-70 which is noisy and not pretty. She felt this was an appropriate use of the land and would be good for the community.

Commissioner Liese said their comments were helpful.

Commissioner Hird said the process was long and not easy. He respectfully disagreed with the comments about there not being public input. He said unfortunately sometimes when people's substantive ideas are not incorporated it becomes the fault of the process instead of the ideas. He said that intelligent honest people can disagree and that's what they had in developing this sector plan. He reminded them not to lose sight of Horizon 2020 which applies to this region identified for growth. He said he was a rural resident himself and he appreciated the comments about the change that comes to an area. He said he would probably be opposed to it as well if he lived in the area and he was glad people have been participating in the process. He said the fact of the matter is that it was consistent with the sector plan. He stated through the 14 public meetings he felt everyone had a chance to air their opinions and this was the sector plan that was adopted. He agreed with Commissioner Finkeldei that if they adopt a sector plan and then immediately turn around and say "we really didn't mean it" then they undermined the process. He said he would support the applicant and hoped that a refinery would not be what people see when they drive into town because the appearance of the community was important.

Commissioner Harris agreed that there was public input and compromises at the Planning Commission stage. She felt that some of the heartburn from the folks who live out there comes from the beginning process where a plan was presented to them. She said another area of heartburn was that the plan Ms. Bonnie Johnson presented didn't get any traction. She said the majority of Planning Commissioners did not agree with the public concerns and instead approved the sector plan, and so did the City and the County. She said although she did not vote in favor of the plan it was the tool that was in place and they must use now. She said when she discussed her thoughts about this plan she thought there should be some industry out in that area near the interchange and this property was near the interchange. She said she would be happier if it was zoned IL instead of IG, but she did not have a problem with it being industrial. She said as far as the annexation being tied with the zoning Ms. Eldredge pointed out earlier if this was in the city then the property would comply with city standards and guidelines which were more stringent than the county. She said she would prefer to annex property after the infrastructure plan was completed. She said if they deny the annexation they would have to come back with county zoning.

Commissioner Hird inquired about the difference between the public process of a sector plan versus a neighborhood plan.

Mr. McCullough said probably each one of the sector plans and neighborhood plans have started out a little bit differently. He said there was staff analysis to determine elements and issues. He said one big difference is that the neighborhood plans is typically urbanized already and sector plans are typically non-urbanized in nature. He said typically staff likes to go to meetings with a concept plan for the public to react to. He said if they don't start with something for the public to react to it doesn't go very far very quickly and can be muddled.

Commissioner Rasmussen said they heard a lot of testimony and continuing frustration about the 155 acre parcel but that was not what was before them tonight. He said the property before them tonight fits with the sector plan. He said they took a lot of public comment for the sector plan and compromises were made on both sides. He said he voted against the sector plan because he felt that with the access to I-70 this was a natural location for more industrial development. He felt they would see more requests for industrial development and that they would probably be amending the sector plan at some point in the future to provide for more industrial development. He said the Development Code says the purpose of IL land was to primarily intended to accommodate low impact industrial wholesale and warehouse operations that are employment intensive and compatible with commercial land uses. He said he wouldn't consider this area as commercial land area. He said the definition of IG zoning was primarily intended to accommodate moderate and high

impact industrial uses, including large scale or specialized industrial operations requiring good transportation access. He said this proposal fits that definition so he would be support the annexation and rezoning.

Commissioner Burger said she would support the annexation and rezoning because it falls within the guidelines of the sector plan. She agreed that there needed to be multiple sites to choose from. She said if the city perhaps owned all the available property that could be developed that might not be an issue, but having various sites was as much about having different opportunities to deal with different developers. She said she did not like everything about this but felt that sticking with the sector plan was the best thing they could do at this point.

Commissioner Liese said his responsibility was to the larger community and that the sector plan was important. He said if he were to vote for the annexation and against the zoning it would be because he was disturbed by stories regarding the process. He said he would vote in favor of the annexation and zoning given that the sector plan was in place before he was on the Planning Commission.

Commissioner Blaser said he would vote in favor of both proposals. He felt that IG zoning was the right zoning for the area. He did not necessarily agree that the shape of the land was a big issue. He wished they did not have to do spot annexation but in this case they need industrial land and need all kinds of industrial land in different locations.

Commissioner Rasmussen said they needed to keep in perspective that the interchange added to I-70 where K-10 meets I-70 changed the dynamic and changed the character of the land radiating out from that, which was a natural occurrence.

ACTION TAKEN on Item 6A

Motioned by Commissioner Rasmussen, seconded by Commissioner Hird, to approve the annexation (A-9-3-10) and forward a recommendation to the City and County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and;

Recommend that the City Commission approve the requested annexation of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended) and subject to the following conditions:

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).
2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

Commissioner Harris said she would reluctantly vote in favor of the motion but said she would prefer it was zoned to IL not IG. She said she was not comfortable with approving annexation without having an infrastructure plan ahead of time but said having the land annexed before it was rezoned would give the residents out there the best possible industrial project on that land.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.

ACTION TAKEN on Item 6B

Motioned by Commissioner Rasmussen, seconded by Commissioner Hird, to approve the rezoning (Z-9-13-10) request for 51.13 acres from County A-1 (Suburban Home Residential) to City IG (General Industrial) District

and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Commissioner Liese said he would vote in favor of the motion because they were supposed to support the sector plan.

Unanimously approved 8-0. Student Commissioner Davis voted in favor.