

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
10/27/2010

ITEM NO. 6A ANNEXATION OF 51.13 ACRES; SOUTHWEST CORNER OF N 1800 ROAD AND E 1000 ROAD (SLD)

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

STAFF RECOMMENDATION:

Staff recommends the Planning Commission 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;

Staff recommends 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.

Reason for Request: *"This property has recently received a favorable staff review as an industrial site by city and county staff and a potential user of the site. It is in the urban growth area of Lawrence. It is designated for industrial uses in Horizon 2020 and the K-10/Farmer's Turnpike Plan.*

It is bounded by the Kansas Turnpike, a future industrial site, the Farmer's Turnpike and Queens Road; providing excellent transportation for an industrial site.

KEY POINTS

- September 21 of 2010, City Commission received annexation request.
 - Requests more than 10 acres are referred to the Planning Commission for a recommendation.
- This request includes approximately 51 acres to allow for industrial development.
- The property is located within the Lawrence Urban Growth Area.
- This request is accompanied by a rezoning request for IG (Z-9-13-10).

COMPREHENSIVE PLAN FACTORS TO CONSIDER

- Horizon 2020 – Chapter 4, Growth Management
- Horizon 2020 – Chapter 7, Industrial Development and its pending revisions
- Horizon 2020 – Chapter 8 Transportation and its pending revisions
- Horizon 2020 – Chapter 14 Specific Plans
- Sector Plan – K-10 and Farmer's Turnpike Plan

ASSOCIATED CASES OR OTHER ACTION REQUIRED

- Amended "Chapter 7 – Industrial and Employment-Related Land Use" Planning Commission on July 26, 2010, by Resolution No. PCR-6-4-10.
 - City Commission consideration of Comprehensive Plan Amendments scheduled for October 12 and 19, 2010.
 - Douglas County Board of County Commissioners tentatively scheduled consideration of Comprehensive Plan Amendments on October 27, 2010.
 - Publication of ordinance/resolution Chapter 7 – Industrial and Employment-Related Land Use anticipated early November 2010.
- After City Commission receives the Planning Commission's recommendation concerning the annexation request, City Commission may consider passing a resolution requesting the Douglas County Board of County Commissioners make a finding pursuant to state statute 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 county."*
- The Board of County Commission will consider the City's request to make the necessary findings, if appropriate and notify the City of its decision.
- Adoption by City Commission of an ordinance annexing the property.
- Notice to Rural Water District No. 6 of the City's intent to annex.
 - City Commission authorized the City Manager to provide notice of the City's intent to annex the land to Rural Water District No. 6 on September 28, 2010.
 - Notice mailed to RWD No. 6 on September 29, 2010.
 - Staff meeting the Donald Fuston, Rural Water District Board Chair.
- Approval by City Commission and publication of Z-9-13-10 (A-1 to IG).
- Subdivision approval required as a pre-development step.
- Site plan approval required as a pre-development step.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required at this time.
- *Downstream Sanitary Sewer Analysis* – Not required at this time. End user required for analysis
- *Drainage Study* – Not required at this time.
- *Retail Market Study* – Not required at this time.

ATTACHMENTS

- Area map.
- Memo to City Commission – annexation referral
- Staff memo regarding notice to Rural Water District No. 6.
- City Commission minutes from September 21, 2010.
- Land use map – K-10 and Farmer's Turnpike Sector Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Jim Haines and Marguerite Emerling spoke in opposition to referring the annexation request to the Planning Commission at the City Commission on September 21, 2010.

EXISTING CONDITIONS

Current Zoning and Land Use: County A-1 (Suburban Home Residential) District; existing agricultural field.

Surrounding Zoning and Land Use: To the north; A (Agricultural) District; existing farms and residences.

To the south; A-1 (Suburban Home Residential) District; Oak Ridge Estates Subdivision. Includes developed and undeveloped residential lots and Morningstar Christian Church.

To the east; A (Agricultural) District; existing field.

To the west; A (Agricultural) District; existing field and residences.

Site Summary

Gross Area:	51.13 acres
Area Requested for Annexation:	51.13 acres
Urban Growth Area:	Service Area 4 as identified in <i>Horizon 2020</i> .

Project Summary:

This request is for industrial development. Annexation is a pre-development step.

Annexation Procedure

Kansas Law [12-519 *et seq.*] provides for annexation by ordinance of the City Commission. Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review and make recommendations on all annexation requests in excess of ten acres. Upon annexation, the property is required to be rezoned to a compatible City zoning district. This request is accompanied by a rezoning application for IG.

Because this property is not adjacent to the city it is considered an "island" annexation. Additional requirements for this type of annexation include County Commission consideration and determination that the proposed annexation, *"will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county."* This action is required prior to the passage and publication of an ordinance by the City annexing the property. Additionally, notice of the City's intent to annex the land, along with its plan for the provision of water service to the land being annexed is required to be sent to the Rural Water District serving the property not less than 60 days prior to the effective date of an annexation ordinance.

The subject property is currently served by Rural Water District No. 6. Kansas Statutes require the city to purchase the property, facilities, improvements and going concern value of the facilities, if any, of the district if the City designates a different water supplier to the land proposed to be annexed. The possibility exists that the site will continue to be served by Rural Water District No. 6 or another water supplier prior to the City of Lawrence extending city water service to the site.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed. The subject property is served by Rural Water District No. 6.

General Location and Site Characteristics:

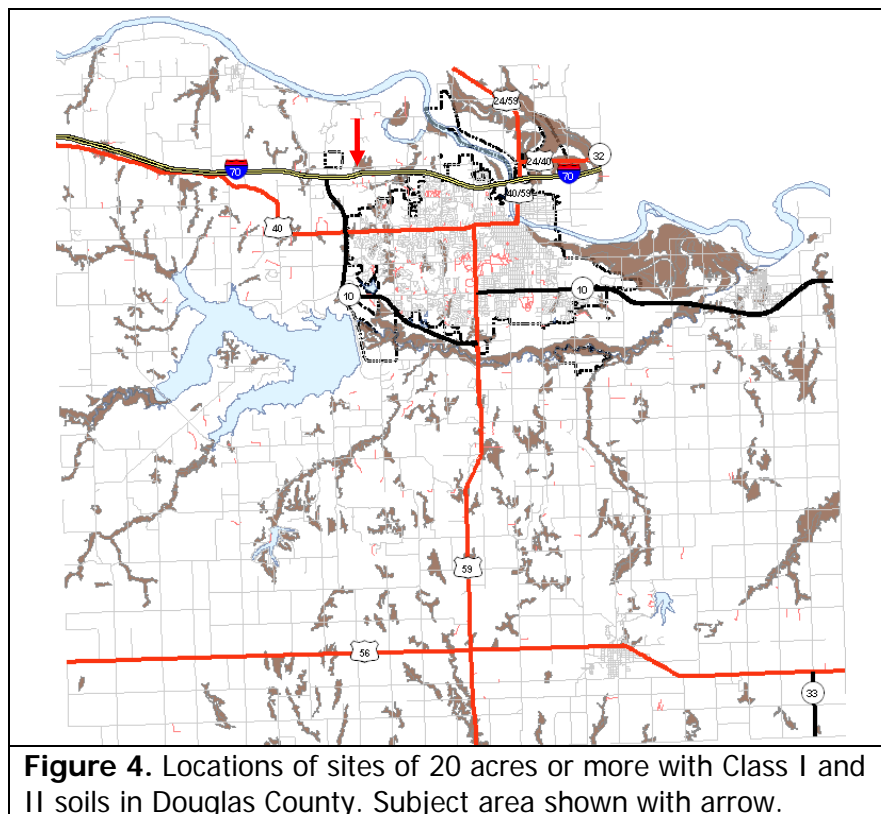
The property is located on the south side of N 1800 Road (Farmer's Turnpike). The property is bounded along the south side by I-70 Kansas Turnpike and on the east by E 1000 Road (Queens Road). The property does not adjoin existing City limit boundaries along any property line.

- The area is currently farmed and includes two small areas with vegetation along the low lying drainage areas of the site.
- The property is located within the existing Lawrence Urban Growth Area and approximately 1 mile east of the Lecompton-K-10/I-70 interchange.

The property is currently zoned county A-1 (Suburban Home Residential). A residential subdivision was preliminarily platted for the property but expired. No additional platting of the property has been approved. This same zoning is located on the south side of the Kansas Turnpike. A platted residential subdivision and an existing church are located south of the Turnpike. Scattered rural residences can also be found along the County roads in the vicinity of the property.

The property is gently sloping from the northeast to the southwest with a stand of trees in the lowest areas consistent with the natural drainage of the site. The property is not encumbered by steep slopes or by regulatory floodplain.

Horizon 2020 recognizes the importance of high-quality agricultural land and that it is a finite resource. Within Douglas County the soils classified as type I and II are referred to as the capability class (chapter 7 *Horizon 2020*.) This site includes a portion of type II soils along the south side of N 1800 Road and extending to the southwest on the interior portion of the site, but contains no type I soils. This annexation request includes approximately 16.25 acres of type II soils on the subject property.

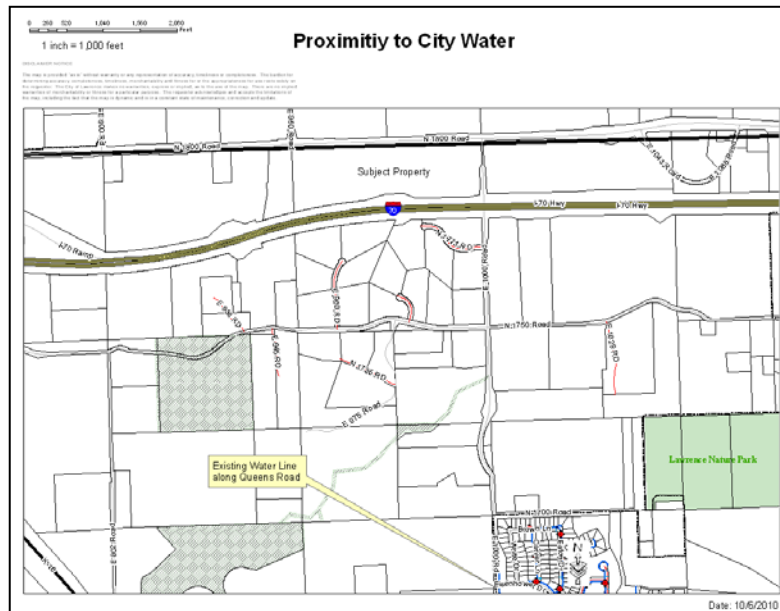


While an interim plan may be feasible for a single user, such a plan may not be appropriate for multiple users. A specific study of the watershed will be required to assess impacts on the current

municipal system and evaluate designated capital improvement projects that may be affected by development. Extensions of sanitary sewer mains are required for urban development. Approval of sanitary sewer public improvement plans are typically a requirement of the subdivision process.

Water

Extensions of water mains and adequate fire flow are required for urban development. Existing urban service is over 1 mile from the subject property. Rural Water District No. 6 has a facility located along N 1800 Road. Rural Water District No. 1 has a line located along N 1750 Road to the south of the property. (See page 2-7 *K-10 and Farmer's Turnpike Plan*)



The City's plan for providing water service to the 51 acres owned by Venture Properties, Inc. is to permit Rural Water District No. 6 to provide water service to the annexed area. The City could amend its current contract with Rural Water District No. 6 to supply the rural water district with additional water, if the rural water district deems it necessary for it to provide the 51 acres of land with adequate water. If Rural Water District No. 6 is unwilling to supply the property with water at the service level required by the property owner, or if the City and District cannot agree to a contract for the provision of additional water from the City, the City will designate a different water supplier. Rural Water District No. 1 may be amenable to supplying water to the area proposed to be annexed.

Items for consideration of public supply of water include the following:

- *Option for single user vs. multiple users.*
- *Quality of service for long run with single user.*
- *Synergy of development required to generate sufficient demand for service and to maintain quality.*
 - *Waive code standards to accommodate rural type development for temporary time period. This would allow a rural water district to provide service to the annexed area.*
 - *Amend current contract to assure available quantity of water available for development. This could include modifications to the existing agreements between the rural water district and the city regarding water supply.*

While an interim plan may be feasible for a single user, such a plan may not be appropriate for multiple users. A specific study of the water demand will be required to assess impacts on the current municipal system and evaluate designated capital improvement projects that may be affected by future development. Extensions of water mains are required for urban development. Approval of water line public improvement plans are typically a requirement of the subdivision process.

Stormwater

The property includes natural drainage ways across the property that flows generally from the northeast to the southwest. Regional detention is recommended for each watershed as areas develop. No such plan has been developed for this area at this time. Approval of stormwater public improvement plans are typically a requirement of the subdivision process.

Items for consideration of stormwater management include the following:

- *Regional Detention with development application.*
- *Easements for stormwater conveyance.*
- *Submission of a drainage study to assess the downstream impact.*
- *Assessment of the drainage structure at I-70 on the south side of the property.*

Public Rights-of-way

This segment of N. 1800 Road is also a designated principal arterial street. The same is true for E. 1000 Road. This designation will impact dedication of rights-of-way, access, and spacing with future development applications. The property is located within the vicinity of the I70/K-10 interchange. *Transportation 2030* identifies N 1800 Road as a Lawrence minor gateway. As such special attention will be merited during the development phases of the property to assure compliance with applicable design standards. Width of right-of-way along with necessary access control and geometric improvement considerations are typically assessed as part of the subdivision and site plan development processes.

Items for consideration of public streets and roads include the following:

- *Future improvements to KTA ROW for I-70 expansion.*
- *Road Maintenance N 1800 Road and E 1000 Road including snow removal.*
- *Geometric improvements with development.*
- *Access control with development.*
- *Dedication of ROW with subdivision platting process.*
- *Submission and review of a traffic impact study.*

Development of the area would include an assessment of roadway improvements abutting the property. Dual naming of such boundary line roads, maintaining both county and city names, for addressing purposes may be necessary for those properties outside of the annexation boundary.

KTA was advised of the proposed development. They have indicated that right-of-way needed for a future widening project has all ready been acquired. No additional right-of-way needs are anticipated. Additional review will be provided with subdivision plats and site plans for the property in the future.

Internal circulation and access to the abutting roads will need to be addressed with a specific development proposal. A traffic impact study will be required to evaluate proposed access options, separation requirements, geometric improvements, and similar items both internally and as development relates to the surrounding road network. No direct access is permitted to arterial

roads, per the Land Development Code, unless the City Engineer grants a waiver from this requirement which would be necessary given that the property is bounded by two arterial roads. A specific development plan has not been submitted to assess the full scope of transportation issues for this property. Street intersection spacing will be critical as the area develops and should be designed initially for best efficiency.

Emergency Responses Services

Key services include 911, fire protection, and police protection. The site is currently served by the County-wide 911 emergency medical response. Building addressing and street naming, as well as coordination of services between the City, County, and township providers, will be required and continuously reviewed throughout the development process.

Fire protection will depend on the proposed use, construction type, and available fire suppression systems for the site. Fire protection is also related to the availability of a municipal supply of water or some type of on-site storage device, to meet a minimum threshold. A similar request to the northwest of this site proposed an on-site water tower to aid in fire protection. This same method could be considered depending on the end user of this site. Assessment of services and fire protection will be required as part of a specific development proposal. Limited services to the site may limit future development in terms of size or intensity dependent upon the end user or users of the site.

Items for consideration of emergency responses include the following:

- *Adequate fire protection.*
- *Single user versus multiple users.*

Private utilities (Electric, gas, phone, etc)

Electric, phone and gas extensions will be made to this property as it develops. Specific development proposals are needed to determine services required for a specific user. Utility providers have been made aware of the proposed request. Westar provided the following comments during the review: *Only 1-phase service exists in this area. The closest 3-phase line is one mile east of this location that is capable of supporting a small load with installation of larger conductors for more ampacity. If this is a large industrial user, depending on load, upgrade to the 3-phase line (bigger wires) may be needed to carry the current service, which would then be 2 miles east of this location.* Generally the property can be served by private utility providers.

School facilities

The property is located in the Perry Lecompton school district (USD 343). The school district has been advised of this request.

COMPREHENSIVE PLAN:

Several chapters of *Horizon 2020* are applicable to this review. Applicable chapters include growth management, industrial development and transportation concerns. Additionally, the property is within the boundary of the *K-10 and Farmer's Turnpike Plan*.

Horizon 2020 – Chapter 4 Growth Management

Per map 3-1 in Chapter 3 of *Horizon 2020*, the General Plan Overview, and outlined in Chapter 4, Growth Management, the property is located within the Lawrence Urban Growth Area. Specific land uses for the area are identified in the *K-10 and Farmer's Turnpike Plan*. Growth management policies address the need to evaluate the development with respect to the provision of services,

protection of topographic and drainage features, and applicable land use criteria. *Horizon 2020* gives priority to properties that abut existing city limits and to voluntary annexation.

Horizon 2020 allows for the initiation of development within Service Areas, 2, 3, and 4 prior to the full build-out of Service Area 1 when wastewater capacity is clearly available; a plan for interim development for the provision of rights-of-way and easements is complete; and when comparable build-out of Service Area 1 has been addressed.

- The property does not abut existing city limits.
- This request is within the urban growth area and represents a voluntary request.
- Urban services are not currently available to this site.

Horizon 2020 also gives priority to developments that are consistent with adopted utility plans. General policies related to growth management address the need to evaluate the proposed development with respect to the provision of services, protection of topographic and drainage features and with respect to land use criteria. Additional detail is needed to assess these elements including a sanitary sewer impact study, service delivery plan for water and other utility extensions and public services such as fire protection. Additional information is needed regarding the extension of any interior street network to service this property. Reasonable options exist to address all of these elements as development progresses.

Horizon 2020 – Chapter 7 Industrial and Employment-Related Land Use

Existing: A key strategy related to industrial development states:

- *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.*

Approval of this request facilitates opportunities for industrial development consistent with adopted plans.

The existing Chapter 7 does not include the specific area. However, the recently adopted *K-10 and Farmer's Turnpike Plan* has been amended into *Horizon 2020* and includes the area as a future industrial site. A key strategy in *Horizon 2020* supports the development and increase in the number and diversity of jobs for the entire community (Douglas County as a whole).

Previous revisions to Chapter 7 brought together the importance of the natural environment and a diversified economy as a tool for development consideration. A feature of the plan is stated as follows: *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.*

- The chapter also defines various types of industrial uses.
- A specific development application has not been submitted.
- Recent changes to *Horizon 2020* include adoption of the area plan (K-10 and Farmer's Turnpike) and pending approval of revisions to Chapter 7 which references this sector plan.

Horizon 2020 – Chapter 7 Industrial and Employment-Related Land Use

Draft: Specific location criteria are included in Chapter 7. The plan has been updated (pending final approval and publication) to reflect the changes affected by the adoption of the *K-10 and Farmer's Turnpike Plan*. The proposed annexation request is located within the revised I-70 and K-10 description for new industrial areas. The Planning Commission considered these changes in July 2010. The City and County Commissions are scheduled to consider the revisions to the Comprehensive Plan during the month of October 2010.

The plan locational criteria for future industrial development were not altered as part of the recent changes. The proposed request complies with the locational requirements outlined in Chapter 7 including location within the UGA, feasible access to highway networks, and adequate size of land, outside of the regulatory floodplain and minimal average slopes.

Horizon 2020 – Chapter 8 Transportation

The transportation chapter provides goals and policies related to development and recognizes the relationship of transportation and land use planning. The plan acknowledges the importance of pedestrian and bicycle access as modes of transportation. Multi-modal transportation (rail and air), as well as ground transportation, are elements of consideration for development. More detail about transit recommendations is contained in *Transportation 2030*. A key feature of both plans is the balancing of land use, transportation, and environmental needs. As noted in previous sections of this report, N 1800 Road is a designated gateway. This will necessitate additional review as part of the plat and site plan process to assure quality development consistent with plan recommendations.

Goals addressing multi-use trails, sidewalks, and alternative modes of transportation can be implemented with specific development proposals. The requirements for traffic impact studies at the site specific level and the larger planning area are needed to identify necessary capital improvements to service the surrounding area as it develops. Assessment of land use will both predict and prescribe appropriate types of access needs. Detailed plans are needed to implement transportation goals and policies listed in *Horizon 2020*.

The proximity of the property to highways and arterial streets provides opportunities to develop the property with higher intensity uses that both need and can be served by excellent access.

The Transportation Plan notes long-term plans for widening I-70 (KTA facility) from 4 lanes to 6. Both KDOT and KTA have been advised of this request. Additional review of the property related to dedications of easements and rights-of-way will be evaluated as part of the subdivision and site plan process.

K-10 and Farmer's Turnpike Plan

This sector plan was adopted and published in 2009. The plan includes the subject property and designates the area as suitable for industrial development. Goals and policies of the plan support development that promotes additional employment opportunities and tax base expansion. The plan recommends development to urban densities while taking care to respect and protect the natural features currently in place in the area as a whole.

Industrial development is intended for, "*moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation.*"

Policies for development specifically address property along N 1800 Road. The plan states: *Structures along N 1800 Road (Farmer's Turnpike) should present a front face to N 1800 Road to add to the high quality aesthetics encouraged in the gateway.*

The plan further addresses gateway treatments, access, and circulation depending on the traffic generated and the size of land involved in a development proposal. These criteria will be further evaluated with future development applications for a specific user.

Summary Finding of Comprehensive Plan Review: This request is consistent with recommendations regarding future industrial development in the area. This request is consistent with recommendations that development occur within designated urban growth areas. The lack of available sewer and water service limits development opportunities for the property in the immediate future unless specific agreements for alternate service can be made.

DISCUSSION OF LAND USE AND REQUEST:

Annexation is an initial step of the development process. It is clear that development will be limited by the services available to support an end user. Additional agreements and approval must be executed regarding water supply and wastewater disposal.

Horizon 2020 supports a definitive approach that utility services and major street improvements should be in place prior to development. Significant municipal utilities must be extended to serve this area to support urban development.

Growth management is defined in *Horizon 2020* as the primary tool for ensuring timely and orderly growth. This tool includes establishment of an Urban Growth Area, service delivery areas and specific annexation policies.

Annexation Policy number 1 states that the *"City of Lawrence will actively seek voluntary annexation of land within the Urban Growth Area as development is proposed."* The subject property is not immediately contiguous to existing city limits. Contiguity, as recommended per Annexation Policy number 2, is not provided for in this application. The Comprehensive Plan supports a proactive annexation plan that ensures adequate facilities and services. The Plan specifically recommends annexation of *"areas which are needed to complete sewer or water line extensions for a closed (looped) system"* per Growth Management Goal 3, Policy 3.2.a. The proposed request is inconsistent with this recommendation for annexation. Progressive annexation from existing boundaries northward is needed to fully comply with this recommendation. However, it should be recognized that some industrial uses can exist without City infrastructure and that adequate urban facilities and services could be provided if deemed necessary and if made a priority by the governing body.

The subject property is located within City of Lawrence Urban Growth Area. *Horizon 2020* supports the provision of adequate facilities and services or assurances of adequate facilities in connection with development. Public and private utilities must be extended and/or upgraded to serve this area. Sanitary sewer, water, off-site stormwater, and roadway improvements need to be identified and planned for extension and improvement for both the short term and long term delivery.

It is important to note that other policies, mostly contained in Chapter 7 (*Industrial and Employment-Related Land Use*) and its revisions support the subject site as a key industrial site in the city's future. Staff recognizes that while it will take time and effort to provide utility and other infrastructure to the general area, there is opportunity to plan for and permit some amount of development in the area so that any new construction meets the City's code requirements. This

ensures that when the area does develop to urban densities, it more seamlessly fits into the urban pattern. The I-70 interchange and surrounding area will be an important economic generator for the region and planning today for its eventual build-out is appropriate and valuable.

CONCLUSION

Horizon 2020 and the *K-10 and Farmer's Turnpike Plan* address land uses, infrastructure, transportation and other development opportunities for the area. Weighing all the policies, *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* support this request.

The development of the subject property requires consideration of adequate timing of providing the necessary infrastructure for basic utilities such as water and wastewater. Development of an interim plan for services, such as continued use of rural water and on-site wastewater disposal, would be required to serve development in the short term and is feasible and prudent for certain industrial uses. Such a plan should be tied directly to specific uses for development to mitigate potential harm to the surrounding area and to assure that adequate provisions are provided for integrating the development into the ultimate system when appropriate. This interim proposal may be sufficient to support a single user. Such a system will need to be assessed for multiple users (land divisions within the 51 acres.)

Staff recommends the Planning Commission 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;

Staff recommends 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:

3. 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).
4. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.