

Douglas County Kaw Drainage District

901 KENTUCKY STREET
SUITE 206
LAWRENCE, KANSAS 66044
785/842-7900
FAX 785/841-2296

November 2, 2010

Lawrence City Commission
PO box 708
Lawrence, Kansas 66044

Re: 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).

Honorable Mayor and Members of the City Commission:

The Douglas County Kaw Drainage District has previously expressed concerns regarding development within the Baldwin Creek Watershed and the impact of flooding downstream land. Additional impervious surfaces created by development will certainly exacerbate the problems facing downstream property owners.

The District has requested that the City of Lawrence and Douglas County engage in a Baldwin Creek Area Drainage study to determine the extent that land development activity is affecting the flooding problems in the area. The District is willing to participate in such a study.

Until this study is complete the District will recommend against any intense land development activity including the above-mentioned annexation.

Sincerely,

Price T. Banks, Attorney and Counselor

-----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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785.749.2388-fax
5200 Bob Billings Pkwy, Ste. 201
Lawrence, KS 66049-5811
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DBrogren@TCKansas.com*



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.

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 Z-9-13-10 the proposed request to rezone 51.3 acres, located at the southwest corner of N 1800 Rd and E. 1000 Rd. from A-1 to IG. Taking this action makes a sham of the planning process. While I disagreed with the speed and lack of local input in the development of the Northwest Sector plan, I understood that serious analysis; discussion and thinking went into its development. If in fact a little over a year later that plan developed and approved by the planning commission is to overturned with a change of such magnitude; one can only come to one the conclusion that the data analysis, development process and conclusions of the plan were highly inadequate.

I strongly encourage the planning commission stand by its approved Northwest Sector Plan and not recommend rezoning of this property.
Vvvvvv,bmnm

Sincerely,

Steve McDowell