

From: Steve Schwada [mailto:Steve@meadowbrookapartments.net]
Sent: Monday, May 23, 2011 9:59 AM
To: Sandra Day
Subject: ANNEXATION OF 69 ACRES; SOUTHWEST CORNER OF N 1800 ROAD

Lawrence-Douglas County Metropolitan Planning Commission

Dear Chairman Blaser:

Venture Properties owns the property directly east of the subject property. We support the annexation and rezoning requested by the Rothwell family. We believe that it is consistent with the K-10/Farmer's Turnpike Sector Plan and it is consistent with our expectations for our land. We request that you support the Rothwell annexation and rezoning requests.

Thank You

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May 21, 2011

Dear Planning Commissioners,

The Scenic Riverway Community Association has been before you on two rural island annexation and rezoning issues in the past several years.

For all the previous reasons presented by this neighborhood association, we stand again to say we believe that this is yet another premature annexation request in this area. For all the difficulties of balancing federal, state, and local budgets, etc, it seems inconceivable that distant additional island annexations for the city of Lawrence should be permitted until the tax payers have spoken that they will support the yet unknown costs to deliver and maintain utilities to such requests. There is more land in Lawrence than necessary for “choices” for prospective business opportunities than the city can provide for or find prospects for now and into the near future.

Additionally, the sector plan for this area does not exclusively support IG requests for zoning as the only kind of industrial to be committed to this area. IBP and IL are more consistent with the surrounding rural context while IG remains incompatible with the vast majority of adjacent and surrounding rural residential land ownership.

We ask that you recommend against this annexation. The city is not required to accept every request for annexation. The ongoing lack of cost/benefit analysis and return on investments to the taxpayers for extension of city services continues to be a fundamental basis for denial of the requested annexation.

At a minimum, we request that you recommend against rezoning to IG as it is incompatible with the majority of surrounding land use. There is nothing in the Sector Plan which orders the entire area to be condemned to IG impacts. IBP and IL are alternatives which this group has in private and public venues agreed to accept.

Thank you for your consideration,

Scenic Riverway Community Association

May 23, 2011

My name is Darrel Ward and I live directly across from the Rothwell's on N 1800 Road. Like the Rothwell's, I've lived in the area for most of my life. I grew up on the farm that I'm living on, and I was really hoping I could stay here for many more years. Unfortunately, because of this annexation and the annexations to the south-east and west of us, our dreams of living on the farm and enjoying country life are now in jeopardy. Unless of course, I can somehow convince you that this annexation and rezoning is a bad idea and you vote to deny it.

This is an island annexation. Horizon 2020 clearly states that island annexations are a bad idea, and should be avoided at all costs. The planning staff disregards Horizon 2020's island annexation prohibition by says that because other properties in the area have been annexed into the city this really isn't island annexation. This is just clever word play and the ignoring of facts. These other properties that the staff references were also island annexations which the staff ignored. There seems to be a group think mentality with the planning staff that says if they ignore island annexations long enough, more and more properties will be annexed into the city, and after awhile, they'll be speaking the truth when they say that an annexation isn't an island annexation. The truth however is different. This is an island annexation, and the #1 planning document for the city and county recommends against this type of annexation. It's one thing for the planning staff to ignore Horizon 2020, but it's unthinkable that the planning commission ignores Horizon 2020 as well. I think the planning commission should clear this particular issue up: is the planning commission required to follow Horizon 2020?

The planning document for this annexation mentions the occurrence of Class II soils on the property; in fact Class II soils make up 11.3% of the property. Staff says that the Class II soils on this site "are isolated and in small amounts relative to areas where significant contiguous amounts exist in Douglas County"; what about the Class II soils that make up 37% of the property adjacent to the east? Despite statements in Horizon 2020 about how valuable Class II soils are to the county and how these must be protected, staff says that because there are not as much Class II soils in this area as say, Grant Township, it's OK to destroy these soils. Yes, this isn't Grant Township, but does that really matter? Where in Horizon 2020 does it say that only Class I & II soils in certain parts of the county are worthy of protection? As far as I've been able to find, there is no document that says Class I & II soils in only certain parts of the county are worth saving. Perhaps I've missed something in the documentation, so I'd like the planning staff to clear this up: are Class I & II soils only to be protected in certain parts of the county?

As per the staff memo, this proposed annexation does not meet the requirement for utility infill as mentioned in the Comprehensive Plan; the Comprehensive Plan specifically recommends annexation of "areas which are needed to complete sewer or water line extensions for a closed loop system" per Growth Management Goal 3, Policy 3.2.a.

The applicant's letter to the neighbors makes reference to building and development activity in the area that indicates that Lawrence is moving this way and the time is right for him to be annexed into the city. I've seen no proof of building and development activity in the area. We've spoken with McGrew Reality several times in the past four years about development activity in this area, and they continue to tell us the same story: there are no sales, no purchases, and no inquiries. Does the Chamber of Commerce know something that McGrew doesn't? Is McGrew really so far removed from the real estate market in this area that they don't know what's going on? I think not.

The planning commission will note that I live directly across from the applicant. Prior to moving to my current home, my parents lived on this property since 1964, so I've got an idea of what's been happening in the neighborhood. What is this activity and where is it? The only thing going on that I've seen is the land adjacent to his property on the east being annexed and rezoned. I really don't think the annexation and rezoning of a 51 acre parcel proves that the city is moving any closer. Where is the proof that the city is moving out this way? I'd like the planning staff to answer this question:

what development (extension of utilities, improvement of roads, etc) has happened in this area in the last two years to indicate that Lawrence is moving closer to this area?

While we're on the subject of proof of intent of development, let's talk about Beth Johnson and her role in promoting this area for development. As far as I can see, the only people talking up development in this area are a certain developer, and Beth Johnson. What is Beth's incentive for promoting the annexation, rezoning, and sale of land in this area? Does Beth Johnson benefit financially from the sale of land? Some have questioned whether Beth has a conflict of interest regarding sales of property, so I'd like to have Beth address this question: Does Beth Johnson get a commission (or other financial incentives) from the sale of industrial property?

This isn't the first time that Beth has come before the planning commission to speak of the need for industrial land near I-70. Once again, where is the proof of intent that companies are looking for land in this area? As far as I can see, it's all anecdotal and unsubstantiated evidence given by Beth Johnson and Tom Kern. When is the last time someone asked about land in this area? When is the last time that Beth showed someone property in this area? And who instigated the conversation about land near I-70: the potential customer, or was it Beth Johnson? Lastly, where do Beth Johnson's allegiances lie: with the community, the Chamber, or the developers?

Who will provide fire, police, and ambulance service to this property if something happens? There is no agreement in place with the police department, the fire department, or the ambulance service to provide emergency services to this property if it is annexed. According to planning staff, they are hopeful an agreement can be reached with the appropriate parties. Also there is no timetable for the above mentioned agreement. Am I the only one who thinks that something like police, fire, and ambulance service should be lined up prior to annexing a property two miles from the city limits? What is the role of the planning commission in deciding whether arrangements for emergency services are necessary prior to annexation? Are you really going to allow property that has three residences on it to be annexed into the city without arranging for police, fire, and ambulance service?

In conclusion, the annexation and rezoning of this property is a bad idea. Horizon 2020 speaks out specifically against it. Horizon 2020 also speaks out for the protection of Class I & II soils, as they are a valuable commodity. This annexation does not meet the Comprehensive Plan requirements as per Growth Management Goal 3, Policy 3.2.a. Despite what the applicant says, there's no proof that the city is moving any closer to the area. All we have is anecdotal and unsubstantiated evidence presented by Beth Johnson that companies have been interested in the past in this area, but there is some uncertainty of whether or not Beth has a financial interest in seeing properties in this area sell. In fact, a major realtor in the Lawrence area says there is absolutely no real estate activity going on in the area. Lastly, there are currently no agreements in place to provide police, fire, and ambulance service to the three residences on the property.

I respectfully ask the planning commission to support and uphold the development guidelines as put forth in Horizon 2020 and deny this annexation request.

Thank you,

Darrel Ward

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

From: Ken Ward [mailto:kenward1000@mac.com]

Sent: Monday, May 23, 2011 9:47 AM

To: Sandra Day

Subject: Rothwell annexation and rezoning comment

Dear Sandra Day,

My name is Ken Ward and I own property directly across from the Rothwell's on N 1800 Road.

1. Thank you to the planning commission for listening to the voices of the property owners
2. There is still no evidence that any development is occurring in this area, confirmed by speaking with a prominent Lawrence real estate agent. The loudest voices in favor of island annexation are coming from developers and their attorney, both of whom have a huge vested financial interest in the outcome. The people who want to live in a rural atmosphere are being ignored in favor of the voices with the largest bank accounts.
3. My hope is that the planning commission affirms and continues to follow the guidelines of horizon 2020.

Regards,
Ken Ward