

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Non-Public Hearing Item**

PC Staff Report  
5/19/2014

**ITEM NO. 1C: VACATION OF FINAL PLAT OF EAST HILLS BUSINESS PARK EAST AND FINAL PLAT OF EAST HILLS BUSINESS PARK EAST NO. 2 (DRG)**

Vacation of Final Plat of East Hills Business Park East and Final Plat of East Hills Business Park East No. 2 due to the proposed de-annexation of property from the City of Lawrence. Submitted by Barber Emerson, for Economic Development Corporation of Lawrence and Douglas County, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends forwarding the request to the City Commission with a recommendation of approval of the vacation of the Final Plat of East Hills Business Park East and Final Plat of East Hills Business Park East No. 2, "except for and excluding any public right-of-way dedicated by the Plats for Noria Road and East 23<sup>rd</sup> Street, which shall be reserved unto the City."

**Applicant's Reason for Request:** *The subject property was annexed in 2000 when the then current owner sought to expand the available inventory of industrially zoned land to market for development. Prior to annexation, the property was used for agricultural purposes and it has continuously been used in that way ever since it was annexed into the city. Site development costs have been found to be cost prohibitive which led the owner to sell the land to an area farmer who wants the property to be de-annexed and rezoned to county agricultural district as conditions of the sale.*

**KEY POINTS**

- The property was annexed, zoned and platted for industrial use in 2000.
- Efforts to market and sell the land for industrial development have not been successful.
- Recent decisions to expand industrial and business employment type uses west of East Hills Business Park on the former Farmland Industries property (now known as Venture Park) is supported in Horizon 2020 and redirects attention from the area east of Noria Road.
- Due to these new developments, the owner decided to sell the property to a local farmer.
- The property sale is contingent on de-annexation, plat vacations and rezoning to county A District.
- The factors in K.S.A. 12-505 to be considered with a plat vacation request are supported by the facts in this request

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- A-14-00073: De-Annex 87 acres; 2200 Noria Road & 4600 East 23<sup>rd</sup> Street
- Z-14-00072: Rezone 87 acres from IG to A District; 2200 Noria Road & 4600 East 23<sup>rd</sup> Street

**ATTACHMENTS**

- Page map
- Copies of the two final plats

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

None

## **ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING**

Current Zoning and Land Use:	IG (General Industrial) District; agricultural crop land
Surrounding Zoning and Land Use:	North: A (county - Agricultural) District along east frontage of Noria Road and VC (county – Valley Channel) District to the east of the A District; agriculture uses
	West: IG (General Industrial) District; industrial uses in East Hills Business Park
	South: A (Agricultural) District along south frontage of E 23 <sup>rd</sup> Street and VC (county – Valley Channel) District to the east of the A District; agricultural uses
	East: VC (Valley Channel) District; agriculture uses

The predominant land use pattern in the area is agriculture; especially on the properties east of Noria Road. Directly west of the subject property is East Hills Business Park in the City of Lawrence, which is zoned IG District. The IG zoning and industrial uses extend from the intersection of East 23<sup>rd</sup> Street and Noria Road north to the railroad tracks.

A small area of county I-3 and I-4 zoning exists at the intersection of the railroad tracks and Noria Road. A contractor storage building exists on a small parcel on the northeast corner of this intersection and the rest of the I-3 and I-4 zoned area is used for agricultural uses.

Most of the area east of Noria Road adjacent to the subject property and beyond is zoned VC (Valley Channel) District. Over a period of time, several properties nearby have been rezoned from the VC District to the A (Agricultural) District. The VC District is representative of areas in the county that were flooded during the 1951 Wakarusa River and Kansas River Flood event. Agricultural fields dominate the landscape with an occasional residence found along the nearby roadways.

A small portion of the property (generally parallel with Noria Road) is identified on the August 5, 2010 FEMA Flood Hazard Area Maps to be in the 500-Year flood hazard area (0.2 Percent Annual Chance). The rest of the property is shown as being in "Zone X", which is an area determined to be outside the 500-year floodplain. An earlier FEMA Flood Hazard Area Map series, having an effective date of November 7, 2001, had shown the entire property in the 500-year flood hazard area.

## **KANSAS STATE STATUTE FACTORS**

K.S.A. 12-505 provides factors to consider when considering the petitioner's request to vacate a recorded plat. These factors are:

1. No private rights will be injured or endangered by such vacation or exclusion, and;
2. The public will suffer no loss or inconvenience, and that;
3. In justice to the petitioner or petitioners the prayer of the petitioner ought to be granted,
4. The governing body shall order that such vacation or exclusion, or both, be made.

In staff's opinion, no private rights will be injured or endangered by the governing body vacating only the property represented by the platted lots in the Final Plat of East Hills Business Park East Addition and Final Plat of East Hills Business Park East No. 2 Addition. The public rights-of-way provided on these final plats should be excluded and reserved for the public good. Similarly, the public will suffer no loss or inconvenience by the vacation of just the platted lots contained in said two final plats.

In staff's opinion, the petition of the applicant should be granted.

### **PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends the City Commission grant the petitioner's request to vacate the Final Plat of East Hills Business Park East Addition and Final Plat of East Hills Business Park East No. 2 Addition, except for and excluding any public rights-of-way dedicated by these plats for Noria Road and East 23<sup>rd</sup> Street, which should be retained by the City.