

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

PC Staff Report  
09/26/2016

**ITEM NO. 6A: ANNEX 55 ACRES; SE CORNER 31<sup>ST</sup> & MICHIGAN (MKM)**

**A-16-00305:** Consider a request to annex approximately 55 acres located at the SE corner of 31<sup>st</sup> and Michigan Streets. Submitted by BG Consultants on behalf of Reylan Properties LC, property owner of record. *Initiated by City Commission on 8/16/16.*

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested annexation of approximately 55 acres and forwarding the requested annexation to the City Commission with a recommendation for approval based on the findings in the body of the staff report.

**Reason for Request**

Applicant's response: *"The subject property (the "Property") consists of approximately 55 acres located at the southeast corner of 31<sup>st</sup> Street and Michigan Street, and is presently zoned "A-Agricultural District" under the Douglas County Code. The Property is vacant and undeveloped, and abuts the City of Lawrence along its northern and western boundaries. The Property currently lies within Service Area 1 of the Lawrence Urban Growth Area, and has access to existing city infrastructure, including a water line along the north property line and sanitary sewer main. The Applicant's proposed project is an approximately 240-unit multi-family residential housing development, and is in complete conformity with the planned future land uses set forth in Horizon 2020 and the Revised Southern Development Plan. The Applicant is requesting annexation of the Property consistent with the City of Lawrence's Annexation policy, which encourages annexation of properties that are located generally in the projected growth areas of Lawrence. The City's established policies and long range planning indicate a need for this annexation to occur, and the community impact of the project includes, but is not limited to, the addition of competitively priced multi-family units at a strategic location, and an increase in the City's municipal budget without a tax-lid election under K.S.A. 79-5a27.*

**KEY POINTS**

- The subject property is located within Service Area 1 of the Urban Growth Area, an area that has been identified as appropriate for urbanization; therefore, annexation is required prior to development. The property owner has voluntarily consented to and is requesting annexation.
- The property is not within the service area of a Rural Water District.
- The subject property is adjacent to the Lawrence city limits.
- Annexation requests of more than 10 acres require a Planning Commission recommendation.
- This annexation request is accompanied by rezoning requests which are also scheduled for the September Planning Commission meeting.
- Public infrastructure and City services required for the proposed development are available and in place.

## COMPREHENSIVE PLAN FACTORS TO CONSIDER

- The annexation request is compliant with the Growth Management policies of the Comprehensive Plan.

## ASSOCIATED CASES

- **Z-16-00306**; Rezoning request for approximately 30 acres from the County A (Agriculture) to RM15 (Multi-Dwelling Residential) District.
- **Z-16-00307**; Rezoning request for approximately 25.13 acres from County A (Agricultural) to RM15-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District.

The associated cases were submitted concurrently with the annexation request and are also being considered at the September Planning Commission meeting.

## OTHER ACTION REQUIRED

Other action required for annexation:

- City Commission approval of annexation and adoption/publication of ordinance.

Action required prior to development:

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of the property through the Major Subdivision process.
- Submittal and administrative approval of site plans for development.
- Building permits obtained prior to any development.
- Floodplain Development Permits obtained prior to any development activity on parcels which are encumbered with floodplain.

## PUBLIC COMMENT

- \* No public comments were received prior to the printing of this staff report.

## EXISTING CONDITIONS

Current Zoning and Land Use:

County zoning: A (Agricultural) and F-F (Floodway Fringe Overlay) Districts; *Agriculture*.

[Proposed City Zoning: RM15 (Multi-Dwelling Residential) and RM15-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) Districts.]

Surrounding Zoning and Land Use:

To the north:

CR-FP (Regional Commercial with Floodplain Management Regulations Overlay), OS-FP (Open space with Floodplain Management Regulations Overlay) District. To the north of these districts: RS5-FP (Single-Dwelling Residential with Floodplain Management Regulations Overlay) and RS5 (Single-Dwelling Residential) Districts.

To the west:

RM15 (Multi-Dwelling Residential) and OS (Open Space) Districts; *Multi-Dwelling Structures* and *Undeveloped*.

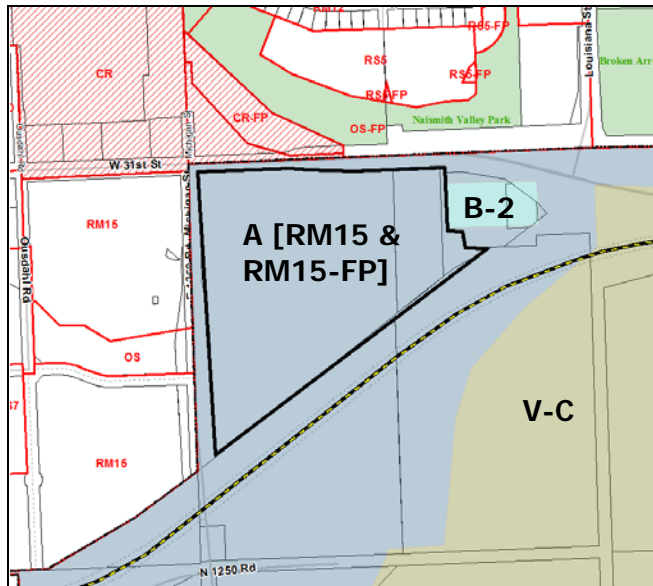
To the east:

County Zoning: B-2 (General Business), A (Agricultural)

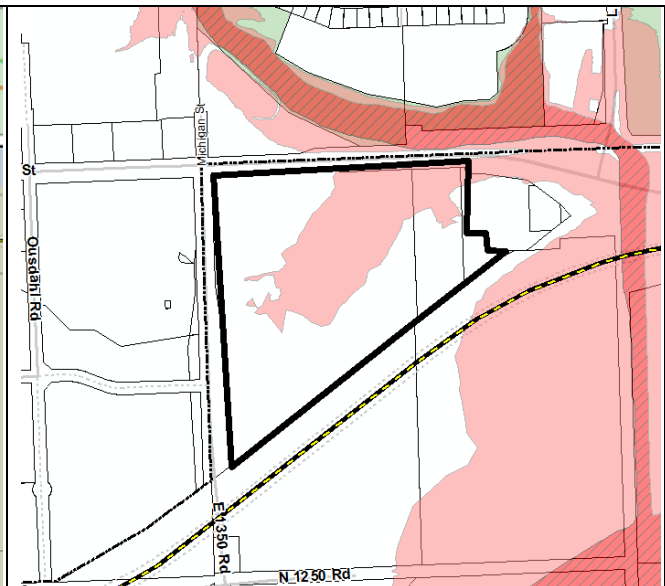
and (Floodway Fringe Overlay) Districts and V-C (Valley Channel) District to the southeast; *Recreation Facility/event center, to the east, Agriculture, and the K10 Highway/South Lawrence Trafficway (SLT)*)

To the south:

County Zoning: A (Agricultural), F-F (Floodway Fringe Overlay) and V-C (Valley Channel) Districts; *Agriculture, K10 Highway/SLT, and Baker Wetland* (Figures 1 & 2)



**Figure 1a.** Base zoning in the area (County zonings shaded and labeled in black. City Zonings labeled in red, Conditional City zoning shown with crosshatch.



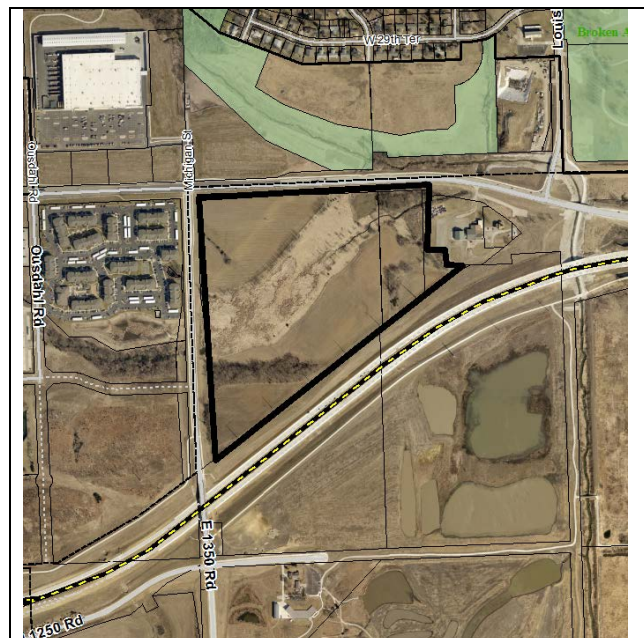
**Figure 1b.** Floodplain Overlay Zoning Districts in the area. 100 year floodplain in pink and floodway in red. The -FP Districts include additional area and do not match the floodplain maps.

### Project Summary

The property owner is requesting annexation of three parcels south of W 31<sup>st</sup> Street that are owned by Reylan Properties, LC in preparation for residential development. Rezoning requests and a concept of the proposed development were submitted with the annexation request.

Figure 3 contains the concept plan for the subject area following annexation and rezoning to the RM15 and RM15-FP Districts. Apartments will ring the property northwest of the floodplain. No development is proposed within the floodplain.

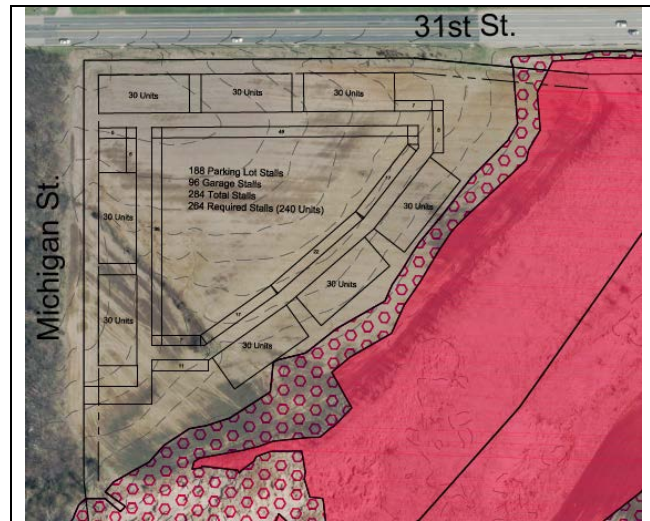
Access will be taken from Michigan Street. No access will be permitted to 31<sup>st</sup> Street, with the possible exception of restricted access for fire and emergency vehicles if needed.



**Figure 2.** Land use/development in the area.

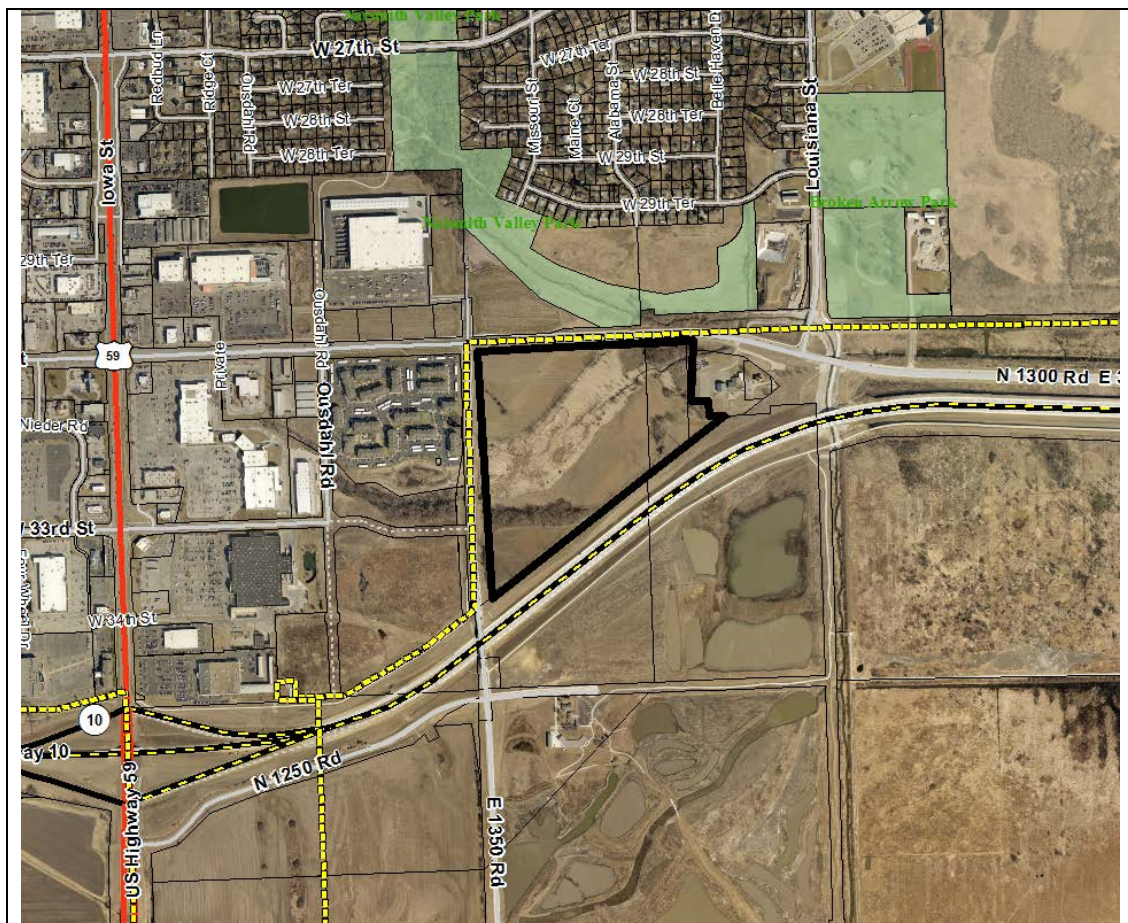


City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid pursuant to K.S.A 12-527. The property is not located within the boundaries of a Rural Water District; therefore, compensation is not necessary. The property is located within the certified territory of Westar Energy. The City provided Westar Energy with written notice of the City's intent to annex the subject property, per K.S.A. 66-1, 176.



**Figure 3.** Concept plan for subject area.

Per Code, property which is proposed for development is rezoned to a city zoning designation when annexed. Rezoning requests to the RM15 (Multi-Dwelling Residential) District and the Floodplain Management Overlay District (RS15-FP) for the portion of the property that contains the floodplain and the additional area outlined in Section 20-1201(3)(c) of the Development Code were submitted with the annexation request.



**Figure 4.** General location of property within annexation request. Subject property outlined. (City limits in yellow.)

## General Location

The property requested for annexation bounded on the north by W 31<sup>st</sup> Street and planned commercial development and open space; on the west by multi-dwelling structures, The Connection apartments, and Michigan Street; on the south by K10 Highway/SLT and the Baker Wetlands; and on the east by County commercial development. (Figure 4) Property to the northwest has recently been developed with Menards, a home improvement store. Four commercial pad sites have yet to be developed south of the Menards building.

A stream and its floodplain bisect the subject property from the northeast to the southwest. Other streams are located throughout the area and the Wakarusa River and its associated floodplain is located to the south. The Baker Wetlands are south of the K10 Highway/SLT. In addition to the Baker Wetlands, other open space in the area includes Naismith Valley Park and Broken Arrow Park.

## Infrastructure and Utility Extensions

### WATER

There is a 12 in. waterline on the south side of W 31<sup>st</sup> Street the development can connect the new internal water lines to (Figure 5). The 12 in. water line was installed in 2014 as part of the SLT utilities relocation, as outlined in Resolution No. 5614. The watermain runs from Broken Arrow Park to the Connection apartments, or about 3,520 ft. The project was paid from the Utilities Department Capital Improvement Plan fund. The overall cost was \$364,755 or \$103.62 per foot. Since the water main can serve both sides of 31<sup>st</sup> street, each side of the street pays half of the cost or \$51.81 per foot. Resolution No. 5614 does not specify a time frame for the collection of the cost of the main; however, nce the water main has

been replaced, a front footage charge would not be applied. For example, if a water main constructed in the 1950's was replaced as a CIP project in 2014 because of age, and a vacant lot that has never had a structure or water service on it applies for a meter, a front footage charge would not be applied because the original water main served its useful life.

The City's Development Policy requires the developer to pay the front footage fee along with other Utility System Development Charges. The developer will install an internal looped waterline system to serve the project.

### SANITARY SEWER

The apartment buildings will require new internal sanitary sewer lines that will connect to the 36 in. interceptor running through the northwest corner of the property. (Figure 5) The capacity of the 36 in. line may not currently be sufficient but should be sufficient when the Wakarusa Waste Water Treatment Plant and Pump Station 10 are in service, scheduled for January of 2018. A Downstream Sanitary Sewer Analysis will be required with the preliminary plat of the property to determine the impact of the project on the capacity of the line.

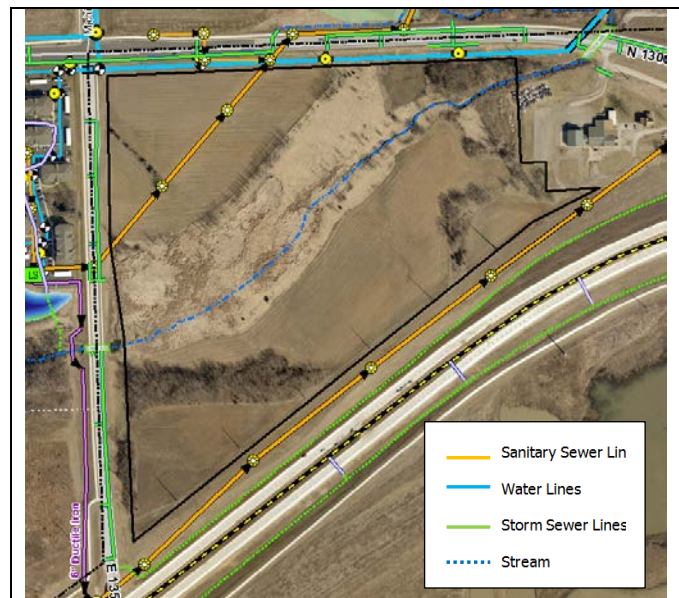


Figure 5. Public infrastructure in the area.



## STORM SEWER

Storm sewer lines are in close proximity to the property. On-site detention can be routed into the adjacent storm sewer lines.

## STREET IMPROVEMENTS

The subject property will participate in a Benefit District for the installation of a traffic signal at 31<sup>st</sup> and Michigan. Menards has already agreed to participate in the Benefit District. The development would need to install sidewalk along the frontage adjacent to W 31<sup>st</sup> Street. Michigan Street was constructed with a sidewalk on the east side and a shared use path on the west side.

*Public Right-of-Way:* The subject property abuts Michigan Street, a minor arterial street, on the west. A minor arterial street requires a minimum right-of-way width of 100 ft, per Section 20-810(e)(5) of the Subdivision Regulations. The right-of-way for Michigan Street, adjacent to the subject property, varies but is 118 ft at the minimum.

The subject property abuts W 31<sup>st</sup> Street, a principal arterial, on the north. Per Section 20-810(e)(5) of the Subdivision Regulations, a principal arterial requires 150 ft of right-of-way, 75 ft from the centerline. A total of approximately 124 ft was provided with the Menards development. A variance was approved to allow this amount of right-of-way. The amount of right-of-way required for this project is 75 ft south of the centerline, unless a similar variance is obtained from the Planning Commission during the review of the Preliminary Plat.

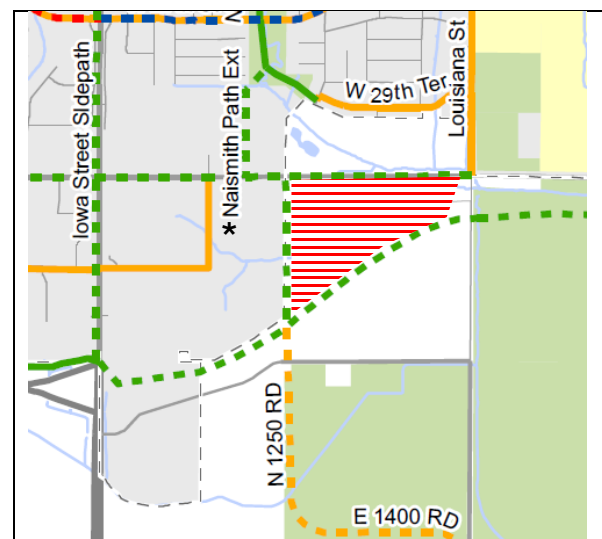
## TRANSIT

Bus routes and stops are available in the area but there is no route along W 31<sup>st</sup> Street at this time. The transit system establishes routes based on demand, so it's possible a route could be extended to this area if the demand/ridership warranted it.

## BICYCLE AND PEDESTRIAN

The Countywide Bikeway System Plan was completed as part of the Multimodal Planning Studies and was approved by the MPO on March 20, 2014.

The graphic in Figure 6 shows the proposed bike system in the area. Shared Use Paths (dashed green lines) are shown on the north, west, and south border of the subject property. A 10 ft wide shared use path was constructed along the north side of W 31<sup>st</sup> Street when it was reconstructed and along the west side of Michigan Street when it was constructed as part of the K10 Highway/SLT project. A shared use path was installed along the south side of the K10 Highway/SLT. The shared use path on Michigan connects to the path on the SLT on the south side of the Michigan Street underpass. No additional shared use paths are needed in this area. As mentioned earlier, a sidewalk will need to be installed along the W 31<sup>st</sup> Street frontage to accommodate pedestrians.



**Figure 6.** Multimodal Studies Project Map 2: Lawrence Urban Area Existing and Proposed Bikeways. (Subject property shown in red.)

\* Naismith Path Ext. installed by Menards with their development.

## PUBLIC SAFETY

The Fire Department's Standard of Cover has identified a target total response time of 6 minutes 30 seconds throughout the city. This would apply to this property as well. The City Fire Code Official indicated that this property is within the four minute travel time for emergency response vehicles from station number 5 at 19<sup>th</sup> and Iowa.

The following table summarizes the infrastructure that would be required to accommodate the project and notes the responsible party:

	Improvement Required	Financial Responsibility
<b>Water</b>	Front Footage fee \$51.81/linear ft	Developer
	Installation of looped internal service lines and connection to public system	Developer
<b>Sanitary Sewer</b>	Installation of internal service lines and connection to public system	Developer
<b>Street/Sidewalk</b>	Sidewalk along W 31 <sup>st</sup> Street	Developer
	Signal at Michigan/W 31 <sup>st</sup> Street intersection	Developer (via Benefit District)
<b>Stormwater</b>	Installation of internal system and connection to public system	Developer

## COMPREHENSIVE PLAN

The following section of this report provides language and recommendations from the Comprehensive Plan, followed by staff review in *red*.

"The Plan promotes development in the UGA through an adopted annexation policy which anticipates well-planned development of fringe areas." (Page 3-1, *Horizon 2020*)

*The subject property is located in a fringe area, being adjacent to the City limits on both the west and north sides. The development is well planned in that Michigan Street was installed with the construction of the K10 Highway/SLT, and infrastructure is present in the area to serve the proposed development. The Waste Water Treatment Plant and Pump Station 10 may be needed to provide sanitary sewer capacity for the project. These are not in service at this time; however, the Utilities Department estimates they will be in service by January 2018. The various planning steps for this development: annexation, rezoning, platting, and site planning should place the development very near the anticipated date of service for the wastewater treatment plant and pump station.*

Annexation Policy No. 1 listed on page 4-5 of *Horizon 2020* states that Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed. (Page 4-5)

*The subject property is located within Service Area 1 of the Lawrence Urban Growth Area.*

"The recommended growth management policies do not seek to limit the amount of land for future development. Rather, the Plan directs development to growth areas and suggests that development occur where necessary infrastructure is in place or planned to serve proposed uses, subject to the policies on the Plan." (4-1, Growth Management, *Horizon 2020*)

*Infrastructure, in the form of streets and utilities, are present to serve the development without any extension of the City mains. The property's location is within the 6 minute response time set by the Fire Department.*

The plan recommends that only agricultural development occur in Service Area 1 prior to annexation. Rural residential development and other non-agricultural types of uses within Service Area 1 shall not proceed until the property is annexed into the city; has access to public utilities and services, is platted and zoned to a city zoning category. (Page 4-1, *Horizon 2020*)

*The proposed project is compliant with this recommendation. Annexation has been requested, the property has access to public utilities and services, as noted above, rezoning requests have been submitted with the annexation application and the property will be platted prior to site planning.*

Map 3-1, Lawrence Urban Growth Area Service Areas & Future Land Use show the subject property in Service Area 1 and recommend higher density residential land uses in this area. (Page 3-3)

Chapter 5, Residential Land Use. "Requests for annexation shall be consistent with approved watershed/sub-basin, sector, neighborhood, nodal, corridor, specific issue/district plans." (Page 5-1, *Horizon 2020*)

*The Revised Southern Development Plan is the specific plan for this area. The request is consistent with the approved plan, which is discussed in detail in a later section of this report.*

Infill residential development should be considered prior too annexation of new residential areas. (Page 5-1)

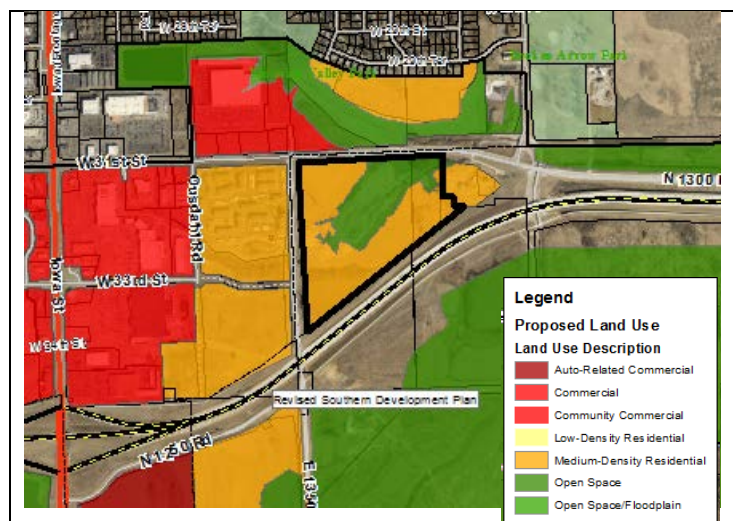
'Infill' is defined on Page G-2 of the Comprehensive Plan as: *"a process by which vacant land in developed areas is utilized for development."* One of the benefits of infill development is the use of existing infrastructure. In this case, the site is located adjacent to a developed area and the infrastructure is in place either on the property or adjacent to it. No extension of the City sanitary sewer or water mains is necessary to serve this property. This project, while not technically 'infill', is very similar to infill development.

The proposed annexation and development is in conformance with the recommendations in the Comprehensive Plan.

## COMPLIANCE WITH ADOPTED AREA PLANS

The subject property is located within the boundaries of the *Revised Southern Development Plan*.

As shown in Figure 7, the *Revised Southern Development Plan* recommends Medium-Density Residential as a future land use for the subject property in Map 3-1 Future Land Use Map (Page 21). The plan notes the following as appropriate zoning districts for Medium-Density Residential use: RS5, RS3 (Single-Dwelling Residential) Districts; and RM12, RM12D, RM15, (Multi-Dwelling Residential) Districts. Primary uses which are recommended for medium density residential include duplex, single-family dwellings, attached dwellings, multi-dwelling structures, group home, civic and public uses (Page 18).



**Figure 7.** Land use recommendations in Map 3-1, *Revised Southern Development Plan*.



## **OTHER FACTORS**

Planning staff prepared a Multi-Dwelling Inventory Report in 2016 to review the amount of land that is currently zoned for multi-dwelling development with the number of building permits issued annually to determine the available inventory and the approximate time span for development.

The study noted that it did not account for certain economic realities such as: product choice by consumers, market location demand, unique and specific site characteristics, owner desire, and market constriction. Various assumptions were necessary as much of the property planned for Multi-Dwelling Residential Development is not platted into individual lots and the areas for recreational facilities, streets, utilities, parking, etc. need to be removed from the potential area for multi-dwelling units. Within these parameters, the study identified an estimated potential for 5,932 multi-dwelling units to be developed within the city limits, with 5,076 of those units located outside of the downtown area. The City notes that, over the past 10 years, there has been an average of 18 projects constructed annually; with an average of 244 multi-dwelling units per year. In the downtown area, 5 permits have been issued annually with an average of 23 units per permit or 115 units annually. In conclusion, the inventory estimates that the property that is currently zoned for multi-dwelling residential development and within the city's corporate boundaries would take approximately 22.17 years to be developed. Planning staff noted that this figure would be reduced to 20.79 years, if the downtown area is excluded.

If approved, the proposed development would extend the inventory by approximately one year to 21.77 years (excluding downtown), or 23.05 years if the downtown area is included. While the comprehensive plan encourages annexations when infrastructure and adjacent proximities are coordinated, Staff believes the conclusions of this study should be factored into the Commission's analysis as well. While this project would expand an already large inventory of potential multi-dwelling uses, the merits of this specific request yield support from staff: its proximity to existing infrastructure, the project's return on infrastructure investments already paid for by utility rate payers, the adjacency to an active area in the city, etc.

## **CONCLUSION**

The proposed annexation is compliant with recommendations of *Horizon 2020*, the *Revised Southern Development Plan*, and the City Annexation Policy. The subject property is located within Service Area 1 of the Lawrence Urban Growth Area and City services are available in the immediate area to serve the property; therefore, annexation is appropriate.