

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
06/23/14

ITEM NO. 3A: ANNEX 99.7 ACRES; S OF N 1750 RD & E 902 RD (MKM)

A-14-00161: Consider a request to annex approximately 99.7 acres located south of N 1750 Rd & E 902 Rd (extended). Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the requested annexation of approximately 99.7 acres located south of the intersection of N 1750 Rd and E 902 Rd (extended) based on the findings in the body of the staff report and forwarding this request to the City Commission with a recommendation for approval subject to the following condition:

1. Approval of the Comprehensive Plan Amendment and rezoning applications.

Reason for Request: Applicant's response: *"Applicant wishes to develop the property."*

KEY POINTS

- The subject property is not located within Service Area 1 of the Urban Growth Area; therefore, annexation is not required prior to development. Annexation is encouraged when City services are available to serve the property. The property owner has voluntarily consented to annexation.
- The property being annexed consists of three parcels. Another annexation request (A-14-00163) for an adjacent fourth parcel, under different ownership, was submitted with this request and is being considered concurrently.
- The property is within the service area of Rural Water District No. 1 and is adjacent to the City limits, within Service Area 2 of the Urban Growth Area, an area that has been identified for future urbanization.
- The subject property is adjacent to the Lawrence city limits; therefore, it is not an island annexation.
- Annexation requests of more than 10 acres require a Planning Commission recommendation.
- This annexation request is accompanied by a Comprehensive Plan amendment and rezoning request which are scheduled for the June Planning Commission meeting.

COMPREHENSIVE PLAN FACTORS TO CONSIDER

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

ASSOCIATED CASES/ OTHER ACTION REQUIRED

Associated cases:

- **A-14-00163:** annexation request for an adjacent parcel under separate ownership.
- **Z-14-00162:** Rezoning request for approximately 25.2 acres of the property included within the annexation request to the RS5 (Single-Dwelling Residential) District.

- **Z-14-00164:** Rezoning request for approximately 75.4 acres of the property included within the annexation request to the RS7 (Single-Dwelling Residential) District.
- **Z-14-00204:** Rezoning request for approximately .8 acres of the property included within the annexation request to the RS7-FP (Single-Dwelling Residential with Floodplain Management Regulations Overlay) District.
- **Z-14-00165:** Rezoning request for approximately 13.3 acres of the property included within the annexation request from County A to IL (Limited Industrial) District
- **CPA-14-00005:** Amendment to the Comprehensive Plan to revise the K-10 & Farmer's Turnpike Plan.

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

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 other than single-dwelling residential or duplex.
- 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.

ATTACHMENTS

- Concept Plan and rezoning map

EXISTING CONDITIONS

Current Zoning and Land Use:

A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; woodland and agricultural uses.

Surrounding Zoning and Land Use:

To the north:

A (County-Agricultural), F-W (Floodway Overlay), and F-W (Floodway Overlay) Districts; Baldwin Creek, wooded stream corridor, and agriculture. Land uses north of other parcels consists of woodland, rural residences, and future City parkland.

To the west:

A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Rural residence, agriculture, and Baldwin Creek with K-10 to the west.

To the east:

(Floodway Fringe Overlay) Districts; Rural residence, agriculture, and Baldwin Creek.

To the south:

A (County-Agricultural), GPI (City-General Public and Institutional Use), and OS-FP (City-Open Space with Floodplain Management Regulations Overlay); agriculture and rural residences; *Minor Utility*, Westar Substation; Rural Residence; *Undeveloped*, City Parkland. A City recreation center and Rock Chalk Park, a KU/regional sports facility are being developed south of the City Parkland.

(Figure 1)

Site Summary

Gross Area:

Approximately 99.7 acres consisting of 3 parcels.

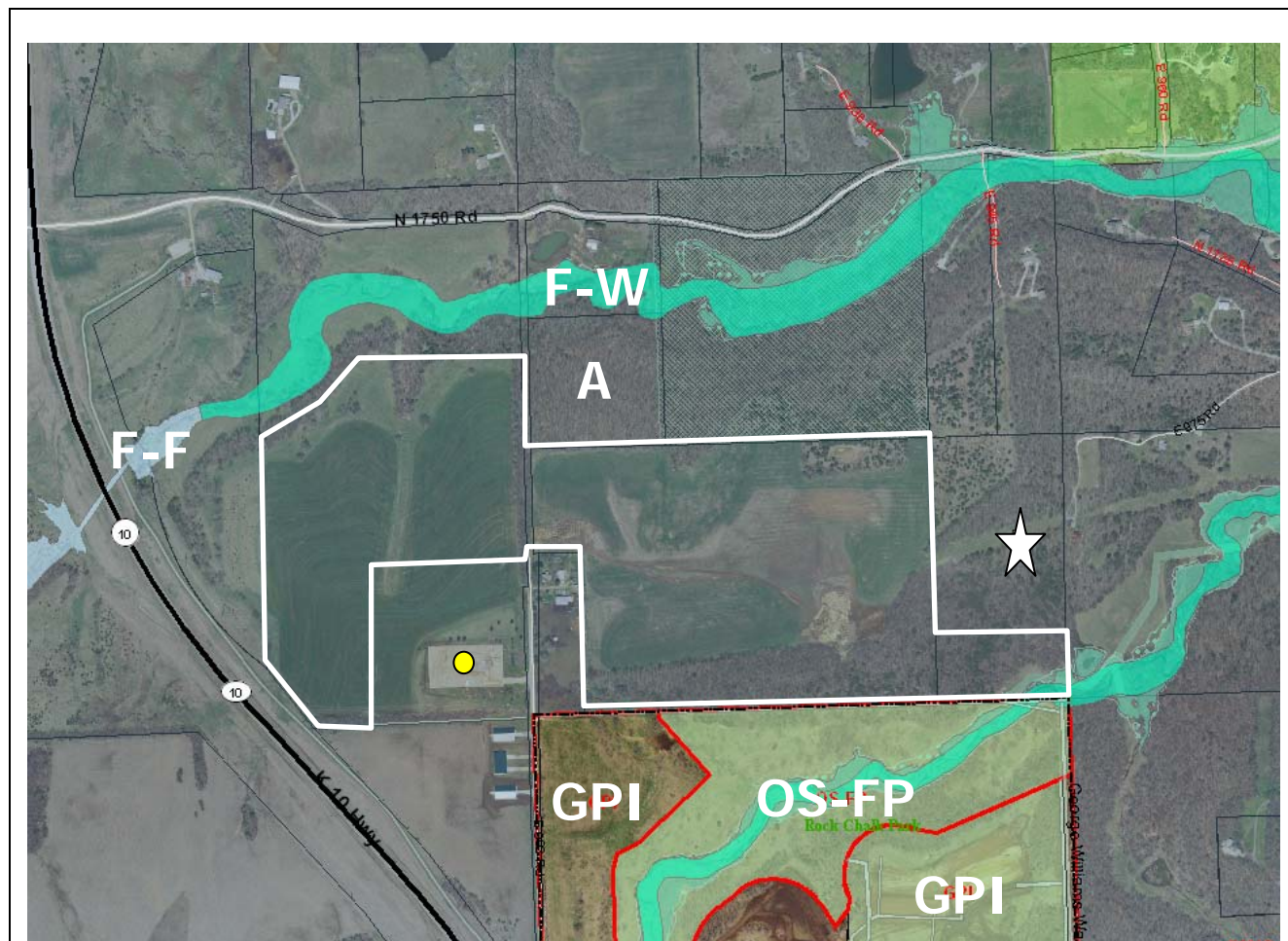


Figure 1. Land use and zoning in the area. Subject property outlined. Adjacent parcel included in separate annexation request marked with a star.

Project Summary

The property owner is requesting annexation of the property in preparation for development. Rezoning requests and a concept of the proposed development were submitted with the annexation request. Westar has plans to expand the substation, identified with a yellow dot in Figure 1, and has submitted a CUP (Conditional Use Permit) application for the expansion. The CUP is also being considered at the June Planning Commission meeting. Westar indicated they are

willing to annex if the properties within this annexation request are annexed. At that time the Westar property will be adjacent to the City limits.

The *K-10 & Farmer's Turnpike Plan* designates the portion of the subject property that is west of E 902 for Residential/Office uses. However, the property owner feels that the larger substation and transmission lines are not compatible with residential/office uses and is proposing a mini-storage facility to the west of the substation (Figure 2). Residential uses are being proposed for the other portions of the property within the annexation request. The applicant submitted a request to revise the Plan and this is also being considered at the June Planning Commission meeting. The proposed uses will be evaluated with the rezoning requests while this report will focus on the annexation request.

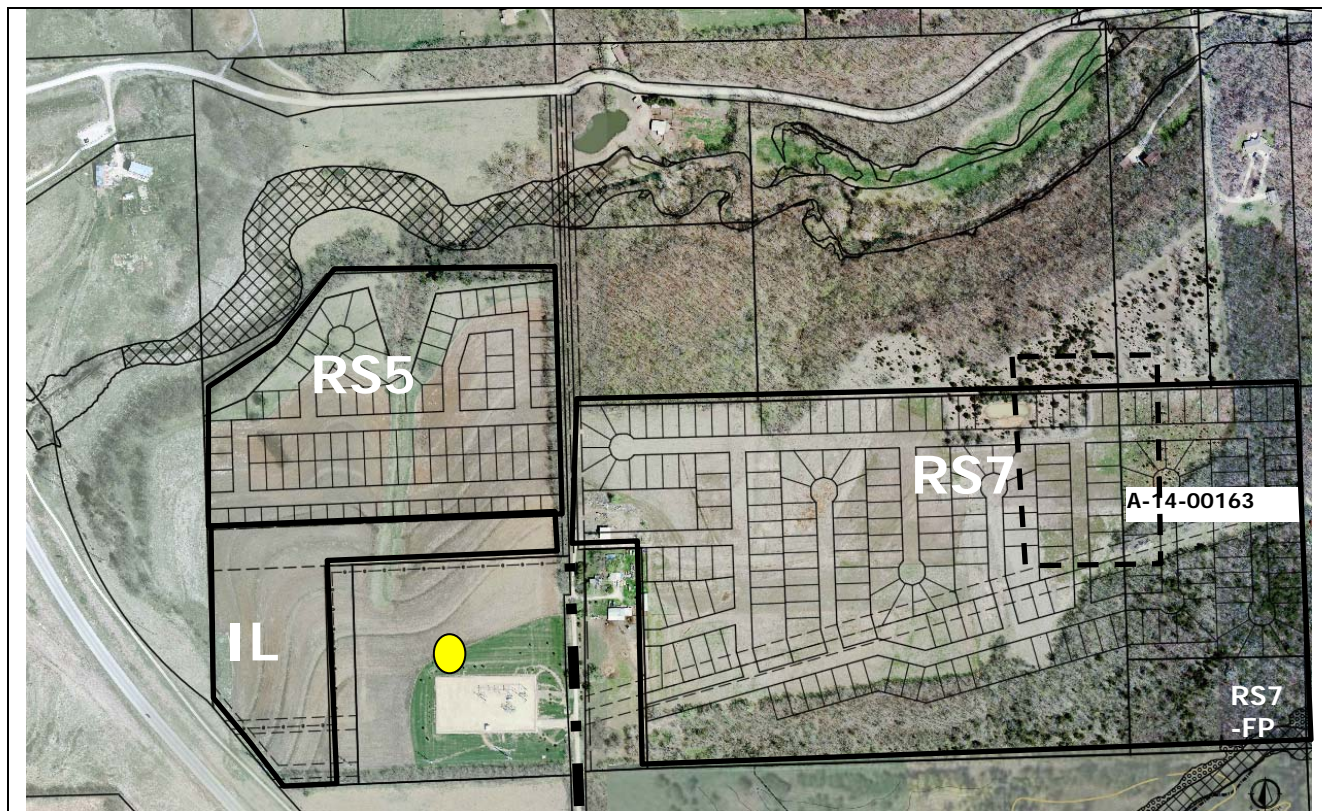


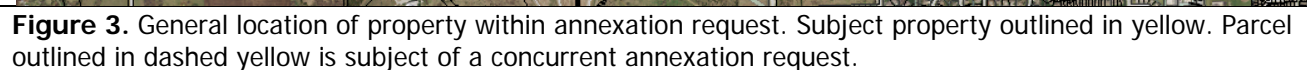
Figure 2. Concept plan for subject area, with proposed rezonings.

Annexation Procedure

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 Water District has been notified of the annexation request as required by State Statute and adherence to local policy and state law is a condition of approval for the annexation request.

Per Code, property which is proposed for development is rezoned to a city zoning designation when annexed. Rezoning requests to the IL (Limited Industrial), RS7 (Single-Dwelling Residential) and RS5 (Single-Dwelling Residential) Districts were submitted with the annexation requests. A rezoning to the Floodplain Management Overlay District (RS7-FP) was submitted for the portion of the property being rezoned to RS7 that is encumbered with the floodplain.

The properties requested for annexation are located northwest of the City, in the general area with the Rock Chalk Park, a *General Entertainment and Spectator Sports* use and a City Recreation Center. Residential uses and the Mercato Development, a commercial, residential, and office development at the NE corner of W 6th Street and K-10, have preliminary approvals. Access to the area will be taken from E 902 Road (extended). (Figure 3)



City water is available. The developer will be responsible for the extension of a looped public waterline to serve the property.

The Baldwin Creek sanitary sewer interceptor main has been extended through the area. Due to the topography of the subject property, a portion of the property cannot be served by gravity and a lift-station would be required on an interim basis. Additional sewer mains are planned in the future which will be able to serve this portion by gravity. The use of a temporary lift-station is acceptable with the condition that the lift station will be removed and the property will tie into the gravity fed sanitary sewer line when it is extended to serve the property. The property owner would be responsible for their share of the extension costs and connection fees.

Public Right-of-Way: The subject property abuts E 902 Road, which is classified as a future collector on the Major Thoroughfares Map. Within the county, permanent easement for road right-

of-way is typically provided rather than right-of-way; therefore, right-of-way will be required with the platting of the property.

The annexation will include the entire right-of-way for E 902 except where the property owner does not have control of both sides of the road. In that case the annexation will include property to the centerline of the road. E 902 will need to be extended and improved with development of this area.

COMPREHENSIVE PLAN

The subject property is located within Service Area 2 of the Lawrence Urban Growth Area. Service Area 2 is limited in size and is located northwest and northeast of the City. 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.

The Comprehensive Plan recommends that no urban development be allowed in the Northwest Lawrence area until the city adopts a policy that establishes a process to provide wastewater collection and treatment, for the entire Baldwin Creek drainage basin or a phased approach for wastewater collection on a sub-basin approach for this area. (Page 4-2, *Horizon 2020*) The Baldwin Creek Interceptor Line, installed in 2009, and plans for the future lines which have been adopted in the City Wastewater Masterplan, provide a phased approach for wastewater collection for this area.

The annexation request is consistent with the growth management policies found in *Horizon 2020*.

COMPLIANCE WITH ADOPTED AREA PLANS

A portion of the subject property is located within the boundaries of the *K-10 & Farmer's Turnpike Area Plan*. The plan provides a set of goals and policies related to development that will be the basis for review of any development proposals (Pages 3-1 and 3-2). Principal policies that would apply to the development of this area include:

- Residential uses shall maintain a 'back-to-back' relationship to more intense uses. (Policy 3.1.2.2.) The concept plan shows the rear of the residential lots adjacent to the substation and proposed mini-warehouse.
- Industrial structures should be aesthetically pleasing from all sides and should incorporate quality building materials and quality architectural elements. (Policy 3.1.2.5.) Given the visibility of the mini-warehouses from K-10 and the proximity of the nearby residential development (proposed), an aesthetically pleasing design would be a principal design requirement.
- Goal 6 (Page 3-1) recommends the development of a strong park/trail system. As the property to the east of E 902 Road is between two City parks, a connecting trail between the two park areas would be required with development.

The Area Plan recommends Office/Residential land uses for the area west of E 902 Road, which is being proposed as a mini-warehouse and detached dwellings (RS7 zoning). The area east of E 902 Road was not included in the area plan. (Figure 4) The applicant submitted a request to amend the Comprehensive Plan to revise the recommended land uses and to expand the boundary to include the subject property.

Annexation of the area and use for mini-warehouse and detached dwellings is not in compliance with the land use recommendations of the adopted plan.

While annexation may occur, the rezonings and future development would be required to comply with the recommendations in the area plan. The applicant indicated that the annexation request is contingent upon approval of the rezoning application.

CONCLUSION

With the approval of the requested CPA, the proposed annexation is compliant with recommendations of *Horizon 2020*. The subject property is located within the Lawrence Urban Growth Area and City services are available to serve the property; therefore, annexation is appropriate.

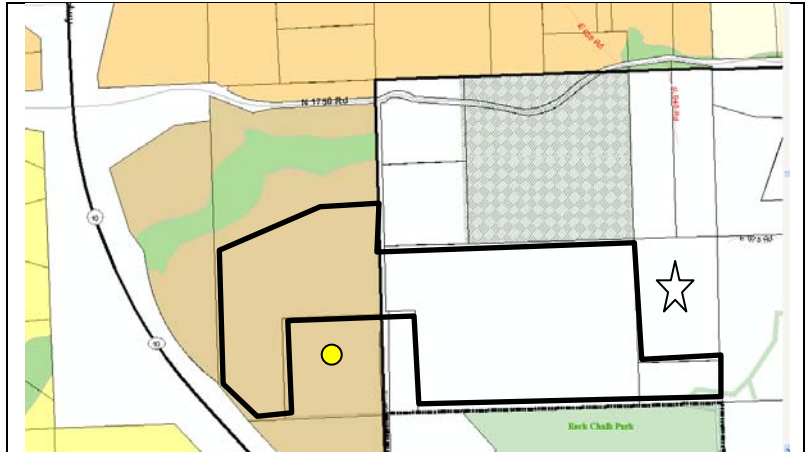


Figure 4. Land use recommendations in current *K-10 & Farmer's Turnpike Plan*. Westar substation marked with yellow dot. Subject property outlined. Brown area is area designated as Residential/Office Development.

RS5

IL

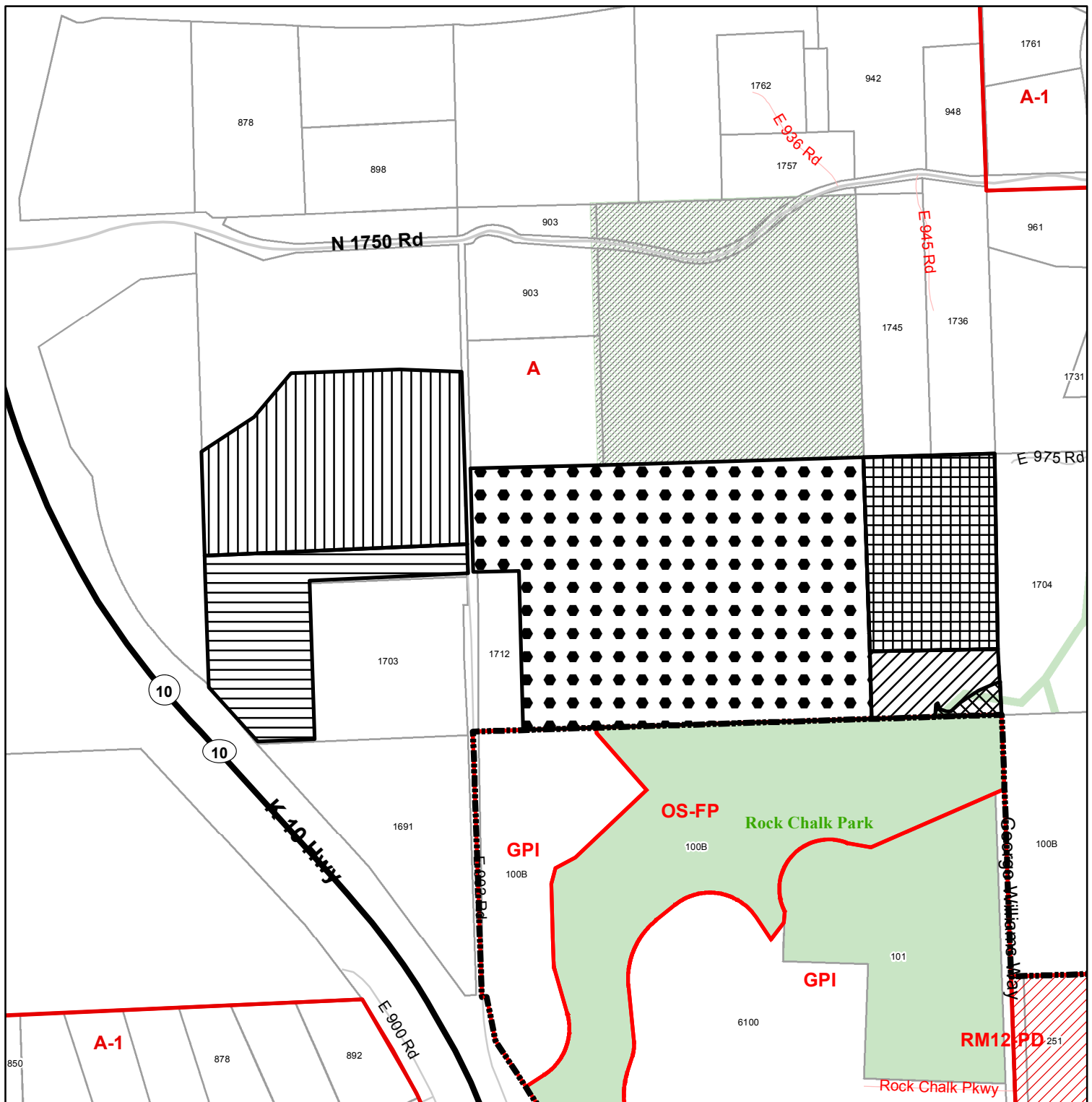
RS7



Scale: 1"=500'



Scale: 1"=400'



A-14-00161, A-14-00163 & Z-14-00164: Annex and Rezone 75.4 acres from A District to RS7 District

A-14-00161 & Z-14-00162: Annex and Rezone 25.2 acres from A District to RS5 District

A-14-00161 & Z-14-00165: Annex and Rezone 13.3 acres from A District to IL District

Z-14-00204: Rezone 0.8 acres from A District to RS7-FP District

Located North of Rock Chalk Park & East of K-10 Highway



A-14-00161 & Z-14-00164: A to RS7 District



A-14-00163 & Z-14-00164: A to RS7 District



A-14-00161 & Z-14-00164: A to RS7 District



A-14-00161 & Z-14-00204: A to RS7-FP District

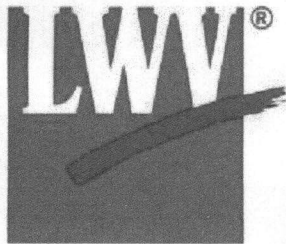


A-14-00161 & Z-14-00165: A to IL District



A-14-00161 & Z-14-00162: A to RS5 District





LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

JUN 23 2014

City County Planning Office
Lawrence, Kansas

To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE. AGENDA ITEMS 2 AND 3A THROUGH 3E, K-10 & FARMERS' TURNPIKE PLAN
CHANGES, AND ANNEXATIONS, AND REZONINGS

Dear Chairman Culver and Planning Commissioners

We ask that you deny all of the proposed changes in the Agenda Item No. 2, the revision of the K-10 & Farmers' Turnpike Plan, and all of Agenda Items 3A through 3E, the annexation and rezonings. This includes not only the proposed changes to the Future Land Use Map, but also the proposed policy changes to the designated Residential/Office area that would change its boundaries, and most importantly that would add detached dwellings to the "Primary Uses" policies, pages 3-8, and all other changes currently proposed for this Area Plan. In conjunction, we ask that you not annex this land or rezone any of it at this time.

We believe that this is an extremely important issue. By allowing these changes to this Plan, and consequently this area, it would remove an important location that could provide needed employment-related uses to this most important new location, the connection of the South Lawrence Trafficway to the Turnpike. We ask that *none* of these changes be approved and that the Plan remain unrevised. We believe our reasons for this involve the future well-being of the City.

1. The policy change on pages 3-8, (3.2.1.5) under "Applicable Areas" that would allow the Residential/Office to change its boundaries, thereby allowing the intrusion of the IL District zoning, regardless of whether the mini-storage area is built, would decrease the needed area for the Residential/Office, reducing its likelihood of being used for that purpose, and at the same time not provide a sufficiently large Office/Research area to be a benefit.

2. A mini-storage use being built in that area would be highly visible from the K-10 connection and for that reason undesirable, as well.

3. a) The policy change on pages 3-8 (3.2.1.5) under "Primary Uses" would add "Detached dwellings" to the permitted uses. This would allow the change of the primary use of the Residential/Office designation from the intended employment-related uses to nothing but single-family residences. This change would become a major loss of future opportunity for the City.

b) Also, the change here would seem to dictate that this policy would become general and extend to the Residential/Office category everywhere, permitting single-family detached residences and thus removing the mixed-use, employment-related purpose of this category and eliminating predictability of this designation.

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4. Annexing and rezoning the residential area north of the Rock Chalk Park, which is now part of the Northwest Plan, is not treating the area as was originally intended. The Northwest Plan recommended, because of the extreme terrain, that this area be low and very low density. The rezoning of this area to RS7 is too dense for the terrain. We suggest, first of all, that it not be annexed or included in the Farmers' Turnpike Plan, and when it is rezoned to residential that it be rezoned to RS10 or RS20 and developed as a cluster development in order to avoid intrusion into the flood plain, vegetation, and rough terrain.
5. As a future consideration, we ask that you attempt to plan residential areas as neighborhoods incorporating smaller portions of them into larger planned areas that have in them, or planned for them, the essential amenities. These include schools, parks, neighborhood centers and transportation systems with complete streets that interconnect within the neighborhoods, allowing convenient pedestrian access.

We hope that you consider our suggestions useful. Thank you.

Sincerely yours,

Cille King

Cille King, President

Alan Black

Alan Black, Chairman
Land Use Committee