

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, FEBRUARY 23, 2011

4:00 p.m.

-Convene

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders; and
- (b) Consider approval of revised policy to allocate economic development funds (Collin Bielser)

REGULAR AGENDA

- (2) Consider rezoning **Z-12-17-10** approximately 2.4 acres from UR (Urban Reserve) to County A (Agricultural), located at 1820 E 1450 Road. *Initiated by Planning Commission on 12/13/10.* (PC Item 4; approved 10-0 on 1/24/11) (Dan Warner is the Planner)
- (3) Presentation by the Douglas County Food Policy Council: 2010 Accomplishments and 2011 Work Plan- No Backup
- (4) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment
- (5) Adjourn

WEDNESDAY, MARCH 2, 2011

-Consider the approval of the minutes for December 22, 2010 and February 9, 2011.

-Public Hearing having to do with a CDBG application for federal funding for a grant application submittal on Berry Plastics (Craig Weinaug)

-Consider approval of Resolution with regard to funding of infrastructure improvements for Berry Plastics regarding (Craig Weinaug)

-Public Hearing date for Faye Coleman's petition for attachment of lands to Rural Water District No. 4 to be held at 6:35 p.m. (Scott Schultz)

-Presentation of the results of the County Sustainability Planning Process (Eileen Horn)

TUESDAY, MARCH 8, 2011

-4:00-6:00 p.m. -Joint meeting at City Hall for City/County Study Session for discussion on the proposed Environmental Chapter to *Horizon 2020* and the Northeast Sector Plan.

WEDNESDAY, MARCH 9, 2011

-Consider approval of Big Springs Consent Decree (6:35 p.m. contact Mary Miller)

WEDNESDAY, MARCH 16, 2011

-Consider request by Tenants to Homeowners for land at 25th and Cedarwood to create Active Senior Housing (Rebecca Buford)

WEDNESDAY, MARCH 23, 2011-Light Agenda

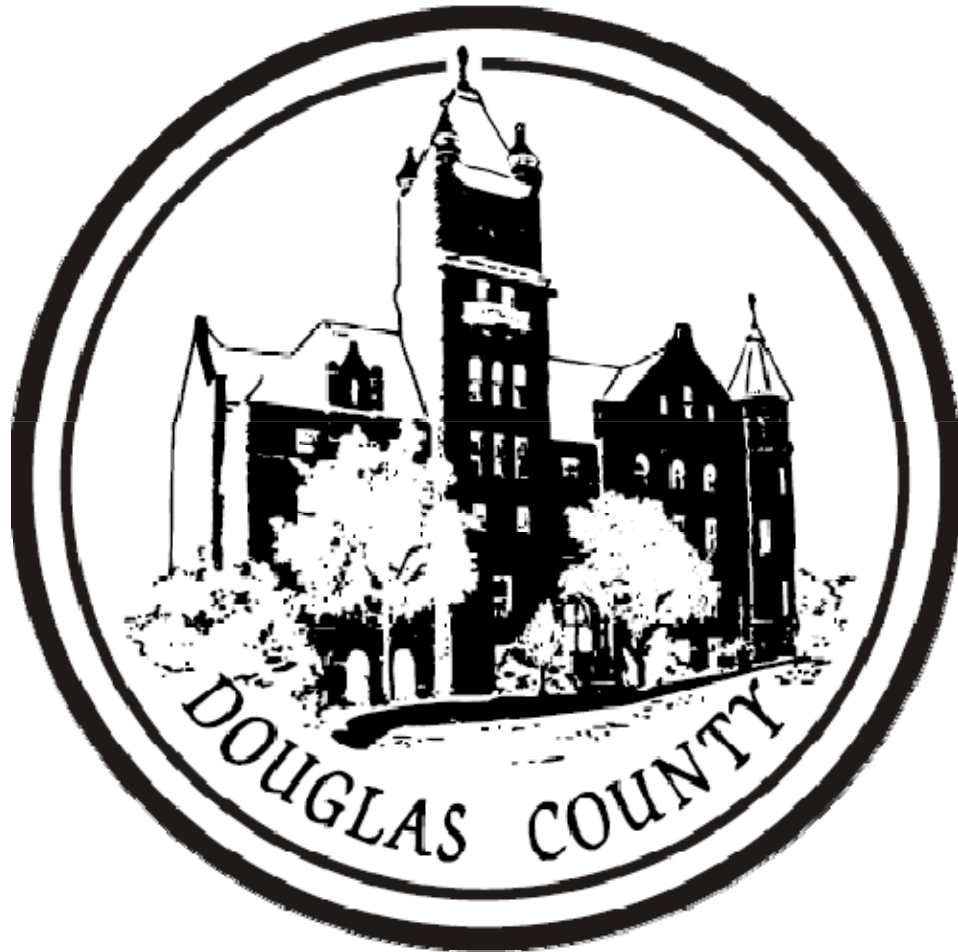
MONDAY, APRIL 11, 2011

9:00 a.m. Election Canvass

Note: *The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*

Douglas County, Kansas

Policy for the Allocation of Economic Development Funds



February 23, 2011

Introduction:

The purpose of this document is to establish the policy and procedures of the County for granting funds allocated for economic development initiatives. As part of the 2011 Douglas County budget, County Commissioners allocated \$350,000 to be granted for projects located within the County. The discretion of these funds will be determined by the sitting Board of County Commissioners and may be used for any project that is committed to any one of the following objectives:

- Encourage existing industry and businesses to expand;
- Assist new business start-ups;
- Recruit new companies from out-of-state and internationally;
- Encourage high technology, bioscience, and research-based businesses;
- Encourage training and development of employees located in Douglas County; and
- Encourage the location and retention of businesses that will add to the quality of life in Douglas County through their leadership.

General Objective:

It is the overarching goal that the \$350,000 allocated for economic development purposes will increase the share of the tax base generated from non-residential growth, provide a level of job growth in excess of population growth, and increase employment opportunities by attracting quality jobs in expanding industries.

Historically, economic development programs and incentives have resided with city governments within the County; however, to become more competitive and promote Douglas County and its cities as an attractive place to conduct business, the County has agreed to allocate \$350,000 toward projects that advance the goals and objectives outlined in this document.

Douglas County will work in cooperation with other cities and economic development organizations, like local chamber of commerce associations, to achieve this goal. This partnership will enable the community to maximize its resources and to develop a consensus regarding economic development that best advances the interests of the entire community.

Horizon 2020, the comprehensive plan for Douglas County, specifies that businesses within the following industries should particularly be a focus of economic development efforts:

- Life Sciences/Research,
- Information Technology,
- Aviation and Aerospace,
- Value-Added Agriculture, and/or
- Light Manufacturing and Distribution.

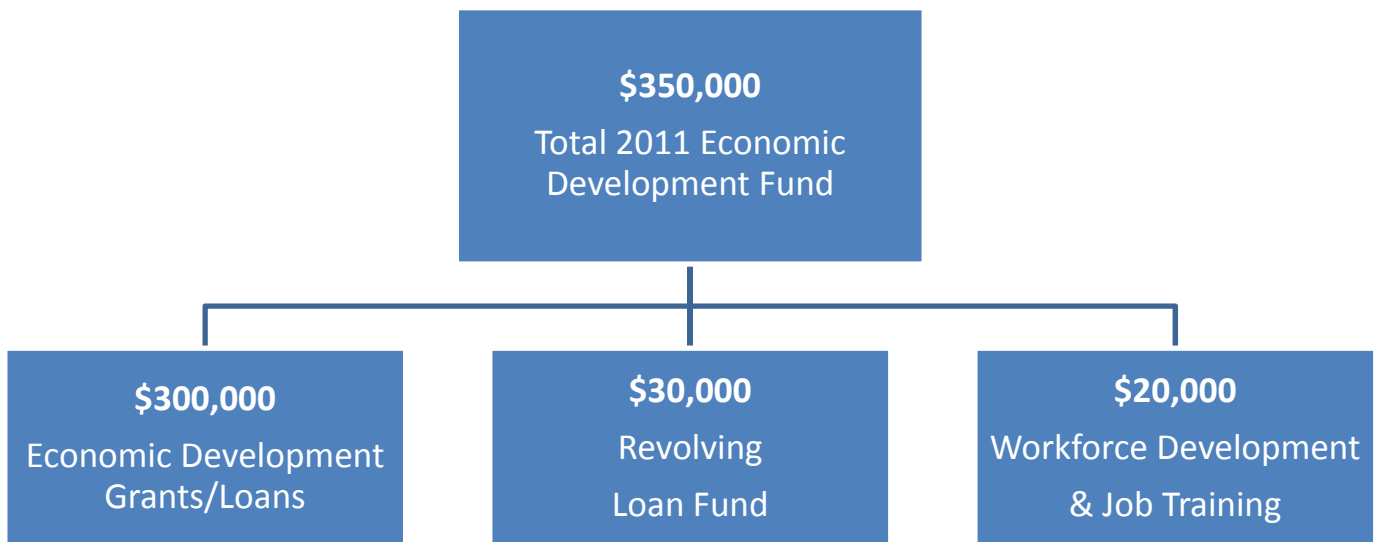
While relocation of new companies from out-of-state typically generates the most publicity, it is the policy of the County to place a high priority on the retention and expansion of existing businesses.

Economic Development Incentives:

The primary incentive associated with this policy is the allocation of the \$350,000 as determined by the Board of Douglas County Commissioners. This money will be allocated on a rolling basis beginning January 1 and ending December 31 of each year. Projects must be able to demonstrate a positive impact to the community and advance the economic goals of the County.

To maximize the funds set aside for economic development, \$30,000 of the money will be designated as a revolving loan fund to assist small businesses throughout the County. Funds from the revolving loan may be used to help finance a project's start-up costs, expansion, and/or retention initiatives. Another \$20,000 will be designated for job training and work force development initiatives. The remaining \$300,000 will be available to the County Commission for economic development projects and will be allocated at their discretion.

While this policy has identified three funding categories, the allocation of money should remain flexible and monies from one priority may be shifted to other priorities following County Commission approval.



PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 4: UR TO A; 2.4 ACRES; 1820 N 1450 ROAD (DDW)

Z-12-17-10: Consider a request to rezone approximately 2.4 acres from City UR (Urban Reserve) District to County A (Agriculture) District, located at 1820 E 1450 Rd. Initiated by the Lawrence-Douglas County Planning Commission on December 14, 2010. Eugene Reding, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for 2.4 acres from City UR (Urban Reserve) District to County A (Agriculture) District and forwarding it to the Douglas County Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

The subject property was de-annexed by the Lawrence City Commission at the property owner's request on October 12, 2010. As the property is no longer within the corporate boundaries of Lawrence, the existing City zoning of UR (Urban Reserve) District is no longer valid. The property requires a County zoning district.

KEY POINTS

- The property is an existing rural residential use.
- The *Draft Northeast Sector Plan* identifies property as agriculture. The Planning Commission approved the *Northeast Sector Plan* on September 20, 2010. The Plan still needs approval from the Douglas County Board of County Commissioners and the Lawrence City Commission.
- De-annexation of property requires designation of a suitable County zoning district.
- Rezoning the property to the County A (Agriculture) District will aid the property owner in receiving a building permit for an accessory structure.

ATTACHMENTS

- Area map.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The area is primarily rural/agriculture in nature, but does have county industrial uses as well as the Lawrence Municipal Airport nearby.

CONFORMANCE WITH *HORIZON 2020*

- The proposed request is consistent with land use recommendations found in *Horizon 2020* and the *Draft Northeast Sector Plan*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- No other action required.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No comments received prior to printing.

Project Summary:

This property includes 2.4 acres as a single parcel. The property has frontage along the abutting County road, which is also US Highway 24/59. The proposed request is for rezoning the property to A (Agriculture).

GENERAL INFORMATION

Current Zoning and Land Use:	City UR (Urban Reserve) District; existing rural residential use.
Surrounding Zoning and Land Use:	To the north; A (Agricultural) District; existing farms and residence.
	To the south; I-2 (Light Industrial) District; existing county industrial park.
	To the east; A (Agricultural) District; existing field.
	To the west; I-2 (Light Industrial) District; existing county industrial uses.

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

Staff Finding -- The surrounding property is predominantly zoned A (Agricultural) and I-2 (Light Industrial). The area also includes an airport. Agriculture is the primary land use in the area, with some county industrial uses.

II. CHARACTER OF THE AREA

This area includes agriculture, rural residences and county industrial uses. The area also contains the corridor US 24/59 Highway which is classified as a principal arterial on the Major Thoroughfares Map.

Staff Finding -- This area is currently rural and contains farmland, rural residences, and county industrial uses, and is adjacent to a major transportation corridor.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

The City UR District is no longer valid for the property because it was de-annexed by Lawrence. The suitability of this parcel is primarily rural residential or agriculture. The property is currently a rural residential use. Therefore the subject property is suitable for the uses permitted in the proposed zoning district.

Staff Finding -- The property is a rural residential use. The proposed zoning district is appropriate for that use.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

The property is currently developed.

Staff Finding – The property is currently developed as a rural residential use.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

De-annexation of the property made the City UR (Urban Reserve) District invalid. The property must be rezoned to a County zoning district. Zoning provides notice to prospective property owners of intended development. In this case, the rezoning would permit the rural residential use that currently resides on the property.

Approval of the request is consistent with *Draft Northeast Sector Plan* land use policies for the area.

Staff Finding – Rezoning the property to the A District should not adversely affect nearby properties.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Evaluation of these criteria includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

This application is not a significant diversion from the existing land use and is consistent with the surrounding development and land uses in the area. If the rezoning request were denied, the property would not have a suitable zoning district because the existing City UR District is not valid due to the de-annexation of the property.

Staff Finding – Approval of this request designates the subject property a valid County zoning district.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The *Draft Northeast Sector Plan* addresses development in this area. The future land use plan of the *Draft Northeast Sector Plan* classifies the subject property as "Agriculture". Section 3.3.1.1 of the Draft Plan states "The intent of the Agriculture classification is to allow for existing and future agriculture activities along with rural residential uses and other uses permitted by the Zoning Regulations of Douglas County".

Staff Finding -- The proposed rezoning request conforms with the land use recommendations of the Draft *Northeast Sector Plan*.

STAFF REVIEW

The property was de-annexed by the Lawrence City Commission at the property owner's request. Due to the de-annexation of the property by Lawrence, the existing City UR District is no longer valid. A suitable County zoning designation is necessary for the property. Based on the current land use, surrounding land uses, and land use policies, the subject property is suitable for agriculture zoning.

This application is not a significant diversion from the existing land use and is consistent with land uses in the area. The suitability of the subject property for the uses to which it will be restricted is appropriate based upon the proposed zoning change.

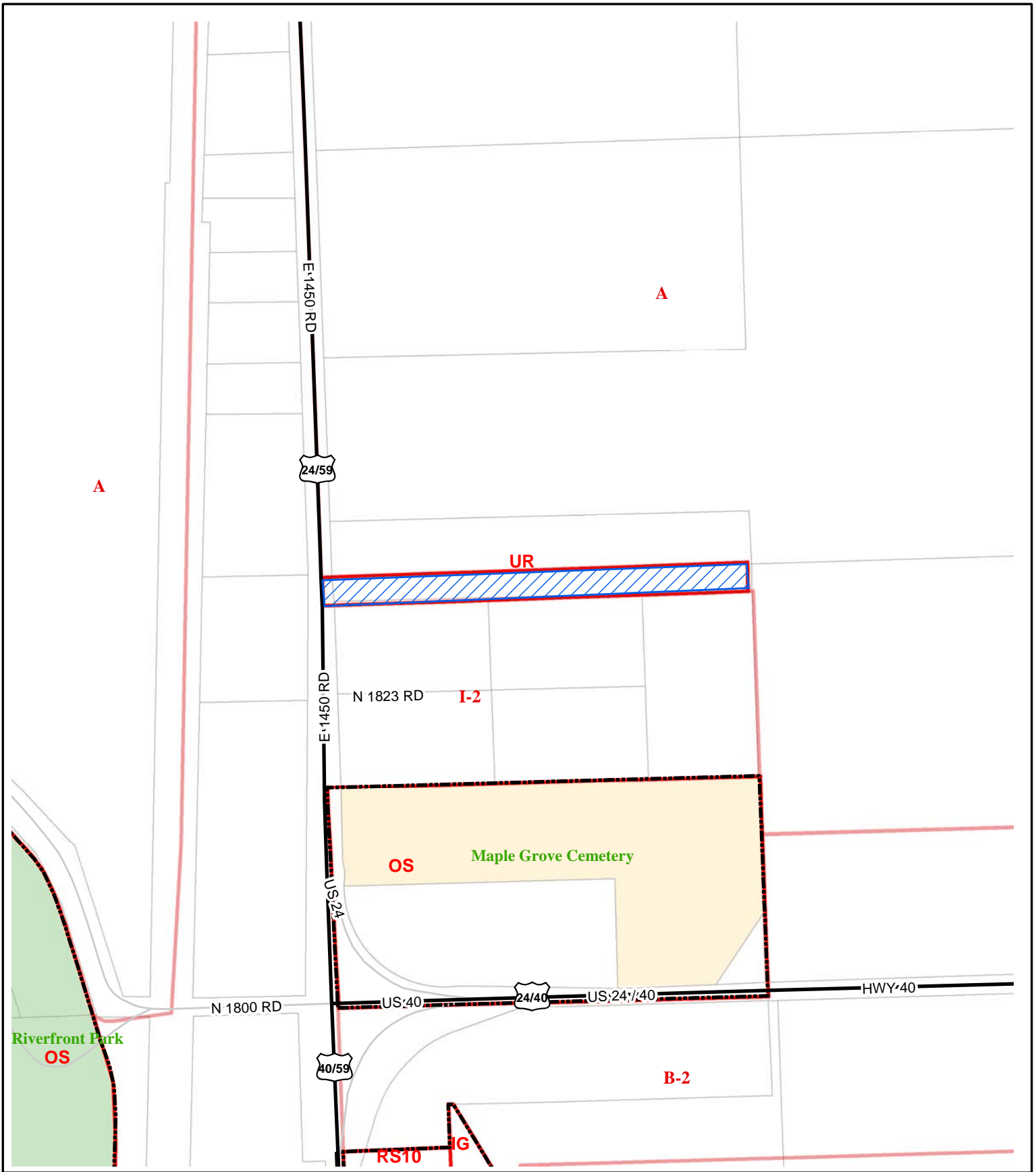
The property owner desires to construct an accessory building on the property. He cannot obtain a building permit until the property is zoned to a County zoning district. Rezoning to the A (Agriculture) District will assist the property owner in obtaining a building permit.



Figure x. Subject property outlined in blue. Existing City and County zoning labeled on map.

CONCLUSION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations in *Horizon 2020* and the Draft *Northeast Sector Plan*.



**Z-12-17-10: Rezone 2.4 acres from UR to A
1820 East 1450 Road**



ITEM NO. 4 UR TO COUNTY A; 2.4 ACRES; 1820 E 1450 RD (DDW)

Z-12-17-10: Consider rezoning approximately 2.4 acres from UR (Urban Reserve) to County A (Agricultural), located at 1820 E 1450 Road. *Initiated by Planning Commission on 12/13/10.*

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Liese asked if this came up because the property owner wanted to build an outbuilding.

Mr. Warner said the property was going to be rezoned anyway.

Commissioner Liese inquired about the procedural process.

Mr. McCullough said this was a unique situation. He said the annexation and rezoning could happen currently with or shortly thereafter.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the rezoning request for approximately .6 acres, from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 10-0. Student Commissioner Davis voted in the affirmative.

RESOLUTION NO. _____

A RESOLUTION RELATING TO AND AMENDING A REGULATED PLANNING AND ZONING CLASSIFICATION WITHIN THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS.

WHEREAS, by Ordinance No. 8579 adopted October 19, 2010, the governing body of the City of Lawrence deannexed the land set forth below, thus bringing it within the unincorporated area of Douglas County, Kansas; and

WHEREAS, the Lawrence-Douglas County Planning Commission, after holding a public hearing on September 20, 2010, as required by and in accordance with, K.S.A. 12-757 and the Douglas County Zoning Regulations, has recommended that the Board of County Commissioners change the zoning classification of land set forth below, the nature and description of such change being fully set forth below;

WHEREAS, on _____, 2011, the Board of County Commissioners, of Douglas County, Kansas found that, for the purpose of promoting and protecting values throughout Douglas County, Kansas, or for any one or more other purposes, the Douglas County Zoning Regulations should be amended as recommended by the Lawrence-Douglas County Planning Commission by changing the zoning classification set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, that pursuant to K.S.A. 12-757 and the Douglas County Zoning Regulations, the following change in zoning classification is made:

1. The zoning classification for the following described land is changed to "A" (Agricultural District):

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 12 SOUTH, RANGE 20 EAST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

THE NORTH 90 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 12 SOUTH, RANGE 20 EAST, OF THE SIXTH PRINCIPAL MERIDIAN.

THE ABOVE DESCRIBED CONTAINS 2.37 ACRES, MORE OR LESS AND IS COMMONLY KNOWN AS 1820 E 1450 ROAD, LAWRENCE, KANSAS 66044.

2. The official copy of the zoning district map of Douglas County, Kansas, incorporated into the Douglas County Zoning Regulations pursuant to Section 12-303-1

of the Douglas County Code, is changed to reflect the amendment provided for in this Resolution, and Section 12-303-1 is amended to reincorporate such map as amended.

3. This Resolution shall take effect and be in full force from and after its adoption by the Board of County Commissioners and publication once in the official County newspaper.

ADOPTED this ____ day of _____ 2011.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Jim Flory, Chairman

ATTEST:

Nancy Thellman, Member

Jameson D. Shew, County Clerk

Mike Gaughan, Member