

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Amended Agenda

WEDNESDAY, JULY 27, 2011

4:00 p.m.

-Convene

- (1) Executive Session for the purposes of consultation with the County Counselor on a matter which would be deemed privileged under the attorney-client relationship. The justification is to maintain attorney client privilege on a matter involving Douglas County.

RECESS UNTIL 6:35 p.m.

RECONVENE

6:35 p.m.

CONSENT AGENDA

- (2) (a) Consider approval of Commission Orders;
(b) Consider approval of Amendment Two to the contract between the Kansas Health Policy Authority and Douglas County and the Lawrence-Douglas County Health Department (Dan Partridge); and
(c) Approve the 2012 Budget for publication in the newspaper and set public hearing for August 10, 2011 at 6:35 p.m. in the County Commission Chamber (Craig Weinaug)

REGULAR AGENDA

- (3) Continue Commissioners' discussion as deferred from the July 20, 2011 meeting and receive Planning Commission recommendation regarding annexation, A-3-1-11, of approximately 67 acres, located on the south side of N 1800 Rd (Farmers Turnpike) and between the extended alignments of E 900 Road and E 950 Road, and receive and consider Resolution No. 6924 requesting that the Board of County Commissioners of Douglas County, Kansas, make the statutory finding that the proposed annexation would not hinder or prevent the proper growth or development of the area or of any other incorporated city. Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record. (PC Item 14A; approved 8-1 on 5/25/11)(Sandra Day)
- (4) Authorize County Commission Chair to execute contract with P.D.O Investors, LLC to purchase approximately 34 acres in the Franklin Business Park as a future site of the Public Works facility. (Craig Weinaug)
- (5) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments:
Appoint the membership of the Douglas County Emergency Management Board; and nominate the members to the State Emergency Response Commission as the Local Emergency Planning Committee for Douglas County. This action will fulfill the requirements of the federal Emergency Planning and Community Right-to-Know Act (CRF99-499) and the related Kansas statutes (65-6701).
 - (c) Miscellaneous
 - (d) Public Comment
- (6) Adjourn

WEDNESDAY, AUGUST 3, 2011

4:00 p.m.

-Convene

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;

REGULAR AGENDA

- (2) Consider Contract Award for Mailing Services (Jackie Waggoner)
- (3) Consider Request to Extend Banking Services Contract (Jackie Waggoner)
- (4) Consider approval to authorize the Board of County Commissioners Chair to sign a Waterline Utility Easement document and Temporary Construction Easement document granting the City of Lawrence permanent and temporary construction easement to construct and maintain a waterline main situated within Douglas County property at 711 E 23rd Street (Keith Browning)
- (5) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments:
 - (e) Miscellaneous
 - (f) Public Comment

RECESS

Reconvene at 6:35 p.m.

- (6) **Z-3-9-11**: Consider a request to rezone approximately 209 acres from A (Agricultural) to R-T (Rural Tourism), located at 778 E 1300 Rd. Submitted by Grob Engineering Services, for Sadies Lake LC, property owner of record. (PC Item 5; approved 8-1 on 5/23/11) Mary Miller is the Planner.

- (7) Adjourn

WEDNESDAY, AUGUST 10, 2011

- (1) Energy efficiency update and Sustainability Team initiatives – Eileen Horn (no backup)

6:35 p.m. -2012 Budget Public Hearing

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.*

AD - Crabtree, Robin

From: Dan Partridge [dpartridge@ldchealth.org]
Sent: Tuesday, July 19, 2011 12:53 PM
To: AD - Crabtree, Robin
Cc: Colleen Hill; Charlotte Marthaler
Subject: Request for agenda item

Robin,

Following up on this morning's conversation I am asking for the Contract extension between Douglas County Board of County Commissioners, the Health Department and KDHE be placed on the agenda for the County Commission's consideration. In short this is a continuation of the trilateral agreement between the Health Department, Douglas County and the Kansas Health Policy Authority that allows us to provide the Healthy Families Douglas County Program.

Changes from last year are:

- Transfer of contract authority from the Kansas Health Policy Authority to the Kansas Department of Health and Environment
- Raising the matching funds cap from \$175,000 to \$200,000 – This contract does not financially obligate the County to provide additional funds.

I will be out of the office after today and will return next Monday. If you have any questions please contact Charlotte Marthaler or Colleen Hill.

Thanks!

Dan Partridge, RS, MPH
Director



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Healthy People Build Strong Communities



STATEMENT OF INTENDED USE:

This message from the Lawrence-Douglas County Health Department, including attachments, contains information which may be privileged and confidential and is solely for the intended recipient. If you are not the intended recipient, be aware that any review, disclosure, copying, or use of the contents of this message is strictly prohibited. If you have received this in error, please destroy it immediately and please notify us immediately (785-843-3060).

AMENDMENT TWO
to the Contract Between the
KANSAS HEALTH POLICY AUTHORITY
and
DOUGLAS COUNTY, KANSAS
and the
LAWRENCE - DOUGLAS COUNTY HEALTH DEPARTMENT
for
Outreach, Prevention and Early Intervention Services

The above referenced agreement entered into by and between the Kansas Health Policy Authority, hereinafter referred to as "KHPA," Douglas County, hereinafter sometimes referred to as "County," and the Douglas County Health Department, hereinafter sometimes referred to as "Service Contractor." is hereby amended by agreement of the parties.

The above parties entered into an original contract to provide services to identify at-risk families in Douglas County, Kansas and provide outreach, prevention and early intervention services to those families, and now wish to renew such contract;

THEREFORE, the parties hereto agree to renew the original contract as referenced above as follows:

1. No Lapse for Successor to KHPA

Pursuant to Executive Reorganization Order No. 38, KHPA will become the Division of Health Care Finance, Kansas Department of Health and Environment effective July 1, 2011. This agreement, while executed before this effective date, will continue in effect. The successor can exercise any contractual authority granted to KHPA.

2. Purpose. To renew the contract for the first of two (2), optional one-year renewals, July 1, 2011 through June 30, 2012, and to set compensation for the renewal period.

a. Compensation: Total funding for the period July 1, 2011 through June 30, 2012 shall not exceed \$400,000.00, said amount comprising the Service Contractor matching funds of \$200,000.00 and the federal financial participation amount of \$200,000.00.


3. Other. All remaining terms and conditions of the original agreement and subsequent addenda shall remain the same.

SIGNATURE PAGE

IN WITNESS HEREOF Contractor and KHPA, hereto affix their signatures to the renewed Agreement.

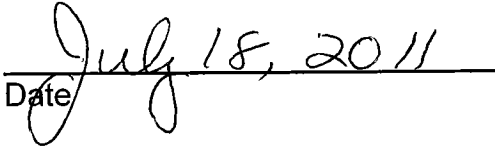
**LAWRENCE - DOUGLAS COUNTY
HEALTH DEPARTMENT**

DOUGLAS COUNTY



Chairperson, Lawrence - Douglas County
Health Department

Chairperson, Douglas County
Board of County Commissioners



Date

Date

**KANSAS DEPARTMENT OF
HEALTH AND ENVIRONMENT**

**KANSAS DEPT. OF ADMINISTRATION
DIVISION OF PURCHASES**

Robert Moser, M.D., Secretary
Kansas Department of Health and Environment

Date
Chris Howe, Director

Date

Date

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
5/25/11

ITEM NO. 14A ANNEXATION OF 69 ACRES; SOUTHWEST CORNER OF N 1800 ROAD AND E 1000 ROAD (SLD)

A-3-1-11: Consider an annexation request for approximately 69 acres, located on the south side of N 1800 Rd (Farmers Turnpike) and between the extended alignments of E 900 Rd and E 950 Rd. Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation to the County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and;

Staff recommends that the Planning Commission recommend approval and forward the recommendation to the City Commission for the approval of the requested annexation of approximately 69 acres located on the south side of N 1800 Road (Farmer's Turnpike) and between the extended alignments of E 900 Road and E 950 Road subject to the following conditions:

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).
2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

Reason for Request: *"This property is in the urban growth area of Lawrence. It is designated for industrial uses in Horizon 2020 and the K-10/Farmer's Turnpike Plan. It is adjacent to a large tract of land with industrial zoning and is bounded by Kansas Turnpike, the Farmer's Turnpike, and a recently annexed property with industrial zoning, making it an excellent location for an industrial site.*

KEY POINTS

- April 5, 2011, City Commission received annexation request.
 - Requests more than 10 acres are referred to the Planning Commission for a recommendation.
- This request includes approximately 69 acres to allow for industrial development.
- The property is located within the Lawrence Urban Growth Area.
- This request is accompanied by a rezoning request for IG (Z-3-8-11).

COMPREHENSIVE PLAN FACTORS TO CONSIDER

- Horizon 2020 – Chapter 4, Growth Management
- Horizon 2020 – Chapter 7, Industrial Development
- Horizon 2020 – Chapter 8 Transportation
- Horizon 2020 – Chapter 14 Specific Plans
- Sector Plan – K-10 and Farmer's Turnpike Plan

ASSOCIATED CASES OR OTHER ACTION REQUIRED

- After City Commission receives the Planning Commission's recommendation concerning the annexation request, City Commission may consider passing a resolution requesting the Douglas County Board of County Commissioners make a finding pursuant to state statute that, *"the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county."*
- The Board of County Commission will consider the City's request to make the necessary findings, if appropriate and notify the City of its decision.
- Adoption by City Commission of an ordinance annexing the property.
- Notice to Rural Water District No. 6 of the City's intent to annex.
 - City Commission authorized the City Manager to provide notice of the City's intent to annex the land to Rural Water District No. 6 on April 12, 2011.
 - Notice mailed to RWD No. 6 on April 21, 2011.
- Approval by City Commission and publication of Z-3-8-11 (A-1 to IG).
- Subdivision approval required as a pre-development step.
- Site plan approval required as a pre-development step.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required at this time.
- *Downstream Sanitary Sewer Analysis* – Not required at this time. End user required for analysis
- *Drainage Study* – Not required at this time.
- *Retail Market Study* – Not required at this time.

ATTACHMENTS

- Area map
- Memo to City Commission – annexation referral
- Staff memo regarding notice to Rural Water District No. 6
- Land use map – K-10 and Farmer's Turnpike Sector Plan

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone call from area property owners requesting additional information regarding the proposed request and development plans for the area.

EXISTING CONDITIONS

Current Zoning and County A (Agricultural) District; existing agricultural fields and rural residences.

Land Use:

Surrounding Zoning To the north; A (Agricultural) District; existing agricultural fields and residences.

and Land Use:

To the northwest; IG (General Industrial) District with use restrictions; undeveloped land.

To the south: A (Agricultural) District; I-70 highway and existing agricultural fields and residences south of highway.

To the southeast; A-1 (Suburban Home Residential) District; Oak Ridge Estates Subdivision. Includes developed and undeveloped residential lots and Morningstar Christian Church.

To the east; IG (Industrial General) District; existing agricultural field.

To the west; A (Agricultural) District; existing agricultural fields and residences.

Site Summary

Gross Area:	69 acres
Area Requested for Annexation:	69 acres
Urban Growth Area:	Service Area 4 as identified in <i>Horizon 2020</i> .

Project Summary:

This request is for industrial development. Annexation is a pre-development step.

Annexation Procedure

Kansas Law [12-519 *et seq.*] provides for annexation by ordinance of the City Commission. Lawrence City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review and make recommendations on all annexation requests in excess of ten acres. Upon annexation, the property is required to be rezoned to a compatible City zoning district. This request is accompanied by a rezoning application for IG. Annexation is a separate and distinct action from that of the rezoning consideration.

Because this property is not adjacent to the city "proper" it is considered an "island" annexation. Additional requirements for this type of annexation include County Commission consideration and determination that the proposed annexation, "*will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county.*" This action is required prior to the passage and publication of an ordinance by the City annexing the property. Additionally, notice of the City's intent to annex the land, along with its plan for the provision of water service to the land being annexed is required to be sent to the Rural Water District serving the property not less than 60 days prior to the effective date of an annexation ordinance.

The subject properties are currently served by Rural Water District No. 6. Kansas Statutes require the city to purchase the property, facilities, and improvements, if any, of the district if the City designates a different water supplier to the land proposed to be annexed. The possibility exists that the site will continue to be served by Rural Water District No. 6 or another water supplier prior to the City of Lawrence extending city water service to the site.

The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid to the City by the annexation applicant for Rural Water District facilities serving the property to be annexed.

General Location and Site Characteristics:

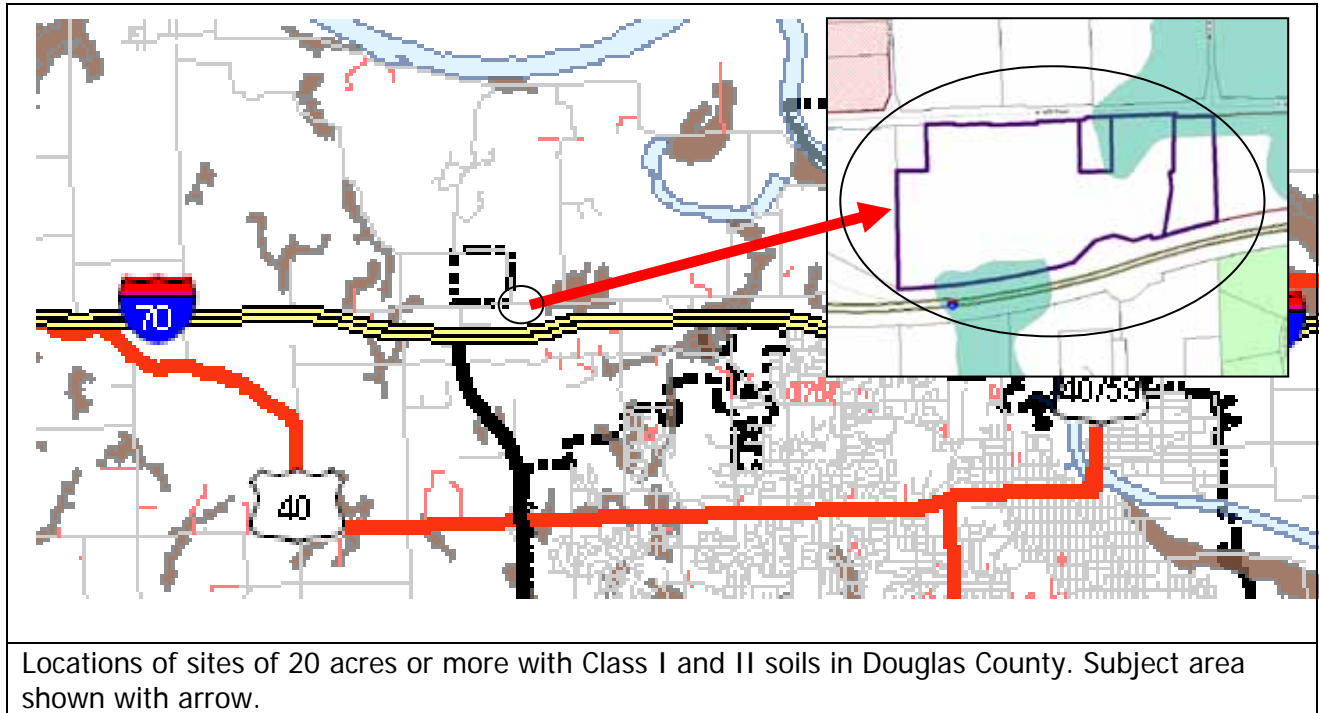
The property is located on the south side of N 1800 Road (Farmer's Turnpike). The property is bounded along the south side by the I-70 Kansas Turnpike. The property is adjacent to another island annexation parcel along the east property line.

- The property includes a rural residence on each of the three parcels that makes up the combined 69 acres.
- The area is currently farmed and includes an area with vegetation along the low lying drainage areas of the site.
- The property is located within the existing Lawrence Urban Growth Area and approximately 1/2 mile east of the LeCompton-K-10/I-70 interchange.

The property is currently zoned county A (Agricultural). This same zoning is located on the south side of the Kansas Turnpike. A platted residential subdivision and an existing church are located south of the Turnpike, southeast of the proposed annexation. Scattered rural residences can also be found along the County roads in the vicinity of the property.

The property slopes from the east and the west toward a low lying area through the central wooded portion of the 69 acres. The average slope across the proposed annexation is less than 6 %. There no regulatory floodplain that encumbers the proposed annexation.

Horizon 2020 recognizes the importance of high-quality agricultural land and that it is a finite resource. Within Douglas County the soils classified as Class I and II are referred to as the capability class (Chapter 7 *Horizon 2020*.) This site includes a portion of Class II soils along the south side of N 1800 Road along the eastern portion of the property and an area along the south property line on the western portion of the property. This annexation request includes approximately 7.8 acres of Class II soils on the subject property.



While the subject property contains Class II soils, the soils are isolated and in small amounts relative to areas where significant contiguous amounts exist in Douglas County, such as are found in Grant Township. When weighing the goal of protection of Class II soils for this specific location against the transportation system and the criteria that supports industrial land use, the property is well suited for industrial development.

Infrastructure and Utility Extensions

This section of the report addresses the existing and future utility infrastructure serving this site. This property is located in the unincorporated area of Douglas County. Development of the property requires extension of municipal City services or development of an interim service plan.

Sanitary Sewer

Sanitary sewer is not currently extended to this property. Such extension is necessary to support urban development. Details regarding the end user or users are required to assess downstream impacts on the utility. A specific development proposal has not been submitted.

The city is engaged in updating the Wastewater Master Plan. This study is not yet complete. Basic land use was provided to the Utility Department for the study based on the recently adopted K-10 and Farmer's Turnpike Plan. Anticipated uses include industrial development. This broad land use designation does not necessarily convey a specific amount of generated wastewater because data is use specific.

Proximity to Sanitary Sewer



Items for consideration of public sanitary sewer service include the following:

- City initiated master plan update anticipated completion of study by end of 2011
- Option for single user vs. multiple users
 - Waive code standards to accommodate rural type development for temporary time period. This would allow some type of on-site treatment. The method of disposal would depend on the amount to be managed.
 - Coordination with the County Health Department and or KDHE regarding on-site management options.

While an interim plan may be feasible for a single user, such a plan may not be appropriate for multiple users. A specific study of the watershed will be required to assess impacts on the current municipal system and evaluate designated capital improvement projects that may be affected by development. Extensions of sanitary sewer mains are required for urban development. Approval of sanitary sewer public improvement plans are typically a requirement of the subdivision process.

Water

Extensions of water mains and adequate fire flow are required for urban development. Existing urban service is over one mile from the subject property. Rural Water District No. 6 has a facility located along N 1800 Road. Rural Water District No. 1 has a line located along N 1750 Road to the south of the property. (See page 2-7 *K-10 and Farmer's Turnpike Plan*)

The City's plan for providing water service to the properties is to permit Rural Water District No. 6 to provide water service to the annexed area. The City could amend its current contract with Rural Water District No. 6 to supply the rural water district with additional water, if the rural water district deems it necessary for it to provide the 69 acres of land with adequate water. If Rural Water District No. 6 is unwilling to supply the property with water at the service level required by the property owner, or if the City and District cannot agree to a contract for the provision of additional water from the City, the City will designate a different water supplier. Rural Water District No. 1 may be amenable to supplying water to the area proposed to be annexed.

Proximity to City Water



Items for consideration of public supply of water include the following:

- Option for single user vs. multiple users.
- Quality of service for long run with single user.
- Synergy of development required to generate sufficient demand for service and to maintain quality.
 - Waive code standards to accommodate rural type development for temporary time period. This would allow a rural water district to provide service to the annexed area.

Amend current contract to assure available quantity of water available for development. This could include modifications to the existing agreements between the rural water district and the city regarding water supply

While an interim plan may be feasible for a single user, such a plan may not be appropriate for multiple users. A specific study of the water demand will be required to assess impacts on the current municipal system and evaluate designated capital improvement projects that may be affected by future development. Extensions of water mains are required for urban development. Approval of water line public improvement plans are typically a requirement of the subdivision process.

Stormwater

The property includes natural drainage ways across the property that flows generally from the north to the south. Regional detention is recommended for each watershed as areas develop. No such plan has been developed for this area at this time. Approval of stormwater public improvement plans are typically a requirement of the subdivision process.

Items for consideration of stormwater management include the following:

- *Regional Detention with development application.*
- *Easements for stormwater conveyance.*
- *Submission of a drainage study to assess the downstream impact.*
- *Assessment of the drainage structure at I-70 on the south side of the property.*

Public Rights-of-way

This segment of N 1800 Road is also a designated principal arterial street. This designation will impact dedication of rights-of-way, access, and spacing with future development applications. The property is located within the vicinity of the I-70/K-10 interchange. *Transportation 2030* identifies N 1800 Road as a Lawrence minor gateway. As such, special attention will be merited during the development phases of the property to assure compliance with applicable design standards. Width of right-of-way along with necessary access control and geometric improvement considerations are typically assessed as part of the subdivision and site plan development processes.

Items for consideration of public streets and roads include the following:

- *Future improvements to I-70 within existing right-of-way.*
- *Road Maintenance N 1800 Road, including snow removal.*
- *Geometric improvements with development.*
- *Access control with development.*
- *Dedication of ROW with subdivision platting process.*
- *Submission and review of a traffic impact study.*

Development of the area would include an assessment of roadway improvements abutting the property. Dual naming of such boundary line roads, maintaining both county and city names, for addressing purposes may be necessary for those properties outside of the annexation boundary.

No additional right-of-way needs are anticipated by the Kansas Turnpike Authority for future widening projects in this area. Additional review will be provided with subdivision plats and site plans for the property in the future.

Internal circulation and access to the abutting road and properties will need to be addressed with a specific development proposal. A traffic impact study will be required to evaluate proposed access options, separation requirements, geometric improvements, and similar items both internally and as development relates to the surrounding road network. No direct access is permitted to arterial roads, per the Land Development Code, unless the City Engineer grants a waiver from this requirement which would be necessary given that the property is bounded by a designated arterial road. A specific development plan

has not been submitted to assess the full scope of transportation issues for this property. Street intersection spacing will be critical as the area develops and should be designed initially for best efficiency.

Emergency Responses Services

Key services include 911, fire protection, and police protection. The site is currently served by the County-wide 911 emergency medical response. Building addressing and street naming, as well as coordination of services between the City, County, and township providers, will be required and continuously reviewed throughout the development process.

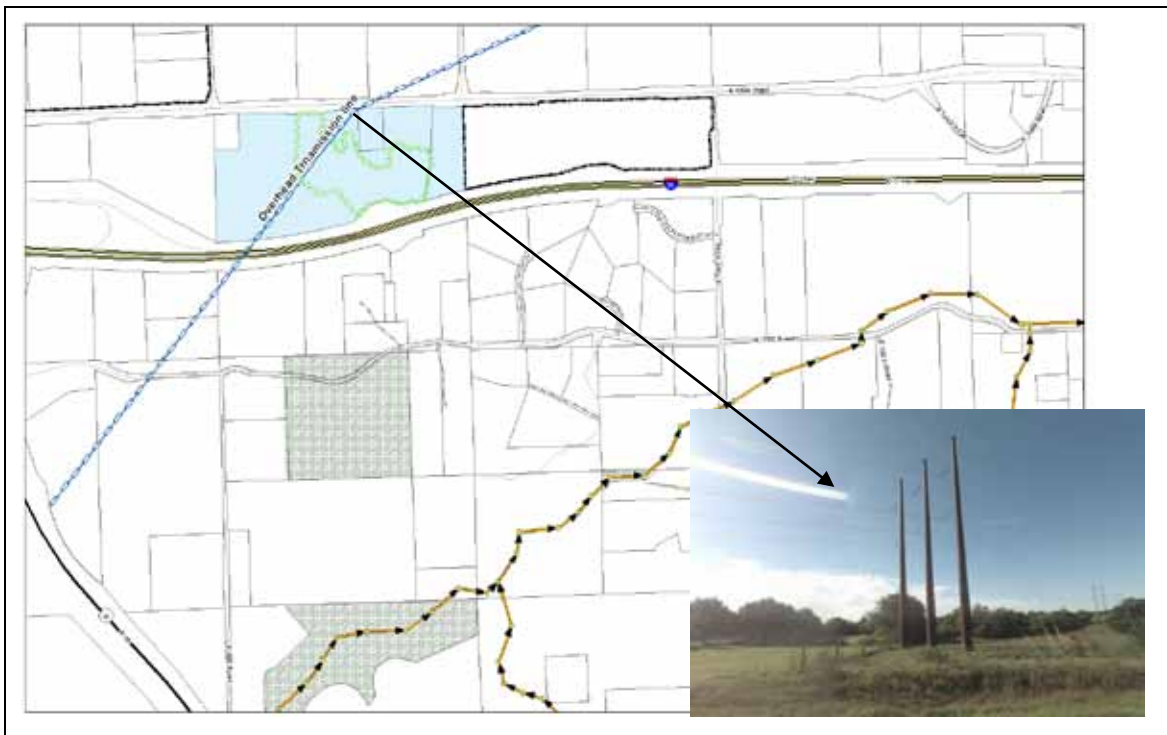
Fire protection will depend on the proposed use, construction type, and available fire suppression systems for the site. Fire protection is also related to the availability of a municipal supply of water or some type of on-site storage device, to meet a minimum threshold. Similar requests to the east and northwest of this site proposed an on-site water tower to aid in fire protection. This same method could be considered depending on the end user of this site. Assessment of services and fire protection will be required as part of a specific development proposal. Limited services to the site may limit future development in terms of size or intensity dependent upon the end user or users of the site.

Items for consideration of emergency responses include the following:

- *Adequate fire protection.*
- *Single user vs. multiple users.*

Private utilities (Electric, gas, phone, etc)

Electric, phone and gas extensions will be made to this property as it develops. Specific development proposals are needed to determine service requirements for a specific user. Utility providers have been made aware of the proposed request. Westar provided the following comments during the review: *Only 1-phase service exists in this area. The closest 3-phase line is 1.5 miles east of E 950 Road. If this is a large industrial user, depending on load, upgrade to the 3-phase line (bigger wires) may be needed which would then be 2.5 miles east of E 950 Road.* Generally the property can be served by private utility providers. A large transmission line extends from the southwest to the northeast through this area.



School facilities

The property is located in the Perry Lecompton school district (USD 343). The school district has been advised of this request.

COMPREHENSIVE PLAN:

Several chapters of *Horizon 2020* are applicable to this review. These include Growth Management, Industrial and Employment-Related Land Use, and Transportation. Additionally, the property is within the boundary of the *K-10 and Farmer's Turnpike Plan*.

Horizon 2020 – Chapter 4 Growth Management

Per map 3-1 in Chapter 3 of *Horizon 2020*, the General Plan Overview, and outlined in Chapter 4, Growth Management, the property is located within the Lawrence Urban Growth Area. Specific land uses for the area are identified in the *K-10 and Farmer's Turnpike Plan*. Growth management policies address the need to evaluate the development with respect to the provision of services, protection of topographic and drainage features, and applicable land use criteria. *Horizon 2020* gives priority to properties that abut existing city limits and to voluntary annexation.

Horizon 2020 allows for the initiation of development within Service Areas, 2, 3, and 4 prior to the full build-out of Service Area 1 when wastewater capacity is clearly available; a plan for interim development for the provision of rights-of-way and easements is complete; and when comparable build-out of Service Area 1 has been addressed.

- The property does not abut existing city limits except that it is adjacent to another island annexation along the east property line.
- This request is within the Urban Growth Area and represents a voluntary request.
- Urban services are not currently available to this site.

Horizon 2020 also gives priority to developments that are consistent with adopted utility plans. General policies related to growth management address the need to evaluate the proposed development with respect to the provision of services, protection of topographic and drainage features and with respect to land use criteria. Additional detail is needed to assess these elements including a sanitary sewer impact study, service delivery plan for water and other utility extensions and public services such as fire protection. Additional information is needed regarding the extension of any interior street network to service this property. Reasonable options exist to address all of these elements as development progresses.

Horizon 2020 – Chapter 7 Industrial and Employment-Related Land Use

Existing: A key strategy related to industrial development states:

Increase community involvement in economic development activities, by partnering with the local business community and area educational institutions to bring new technology and investment to the region for the purpose of meeting the economic development job growth goal of securing twenty thousand new jobs in Douglas County by 2020.

Approval of this request facilitates opportunities for industrial development consistent with adopted plans.

Chapter 7 includes a discussion of industrial development for the I-70/K-10 area. The adopted *K-10 and Farmer's Turnpike Plan* has been amended into *Horizon 2020* and includes the area as a future industrial site. A key strategy in *Horizon 2020* supports the development and increase in the number and diversity of jobs for the entire community (Douglas County as a whole).

Chapter 7 brings together the importance of the natural environment and a diversified economy as a tool for development consideration. A feature of the plan states:

Encourage site availability, site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development.

Specific location criteria are included in Chapter 7. The plan has been updated to reflect the changes affected by the adoption of the *K-10 and Farmer's Turnpike Plan*. The proposed annexation request is located within the revised I-70/ K-10 description for new industrial areas.

The proposed request complies with the locational requirements outlined in Chapter 7 including location within the UGA, feasible access to highway networks, and adequate size of land, outside of the regulatory floodplain and has an average slope of less than 6%.

Horizon 2020 – Chapter 8 Transportation

The transportation chapter provides goals and policies related to development. This chapter recognizes the relationship of transportation to land use planning. The plan acknowledges the importance of pedestrian and bicycle access as modes of transportation. Multi-modal transportation (rail and air), as well as ground transportation, are design elements considered with development applications. More detail about transit recommendations is contained in *Transportation 2030*. A key feature of both plans is the balancing of land use, transportation, and environmental needs. N 1800 Road is a designated gateway. This will necessitate additional review as part of the plat and site plan process to assure quality development consistent with plan recommendations.

Goals addressing multi-use trails, sidewalks, and alternative modes of transportation will be implemented with specific development proposals. The requirements for traffic impact studies at the site specific level and the larger planning area are needed to identify necessary capital improvements to serve the surrounding area as it develops. Assessment of land use will both predict and prescribe appropriate types of access needs.

Detailed plans are needed to implement transportation goals and policies listed in *Horizon 2020*. The proximity of the property to highways and arterial streets provide opportunities to develop the property with higher intensity uses that both need and can be served by excellent access.

- The Transportation Plan notes long-term plans for widening I-70 from 4 lanes to 6 within the existing right-of-way.

K-10 and Farmer's Turnpike Plan

This sector plan was adopted and published in 2009. The plan includes the subject property and designates the area as suitable for industrial development. Goals and policies of the plan support development that promotes additional employment opportunities and tax base expansion. The plan recommends development to urban densities while taking care to respect and protect the natural features currently in place in the area as a whole.

Industrial development is intended for, "*moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation.*"

Policies for development specifically address property along N 1800 Road. The plan states: *Structures along N 1800 Road (Farmer's Turnpike) should present a front face to N 1800 Road to add to the high quality aesthetics encouraged in the gateway.*

The plan further addresses gateway treatments, access, and circulation depending on the traffic generated and the size of land involved in a development proposal. These criteria will be further evaluated with future development applications for a specific user.

Summary Finding of Comprehensive Plan Review: This request is consistent with recommendations regarding future industrial development in the area. This request is consistent with recommendations that development occur within designated urban growth areas. The lack of available sewer and water service limits development opportunities for the property in the immediate future unless specific agreements for alternate service can be made.

DISCUSSION OF LAND USE AND REQUEST:

Annexation is an initial step of the development process. It is clear that development will be limited by the services available to support an end user. Additional agreements and approval must be executed regarding water supply and wastewater disposal.

Horizon 2020 supports a definitive approach that utility services and major street improvements should be in place prior to development. Significant municipal utilities must be extended to serve this area to support urban development.

Growth management is defined in *Horizon 2020* as the primary tool for ensuring timely and orderly growth. This tool includes establishment of an Urban Growth Area, service delivery areas and specific annexation policies. It is expected that the service delivery areas defined in *Horizon 2020* will be revised following consideration of the water and wastewater master plans update that have been engaged for the community.

Annexation Policy No. 1 states that the, *“City of Lawrence will actively seek voluntary annexation of land within the Urban Growth Area as development is proposed.”* The subject property is not immediately contiguous to existing main portions of the city limits. Contiguity, as recommended per Annexation Policy No. 2, is provided in that this property is adjacent to property annexed to the east. The Comprehensive Plan supports a proactive annexation plan that ensures adequate facilities and services. The Plan specifically recommends annexation of *“areas which are needed to complete sewer or water line extensions for a closed (looped) system”* per Growth Management Goal 3, Policy 3.2.a. The proposed request is inconsistent with this recommendation for annexation. Progressive annexation from existing boundaries northward is needed to fully comply with this recommendation. It should be recognized that some industrial uses can exist without City infrastructure and that adequate urban facilities and services could be provided if deemed necessary and if made a priority by the governing body.

The subject property is located within City of Lawrence Urban Growth Area. *Horizon 2020* supports the provision of adequate facilities and services or assurances of adequate facilities in connection with development. Public and private utilities must be extended and/or upgraded to serve this area. Sanitary sewer, water, off-site stormwater, and roadway improvements need to be identified and planned for extension and improvement for both the short term and long term delivery.

It is important to note that other policies, mostly contained in Chapter 7 (*Industrial and Employment-Related Land Use*) support the subject site as a key industrial site in the City's future. Staff recognizes that while it will take time and effort to provide utility and other infrastructure to the general area, there is opportunity to plan for and permit some amount of development in the area so that any new construction meets the City's code requirements. This ensures that when the area does develop to urban densities, it more seamlessly fits into the urban pattern. The I-70 interchange and surrounding area will be an important economic generator for the region and planning today for its eventual build-out is appropriate and valuable.

CONCLUSION

Horizon 2020 and the *K-10 and Farmer's Turnpike Plan* address land uses, infrastructure, transportation and other development opportunities for the area. Weighing all the policies, *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* support this request.

The development of the subject property requires consideration of adequate timing of providing the necessary infrastructure for basic utilities such as water and wastewater. Development of an interim plan for services, such as continued use of rural water and on-site wastewater disposal, would be required to serve development in the short term and is feasible and prudent for certain industrial uses. Such a plan should be tied directly to specific uses for development to mitigate potential harm to the surrounding area and to assure that adequate provisions are provided for integrating the development into the ultimate system when appropriate. This interim proposal may be sufficient to support a single user. Such a system will need to be assessed for multiple users.

Staff recommends that the Planning Commission forward a recommendation to the County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and;

Staff recommends that the Planning Commission recommend approval and forward the recommendation to the City Commission for the approval of the requested annexation of approximately 69 acres located on the south side of N 1800 Road (Farmer's Turnpike) and between the extended alignments of E 900 Road and E 950 Road subject to the following conditions:

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).
2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

Item 14 a and 14 b

A-3-1-11 Annexation - approximately 69 ac.

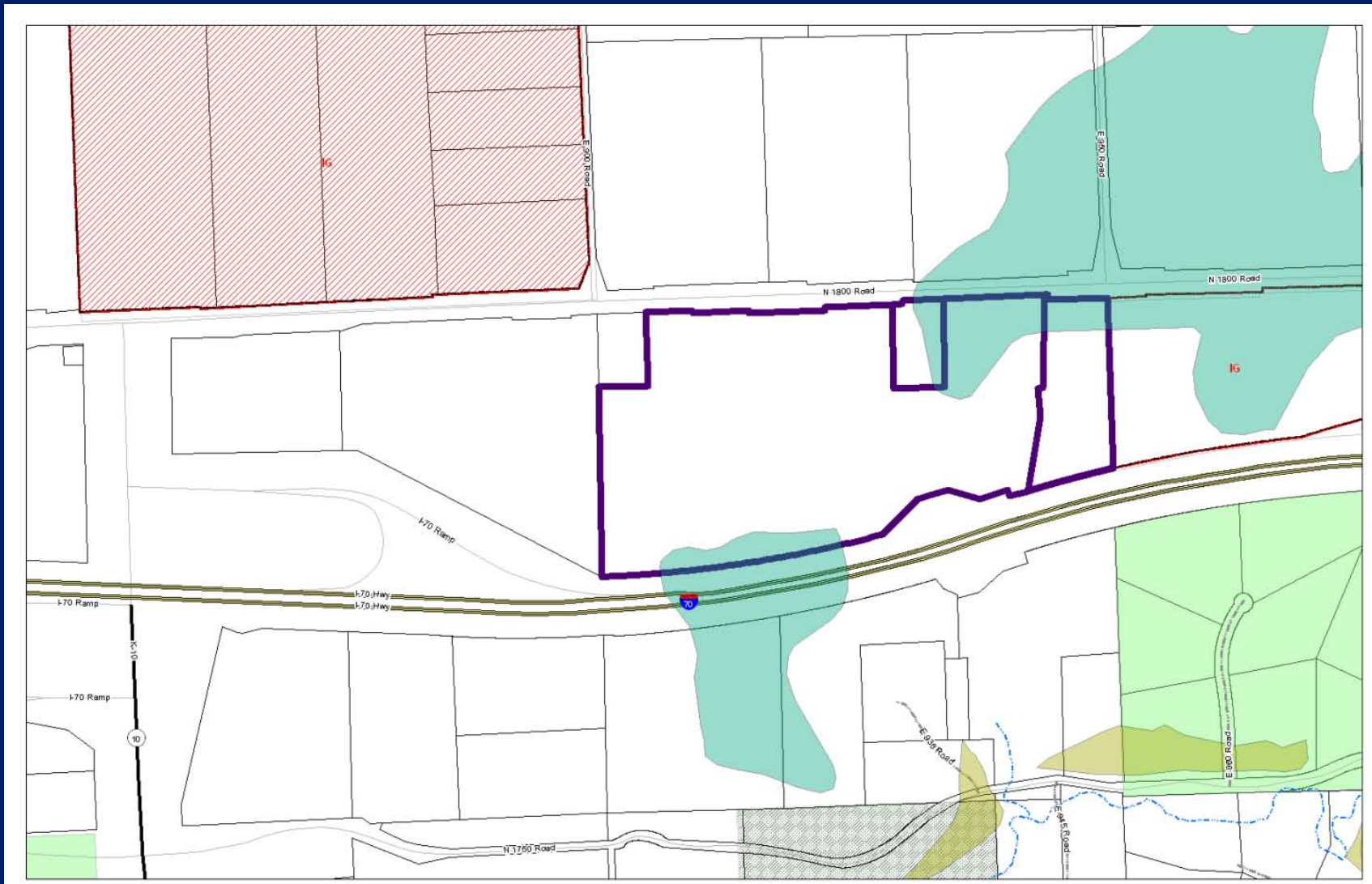
Z-3-8-11; A to IG

May 25, 2011



A-3-1-11 / Z-3-8-11

Subject Property



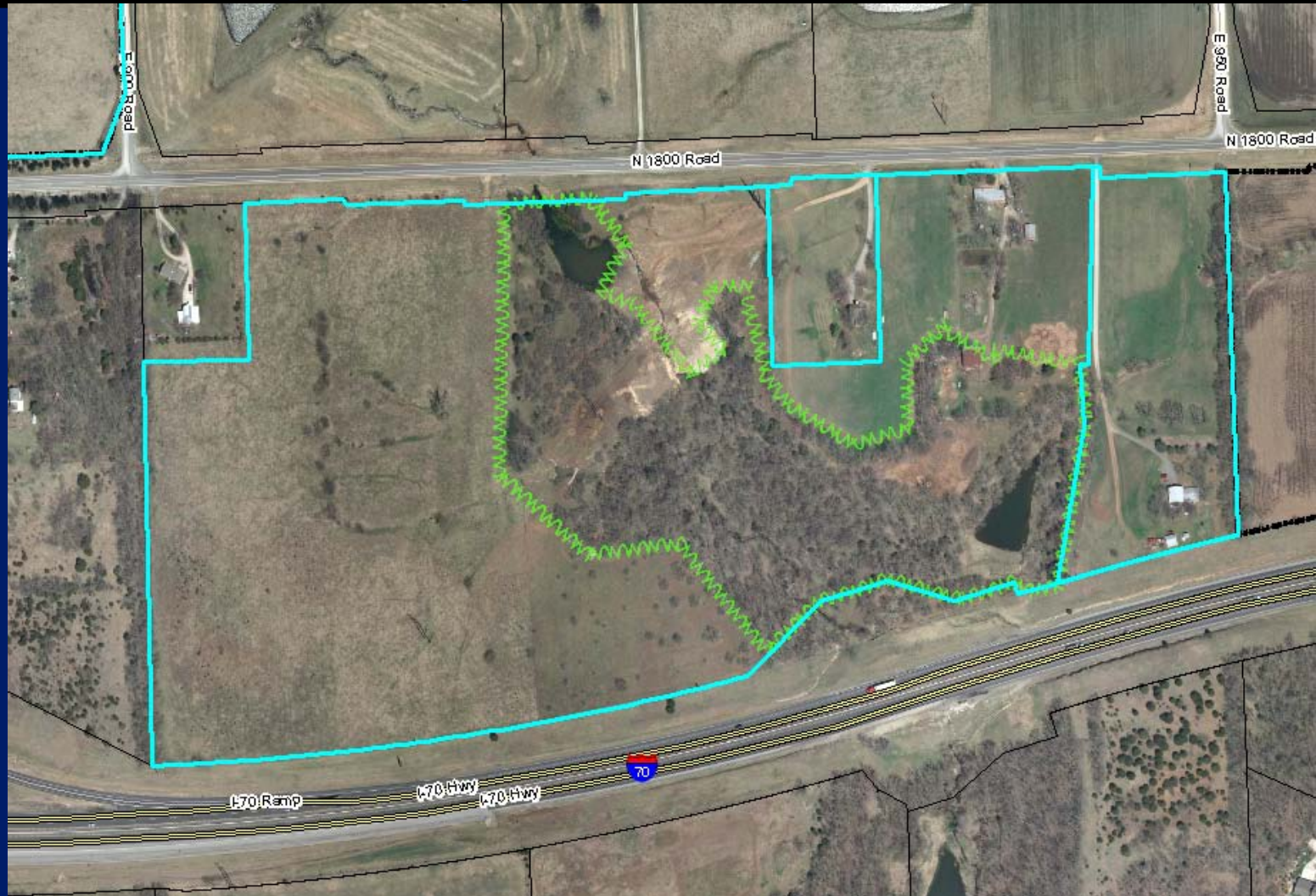


A-3-1-11 / Z-3-8-11 Property Features



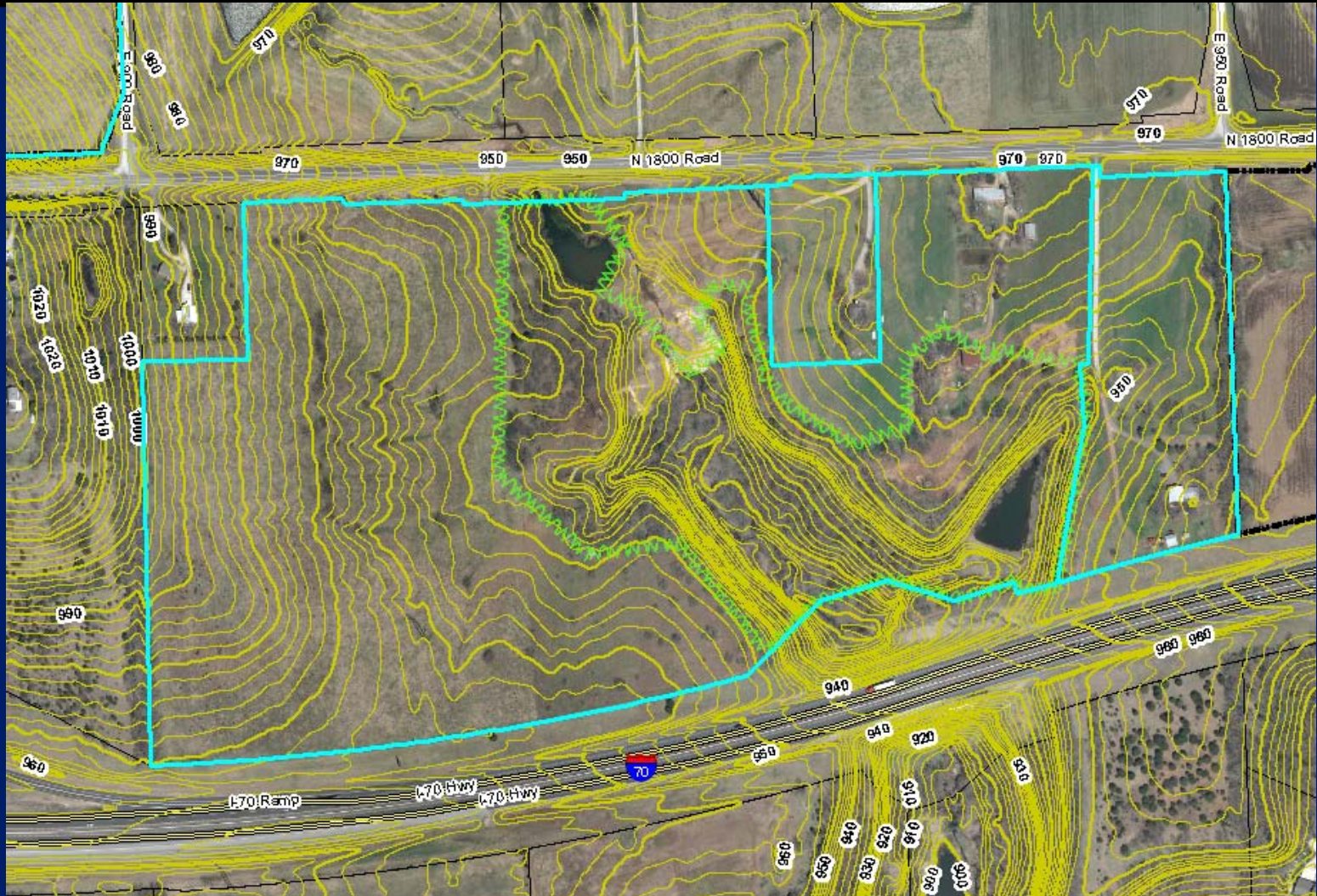


A-3-1-11 / Z-3-8-11 Property Features



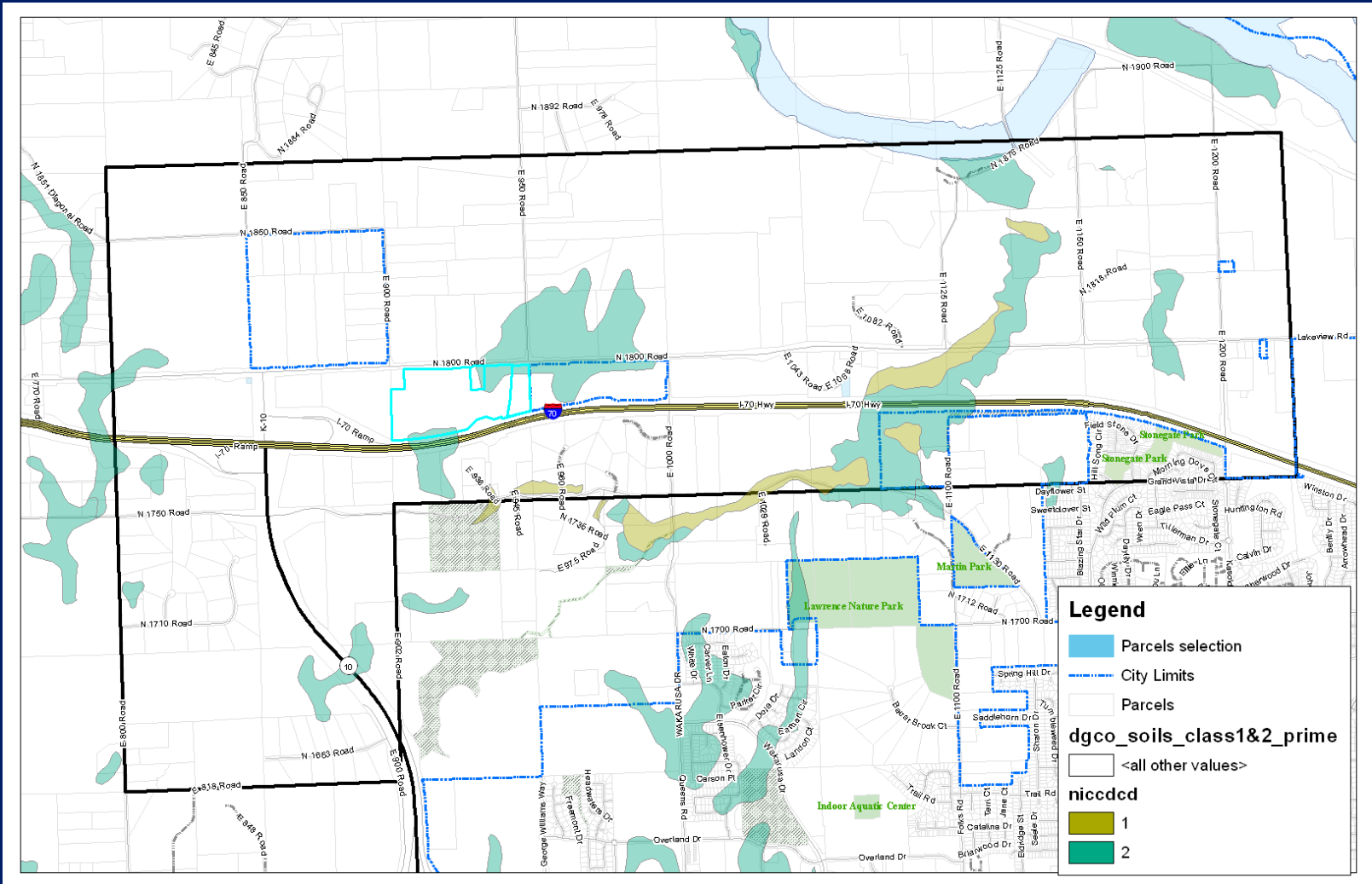


A-3-1-11 / Z-3-8-11 Property Features





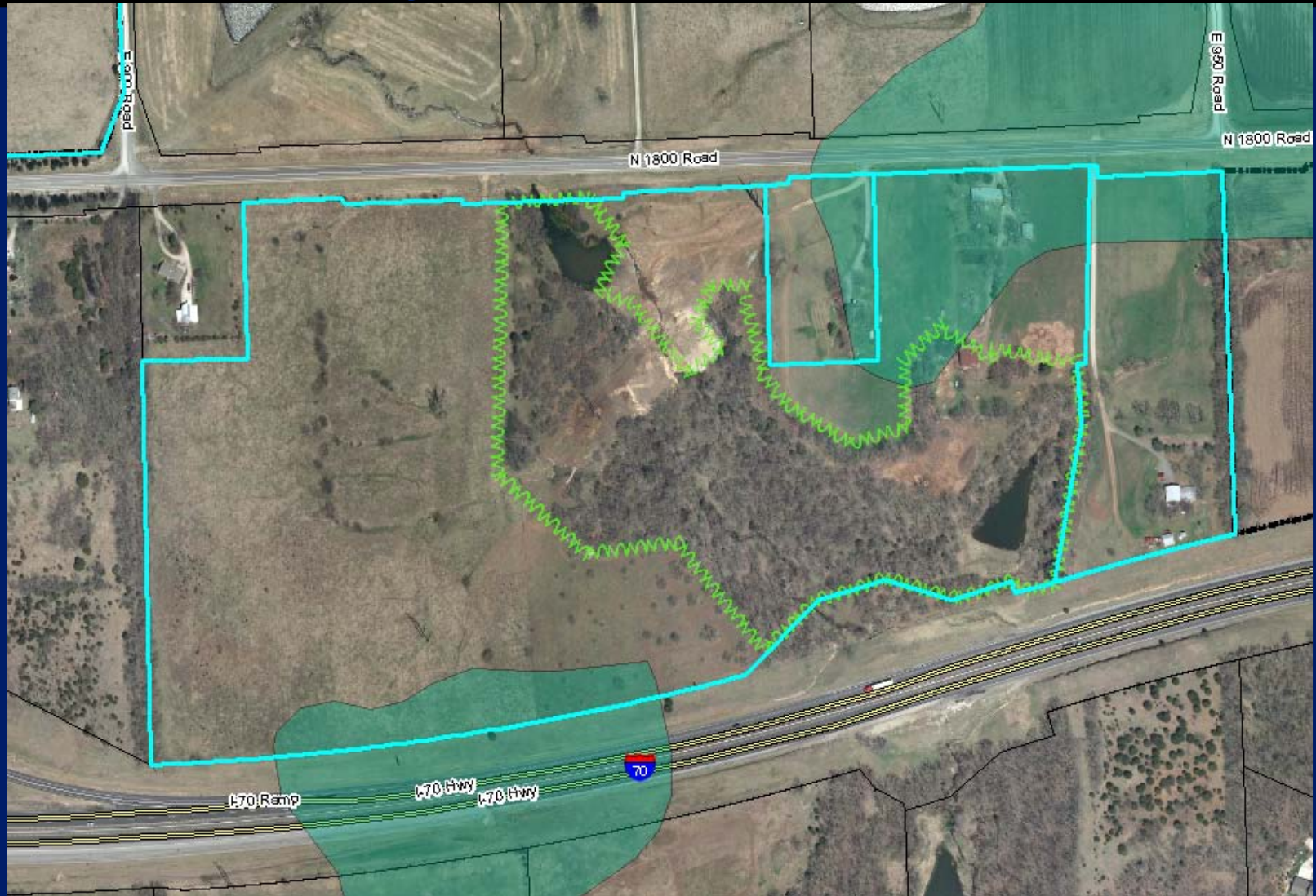
Class I and II soils – subject property





A-3-1-11 / Z-3-8-11

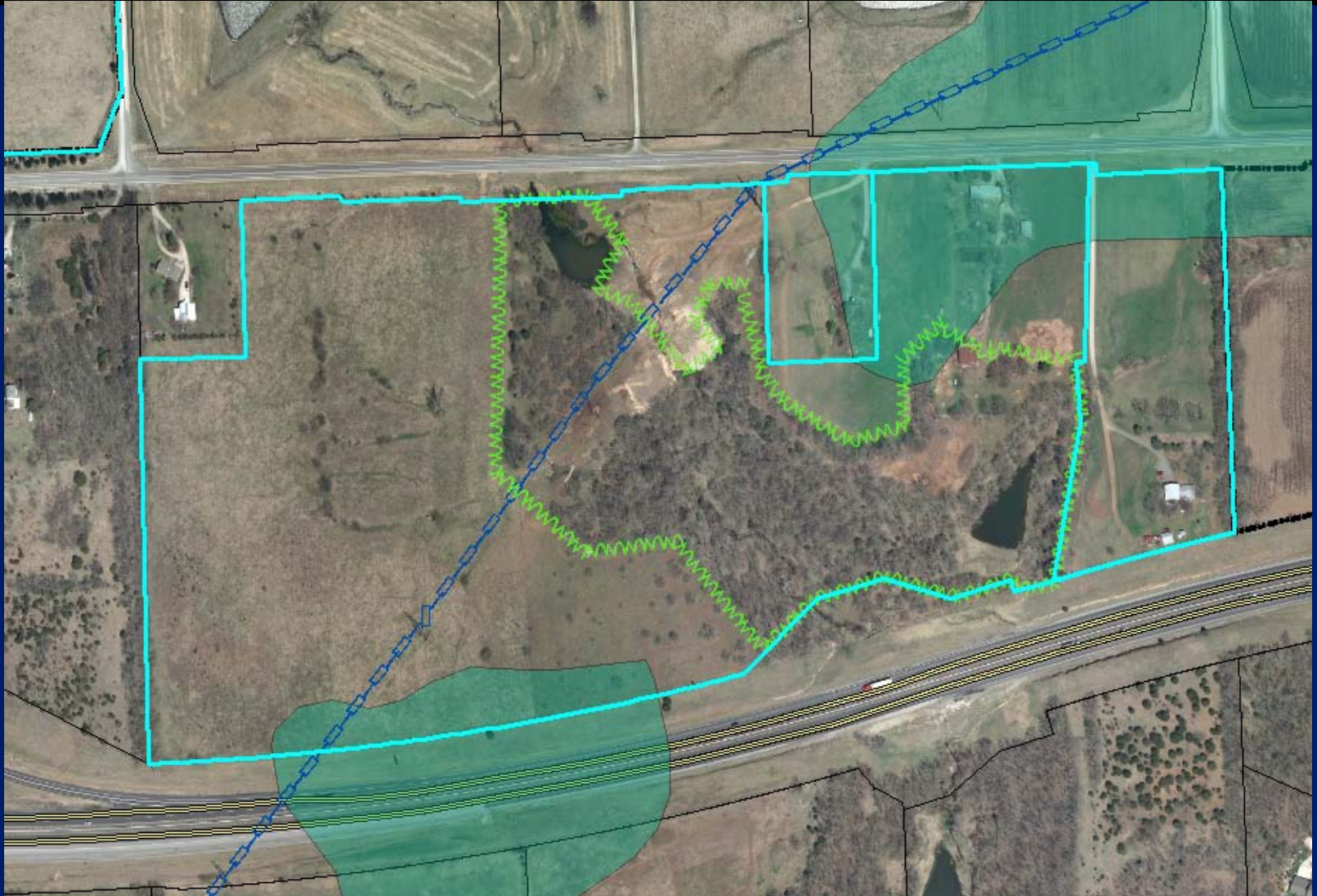
Property Features





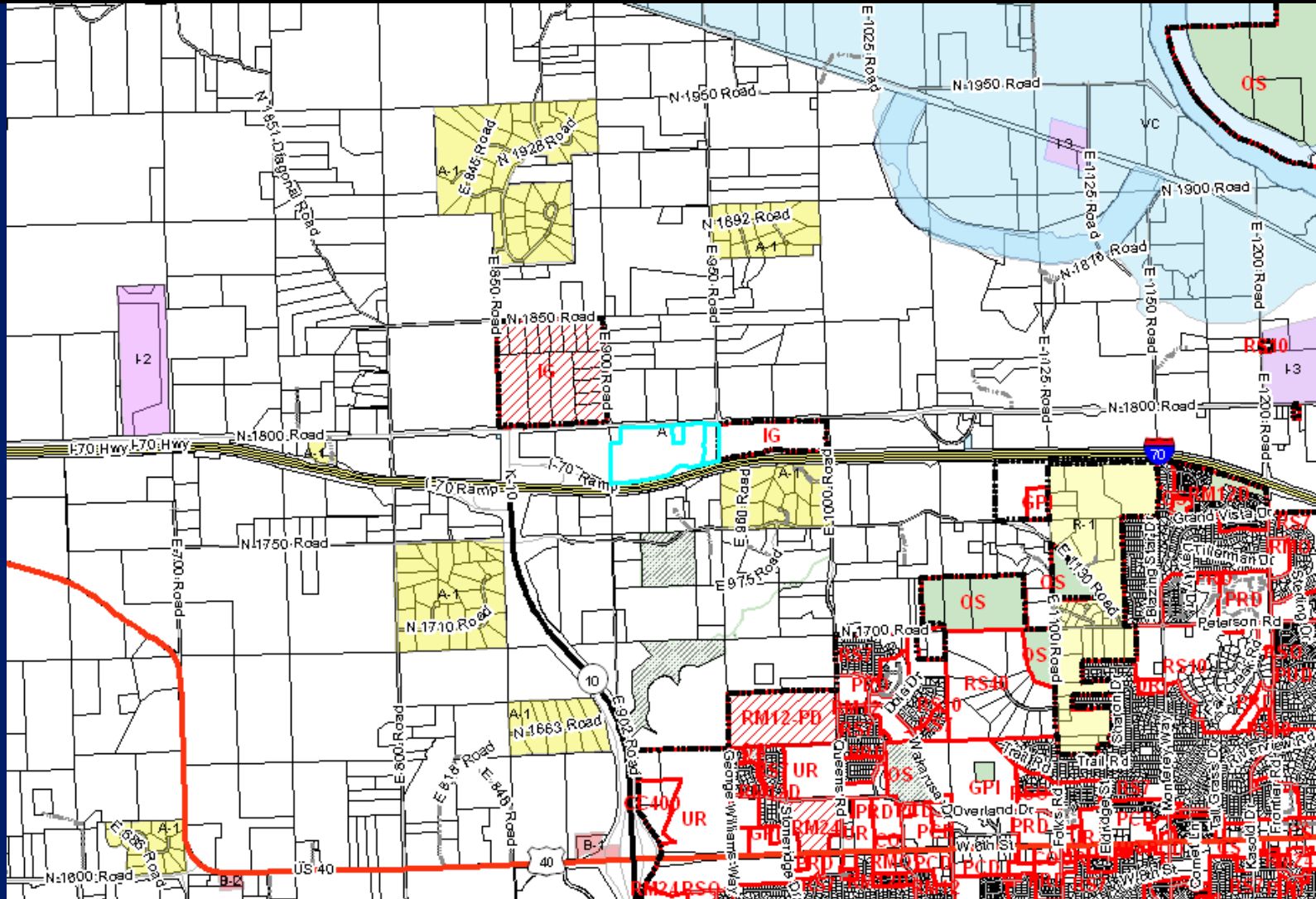
A-3-1-11 / Z-3-8-11

Property Features



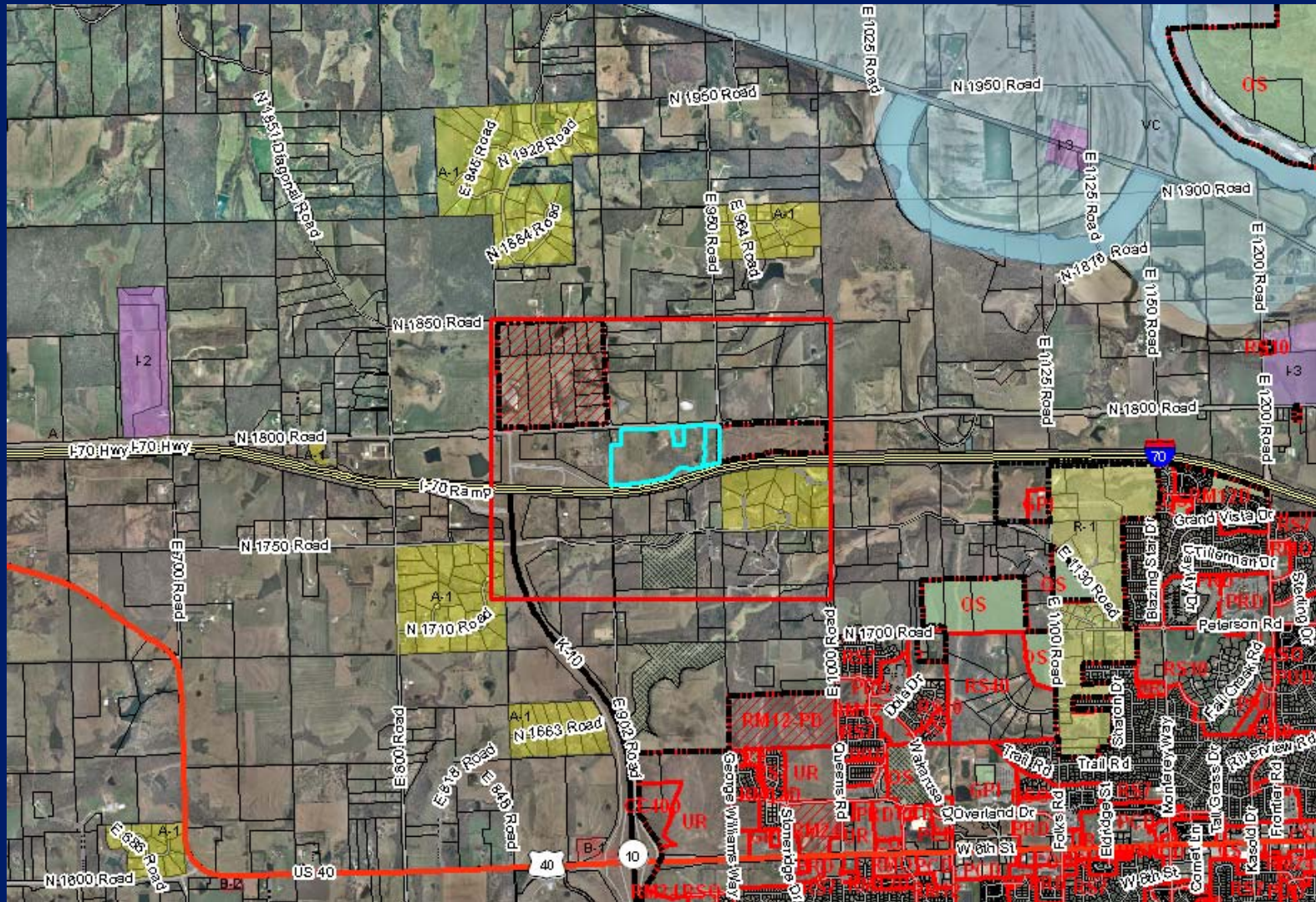


A-3-1-11 / Z-3-8-11 Surrounding Zoning





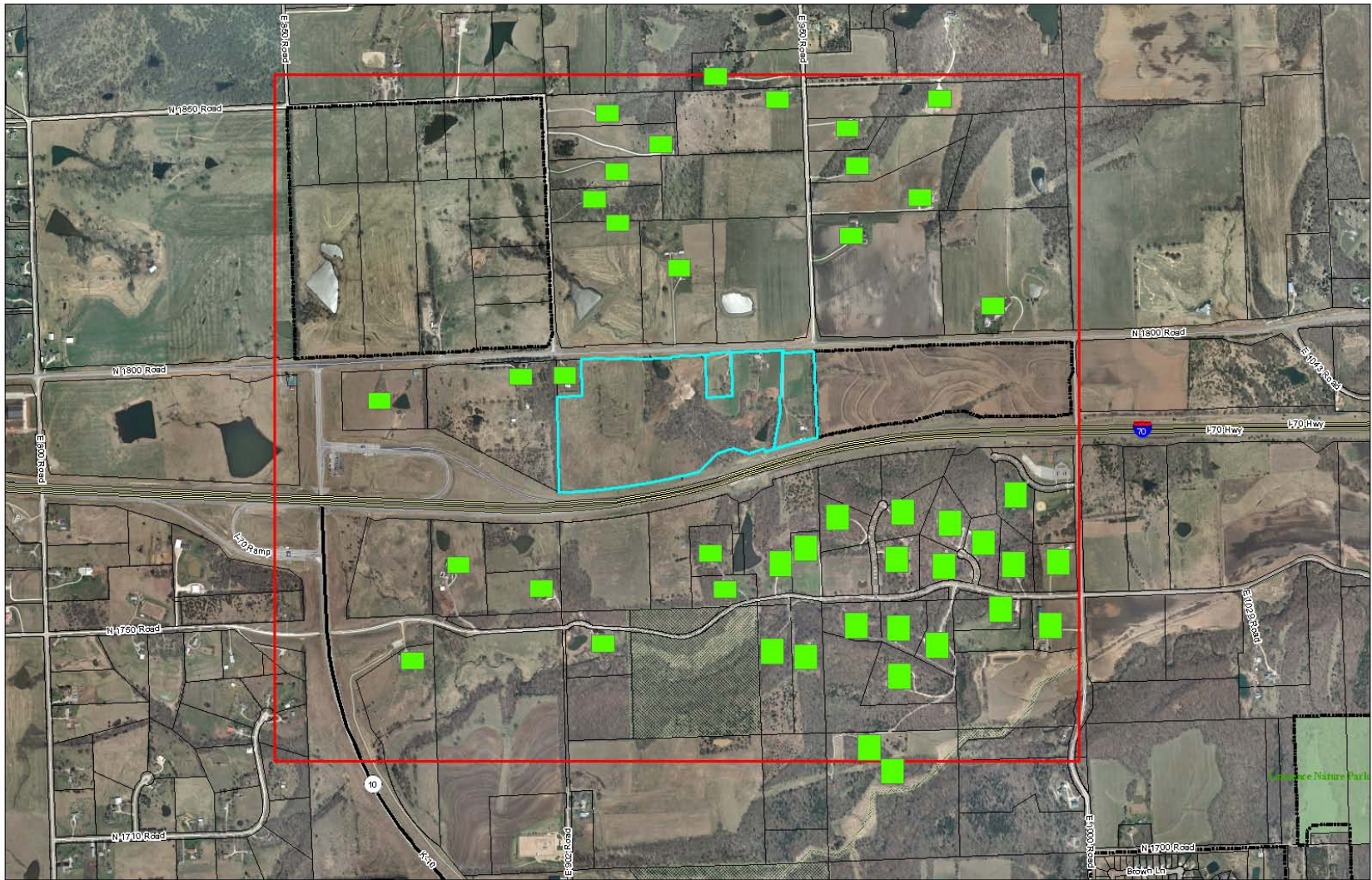
A-3-1-11 / Z-3-8-11 Surrounding Land Use





A-3-1-11 / Z-3-8-11

Surrounding Land Use



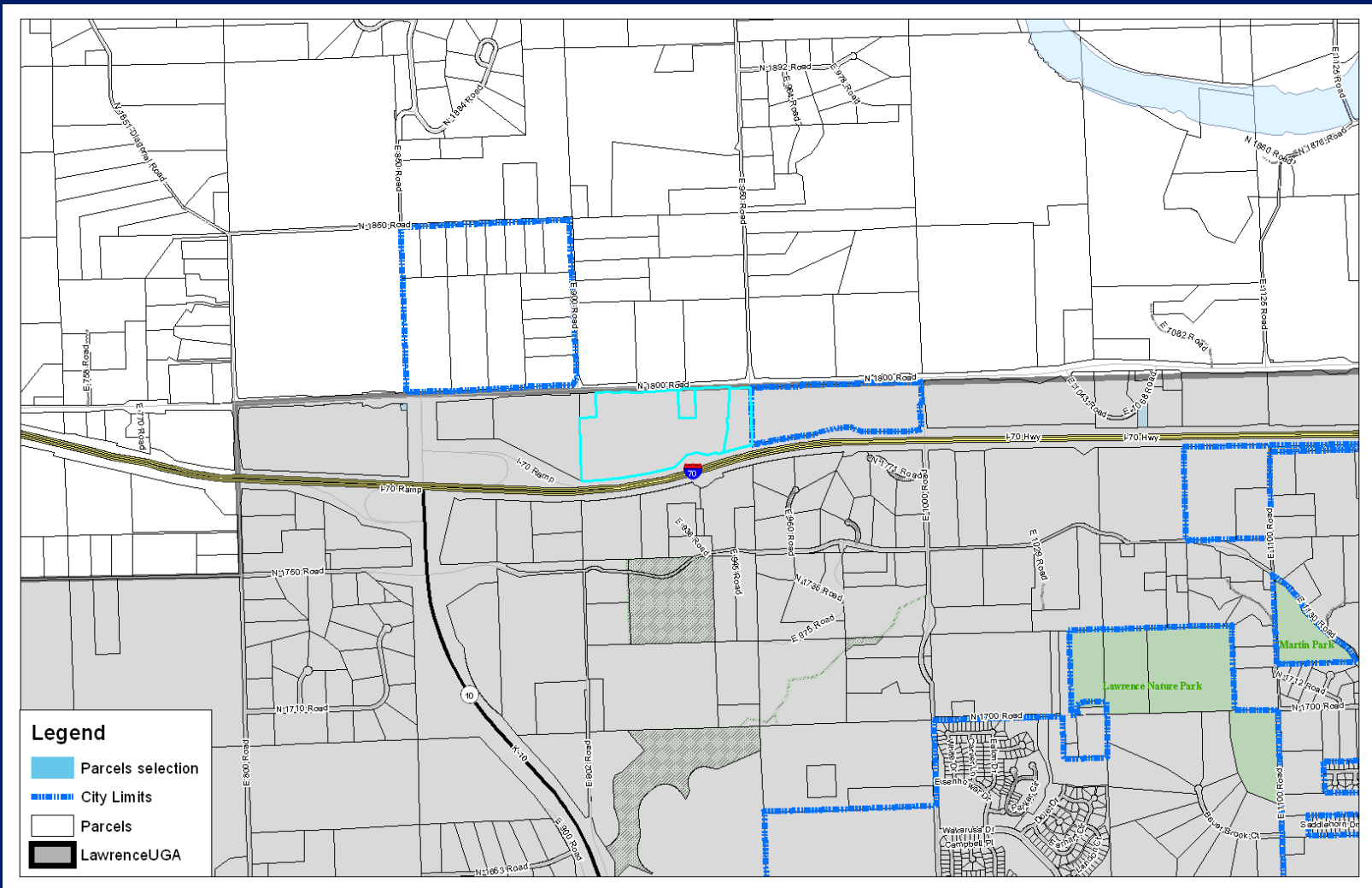


A-3-1-11 / Z-3-8-11

Annexation – A-3-1-11; 69 acres

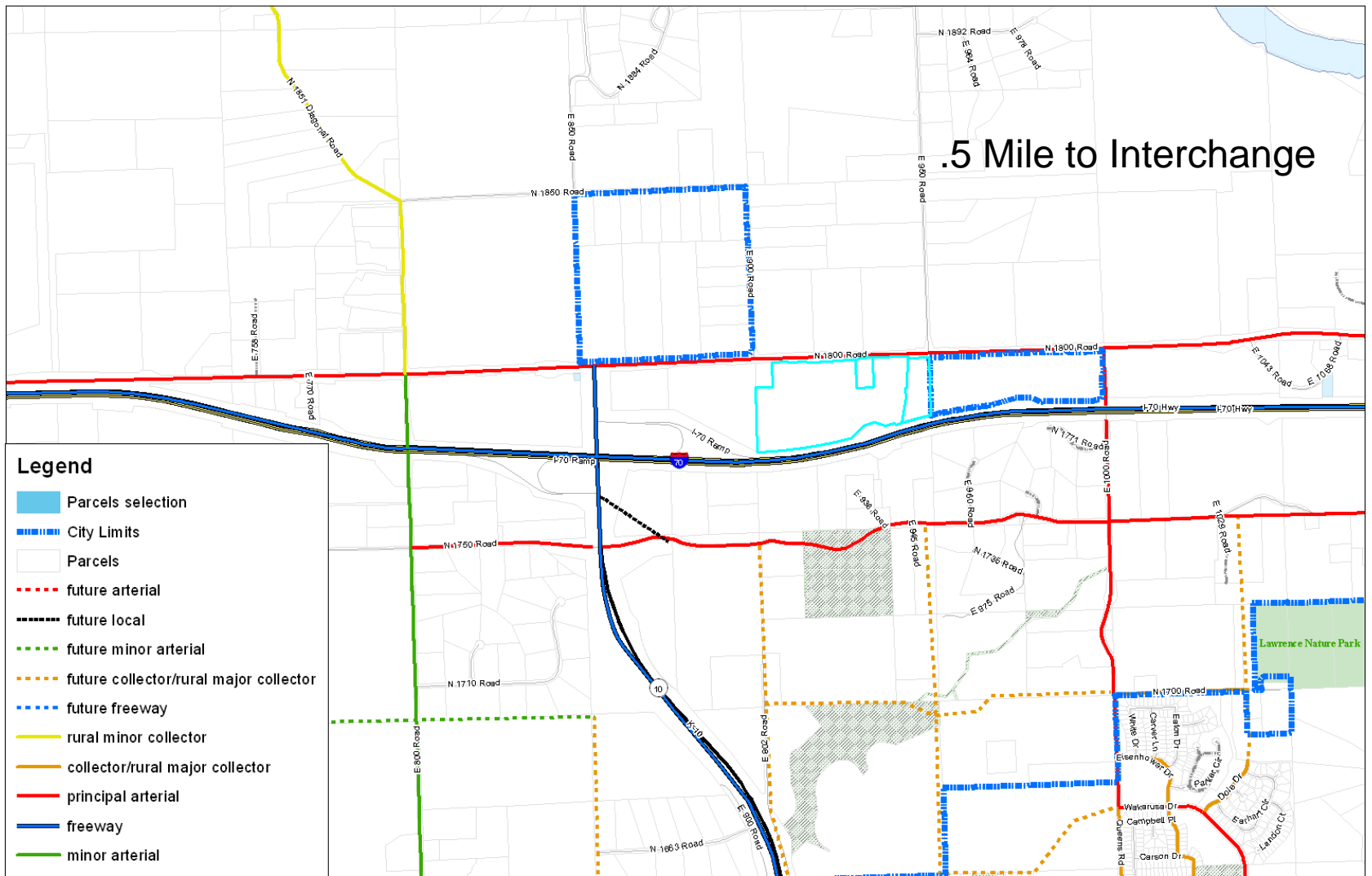


A-3-1-11: Urban Growth Boundary



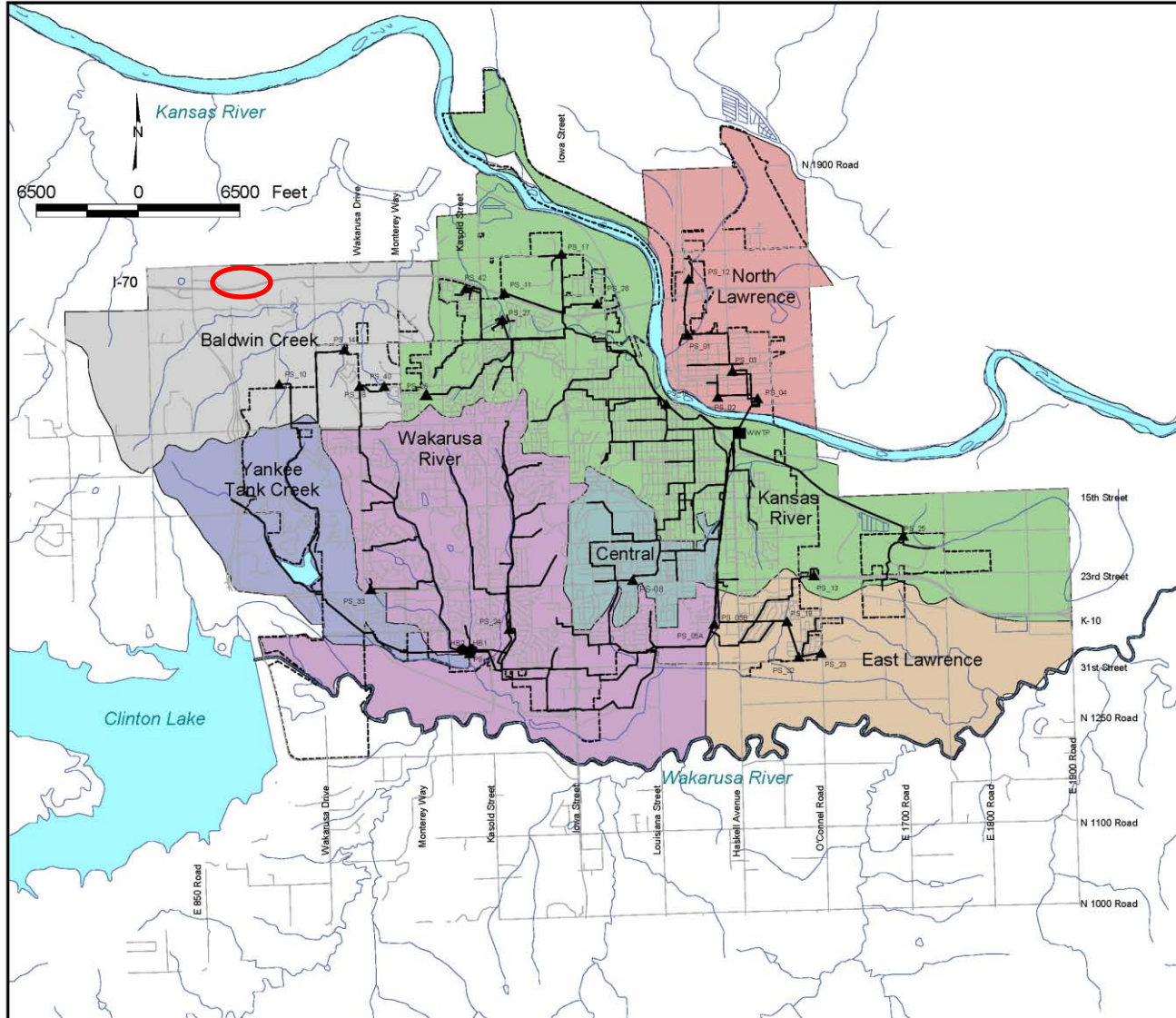


A-3-1-11: Future Thoroughfares

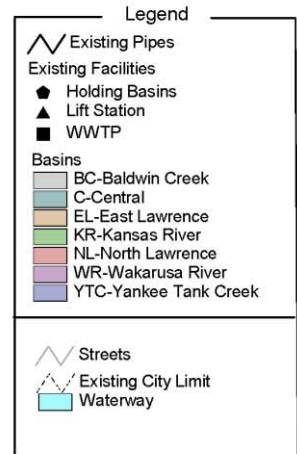




A-3-1-11: Sanitary Sewer



City of Lawrence, Kansas
Wastewater Master Plan
2003

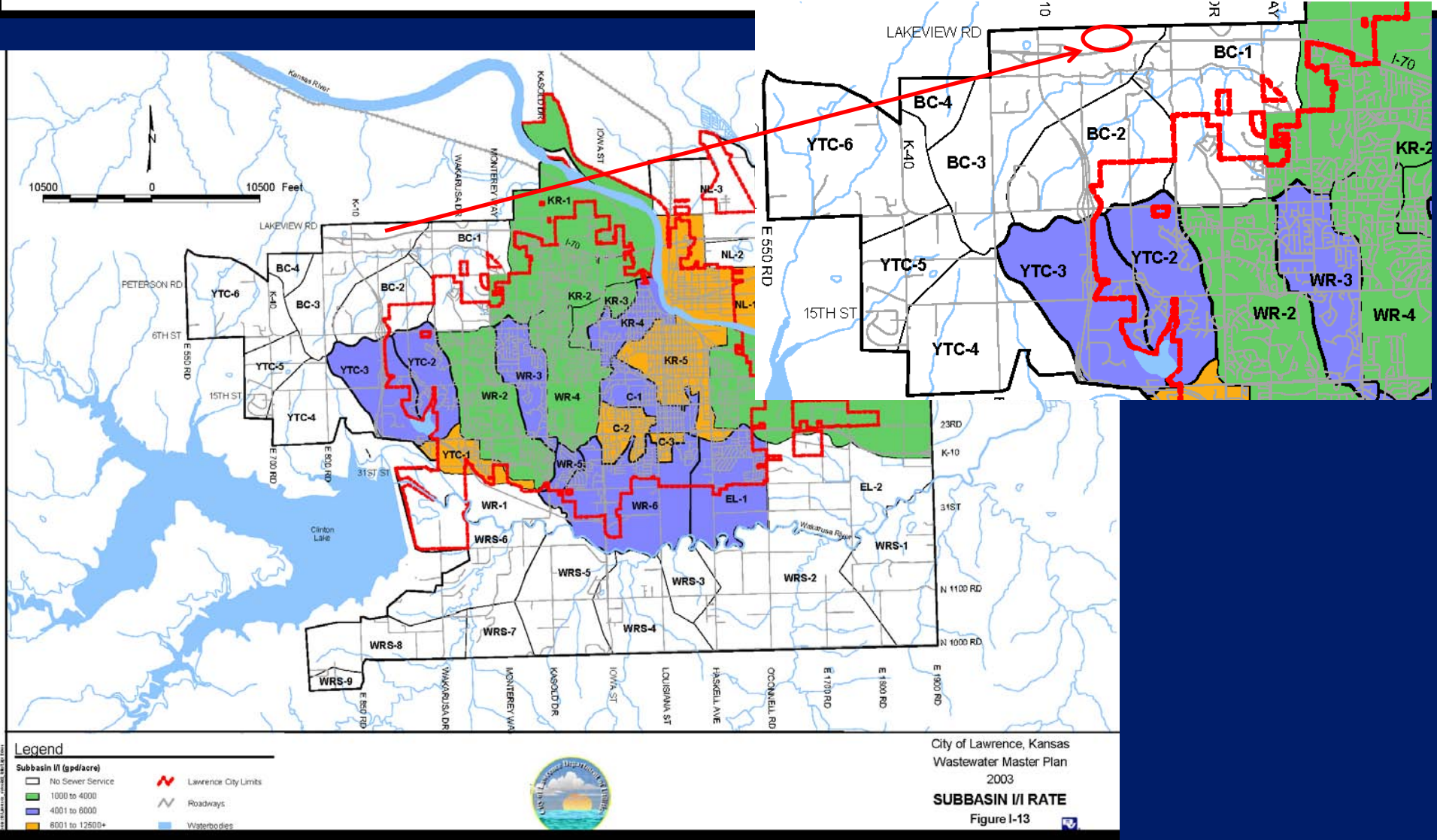


Existing Collection
System Facilities and
Drainage Basins

Figure III-2

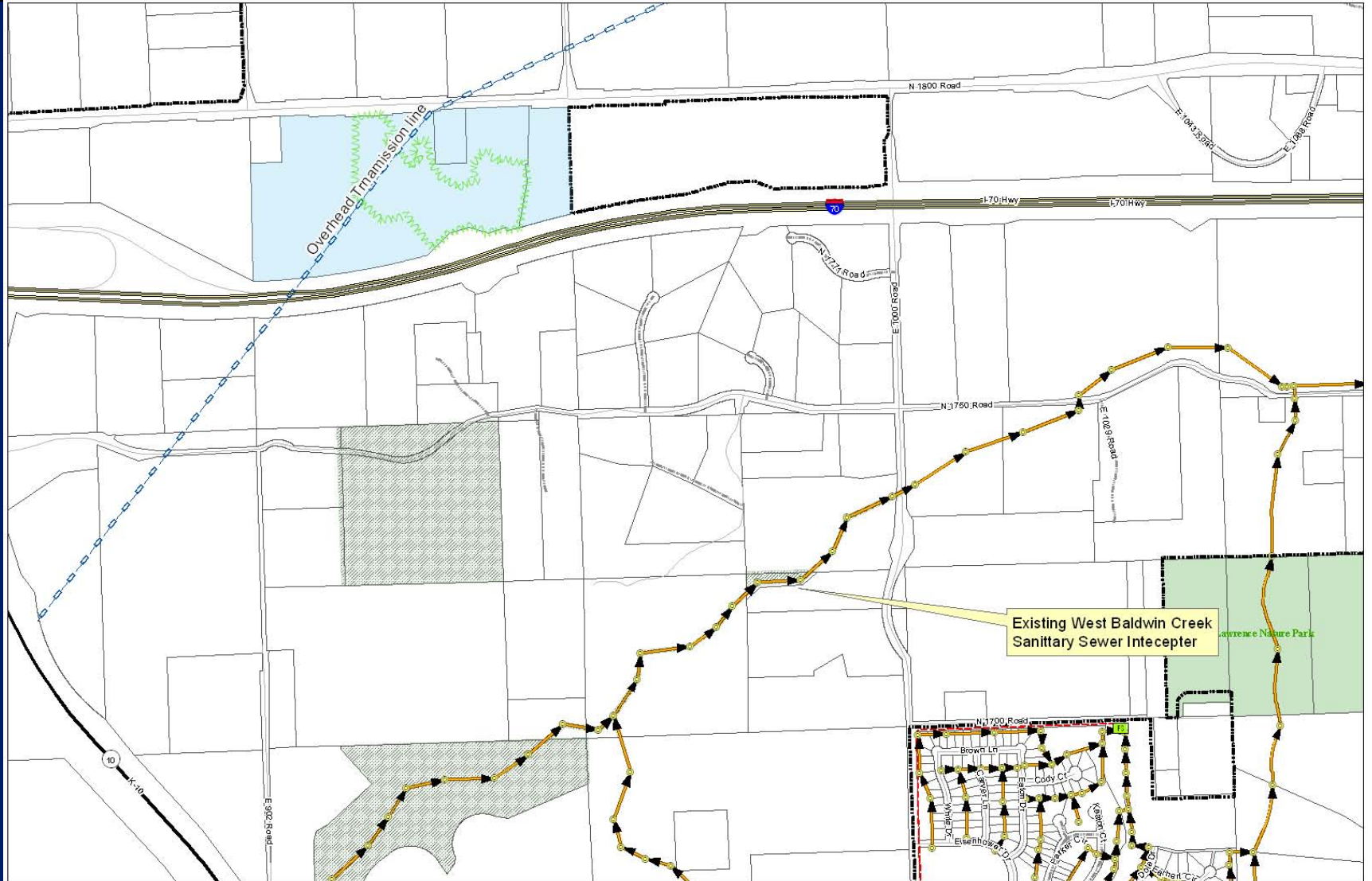


A-3-1-11: Sanitary Sewer



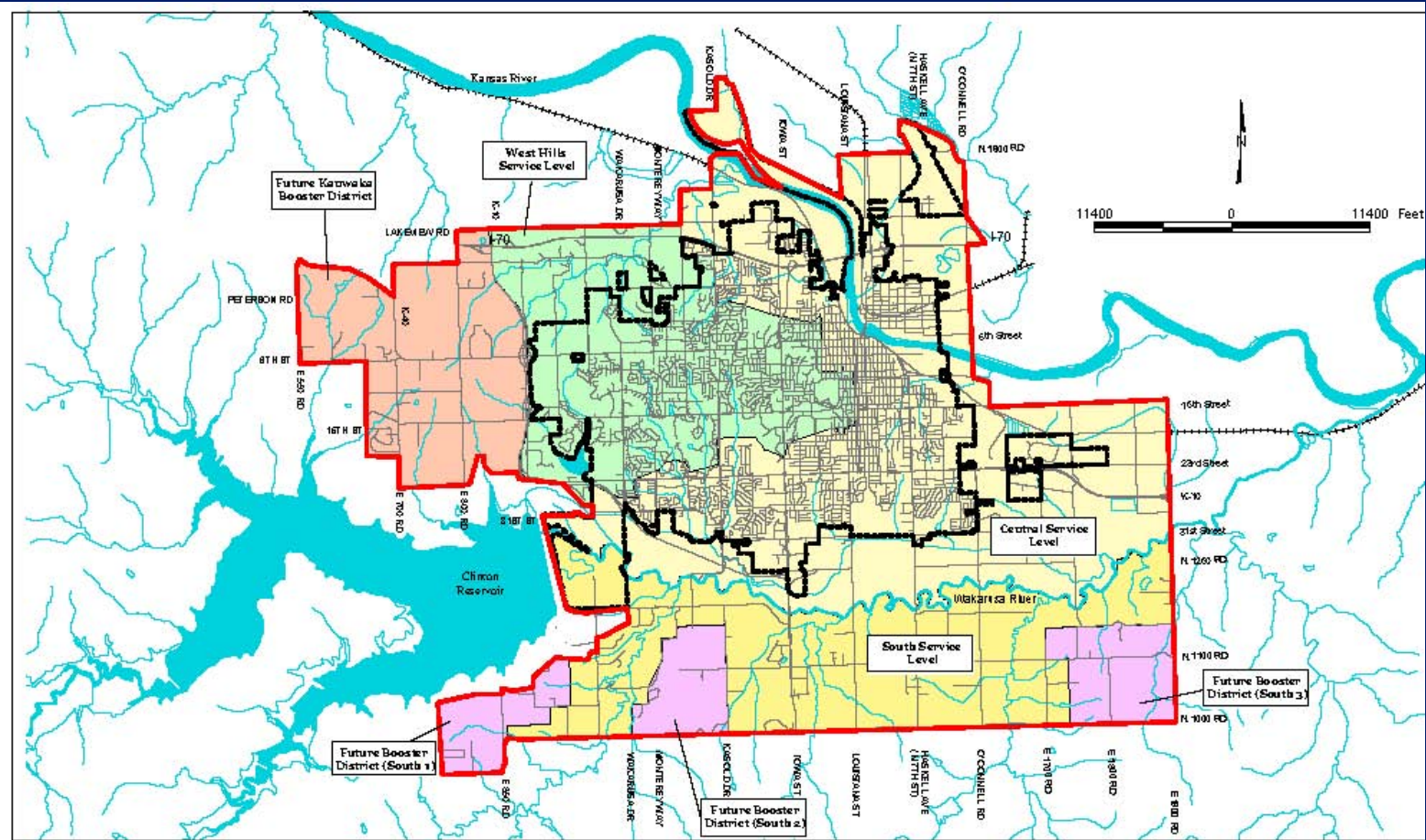


A-3-1-11: Sanitary Sewer





A-3-1-11: Water



Legend

-  Lawrence 2000 City Limits
-  Year 2025 Urban Growth Area



City of Lawrence, Kansas
Water System Master Plan
2003

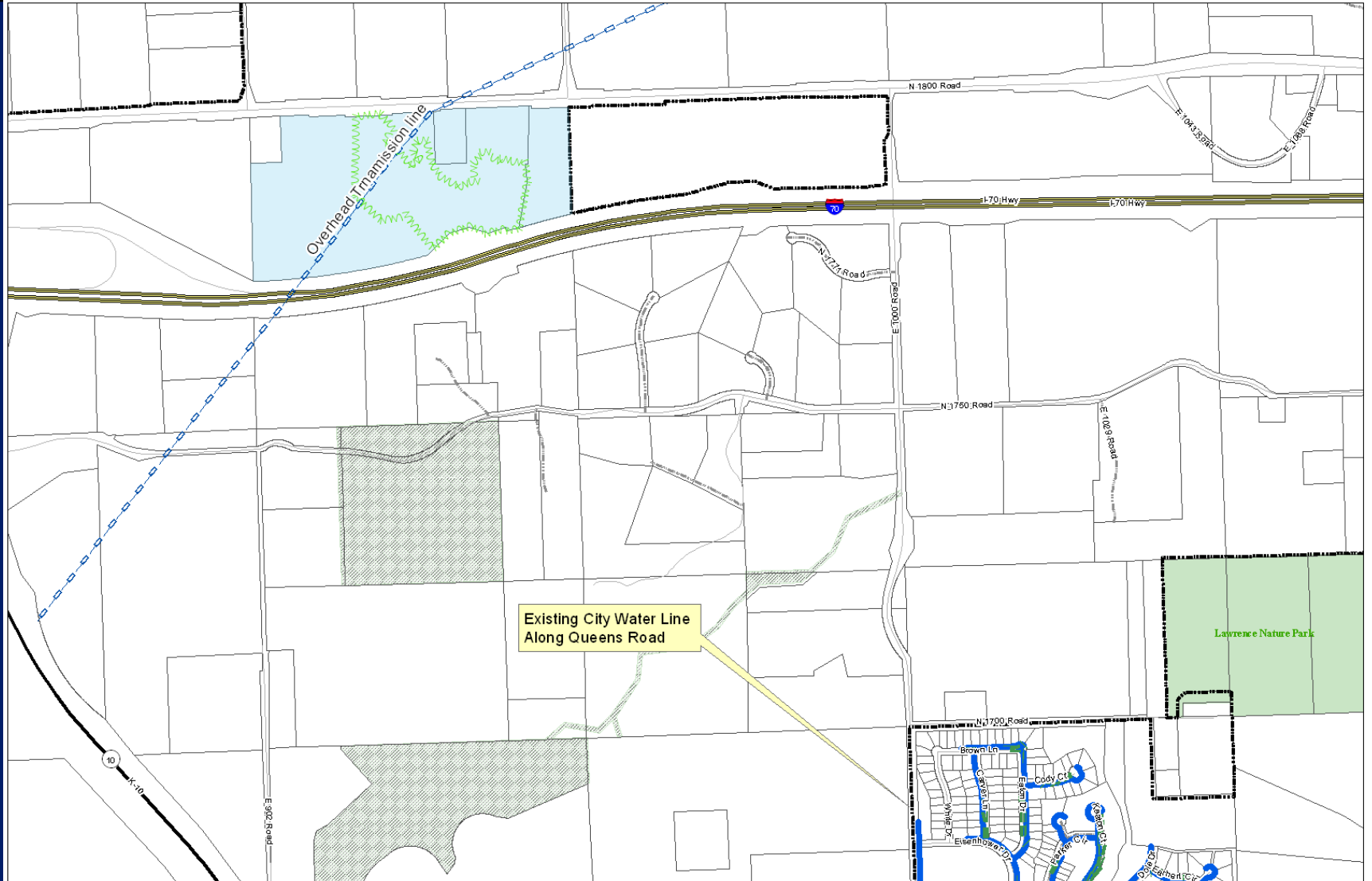
SERVICE LEVELS



Figure I - 3



A-3-1-11: Water





A-3-1-11: Annexation Policies

Chapter 4 Growth Management

- Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed.
- Annexation shall be required prior to development in Service Area 1 of the Lawrence UGA
- Non-Contiguous parcels of land may be developed subject to the policies of the Comprehensive Plan and upon agreement by the owner to annex at the time the parcel of land becomes contiguous to the City.

Annexation Request

- Request is voluntary by property owner
- Request is located within Service Area 4 of the Lawrence UGA. Currently being updated by City Water and wastewater master plans.
- Plan accounts for non-contiguous development subject to City Policies. There is no immediate development request.



A-3-1-11: Annexation Policies

Growth Management Policy 3.3

“Lawrence and Douglas County should cooperate in management of non-farm land use and **development within the identified annexation areas (UGA)**. This cooperation should specifically address”

1. Recognition **watershed basins as natural boundaries** for defining and regulating future expansions of Lawrence.
2. County approval of development in the UGA **should not occur without** on-site wastewater management systems, rural water service, hard surfaced roadways, and the ability to develop the land without encroachment into environmentally sensitive lands.
3. Road ROW for county subdivisions should **comply with adopted Access Management Standards**
4. **Subdivisions** within City or County should not be approved when lots **front directly onto future arterial streets/roads**.



A-3-1-11: Annexation

Annexation Request:

- Property abuts arterial road network with direct proximity to highway access.
- Annexation facilitates industrial development with proximity to highway access.
- Annexation establishes land use intent for future development.
- Annexation allows development to be contained within the existing Urban Growth Boundary.
- Annexation allows development to be evaluated based on Lawrence City Codes and Regulations



Z-3-8-11

Zoning –Z-3-8-110
County A to IG

Use Group		IBP	IL	IG
Industrial Facilities	Explosive Storage	-	-	P
	Industrial, General Example: Pur-O-Zone Hallmark Cards Allen Press	-	P	P
	Industrial, Intensive Example: Penny Ready-mix Midwest Concrete Hamm	-	-	P
	Manufacturing and Production, Technological Example: Martin Logan M-Pact Microtech Scanning America	P	P	P
	Research Service	P	P	P



Use Group		IBP	IL	IG
Retail Sales and Service	Building Maintenance	-	P	P
	Personal Convenience	-	P	-
	Repair Service , Consumer	-	P	-
	Retail Sales, General O'Riley Pawn Shop Thrift Store Westlake/Orscheln (W/O Exterior storage)	-	P	-
	Food and Beverage Sales	P	-	P
	Construction Sales and Service Westlake/Orscheln	-	P	P
Agriculture	Agricultural Sales Tractor Supply	-	P	P



Z-3-8-11

1. Area surrounded by both County Agricultural zoning and uses and City Industrial Zoning
2. Character of the area transitional with rural residential uses and agricultural activities as well as major a major transportation corridor and highway access.
3. Upon annexation the current county zoning will not be appropriate.



Z-3-8-11

4. Current zoning has been in place since 1966
 - Structures added 1910 to 1980.
 - Interchange completed in mid 1990's.
 - Industrial zoning requests in the area made in early 1990's but were denied
 - Area Plan approved in 2009
 - Similar annexation and rezoning requests made 2009 and 2010.



Z-3-8-11: Zoning

5. Detrimental impact and restrictions

–Development Code Regulations

- Buffering
- Screening

–Subdivision Regulations

–Industrial Design Guidelines *(Adopted Nov. 2010)*



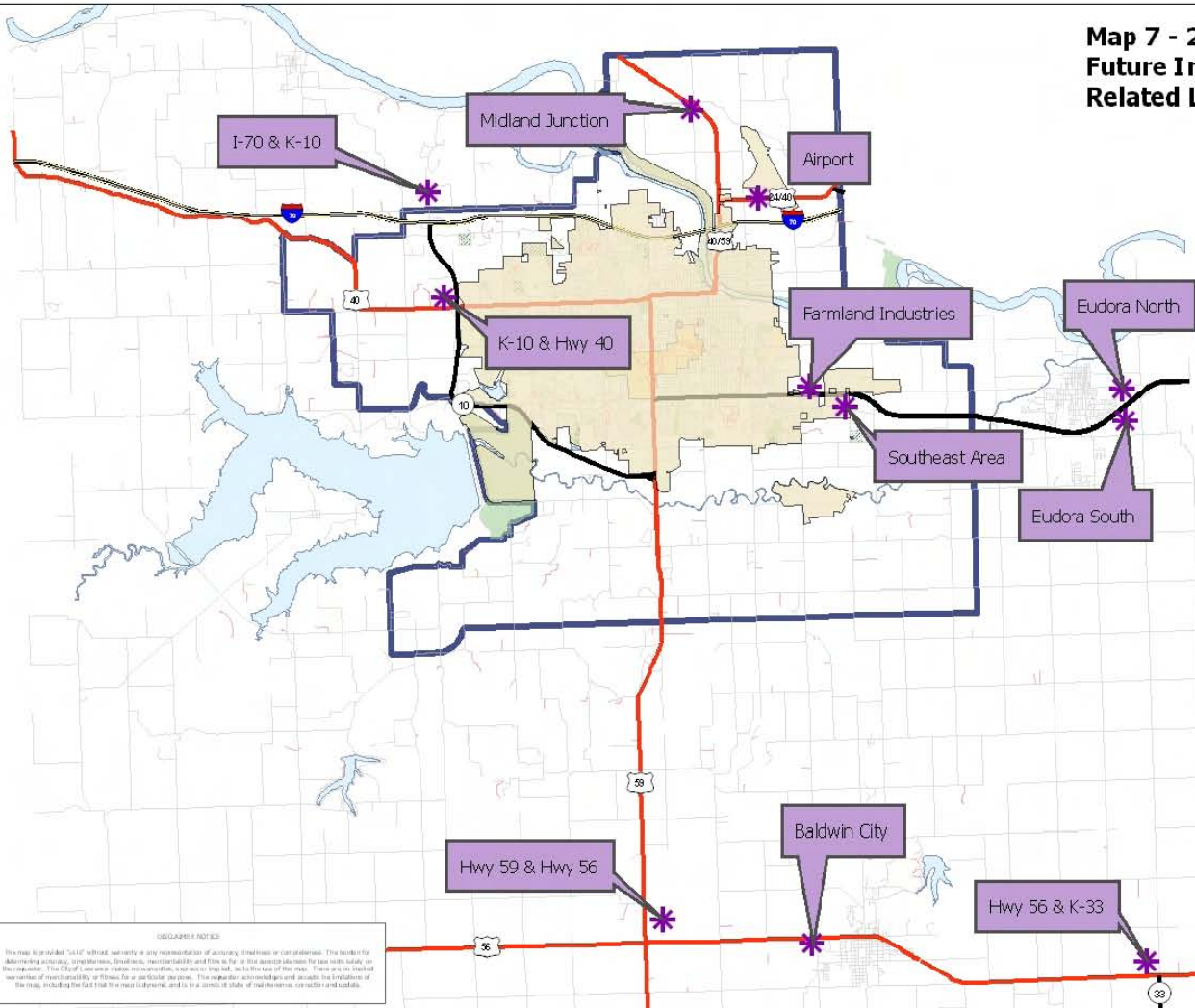
Horizon 2020 Map 7-2

Map 7 - 2, Potential Locations for Future Industrial and Employment Related Land Use

March 2008

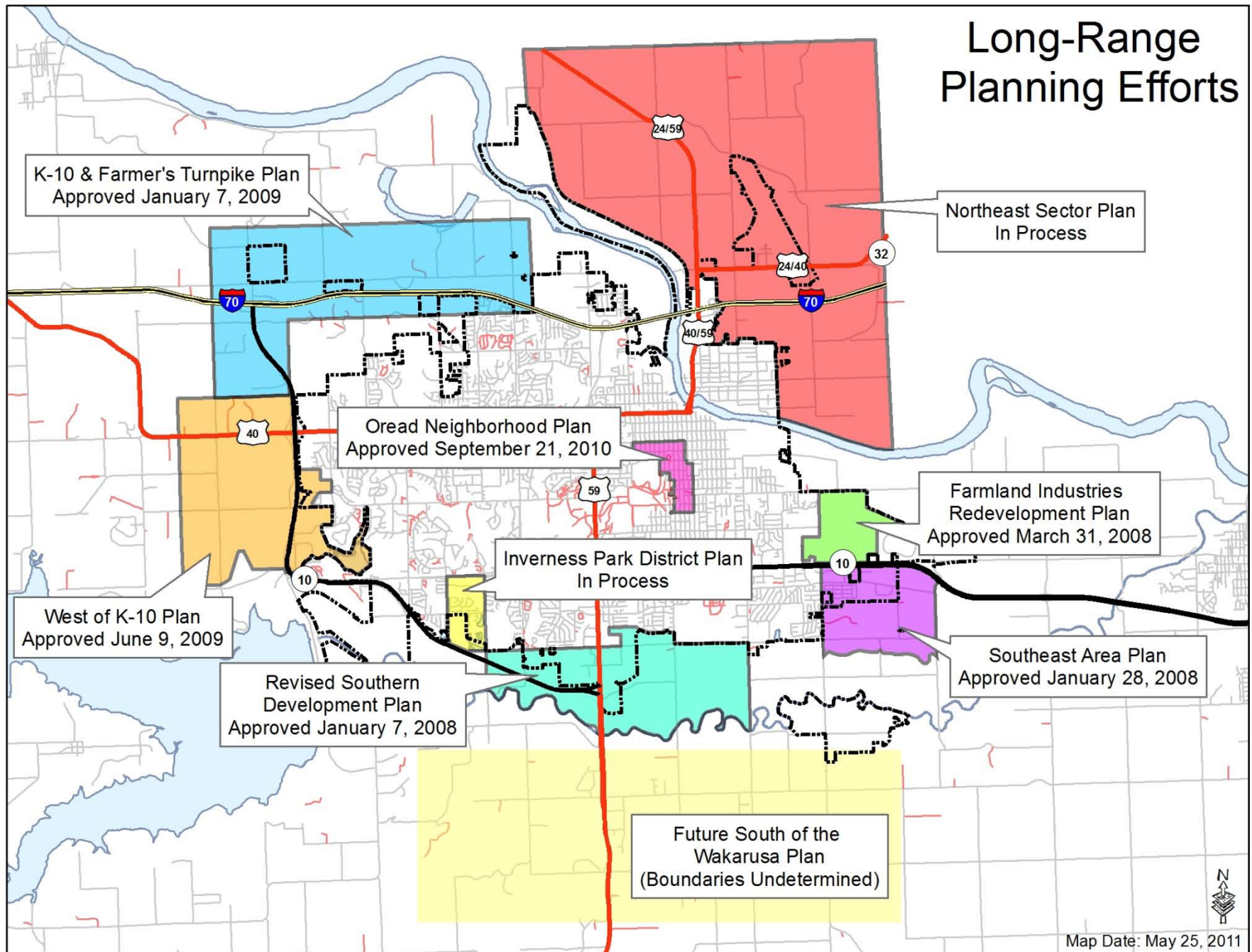
Legend

-  Future Industrial Sites
-  City of Lawrence
-  Urban Growth Area



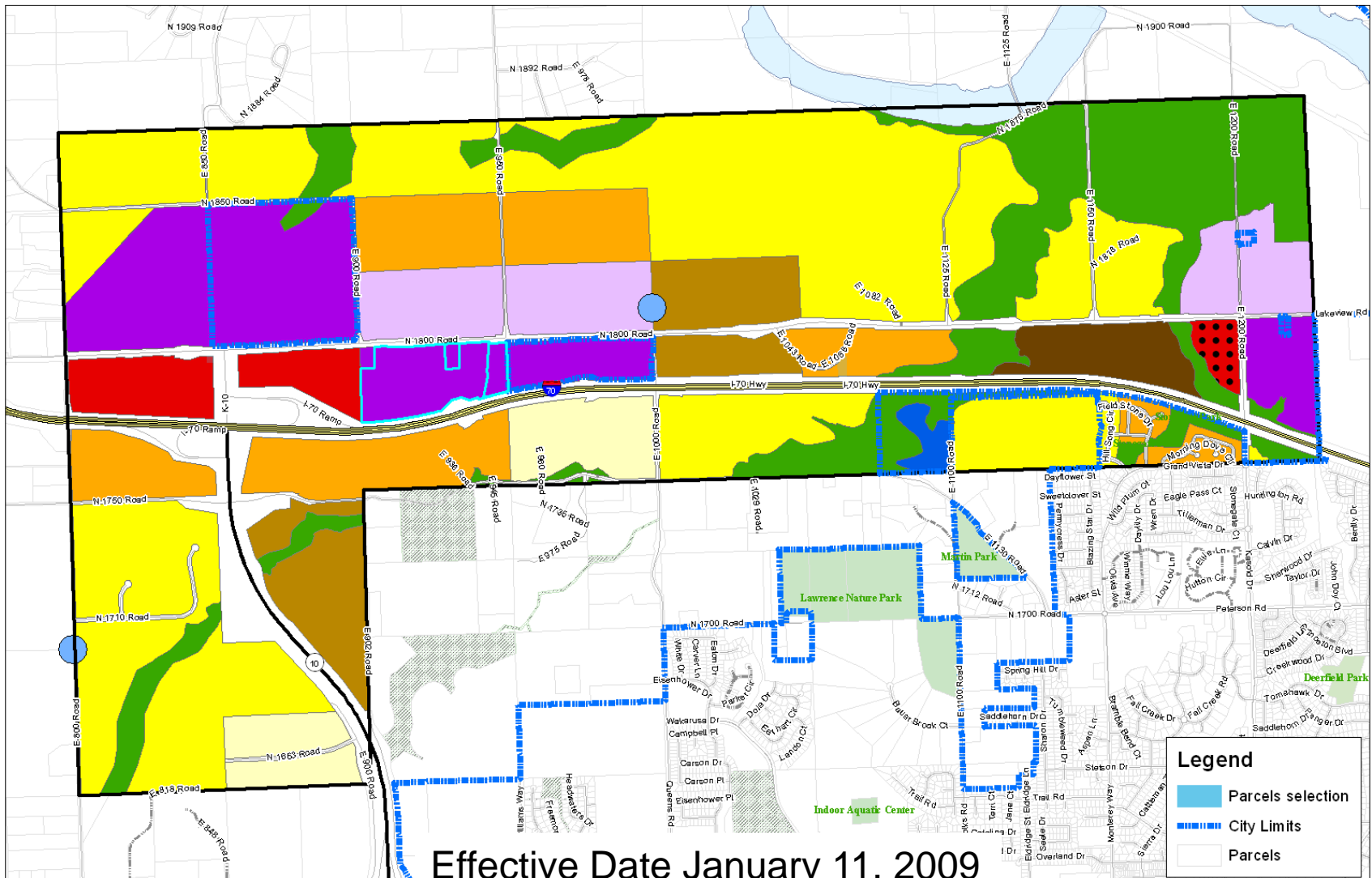
CARTOGRAPHER NOTICE
 This map is provided "AS IS" without warranty as to accuracy, timeliness or completeness. The location for planning purposes, transportation, availability and other use for all other purposes should be verified with the appropriate authority. The City of Lawrence makes no warranty, representation or liability for any use of this map. There are no implied warranties of merchantability or fitness for a particular purpose. The publisher acknowledges and accepts the limitations of the map, including the fact that the map is dependent on the accuracy of the data provided and is not a substitute for a professional survey.

Long-Range Planning Efforts





K-10 and Farmer's Turnpike Plan





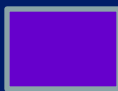
K-10 and Farmer's Turnpike Plan

“The Plan identifies appropriate land uses along an arterial road corridor and a highway interchange that aid in meeting a recognized need for industrial/employment center opportunities that will support the general health and prosperity of the region.”

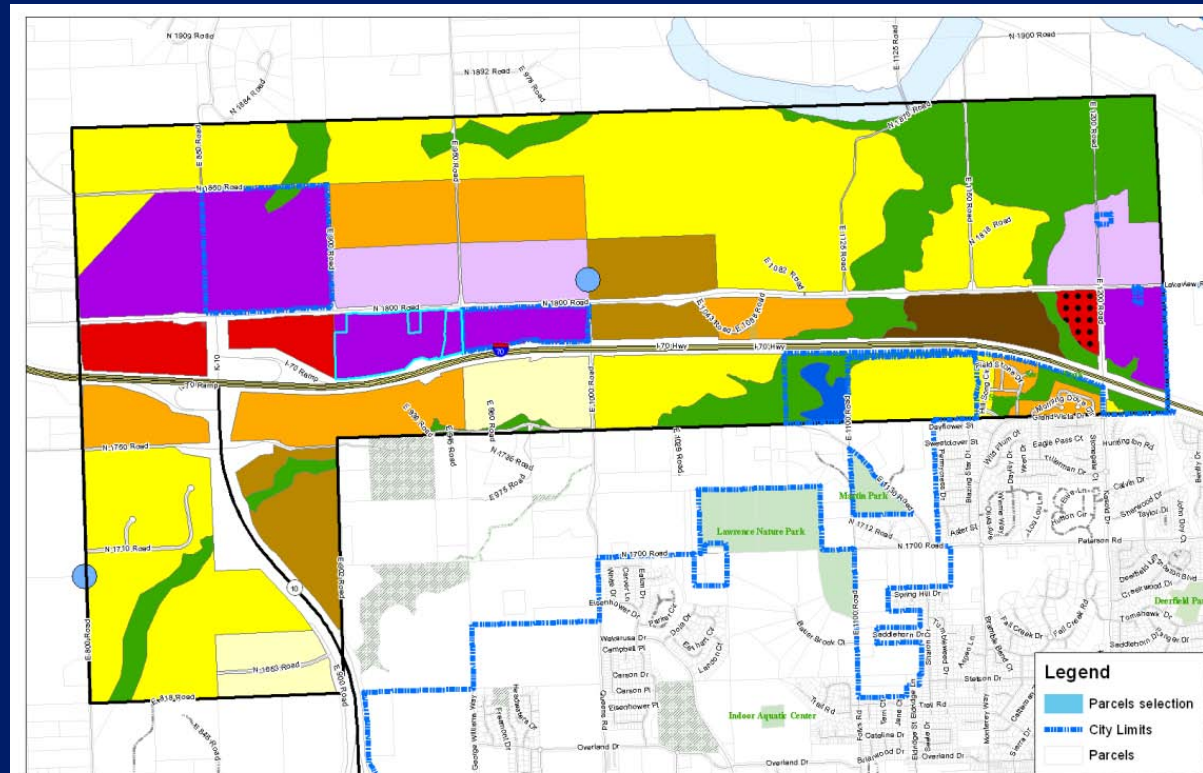
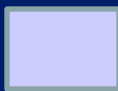
Plan Features:

- Large parcel development
- Minimal slope
- Ideal for industrial and employment development access to highway
- High activity node

Industrial



Office/Research





Z-3-8-11: Zoning

Recommendation: 3.2 Land Use

“The intent of the industrial use is to allow for moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation.”

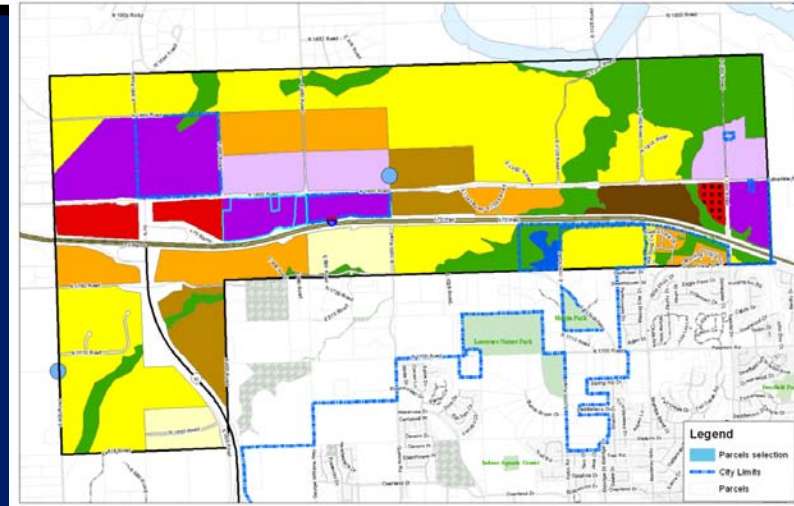


Z-3-8-11: Zoning

Recommendation: 3.2.1.8

Intensity: Medium-High

Applicable Area: N 1800 Rd. (Farmer's Turnpike) on the north,
I-70 on the south,
E 900 Road extended on the west and
E 1000 Road on the east.





A-3-1-11 / Z-3-8-11 Summary

- Location in the Urban Growth Area
- Proximity to major transportation network
- Conformance with *H2020* and Sector Plan
- Industrial uses are associated with long lead time for development
- City engaged in facility planning for water and sewer
- Some industrial users can function with low utility impact.



A-3-1-11 / Z-3-8-11

Staff Recommendations



Staff Findings Annexation: A-3-1-11

Annexation is:

- within the Lawrence UGA
- Consistent with *Horizon 2020*
- Consistent with *K-10 and Farmer's Turnpike Plan*
- *“The annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county.”*



A-3-1-11: Annexation Recommendation

STAFF RECOMMENDATION #1:

Staff recommends that the Planning Commission forward a recommendation to the County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan*



A-3-1-11: Annexation Recommendation

STAFF RECOMMENDATION #2:

Staff recommends that the Planning Commission forward a recommendation to the City Commission to approve the requested annexation of approximately 69 acres located on the south side of N 1800 Road (Farmer's Turnpike) and between the extended alignments of E 900 road and E 950 Road subject to the following conditions:

1. Building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).
2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.



Staff Findings Zoning: Z-3-8-11

Zoning is:

- Consistent with *Horizon 2020* and with *K-10 and Farmer's Turnpike Plan*.
- Close proximity to a major transportation corridor.
- The land is presently developed with residential uses and will create a non-conform scenario.
- Development will be subject to City Development Standards.
- Providing additional opportunities for industrial development adding to the City's economic base.



Z-3-8-11: Zoning Recommendation

- **STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for 69 acres from County A (Agricultural) to City IG (General Industrial) 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.

Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Planning Staff

CC: Diane Stoddard, Assistant City Manager
Cynthia Wagner, Assistant City Manager

Date: March 29, 2011

RE: Annexation of approximately 69 acres

Please include the following item on the City Commission's April 5, 2011 agenda for consideration:

Request to annex approximately 69 acres.

Background:

On March 21, 2011 Steven C. Rothwell, representing several property owners and three parcels, submitted an application for annexation and an application for rezoning property located on the south side of N 1800 Rd (Farmers Turnpike) and between the extended alignments of E 900 Rd and E 950 Rd to IG [General Industrial District].

Per city policy, a request to annex over ten (10) acres should be referred to the Planning Commission for a recommendation.

Action Requested:

Receive annexation request and forward to the Lawrence Douglas County Metropolitan Planning Commission for consideration at their May regular meeting.

The Rothwells
933, 939 & 943 N. 1800 Road
Lawrence, Kansas 66049

May 6, 2011

Dear Neighbors:

Our family owns approximately 69 acres of land between the Kansas Turnpike and the Farmer's Turnpike, near the Lecompton interchange, and we have recently requested that the land be annexed into the City of Lawrence. As our neighbors, we wanted to contact you to let you know about the pending annexation and to request your support of our request. Although the zoning designation for the property will likely change once it is annexed, we have no current plans to develop the property and do not anticipate any actual change in use in the foreseeable future.

Our family has owned the property for nearly 50 years, and our decision to be annexed into the city did not come without serious consideration of the land's present use as rural residences for our families. However, it has become clear to us that the city is moving in this direction and it is only a matter of time before our land is developed. We are pursuing annexation at this time so we can have the option to begin marketing it to potential developers.

You may receive a separate, formal notice from the city, but our request is tentatively placed on the agenda for the Planning Commission meetings on May 23 and May 25. You have the opportunity to participate in the city planning process, and we would truly appreciate your support in writing and at the public meetings.

If you have any questions or concerns about the annexation or rezoning of our property, we respectfully request that you contact us directly to discuss the matter.

Sincerely,

Donald L. Rothwell
(785) 218-8310

Steven C. Rothwell
(785) 843-5081

Timothy W. Rothwell
(785) 766-8550

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

Steve Schwada
Venture Properties, Inc.
2601 Dover Square
Lawrence, Kansas 66049
785.842.4454 office
785.842.2871 fax
steve@venturepropertiesinc.com

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

ITEM NO. 14A ANNEXATION; 69 ACRES; SOUTH SIDE OF N 1800 RD & BETWEEN E 900 RD & E 950 RD (SLD)

A-3-1-11: Consider an annexation request for approximately 69 acres, located on the south side of N 1800 Rd (Farmers Turnpike) and between the extended alignments of E 900 Rd and E 950 Rd. Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record.

ITEM NO. 14B A TO IG; 69 ACRES; 933, 939, & 943 N 1800 RD (SLD)

Z-3-8-11: Consider a request to rezone approximately 69 acres from A (Agricultural) to IG (General Industrial), located at 933, 939, & 943 N 1800 Rd. Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 14A and 14B together.

Commissioner Dominguez asked what percentage of the property was type I and II soils.

Ms. Day said there were no type I, only type II soils, and that she did not do that analysis.

Commissioner Liese asked if an Urban Growth Area was legally defined.

Ms. Day said it was very specifically defined in Horizon 2020.

Commissioner Liese asked if this was within 3 miles of Lecompton.

Ms. Day said no.

Commissioner Liese asked if the Urban Growth Area expanded with annexation.

Ms. Day said no, it would require a change in the future to the Urban Growth Area.

Mr. McCullough said it was already initiated in a Text Amendment that was deferred until the water and wastewater master plans were completed.

Commissioner Harris inquired about the criteria to evaluate *'...hinder or prevent the proper growth..'*

Ms. Day said the legislation did not give any more guidance than that. She said annexations were evaluated based on policies in Horizon 2020.

Mr. McCullough said the County looks at whether it hinders or prevents the proper growth. He said staff interprets the statute to require the County to act as an arbitrator of whether a request to annex in one city would impact another city. He said in this circumstance there were well defined growth boundaries and planning documents that helped give guidance about whether something in that area of the county would be appropriate in Lawrence.

Commissioner Harris asked if the findings of fact would be the planning documents and the fact that no one from other cities came tonight to say that this would impact their city negatively.

Mr. McCullough said those would be appropriate findings. He said also the finding that Lawrence was planning for infrastructure in that area and no other city was.

Commissioner Harris inquired about the language of one of the conditions regarding building permits.

Ms. Day said the conditions with this request were identical to what they have seen previously. She said in some ways it would be easier to get sanitary sewer to the property than water so the interim ability to use an agreement with the Rural Water District to provide water service could be an option. She said depending on what the end user was they may have to have sanitary sewer, but may be able to do on-site as well.

Commissioner Harris read part of the condition '*...the uses being those that can be served by rural water or on-site sanitary sewer...*' She thought there were no plans in the near future to extend services until the area in between was developed.

Ms. Day said there were no near plans. She said they did a general assessment of what could or would be needed.

Commissioner Harris asked if the City would pay for the sewer line.

Mr. McCullough said that was undetermined. He said there were different financing mechanisms that would help finance the infrastructure and that it would have to be completely analyzed and determined for opening up an area or specific property.

Commissioner Rasmussen inquired about the long term effect of this provision. He asked if it would always run with the land. He also inquired about being able to get building permits.

Mr. McCullough said the intent was not to allow the user to perpetually go without City services. He said the intent was to have an interim plan established until City services were extended to the area.

Commissioner Rasmussen asked if the provision meant only prior to the extension of City water and sanitary sewer service.

Mr. McCullough said that was the intent of that provision.

Commissioner Culver said regarding an earlier question from Commissioner Dominguez, that type II soils made up 11.3% of the property, according to the staff report.

APPLICANT PRESENTATION

Mr. Matthew Todd, Barber Emerson, thanked staff for their work. He said the location of the property made for an excellent industrial site. He said there was no specific development plan in place but the applicant was asking to be annexed into the City and to be rezoned. He said the Rothwell's made multiple efforts to contact their neighbors and get them involved. He said regarding water usage the Rothwell's have been in contact with Rural Water District #6 and received confirmation that the district would be pleased to continue to provide water service if and when the annexation was approved. He said the property was in the Urban Growth Area and that it was a voluntary annexation request which was prioritized by Horizon 2020. He said regarding the earlier concern from Commissioner Harris about the specific findings to whether the annexation would be detrimental to the proper growth and development of the area or any other cities; it would be appropriate for Planning Commission to make certain findings but ultimately the statute directs for the County Commission to make that determination. He said based on the Sector Plan the Planning Commission may be able to make findings that by approving the rezoning they would be facilitating the growth and development in accordance with the Sector Plan, which would be an appropriate growth and development of the area.

PUBLIC HEARING on Annexation

Mr. Dan Brogran, Trust Company of Kansas, said he was the agent investment advisor for the property owner immediately to the west, and that they had no reservations about the rezoning and annexation.

Mr. Don Rothwell, applicant, said he was not looking to move for 3-4 years. He said he would appreciate their recommendation of approval.

COMMISSION DISCUSSION

Commissioner Harris asked if there had been progress on infrastructure planning since the last annexation request.

Ms. Day said it was still being analyzed between City Utilities staff and the consultant who were going through the modeling process. She said there were some discrepancies in some flow data so they had to go back and revisit that which set them back about 90 days.

Mr. McCullough said regarding the Wastewater Master Plan there had not been much advancement in specifically getting sewer and water to the property since they last had a potential user in the area.

Commissioner Dominguez inquired about the issue of island annexation discussed in the letter sent by Mr. Darrel Ward.

Mr. McCullough said the staff report articulated the annexation policies that supported this annexation. He said the goal was to identify areas for industrial, primary job growth, and employment areas, which was seen as high value to the community.

Commissioner Rasmussen suggested additional language to the beginning of condition 1, *'Prior to the extension of City water or City sanitary sewer service,...'*

ACTION TAKEN on Item 14A

Motioned by Commissioner Rasmussen, seconded by Commissioner Singleton, to recommend approval and forward the recommendation to the City Commission for the approval of the requested annexation of approximately 69 acres located on the south side of N 1800 Road (Farmer's Turnpike) and between the extended alignments of E 900 Road and E 950 Road subject to the following conditions:

1. *Prior to the extension of City water or City sanitary sewer service*, building permits may be issued for the property if the City of Lawrence reasonably determines that either City water or City sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).
2. The applicant shall execute an agreement not to protest the future annexation of any adjacent rights of way or roadway easements.

Motion carried 8-1, with Commissioner Harris voting in opposition.

Motioned by Commissioner Singleton, seconded by Commissioner Liese, to make a recommendation to the County Commission that they find that the annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the Douglas County and that the annexation is compatible with Horizon 2020 and the K-10 and Farmer's Turnpike Plan.

Motion carried 9-0.

PUBLIC HEARING on Rezoning

Ms. Beth Johnson, Lawrence Chamber of Commerce, stated Lawrence needed more industrial sites. She said Topeka added 1,000 acres of industrial space in the past year with a new business park that they purchased with money through their economic development funds that were put aside each year. She said Topeka gives land away for free to companies and also gives them a check to move their company. She said Lawrence could not begin to compete with that because Lawrence did not have property zoned correctly or infrastructure in place. She said in 2010 the Chamber saw five different opportunities come to them for land along I-70. She showed on the overhead two letters that came to the Chamber in the past two weeks that were specific requests for industrial sites.

Mr. Darrel Ward requested the rezoning be tabled. He stated he did not receive proper notification for commonly owned property. He said his brother received notification, he and his wife received notification, but the commonly owned property did not receive notification. He referenced the Kansas State Statute regarding notice requirements.

Commissioner Singleton asked who the four joint property owners were.

Mr. Ward said himself, his brother, his sister, and his nephew. He expressed concern about inconsistency with notification.

Commissioner Liese asked what Mr. Ward was requesting.

Mr. Ward requested that they table the rezoning request. He said at this meeting he was not trying to argue for or against the rezoning.

Commissioner Rasmussen asked if he received notice concerning the annexation.

Mr. Ward said two of the three properties received notice.

Commissioner Rasmussen asked if he personally received notice.

Mr. Ward said he did.

Commissioner Harris asked Mr. Ward when he receives his tax bill from the County who it is sent to.

Mr. Ward said it is addressed to all the property owners and is sent to his mailing address.

Commissioner Dominguez asked if he wanted to defer the rezoning and then come back and argue against it.

Mr. Ward said he would like it tabled until notification was given. He said the biggest issue was that notification was not provided as per statute.

Commissioner Singleton asked if he discussed it with his sister or nephew.

Mr. Ward said no.

Mr. McCullough said the state statute required newspaper legal notification, sign posting, and mailed notice. He said the intent was to get broad notice out to the stakeholders affected by a zoning application. He said the County Clerk provided a certified property ownership list and it would seem to indicate all the property owners were notified that were required to be notified by statute.

Mr. Ward said there was inconsistency with the mailed notice because not all of the property owners received notice.

Mr. McCullough said the further intent of wide distribution notice was that people would talk amongst themselves or neighbors.

Mr. Ward said he was not an agent for the Planning office and under no obligation to speak to anyone.

Mr. McCullough said preliminary analysis of the record indicated staff did what was required under state statute.

Mr. Ward said he respectfully disagreed.

Ms. Gwen Klingenberg said she was having trouble with the concept that IG was a better product because it had more available. She said she went through the Code and found that IL had 21 more uses than IG. She said IG had uses that they probably would not want, such as explosive storage, industrial intensive, and mining. She said the idea of possibly putting a hotel at this location would do a lot more for the City than just something an IG could. She thought they needed to consider whether they wanted IG or IL. She was in favor of IL because she liked the hotel idea. She said when it came to policy making there needed to be balance. She said the neighborhood was not against IL, they were against IG.

Commissioner Harris asked what her understanding was of what was considered industrial intensive.

Ms. Klingenberg said anything that was obnoxious, major light pollution, major smell pollution, anything dangerous, chemical storage, mining, etc. She did not feel this corner would be appropriate because it was a major center into the community and into Lecompton.

COMMISSION DISCUSSION

Commissioner Rasmussen inquired about why IG was requested.

Mr. Todd said if the property was annexed into the City it needed some sort of City zoning designation. He said IG came from the Sector Plan which already evaluated what the appropriate uses for the area would be. He said at this point in time a specific use for the site was unknown so it would enable the property owners to promote the property adequately and for the Chamber to bring in companies interested in stimulating the economic development of the community. He said there was certainly opportunity for uses in the IL category that also fall in the IG category but at this point in time until a specific use was known or a specific user was interested in the property it needed to have some sort of general industrial zoning classification in order to open it up for potential uses. He said regarding the issue of notification, the certified list from the County Clerk's office did have three separate tracts owned by the Ward family but they all had the same mailing address.

ACTION TAKEN on Item 14B

Motioned by Commissioner Liese, seconded by Commissioner Singleton, to approve the rezoning request (Z-3-8-11) for 69 acres from County A (Agricultural) District to City IG (General Industrial) 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.

Commissioner Dominguez said there needed to be a tax base to support nice amenities for the community. He stated he hated for that scenery to go away but that he would support the motion.

Commissioner Harris said she agreed this was a good place for industrial but was uncomfortable with how quickly they were moving toward putting infrastructure there. She said the Comprehensive Plan cautioned against doing that because it was not good for the community to pay for that. She said if there was another mechanism or language in the Comprehensive Plan that said industrial parks would use different rules she would feel more comfortable approving this. She said she would vote against the motion.

Motion carried 8-1, with Commissioner Harris voting in opposition.

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MATTHEW D. RICHARDS*

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MATTHEW S. GOUGH*
CATHERINE C. THEISEN
KRISTOPHER S. AMOS*
MATTHEW B. TODD
EDWARD H. TULLY

RICHARD A. BARBER
(1911-1998)

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OF COUNSEL

*ADMITTED IN KANSAS AND MISSOURI

Matthew B. Todd
Email: mtodd@barberemerson.com

July 18, 2011

Jim Flory, Chairman
Douglas County Commission
1100 Massachusetts Street, 2nd level
Lawrence, Kansas 66044
jflory@douglas-county.com

Via E-mail

Re: Annexation of approximately 67 acres, A-3-1-11

Dear Commissioner Flory:

I. ISSUE

On behalf of the Rothwell family, we request that the Douglas County Commission find and determine that the annexation of the Rothwell property, which is approximately 67 acres in Douglas County, Kansas, “**will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within [the] county,**” as required by K.S.A. 12-520c(a)(3).

II. REQUESTED ACTION

In support of this request, the Rothwell family requests the Douglas County Commission base its findings on the fact that the requested annexation is the first step in implementing the long range plans that have identified this site as a necessary part of our community’s industrial growth. The plans and planning activities that have been approved to date are as follows:

- A. The annexation request conforms to our comprehensive plan for Lawrence and unincorporated Douglas County, *Horizon 2020*; and
- B. The annexation request conforms to the *K-10 & Farmer’s Turnpike Sector Plan* that has been incorporated into and made a part of *Horizon 2020*; and

- C. On October 27, 2010, the Douglas County Commission unanimously amended *Horizon 2020* to specifically designate the I-70 and K-10 area identified in the *K-10 & Farmer's Turnpike Sector Plan* as one of the "new industrial areas" in Lawrence. (Chapter 7, Industrial & Employment-Related Land Use, *Horizon 2020*)
- D. The professional Lawrence-Douglas County Metropolitan Planning staff recommended approval of the requested annexation to the Lawrence City Commission; and
- E. The professional Lawrence-Douglas County Metropolitan Planning staff recommended approval of the finding that the annexation would not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county to the Douglas County Commission;
- F. On May 25, 2011, the Lawrence-Douglas County Metropolitan Planning Commission recommended approval (8-1) of the requested annexation to the Lawrence City Commission.
- G. On May 25, 2011, the Lawrence-Douglas County Metropolitan Planning Commission unanimously (9-0) recommended approval of the finding and determination that the annexation would not hinder or prevent the proper growth and development of the area to the Douglas County Commission.
- H. On July 5, 2011, the Lawrence City Commission received the Planning Commission's recommendation for approval of the annexation and unanimously adopted Resolution No. 6924 requesting the Board of County Commissioners of Douglas County to make the necessary findings regarding the annexation pursuant to K.S.A. 12-520c(a)(3).

III. DISCUSSION

A. CONFORMITY WITH HORIZON 2020.

The requested annexation and proposed industrial use is supported by the comprehensive plan in the following ways:

1. **Chapter One – Introduction**

- a. Horizon 2020 “provides a vision for the community. It is used as a policy guide that identifies the community’s goals for directing future land use decisions.” (Horizon 2020, p. 1-1)

2. **Chapter Three – General Plan Overview**

- a. General Plan Overview

“A Comprehensive Plan provides a guide for future land development decisions within the community. It identifies which areas should be utilized for residential, commercial, industrial, open space and public land use activities. The Plan describes interrelationships between various land use areas, and the types of projects and improvements desirable within each area.” (Horizon 2020, p. 3-1)

- b. Some Key Features of the Plan:

“The Plan encompasses goals and policies which are representative of the community’s desires for the future.”

“The Plan defines the urbanizing areas of the county and directs development to these areas.” (Horizon 2020, p. 3-1)

- c. The Rothwell property is within the Urban Growth Area (UGA) of Lawrence and not within the UGA of any other city in Douglas County. (Horizon 2020, Map 3-3)

3. **Chapter Four – Growth Management**
 - a. Strategies include: “In the Lawrence UGA, ensure that staging, density and intensity of development corresponds with the availability of facilities and services.” (*Horizon 2020*, p. 4-1)
 - b. The staff and Planning Commission recommended annexation of the Rothwell property subject to the condition that, “Prior to the extension of City water or City sanitary sewer service, building permits may be issued for the property if the city of Lawrence reasonably determines that either city water or city sanitary sewer service is not required to serve the use or uses on the property, the uses being those that can be served by rural water or on-site sanitary sewer management systems (including, but not limited to sewage storage tanks).” (PC Staff Report, Item No. 14A and PC Minutes 5/25/11 Draft, Action Taken on item 14A)
 - c. “Land within the Lawrence UGA is encouraged, over the planning period, to be annexed into Lawrence prior to urban densities of development” (*Horizon 2020*, p. 4-1)
 - d. The Rothwell property complies with the annexation policies of *Horizon 2020*.
 - i. Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed.
 - ii. Annexation shall be required prior to development in Service Area 1 of the Lawrence Urban Growth Area.
 - iii. Non-contiguous parcels of land may be developed subject to the policies of the Comprehensive Plan and upon agreement by the owner to annex at the time the parcel of land becomes contiguous to the city. (*Horizon 2020*, p. 4-5)

4. Chapter Seven – Industrial and Employment-Related Land Use

- a. Industrial land use categories include (*Horizon 2020*, p. 7-3):
 - i. Warehouse and Distribution
 - ii. Industrial
 - iii. Work-live Campus-type Center
 - iv. Industrial/Business/Research Park
- b. “This chapter sets out goals and policies to guide present and future industrial and employment development within Douglas County. A key part of the chapter is deciding where Industrial and Employment related development should be located.” (*Horizon 2020*, p. 7-4)
- c. The I-70 and K-10 area, specifically identified in the *K-10 & Farmer's Turnpike Plan*, is designated as an area that substantially meets the general criteria for a new industrial area. (*Horizon 2020*, pp. 7-6 & 7-7)
 - i. The area lies generally north of the Farmer’s Turnpike near the intersection of K-10 and I-70, providing feasible access to Federal and State transportation networks;
 - ii. The proposed area contains roughly 540 acres of industrial and office/research uses;
 - iii. The area contains land of minimal slope (0-3%); and
 - iv. The area lies outside of the 100-year floodplain.
- d. “This area substantially meets the general locational criteria and **will be an important future economic development area for the Lawrence community because of its prime location near the I-70 interchange** Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would best be suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.” (*Horizon 2020*, p. 7-7) (emphasis added)

5. **Chapter Eight – Transportation (T2030)**

a. Transportation Goals and Objectives:

Goal 1: Support the Economic Vitality of the Region

Goal 7: Coordinate Land Use and Transportation

- b. The Rothwell property is wedged between the Farmer's Turnpike, which is a principal arterial, and I-70, an interstate highway.
- b. It is less than half of a mile to the Lecompton Exchange on I-70.
- c. It has excellent access to all of the major federal, state and local roads that make up the area our system.
- d. Annexation would enable the property to be used in a manner that will take advantage of the existing transportation networks.

B. **CONFORMITY WITH THE K-10 & FARMER'S TURNPIKE PLAN**

1. Process initiated by the City-County Planning Department in February 2008 along with the area plans for other areas surrounding the City.
2. Staff, stake holders and other interested parties attended 14 public meetings.
3. 400 people were sent letters and e-mails with drafts of the plan.
4. Many options and scenarios were studied producing at least 6 different map options.
5. A consensus plan was reached.
 - a. Planning Commission approval - 11/17/08
 - b. City Commission approval - 12/9/08
 - c. County Commission approval - 1/7/09
 - d. Incorporated into *Horizon 2020* - 1/7/09
 - e. Amended into Chapter 7 of *Horizon 2020* - effective 11/1/10.

6. The Rothwell property site is specifically identified as Industrial with a medium to high intensity (*K-10 & Farmer's Turnpike Plan*, p. 3-9):

3.2.1.8 Industrial

"The intent of the industrial use is to allow for moderate to high-impact uses including large scale or specialized industrial uses geared toward utilizing K-10 Highway and I-70 for materials transportation."

Intensity: Medium-High

Applicable Area:

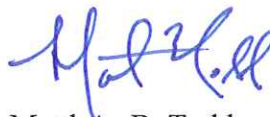
"Area bound by N 1800 Road (Farmer's Turnpike) on the north, I-70 on the south, E 900 Road extended on the west and E 1000 Road on the east."

IV. SUMMARY

We respectfully request the Douglas County Commission to make the requested finding and determination because it is consistent with the long range planning that our community has done for the industrial growth of our community.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Matthew B. Todd
of Barber Emerson, L.C.

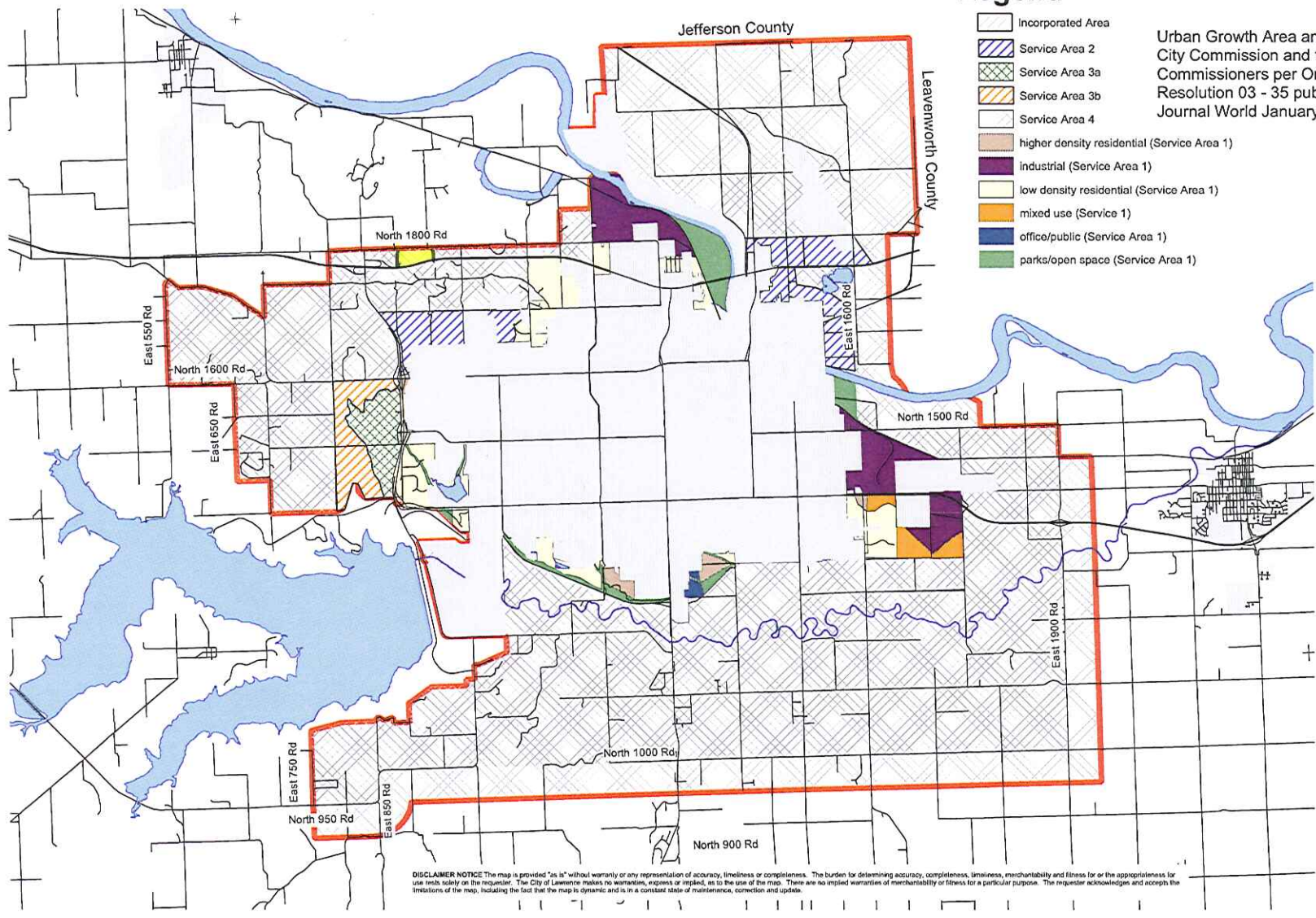
cc: Commissioner Nancy Thellman, nthellman@douglas-county.com
Commissioner Mike Gaughan, mgaughan@douglas-county.com
Administrator Craig Weinaug, cweinaug@douglas-county.com

Map 3 - 1 - Lawrence Urban Growth Area Service Areas & Future Land Use

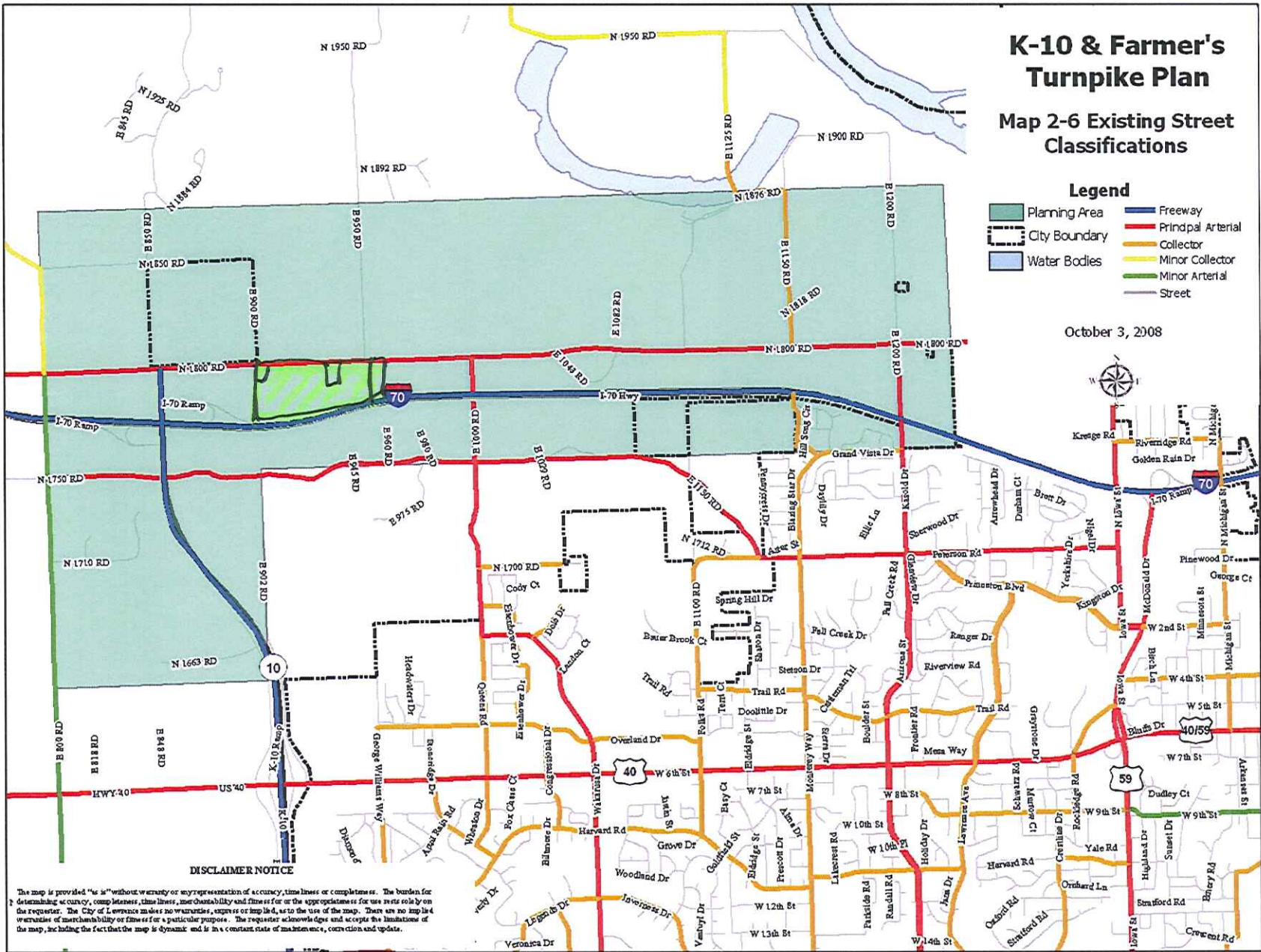
Legend

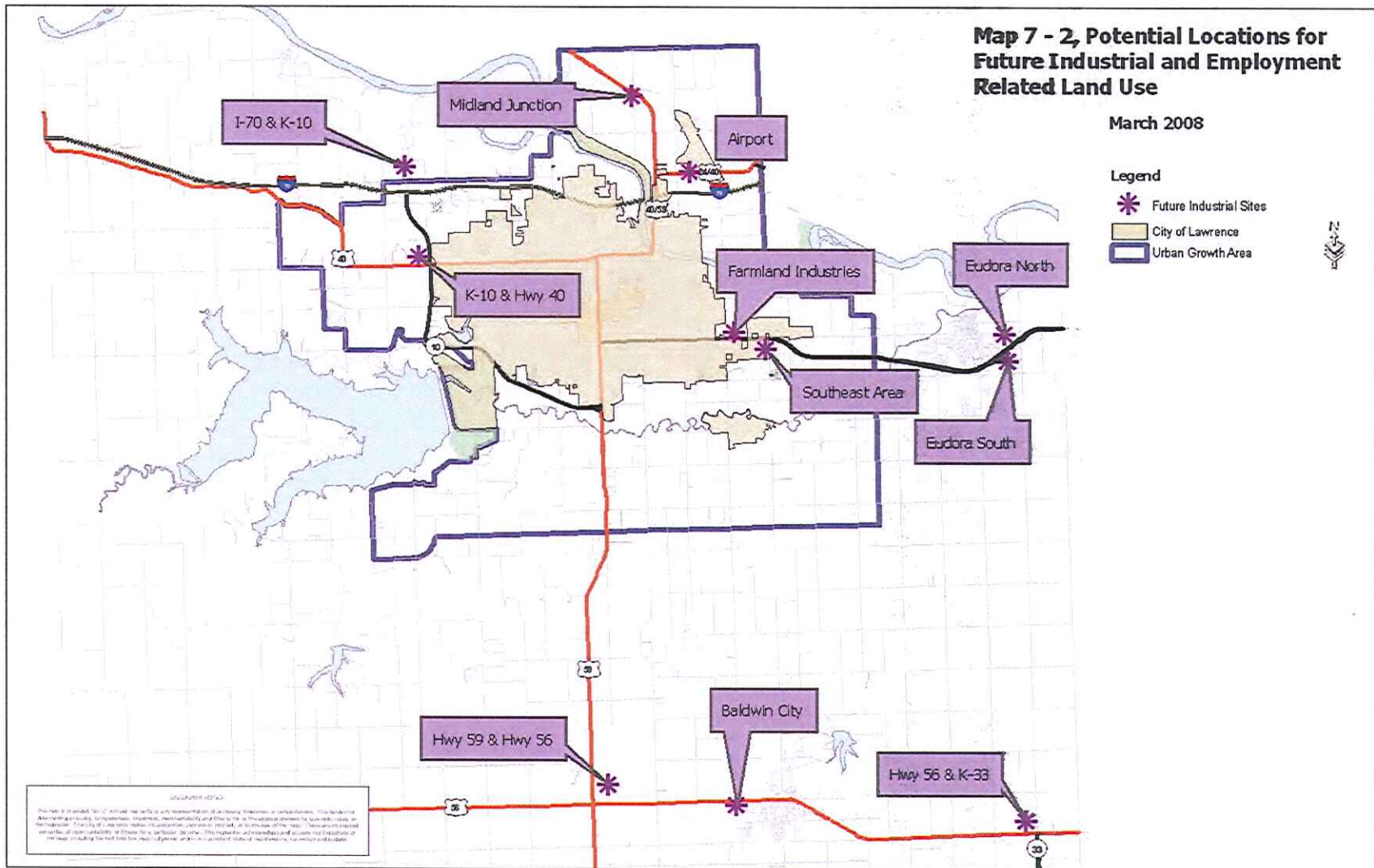
-  Incorporated Area
-  Service Area 2
-  Service Area 3a
-  Service Area 3b
-  Service Area 4
-  higher density residential (Service Area 1)
-  industrial (Service Area 1)
-  low density residential (Service Area 1)
-  mixed use (Service 1)
-  office/public (Service Area 1)
-  parks/open space (Service Area 1)

Urban Growth Area amended by the Lawrence City Commission and the Douglas County Board of Commissioners per Ordinance 7731 and Resolution 03 - 35 published in the Lawrence Journal World January 31, 2004



DISCLAIMER NOTICE: The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.



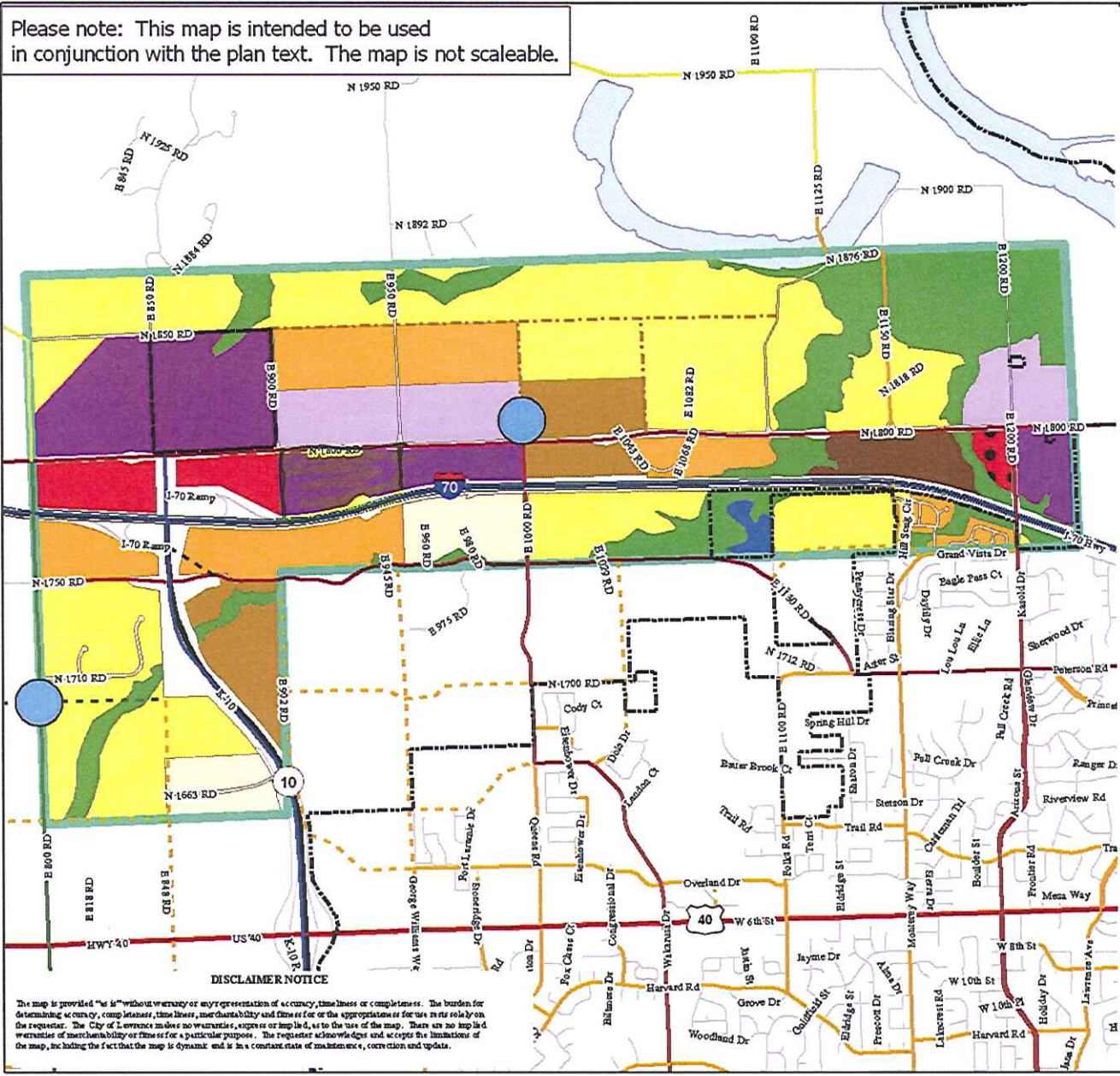


Please note: This map is intended to be used in conjunction with the plan text. The map is not scaleable.

K-10 & Farmer's Turnpike Plan

Map 3-1 Future Land Use

- Legend**
- Planning Area
 - City Boundary
 - Water Bodies
- Future land use**
- Very Low-Density Residential
 - Low-Density Residential
 - Medium-Density Residential
 - High-Density Residential
 - Residential/Office
 - Auto-Related Commercial
 - Neighborhood Commercial
 - Office/Research
 - Industrial
 - Public/Institutional
 - Open Space/Floodplain
- Neighborhood Commercial Center
- T2030 Future Thoroughfares**
- Future Freeway
 - Future Principal Arterial
 - Future Minor Arterial
 - Future Collector
 - Future Local
 - Freeway
 - Principal Arterial
 - Minor Arterial
 - Minor Collector
 - Collector
 - Street
- Plan Identified Thoroughfares**
- Future Collector



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November 3, 2008



RESOLUTION NO. 6924

**A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS,
REQUESTING THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS, TO MAKE CERTAIN
FINDINGS IN ACCORDANCE WITH K.S.A 12-520c(a)
REGARDING THE ANNEXATION OF CERTAIN LAND.**

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION ONE: The Governing Body finds that the City of Lawrence, Kansas, has received from the owners of record, a written request and a Petition and Consent for the voluntary annexation into the City of Lawrence, Kansas, of the property described in Section 2, *infra*. The Governing Body also finds that such property is within Douglas County, Kansas, does not adjoin the contiguous boundaries of the City of Lawrence, Kansas, and that annexation of such property into the City of Lawrence, Kansas, is advisable. The Governing Body further finds that K.S.A. 12-520c(a)(3) requires that the Board of County Commissioners of Douglas County, Kansas, make certain determinations regarding the property to be annexed.

SECTION TWO: The property to be annexed bears the following legal description, to-wit:

Beginning at the Northwest corner of the Northwest Quarter of Section 20, Township 12 South, Range 19 East of the Sixth principal meridian in Douglas County, Kansas, thence South along the West Section line of said Section 20, a distance of 1580.9 feet more or less to the center of the Kansas Turnpike right of way, then in an Easterly direction along the center line of said right of way to that point where the center line of said right of way intersects the center line of said Section 20, thence North along the center line of said Section 20, a distance of 1107 ft. more or less to the Northeast corner of said Northwest Quarter, thence West along the North line of said Section 20 to point of beginning; less that portion condemned for right of way by the Kansas Turnpike Authority of the State of Kansas and less the following tract condemned by the Kansas Turnpike Authority of the State of Kansas: A tract of land in the Northwest Quarter of Section 20, Township 12 South, Range 19 East, Douglas County, Kansas, lying adjacent to the North right of way line of the Kansas Turnpike as now surveyed, described as follows:

Beginning at Survey Station 13023-00 of the Kansas Turnpike; thence East along the North right of way line 450.0 feet to Survey Station 13027-50 of the Kansas Turnpike; thence North a distance of 100.00 feet; thence West 450.0 feet; thence South 100.0 feet to the point of beginning, containing 1.03 acres, more or less, the property conveyed hereunder containing 69.71 acres, more or less.

LESS AND EXCEPT:

The following described real estate in Douglas County, Kansas, described in deed recorded in Book 328, Page 1068, to-wit: Beginning at the Northwest corner of the Northwest Quarter (NW1/4) of Section Twenty (20), Township Twelve (12) South, Range Nineteen (19) East; thence South 330 feet; thence East 264 feet; thence North 330 feet; thence West 264 feet to the place of beginning, in Douglas County, Kansas, Containing 2 acres more or less;

LESS AND EXCEPT:

The following described real estate in Douglas County, Kansas, described in deed recorded in Book 358, Page 574, to-wit: Beginning at a point 330 feet South of the Northwest corner of the Northwest Quarter of Section 20, Township 12 South, Range 19 East of the 6th P.M.; thence South 82.5 feet; thence East 264 feet; thence North 82.5 feet; thence West 264 feet to the place of beginning; in Douglas County, Kansas.

SECTION THREE: The Governing Body hereby respectfully requests that, in accordance with K.S.A. 12-520c(a)(3), the Board of County Commissioners of Douglas County, Kansas, find and determine that the requested annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Douglas County, Kansas.

SECTION FOUR: The City of Lawrence, Kansas, reserves the right to annex such land under other statutory authority should the conditions arise that would permit such annexation.

SECTION FIVE: The City of Lawrence, Kansas, also reserves the right and hereby declares its intent, if it is subsequently determined that it lacks the authority to annex any portion of the real property described in Section 2, *supra*, to annex the remaining portion of said real property.

ADOPTED this 5th day of July, 2011.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
Director of the Legal Department

APPROVED AS TO CLOSURE OF THE LEGAL DESCRIPTION:

Charles F. Soules
Director of Public Works



STUMBO HANSON, LLP

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KATHRYN E. SHEDDY

OF COUNSEL
QUENTIN E. KURIZ

WALTER G. STUMBO
(1911-1998)

May 9, 2011

Steven C. Rothwell
3724 Overland Court
Lawrence, KS 66049

RE: RWD #6, Douglas County, Kansas/Annexation of Approximately 69 Acres

Dear Mr. Rothwell:

This firm represents RWD #6. Your letter to Don Fuston, Chairman, of April 12, 2011, was referred to me for response.

The District would be pleased to continue to provide water service to the three residences located on your land following annexation by the City of Lawrence, subject to the City's approval. With regard to other water service you may request in the future, the District cannot make any commitment in that regard one way or the other at this point. We share your understanding that following annexation the City of Lawrence may designate a different water supplier to your property.

Thank you very much for your consideration.

Very truly yours,

GARY H. HANSON

GHH/rsh
cc: David Corliss, City Manager, City of Lawrence
Don Fuston, Chairman, RWD #6

AD - Crabtree, Robin

From: Dave Ross [drossproperties@aol.com]
Sent: Wednesday, July 20, 2011 1:05 PM
To: County Commissioner - Flory, James; County Commissioner - Gaughan, Mike; County Commissioner - Thellman, Nancy; AD - Weinaug, Craig; AD - Crabtree, Robin
Cc: drossproperties@aol.com
Subject: Proposed Rothwell 67 Acre Annexation

Dear Commissioners,

I am writing in opposition to the proposed annexation of the Rothwell's 67 acres that will be on your agenda tonight. Unfortunately due to work obligations I will be unable to attend tonight's meeting, but I hope that this memo will help you to understand my position.

Last Fall, several of us spoke before your Board when you were considering the annexation of an adjacent 51 acre parcel. All of the reasons that we opposed that annexation apply to this subsequent annexation request as well.

It is my understanding that a request to change the zoning on this current piece of property to I-G Zoning is in process. Depending on your decision tonight, this will be heard by the Lawrence City Commission in the near future. We reminded the Board last Fall that there are nearly 40 residences in the immediate vicinity and that the use of the surrounding area is predominately residential and agricultural. The City's own planning documents reflect that I-G Zoning "is generally incompatible with residential areas". Though the previous vote passed by a 2 to 1 margin, it was the hope of all three Commissioners that the City of Lawrence would consider the request with a lighter zoning of I-L or I-B-P. You believed that the lighter zoning would be a better fit for the surrounding neighborhood and the rural infrastructure, while still allowing the possibilities for the job growth that the City desires. The City however, turned a deaf ear to your request, and zoned the requested parcel as I-G.

Chapter 4 of Horizon 2020 states that "Non-residential developments should be developed in a planned manner with respect to adjacent uses...and integration of uses with the surrounding neighborhood". Chapter 11 of Horizon 2020 states that areas should be "Developed with appropriate zoning...to facilitate the preservation, renovation, and rehabilitation of historic resources".

This proposed annexation is located immediately south and west of the historic Gorrill House, which was built in the 1870's. It also lies in the "Freedom Frontier" area which is in the early planning stages, to develop Douglas County's place in the history of Kansas and the start of the Civil War.

The Planning Commission Staff Report of 12/17/07 discussed the annexation of the previous 155 acre site. It stated that "No industrial or commercial uses occur on any land adjacent to the subject property", (p-3). It also said that "Approval of the request will alter the surrounding area and will result in undesirable development across from existing residential development", (p-5). And finally it concluded that "Development without urban services will create hardships on nearby property", (p-5). All of these objections apply to this proposed annexation tonight.

The only control that you have over the development of this request is when it remains in Douglas County. When you find that the annexation would not prevent the proper growth and development of the area, I believe that you actually abdicate your responsibilities to those of us nearby residents who remain in the County, and are looking to you for good governance. The Berry Plastics development that will soon be under way, is an example that landowners can market their property to prospective customers. Those customers are then able to build the facilities that they need with the subsequent additions to the job force. But all of this can still be done under the direction of the Douglas County Commission and under a lesser zoning classification than I-G.

This proposed parcel is identified as future industrial in the Farmer's Turnpike Sector Plan. However, the plan does not require that this property must be part of the City to become that. City planning documents recommend that

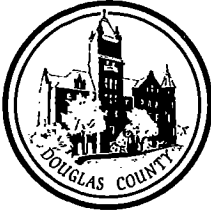
annexation take place with the available City infrastructure. Currently there is no plan or even expectation of a plan to extend city services to this parcel or the previous parcel that was annexed last Fall. Yet the 51 acre annexation and the 155 acre annexation that took place several years ago still set vacant, and hang as a "Black Cloud" over the property values and future plans for those of us who live here or may be considering a residential purchase in this area.

Long revered planning documents for the State of Kansas and elsewhere state that island annexations are to be "rare and infrequent", and that they "should be the exception rather than the rule". Yet it is apparent that in the City of Lawrence, this has become the normal means of expanding the City.

I respectfully ask that you carefully consider the unintended consequences of allowing the City of Lawrence to dictate the direction and zoning of the Rothwell property and vote to deny it's annexation.

Sincerely,

David J. Ross
1855 E. 950 Road
Lawrence, KS. 66049
Cell (785) 550-6997



DOUGLAS COUNTY ADMINISTRATOR

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5328 Fax (785) 832-5148
cweinaug@douglas-county.com

G. Craig Weinaug
County Administrator

July 28, 2011

P.D.O. Investors, LLC
Attn: Steve Glass
c/o Marilyn Bittenbender
Colliers International
805 New Hampshire, Ste. C
Lawrence, KS 66044

Re: Real Estate Acquisition

Dear Steve:

This letter is sent in an effort to reach an agreement for the acquisition of real estate by Douglas County ("Purchaser") from P.D.O. Investors, L.L.C. ("Seller"), with the following terms:

Property: All land Seller owns in the Franklin Business Park, consisting of approximately 34 acres (excluding right-of-way), legally described according to county ad valorem tax records as:

9-13-20 E 1/2 NE 1/4, LESS 1.32A TO ST OF KS, LESS 5.52A D 266/4, LESS 40.371A PLATTED TO LRMEAST ADD 1991; ALSO 9-13-20 SW 1/4 NE 1/4, LESS .84A D 519/1090, LESS 21.33A D 553/1511; ALSO DESC AS: BEG AT SE COR NE 1/4 SD SEC TH S88DEG55'55"W 1994.5 FT ALONG S LINE SD QR SEC TH N01DEG30'58"W 1322.24 FT TO CENTERLINE TOWNSHIP RD NO 57, NOW KNOWN AS RD 1360 N; TH S80DEG47'35"E 2029.28 FT ALONG SD CENTERLINE TO E LINE SD QR SEC TH S01DEG33'06"E 960.26 FT ALONG SD E LINE TO PT BEG 52.244A (ACREAGE CORRECTION & NEW LEGAL DESC PER ORD NO 6789 ANNEXED TO CITY OF LAWRENCE 07/02/1996 BK 558/816 REPLACES 800824A01) LESS 5.156A D 656/1173, LESS 0.557A PLATTED TO FRANKLIN PARK ADD NO 1, LESS 4.147A D 704/1526, LESS 3.844A D 949/1089 38.54A (DIV 2004 U18550G)

The precise legal description to be determined by survey or with assistance of the Title Company.

Purchaser Price: \$1,196,000.

Escrow Money: \$0.

Title Company & Closing Agent: Kansas Secured Title – Douglas County.

Title Commitment: Within 20 days of the effective date of the contract.

Title Review Period: 10 days of receipt of Title Commitment.

Survey: Seller shall provide Purchaser with all surveys and development plans for the Property. Purchaser, at Purchaser's option, may obtain additional surveys of the Property.

Warranties: Seller will provide certain warranties as to Seller's knowledge of the condition of the Property.

Closing: Seller shall convey the Property by general warranty deed at the Closing and possession shall be delivered at that time. The Closing shall take place at the offices of the Title Company within 30 days of the effective date of the contract.

Restrictive Covenants: Seller will not amend the Declaration of Protective Covenants and Restrictions relating to the Franklin Business Park prior to Closing and all current members of the Board of Trustees serving under the said covenants will resign at Closing.

Adjacent Property: Douglas County will offer to purchase the two adjacent properties located in the Franklin Business Park at the 2011 county-appraised values, as follows:

Taylor Property – Plate Number U18550GA - \$572,720

Printing Solutions Property – Plate Number U18550GC - \$250,000

This letter is only a list of proposed points that may or may not become part of the eventual definitive contract. These deal points have not been formally approved by the Board of County Commissioners and it is not intended to impose any obligation whatsoever on either party. Neither party will be bound to any obligation until both agree to and sign a formal written contract, and neither party may reasonably rely on any promises inconsistent with this paragraph. If these terms are generally acceptable, please sign below and return this letter.

Sincerely,

James E. Flory
Chairman, Douglas County Commission

The foregoing terms are generally acceptable.

P.D.O. Investors, L.L.C.

By: _____

Title: _____

Estimated Levies for 2012 Douglas County Budget

	2012 Recommended Budget	2011 AdValorem Tax Needed	AdValorem Tax with 3.00% Delinq	2011 Estimated Mill Levy	2010 Mill Levy	2009 Mill Levy
Ambulance	4,441,960	2,290,396	2,359,108	2.068	1.785	1.422
Bond and Interest	827,627	0	0	0.000	0.000	0.000
Employee Benefits	8,697,963	7,131,797	7,345,751	6.440	6.749	6.546
General	38,474,115	25,421,648	26,184,297	22.955	23.258	20.353
Road and Bridge	5,718,969	3,091,836	3,184,591	2.792	2.486	3.012
Special Building	268,950	134,160	138,185	0.121	0.289	0.265
Special Liability	250,000	123,086	126,779	0.111	0.046	0.000
Youth Services	1,669,990	1,397,685	1,439,616	1.262	1.135	1.205
Total	60,349,574	39,590,608	40,778,327	35.749	35.748	32.803
Funds supported by other revenue			Mill Levy Difference	0.001	1,141	
Emergency Telephone	601,630	\$ comes from user fee on phone bill				
Emergency Cell Phone	-	\$ comes from user fee on cell phone bill				
Local County Sales Tax	5,872,850	\$ comes from 1% county sales tax				
Motor Vehicle Operations	785,500	\$ comes from vehicle registration fees				
Special Alcohol Programs	26,500	\$ comes from liquor tax				
Special Parks & Rec	118,222	\$ comes from liquor tax				
Total	7,404,702					
Grand Total	67,754,276					

2011 Estimated Value for 2010 Levies/2012 Budget

6/28/2011	Real Estate	1,020,540,485	0.96%
6/28/2011	Personal Property	37,802,485	-8.14%
6/15/2011	State Assessed	82,338,017	10.94%
	Assessed Valuation	1,140,680,987	1.28%

For Comparison:

2010 Value for 2010 Levies/2011 Budget

11/1/2010	Real Estate	1,010,843,377	w/o TIF
11/1/2010	Personal Property	41,153,765	
11/1/2010	State Assessed	74,220,891	
	Assessed Valuation	1,126,218,033	