

PLANNING COMMISSION REPORT
Regular Agenda – Non Public Hearing Item

PC Staff Report
4/23/12

ITEM NO. 2: ANNEXATION OF 146 ACRES; NW CORNER W 6TH ST & K-10 (MKM)

A-3-1-12: Consider annexation of approximately 146 acres plus adjacent public right-of-way of property at the northwest corner of W. 6th Street (US-40) and K-10 Hwy. *Initiated by City Commission on 3/27/12.*

STAFF RECOMMENDATION: Staff recommends approval of the requested annexation of approximately 146 acres plus adjacent right-of-way located in the northwest quadrant of the intersection of US Hwy 40 and K-10 Bypass subject to the following condition:

1. City shall comply with state law requirements in relation to Rural Water District No. 1 pursuant to K.S.A 12-527.

Reason for Request: Development of a Regional Recreation Facility which will require City services.

KEY POINTS

- The subject property is not located within Service Area 1 of the Urban Growth Area; therefore, annexation is not required prior to development. Annexation is encouraged when City services are available to serve the property. The property owner has voluntarily consented to annexation.
- Annexation requests of more than 10 acres require a Planning Commission recommendation.
- This annexation request is accompanied by a Comprehensive Plan amendment, Development Code amendment, and rezoning request which are scheduled for the May Planning Commission meeting.
- The subject property is adjacent to the Lawrence city limits; therefore, it is not an island annexation.
- The property is served by RWD No. 1. The water district has been notified of the annexation request.

COMPREHENSIVE PLAN FACTORS TO CONSIDER

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

ASSOCIATED CASES/OTHER ACTION REQUIRED

Items being considered at the May Planning Commission meeting:

- The applicant originally submitted a rezoning request from the County A and B-1 Districts to the CC400, CN2, and IL Districts. Upon further review with staff, it was determined that these districts would not accommodate the proposed project, as described below, and that creating a CC600 comprehensive plan designation and zoning district would be necessary to accommodate the project. Therefore, at their April 10, 2012 meeting, the City Commission initiated the following:

- Amendment to *Horizon 2020*, Chapter 6 Commercial, to create CC600 District policies and to Chapter 14 Specific Plans, to revise the *West of K-10 Plan* and *A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10)* designating the node of 6th Street and K-10 as a CC600 commercial node.
- Amendment to the appropriate sections of Chapter 20 of the City Land Development Code to create the CC600 District.
- Rezoning from County A and B-1 to the pending CC600 district for the area being annexed.

It is important to note that these requests are not directly linked to the analysis of the annexation request and will receive their full consideration by the Planning Commission and City Commission.

Other action required:
Annexation

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

Action required prior to development:

- Comprehensive Plan Amendment to create CC 600 District and to revise adopted plans for this area. Adoption and publication of joint ordinance/resolution.
- Development Code Text Amendment to create CC 600 District and standards. Adoption and publication of ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of the property through the Major Subdivision process.
- Site plan submitted for administrative approval prior to release of building permits.

PUBLIC COMMENT

- No written public comments were received prior to the printing of this staff report.
- While not related to the review of the annexation request, the Planning Commission should be advised that the City has invited owners and stakeholders within 2,000 feet of the subject property to a meeting to discuss the project. The meeting is set for April 19, 6:30 p.m. at the Lawrence Aquatic Center.

EXISTING CONDITIONS

Current Zoning and Land Use: A (County-Agriculture) and B-1 (County-Neighborhood Business) Districts; cellular communications tower and right-of-way for the K-10 Bypass, and frontage road.

Surrounding Zoning and Land Use: To the north:
A-1 (County-Suburban-Home) District; single-family residences.

To the west:
A (County-Agriculture) District; private road and rural residence.

To the south:
A (County-Agriculture) District; Church with accessory day care center.

To the east:

CC 400 (Community Commercial) District and UR (Urban Reserve) District with rezonings to the RS7, RM12D, RM24, RMO, and PCD-Mercato pending publication of ordinances; undeveloped property in the process of being platted. Preliminary Development Plan approved for the PCD-Mercato property.

Site Summary

Gross Area: Approximately 208 acres, (146 acres plus 62 acres of right-of-way)
Area Requested for Annexation: Approximately 208 acres

Project Summary:

The proposed annexation is for approximately 146 acres located in the northwest quadrant of the intersection of US Hwy 40 and K-10 Bypass plus the adjacent road right-of-way. The annexation and requested comprehensive plan and code amendment initiations are intended to accommodate a regional recreation facility on 50 acres of the 146 acres. The project will be a public /private partnership including the donation of 50 acres to the city to construct the facility. While many details need to be determined, the project is currently planned to include basketball courts, indoor recreation track, cardio facilities, recreation areas, an arena capable of holding sporting or entertainment events, potential uses for the University of Kansas, and other ancillary uses typical of such a facility – retail merchandise, food/drink, etc.

In addition to the 50-acre recreation facility, the remaining acreage is planned to support the facility with expansion opportunities, additional recreation uses, and commercial uses – restaurant, retail, hotel, etc. The current planning documents designate the entire property for industrial/warehouse/office uses. Commercial uses are generally viewed by the Development Code as equal to or lesser uses compared to industrial uses and so the project can feasibly be viewed as compatible with the comprehensive plan designation; however, there are specific policies and Development Code language that tie commercial zoning in the Development Code directly to the comprehensive plan and the plan and code need to be revised to accommodate the project as noted more specifically below.

Annexation Procedure

City policy requires the Lawrence-Douglas County Metropolitan Planning Commission to review all annexation requests in excess of ten acres. The City of Lawrence Administrative Annexation Policy (AP-74) requires that the costs associated with compensation to a Rural Water District be paid pursuant to K.S.A 12-527. The Water District has been notified of the annexation request as required by State Statute and adherence to local policy and state law is a condition of approval for the annexation request.

General Location:

The site requested for annexation is located in the northwest quadrant of the intersection of US Hwy 40 and the K-10 Bypass. A signalized access to Hwy 40 is shown on the KDOT corridor plan for this property. The City Commission received this plan at their April 10, 2012 meeting. The property has no direct access to the K-10 Bypass but access is available to Hwy 40 at the location of the proposed signalized intersection. Other improvements and access points may be appropriate pending analysis of a traffic study. The property is adjacent to the K-10 Bypass right-of-way and Lawrence city limits to the east. The property is bounded on the west by E848 Road, a private county road. The Future Thoroughfares Map shows a future collector street along the west property line. A platted rural subdivision is adjacent to the subject property on the north and rural residences border the property to the west. A church is located south of the property. (Figure 1)

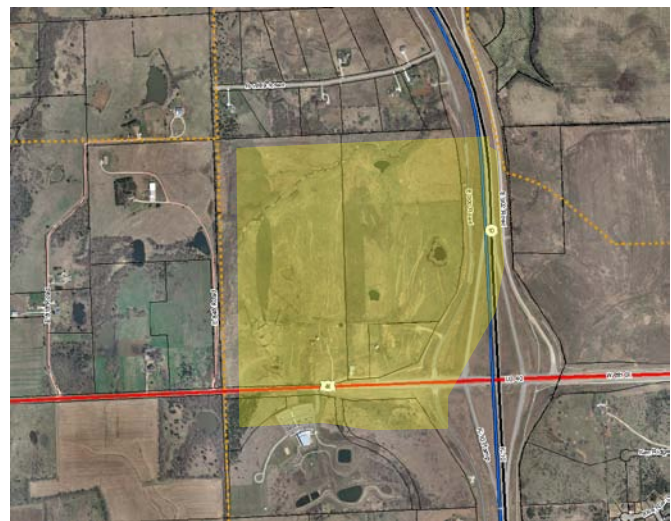


Figure 1 Transportation Network and Land use.
Streets as shown on Major Thoroughfares Map.
Red: Principal Arterial
Blue: Freeway
Dotted Yellow: Future Collector
Area included in annexation request (shaded).

Infrastructure and Utility Extensions

Water lines have been extended to the west of the K-10 Bypass and are located south of US Hwy 40. Sanitary sewer lines have been extended to the east of the K-10 Bypass near the northeast corner of the subject property but have not yet been extended west of the Bypass. (Figure 3) Sanitary sewer lines are not extended to properties that are outside of the City limits. City policy requires properties to annex in order to be served with City sanitary sewer which will require the sanitary sewer lines to cross the K-10 Bypass. The sanitary sewer line follows the Baldwin Creek alignment in the surrounding area. This annexation request will allow the subject property to be served by City sewer.



Figure 3. Infrastructure in the area

Public Right-of-Way: The subject property abuts the K-10 Bypass to the east and US Hwy 40 to the south. The full right-of-way for these streets will be annexed with the subject property. If additional right-of-way is required, ½ the total right-of-way will be dedicated from the subject property when platted.

COMPREHENSIVE PLAN:

The subject property is located within the Lawrence Urban Growth Area. The Annexation Policies listed on page 4-5 of *Horizon 2020* states that Lawrence will actively seek voluntary annexation of land within the UGA as development is proposed.

This annexation request is also considered under the Community Facilities Chapter of *Horizon 2020* since it will accommodate the development of a community recreation center. Community Facilities Policy 2.1: (page 10-17, *Horizon 2020*) Public facilities that serve community or regional populations and are used directly by the general public should be located on arterial, collector, or access/frontage streets in non-residential areas.

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

COMPLIANCE WITH ADOPTED AREA PLANS

The following information was provided in a memo to the City Commission in their consideration of initiating amendments to the comprehensive plan and Development Code related to the recreation center project:

Horizon 2020, which includes the *West of K-10 Plan* and *A Nodal Plan for the Intersection of West 6th Street & Kansas Highway 10 (K-10)*, hereafter referred to as the *Nodal Plan*, recommends office/industrial/warehouse and park/open space uses for this location. When this plan was adopted, the future land use recommendations for the property were made based on existing conditions, projections based on past build-out patterns in west Lawrence, the transportation network (intersection of two state highways), and comments from stakeholders and the Planning Commission. Commercial development exceeding 400,000 sq. ft. at this location does not conform with the recommendations in the adopted plans for this area, thus triggering the need to process amendments to the adopted planning documents. Other land use designations, such as the one proposed, may also be appropriate for the area and should be considered within the context of the plan. As mentioned above, the proposed project is arguably an equal or less impactful land use than currently designated at the subject location.

Horizon 2020 sets CC200 (200,000 sq. ft. of commercial), CC400 (400,000 sq. ft. of commercial), and CR (1.5 million sq. ft. of commercial) as the parameters by which nodes of commercial development may occur. There may be good cause to create a commercial center that permits an amount of commercial between CC400 and CR given the large gap between the two. A CC600 (600,000 sq. ft. of commercial) could accommodate such nodes of commercial and may be appropriate at the subject location.

City services will be required to develop the property to the current designation of office/industrial/warehouse or the proposed designation of CC600. In any event, annexation of the property will be necessary and is appropriate.

CONCLUSION

The proposed annexation is compliant with recommendations of *Horizon 2020*. The subject property is located within the Lawrence Urban Growth Area and City services are available, or can be extended, to service the property; therefore, annexation is appropriate.