

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. *Initiated by City Commission on 3/27/12.*

STAFF REPORT

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Ms. Jane Eldredge, Barber Emerson, said the City was the applicant and she represented the property owner who consented to the annexation.

Mr. McCullough said the City Commission initiated the annexation with the consent of the property owner.

Commissioner Hird asked if the property owner had anything to add to what the applicant stated.

Ms. Eldredge said no.

PUBLIC COMMENT

Mr. Ron Schneider, attorney representing property owners in the area, said Thursday night they met with the City Manager and Planning staff for a presentation on the proposed annexation and related concepts regarding potential zoning and uses. He said neighbors were not necessarily opposed to the annexation but wanted to make sure issues, such as lighting, traffic flow, stormwater runoff, sound, buffering were addressed. He stated letters had been written by neighbors with concerns and suggestions. He was optimistic concerns could be worked out if the City and developer responds to those concerns.

Mr. Ron Crawford, nearby property owner, said they had a rare opportunity to do this development right. He challenged Planning Commission do to it right with quality and make it a signature for Lawrence.

Mr. Scott Robinson, nearby property owner, said the land being donated to the City hit him wrong because he felt strings should not be attached to a donation. He felt there was something wrong with the whole thing. He said if it was a donation then it should be donated without the contingency that the City should spend money on the rest of the land that the donor would benefit from. He said he would like to see some figures of what the City would spend in order to acquire the donation.

COMMISSION DISCUSSION

Commissioner von Achen inquired about the public/private cooperative plan.

Mr. McCullough said the details of the recreation center program were not solid yet so the public/private part of that was that it was looking like it would be elements of the City Parks & Recreation programming in a building that could have private elements to it. He said along with the land use process and approvals necessary to accommodate it there would be a number of different ways that City Commission and other bodies could make decisions about the details of how that public/private partnership would look for the project.

Commissioner von Achen asked if the 50 acres for the recreation center was on the north end of property.

Mr. McCullough said that was correct. He said there had been discussions about a feasibility study and the City was likely to commission a study to help address some of those things. He said there was quite a bit to analyze about the merits of the proposal. He said the area had been planned for urbanization and that annexation would be prudent to serve the property. He said the area had been in the works for a number of years to develop into some sort of urban intensity and development.

Commissioner Burger inquired about the nodal plan setting aside a significant portion of acres to be open space.

Mr. McCullough thanked neighbors for their time last week and said it was a productive meeting. He said one of the concerns was the transition between the Northwood Subdivision to the north and the new proposed facility. He said he did not have detailed answers because the site planning process was not underway yet. He said the neighbors were asked to participate in addressing that. He said it could take different forms such as berming, intense landscaping, and distance.

Commissioner Burger asked if there would be findings of fact that would deal with the fact that the nodal plan has the characteristics that it has.

Mr. McCullough said that was correct. He said they were not trying to ignore what the nodal plan was saying to do at that location. He said the City was cognizant of the fact that the transition between the recreation center and the neighborhood to the north needed to be addressed.

Commissioner Blaser asked if changes to Hwy 40 were discussed at the neighborhood meeting.

Mr. McCullough said it was discussed a little. He said there were recommended changes to Hwy 40 as urbanization was made in the area. He said they talked a little bit about the frontage road which was planned regardless of how this land develops. He said the frontage road needed to be moved away from the interchange of K-10 and US-40 for reasons having to do more with the interchange itself and not how the land develops.

Commissioner Blaser said flattening the hills on Hwy 40 would improve a dangerous situation.

Mr. McCullough said it was planned to be a signalized intersection and at least a seven foot reduction in the hill.

Commissioner Blaser said there would be some major improvements to create a safe route.

Commissioner Liese said he appreciated the participation of the community in the annexation. He asked staff what criteria Planning Commission should look at for approval or non-approval of the annexation.

Mr. McCullough said they should think about if services were reasonably available to extend to the site and has the area been planned to urbanize at some level and has property owner consent. He said development was a linear process with annexation being the first step, then rezoning, platting, and site planning. He said while they need to know the full breadth of the proposal, each part of the proposal would have its own set of analysis and findings to make sure each part of the process was appropriate for the criteria. He said staff finds that it meets the policies of Horizon 2020 for annexation.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Blaser, to approve the requested annexation (A-3-1-12) 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.

Commissioner Finkeldei said he did not like a condition that says they will comply with the law but that he would vote in favor of the motion.

Commissioner Hird said he appreciated the concerns of property owners in the area and hoped this process gave them the information and access they needed to effectively participate. He hoped the neighbors concerns

would be addressed as the process moved forward and hoped it turned out to be a win-win situation for the neighborhood and community.

Unanimously approved 9-0.