

After receiving no public comment, **moved by Cromwell, seconded by Amyx**, to set a bid date of December 15, 2009 for Clinton Parkway Shared-Use Path, from Clinton Dam Road (East 900 Road) to just East of Adam Avenue (Project No. PW914 – KDOT 23-TE-0347-01). Motion carried unanimously. (13)

Consider the following items for Wesleyan Church, located southeast of 31st and Kasold Drive. Submitted by Dean Grob, for Chester B. Spray Trust, property owner of record and Wesleyan Church, Contract Purchaser:(A-8-3-09), (Z-8-14-09), (Z-8-15-09) (Z-8-16-09)

Mary Miller, Planner, presented the staff report. She said this item was a request for annexation and rezoning of approximately 37.14 acres, located at the southwest corner of the 31st Street/East 1200 Road intersection, in the area commonly known as Kasold on the Curve. The applications were submitted in preparation for the development of a church and a residential sub-division.

The property was located within Service Area 1 of the UGA and was therefore required to annex prior to development. City Services, water and sanitary sewer, are available and could be extended to serve this development.

The applicant provided a concept plan with the annexation and rezoning requests which showed the west portion planned for church development and the eastern area planned as residential. There was floodplain in the area and the majority of that was planned as open space (ball fields and other recreational uses).

An annexation agreement was drafted to identify the amount of infrastructure and road improvements which would be the applicant's responsibility. Typically, the property owner was responsible for all road improvements on roads adjacent to their property; however, this property was challenged by being located along two arterials. She said 31st Street was a "major" arterial and East 1200 Road was a "minor" arterial which connected with the K10 Bypass. In addition East 1200 Road was located within the floodplain, including the floodway. Those factors required a higher level of construction than most adjacent roadways.

The annexation request conformed to the Comprehensive Plan and therefore, staff recommended approval of the annexation request. The Planning Commission voted 9 to 0 at their October 26 meeting to forward the annexation request to the City Commission with a recommendation for approval.

There were 3 rezoning requests being submitted for the subject property. One rezoning was a request to the RM12 District for the development of a residential subdivision and a church. The Revised Southern Development Plan recommended 'low density residential' and open space for this area—with the open space district being the property within the floodplain. The text of the development plan indicated that various housing types were acceptable, within this density limitation. She said RM12 was one housing type that was recommended. Low density was defined in the plan as 6 dwelling units or less per acre. The rezoning to the RM12 district conformed to the recommendations in the plan if the density did not exceed 6 dwelling units per acre; therefore, a condition was recommended to the zoning limiting the maximum density to no more than 6 dwelling units per acre.

The zoning request (Z-8-15-09) was for approximately 4.36 acres from County 'A' and 'V-C' to the OS District. This area was encumbered with the floodplain. The Revised Southern Development Plan recommended open space as a land use for this area. The Comprehensive plan recommended that floodplain be protected by incorporating it into the open space system. The rezoning to the OS District would protect the floodplain, as the OS District had very limited uses and would maintain open space in this area.

The zoning request (Z-08-16-09) was a request to rezone approximately 11.35 acres from RM12 and OS to the RM12-FP and the OS-FP Districts. Section 20-1201(c) required that an additional 2 foot of freeboard be included within the floodplain overlay district for lands being annexed. This was meant to accommodate future development within the watershed. Therefore, the area being rezoned to the FP overlay district was greater than the amount of floodplain which was located on the property.

Based on the findings in the staff reports, staff recommended approval of the rezoning requests. The Planning Commission voted 9 to 0 at their October 26 meeting to forward the rezoning requests to the City Commission with a recommendation for approval.

Vice Mayor Amyx said in the Planning Commission minutes there was discussion by Planning Commissioner Harris regarding the League of Women Voters and the people buying those properties that went to a private driveway. He said if the road north was a private driveway.

Miller said if it was a planned development, it could be a private or public street. She said if it was one lot, multi-dwelling, it could be a driveway. The way it was shown was right-of-way and the concept was a public street.

Vice Mayor Amyx said in the Planning Commission minutes, Commissioner Finkeldei stated this was the type of development needed at that location. He said he found that comment interesting because it left a lot of open space, took into consideration flood issues, and planned for housing away from the curve, but still have access in and out.

Commissioner Johnson said it might be early for this application or plan, but asked if the intersection was addressed with the improvements of the Kasold design and any type of curb cuts or access to 31st Street.

Miller said where they were proposing 31st Street, staff had not looked at that idea and would be something done with a plat or site plan and required a traffic impact study. She said at that time, it indicated more about that location such as needed improvements to 31st Street.

Mayor Chestnut called for public comment

Dean Grob, Grob Engineering Services, said regarding Commissioner Johnson's question, he said the church understood their agreement that while there intended to be a turn lane, eastbound to turn north on Atchison Way, there was not a turn lane planned south. If this conceptual plan was carried out, there might be some other improvements on 31st Street in order for the Phase 2 portion of this project to happen.

Nate Rovenstine, Lead Pastor, Wesleyan Church, said he was excited about this property and for the growth of their church and had been a vital part of the community since 1936. This would be their fourth location as a congregation and it was a good opportunity for something on that curve as stated in the plans, long term.

Mayor Chestnut said the City was still working with the County and would need to dovetail, if this item went forward, the plans on the improvement on the road because the County was still under advisement.

David Corliss, City Manager, said the County received the City's request and the County indicated they might be able to talk substantively next week, but staff was proceeding with the design and staff would see if the County was going to be able to financial participate.

Mayor Chestnut said in phasing this project, from the Kasold curve up to the entrance of the proposed corner development that was where the road improvements were going to end until the rest would come into fruition. He said when that church was built, how far would the road improvements go.

Chuck Soules, Public Works Director, said just to their entrance.

Corliss said there was an annexation agreement that the prospective property owners and City staff had been reviewing. He said there was recognition that there was community responsibility for that road. It was a challenging road to finance because of the floodplain/floodway area where development was not allowed. There was a reason why this was an in-fill project development. He said he thought they reached a good compromise on who paid for what. At some point, the City and County needed to talk about that road and how it was appropriately reconstructed to K-10 (South Lawrence Trafficway) which might be years away. He said there might be a concern about making that Kasold on the curve a safer location for turning movements and it might encourage more traffic on that road. He said that might be the case, but it also made it safer. He said staff would see how that played out in discussion with the County. When moving south from that area, it was difficult to say the adjoining property

owners were going to have the financial ability to recover from investment or sales on their property because development was not allowed.

Moved by Amyx, seconded by Dever, to approve the annexation (A-8-3-09) request of approximately 34.38 acres and adjacent right-of-way for Wesleyan Church Development. Motion carried unanimously. (14)

Moved by Amyx, seconded by Cromwell, to approve rezoning (Z-8-14-09) request of approximately 30.14 acres from A (Agricultural) to RM12 (Multi-Dwelling Residential) for Wesleyan Church Development. Motion carried unanimously. (15)

Moved by Amyx, seconded by Dever, to approve rezoning (Z-8-15-09) request of approximately 4.24 acres from A (Agricultural) and V-C (Valley Channel) to OS (Open Space) for Wesleyan Church Development. Motion carried unanimously. (16)

Moved by Johnson, seconded by Cromwell to approve rezoning (Z-8-16-09) request of approximately 10.24 acres from RM12 (Multi-Dwelling Residential) and OS (Open Space) to the Floodplain Overlay District for Wesleyan Church Development. Motion carried unanimously. (17)

PUBLIC COMMENT: None.

FUTURE AGENDA ITEMS:

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| 11/17/09 | · | ICS Training. DGCO Emergency Management Memo |
| 12/08/09 | · | Resolution establishing the Lawrence-Douglas County Joint 2010 Census Complete Count Committee |
| TBD | · | Receive request from Mark Andersen, on behalf of Inverness Park, LP, property owner of record, to reconsider the denial of the rezoning request (Z-7-11-09) to rezone approximately 10.97 acres, located on the SE corner of Inverness and Clinton Parkway, 4300 W. 24 th Street, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). This item was originally heard by the City Commission on 10/06/09. Staff Memo & Attachments |
| | · | Receive staff report regarding the Pavement Maintenance Program Update (Cycle Two Status Report) and 2010 Street Maintenance Program. |
| | · | Discussion of financing methods for traffic calming devices. |