

**ITEM NO. 2A ANNEXATION OF 110 ACRES; E OF K-10 & N OF W 6<sup>TH</sup> ST (MKM)**

**A-12-00190:** Consider a request to annex two parcels of approximately 110 acres (90 and 20 acres individually), located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

**ITEM NO. 2B A TO GPI; 110 ACRES; E OF K-10 & N OF W 6<sup>TH</sup> ST (MKM)**

**Z-12-00191:** Consider a request to rezone approximately 110 acres, from County A (Agricultural) District to GPI (General Public and Institutional Uses) District, located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

*Commissioner Hird recused himself.*

**STAFF PRESENTATION**

Ms. Mary Miller presented items 2A and 2B together.

Commissioner Liese asked staff to comment on the letter from Mr. Rick Hird that states his client does not want the project turned into an entertainment venue instead of a sports village for the community.

Ms. Miller said the use category was Entertainment, Sports, and Recreation which covers all of them so to specify one of those uses would be difficult. She said it could be done at the Special Use Permit level.

Mr. McCullough said the amphitheatre fit into the definition of entertainment use. He said the time to debate whether that should be part of the master plan or Special Use Permit was really at the Special Use Permit level. He said the discussion should be about what uses were appropriate and that the further level of detail review would occur during the Special Use Permit process.

Ms. Miller showed the floodplain area along the stream corridor on the overhead. She said the League of Women Voter letter expressed concern with the floodplain and drainage.

Commissioner Josserand asked staff about the previous plan for the recreational facility on the west side of K-10. He asked if they knew anything more and if they were annexing land not knowing what would happen.

Mr. McCullough said the issues were separate. He said when staff reviews and considers a request to annex property they look at adjacency to city boundaries and how easily it could be served. He said they look at the intended use but that uses and zoning can change. He said they had two separate agenda items, annexation and rezoning. He said the services, such as sewer, water, and streets were right at the property. He said they would see more details of the plan next month.

Commissioner Josserand asked if they considered the same issue in May for a different piece of property.

Mr. McCullough said they did not always have the intended use of an annexation before the request. He said sometimes the property owner wants to be annexed into the city as the first step to development. He said development was a little linear in its process. He said if there was a need for urban services than annexation was the first step. He said there may not be a known user.

Commissioner Josserand asked if the previous annexation they heard was related to the new recreation center.

Mr. McCullough said yes, in that specific case.

Commissioner Liese asked about the applicant for annexation.

Mr. McCullough said this application for annexation was submitted by the current property owner. He said the City was not the applicant but was in some level of partnership with the University of Kansas Endowment Association in developing the project.

### **APPLICANT PRESENTATION**

Mr. Paul Werner, Paul Werner Architects, said the site was already surrounded by infrastructure and was an easier site than the previous one. He said this was the perfect zoning for this type of project. He agreed with the staff recommendation and looked forward to having Planning Commission support as well. He said he had met with Mr. Jack Graham and planned to continue to do so going forward. He said Mr. Graham's concerns were lighting and the amphitheatre. He said they were working on lighting plans and there would be a lot more information in a month. He said they submitted a drainage study and it was currently being reviewed by City staff. He said the site would provide detention to the city standards. He said technically when this close to a floodplain, detention did not need to be provided but it would be provided to minimize the downstream impact of the impervious surface due to the parking lots. He said the trails on the City property would be more natural and not paved. He said more details would be presented next month when they discussed the site plan for the Special Use Permit.

### **PUBLIC HEARING**

Mr. Thomas Johnson, Petefish, Immel, Heeb, & Hird law firm, representing Mr. Jack Graham, said he did not object to the annexation and that his comments were regarding the rezoning. He said Institutional uses as defined by the Code were not-for-profit, governmental, educational, or cultural and typically operated by government, utility, or tax exempt organizations. He stated while the City would own and operate the recreation center for the City, KU Endowment would own the land on which the University facilities would be built. He said KU Endowment Association had no intention to operate it but instead it would be leased and operated by a private developer, Bliss Sports (Thomas Fritzel). He said the GPI zoning included entertainment uses, which was something never discussed publicly with respect to the development of the property. He said the original site plan included an amphitheatre. He said if the property was rezoned to GPI that it should be conditionally zoned to be used for a sports village project and no other project; exclude the use of the facilities for outdoor entertainment, such as an amphitheatre; exclude the use of outdoor lighting after 11:00pm; and no sale of alcoholic beverages on the property.

Commissioner Josserand said in Greece they had an amphitheatre based around sports.

Mr. Johnson said he could not think of any sports that would take place in an amphitheatre. He said the project had been proposed as a recreation center. He said KU would be turning over the operation to a for-profit private developer.

Commissioner Belt asked if Mr. Johnson was talking about the recreation center, not the KU facilities.

Mr. Johnson said he was talking about all of it, including the KU facilities.

### **APPLICANT CLOSING COMMENTS**

Mr. Werner said he met with Mr. Graham and knew that the amphitheatre was of concern to him. He pointed on the overhead to the portions that would be owned by the City; the building, tennis courts, and a portion of the parking lot. He said all the other property would be owned by KU Endowment and operated by KU Endowment and KU Athletics. He said they would control what happens on all the ground. He said the hope was that they would allow the City of Lawrence to hold soccer tournaments, but that would be decided by KU Athletics and KU Endowment. He said KU Endowment was the contract purchaser on all the property and if approved they would build a building to sell to the City of Lawrence, so the recreation center building and tennis courts would be on City owned property.

Commissioner Liese asked Mr. Werner to explain the relationship between Bliss Sports and KU Endowment.

Mr. Werner said Bliss Sports was building the complex with KU Endowment.

Commissioner Liese asked if it would be a misconception to think Bliss Sports was doing something totally separate from KU Endowment.

Mr. Werner said it would be inaccurate to think Bliss Sports was running a KU Athletics facility for track & field, soccer, and softball.

Commissioner Josserand asked if the facilities would be administered by KU Athletics.

Mr. Werner said yes.

Commissioner Blaser said the staff report said it would be managed by Bliss Sports.

Mr. Werner said KU Endowment owned this and may hire Bliss Sports to maintain the facilities. He said KU Endowment was the purchaser of the property.

Mr. McCullough said his understanding was the same as Mr. Werner's.

Commissioner Blaser said the letter from the neighbor made the claim about Bliss Sports, not the staff report.

Mr. Werner said to his understanding this was how it would run.

Commissioner von Achen asked what Mr. Fritzel's role would be in the KU part of it.

Mr. Werner said he would oversee the construction and choose sub-contractors to build the facility, in conjunction with KU Athletics and KU Endowment.

Commissioner von Achen asked if Mr. Fritzel's involvement would be finished on the completion of the facility.

Mr. Werner said it was a partnership but that it was a KU athletic sports Olympic village.

Mr. McCullough said the institutional development plan was intended to serve a purpose for this type of project. He stated governmental entities could enter into partnerships with private individuals or businesses to do a number of things. He said it was an evolving relationship and there were many components to developing any project of this scope and magnitude, one of which was the proper zoning, annexation, platting, and Special Use Permit process. He said there was no agreement before them tonight in terms of how the partnership would look like and that they should focus on whether this was an appropriate zoning district and complies with the Comprehensive Plan. He said there were a lot of details about the project being developed for next month's Planning Commission meeting and that many of them were related to the concerns of Mr. Graham. He hoped to continue dialogue with him and others in the neighborhood about how to address their concerns. He felt the concerns were more of a Special Use Permit issue and that the issue he raises are more of an issue of site planning and Special Use Permit conditions. Staff did not think conditional zoning was the right tool for these particular concerns and that it would be very challenging to do through conditional zoning. He said the institutional development plan supported the type of partnership being worked out at the City Commission level and the highest levels of KU Endowment and KU Athletics.

Mr. Werner said he agreed with what Mr. McCullough said.

**ACTION TAKEN on Item 2A**

Motioned by Commissioner Blaser, seconded by Commissioner von Achen, to approve the requested annexation of approximately 110 acres located in the northeast quadrant of the intersection of W 6<sup>th</sup> Street/US Hwy 40 and K-10 subject to the following condition:

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

Approved 8-0-1, with Commissioner Hird abstaining.

Commissioner Liese asked if the Special Use Permit would apply to Entertainment & Spectator Sports General but not Limited.

Mr. McCullough said the Special Use Permit applied to the entire project because of the GPI district and type of facility it was and that it was over 10 acres in size, an institutional development plan was required. He said the vehicle to adopt the master plan for the entire complex was the Special Use Permit process.

Commissioner von Achen said the League of Women Voter letter was requesting that the rezoning be postponed to next month to be heard with the Special Use Permit. She inquired about the advantages and/or disadvantages of doing that.

Mr. McCullough said it would probably not change a great deal in terms of its program. He said the advantage was perhaps the formal application being presented to Planning Commission which could allow them to view it in its complete totality. He said the disadvantage was City Commission was meeting tomorrow night and may be looking for Planning Commission to deliver their first recommendation on the project. He said the real protection was the Special Use Permit versus conditional zoning. He said on the west side it was a case of where it was straight zoning without the Special Use Permit, and was more or less site planning. He said employing the GPI district triggers the Special Use Permit which allows the ability to recommend conditions to mitigate any known impacts through the public hearing process.

#### **ACTION TAKEN on Item 2B**

Motioned by Commissioner Blaser, seconded by Commissioner Culver, to approve the rezoning request for approximately 110 acres from A (Agricultural) District to GPI (General Public and Institutional Uses) 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.

Approved 8-0-1, with Commissioner Hird abstaining.