BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, JANUARY 8, 2003

6:35 P.M.

-Convene

-Pledge of Allegiance

CONSENT AGENDA

(1) (a) Consider approval of Commission Orders

REGULAR AGENDA

(2) Conduct public hearing to accept public comment concerning the proposed vacation of a portion of E 900 Road between 650N and 750N (Michael Kelly)

(3) Consider approval of resolution vacating a portion of E 900 Road between 650N and 750N (Michael Kelly)

(4) TA-10-05-02: Consider Text Amendment to Section 21-607.2(k) to revise the design standards for the length of a cul-de-sac in the City/County Subdivision Regulations (Sheila Stogsdill)

(5) Other Business

(a) Consider approval of Accounts Payable (if necessary)

(b) Appointments

(c) Miscellaneous

(d) Public Comment

(6) Adjourn

MONDAY, JANUARY 13, 2003

-Swearing in Ceremony

-Consider approval of Out-District College Tuition Statements in the amount of $24,000 (Debbie Sparkes)

WEDNESDAY, JANUARY 15, 2003

9:00 A.M.

-City/County/School Board Meeting – Douglas County Courthouse

6:35 P.M.

-No Commission Meeting

MONDAY, JANUARY 20, 2003

-Martin Luther King Day – No Commission Meeting

TUESDAY, JANUARY 21, 2003 (9 am)

-2003 budget revision hearings

WEDNESDAY, JANUARY 22, 2003 (9 am)
-2003 budget revision hearings

THURSDAY, JANUARY 23, 2003 (9 am)
-2003 budget revision hearings

MONDAY, JANUARY 27, 2003
-Joint meeting with Board of Zoning Appeals (tentative)
-Discussion of Douglas County Investment Policy
-2003 Budget revision hearings (if necessary)

TUESDAY, JANUARY 28, 2003
-2003 budget revision hearings (if necessary)

WEDNESDAY, FEBRUARY 5, 2003
-Discussion of ECO2 proposals (Jones)

MONDAY, FEBRUARY 17, 2003
-Annual Appraisal Report (Marion Johnson)

WEDNESDAY, FEBRUARY 19, 2003
-No Commission Meeting

WEDNESDAY, FEBRUARY 26, 2003
-No Commission Meeting

FRIDAY, FEBRUARY 28, 2003
9:00 A.M.
-Canvass city & school primary elections

WEDNESDAY, MARCH 5, 2003 (Baldwin City High School)
-Joint meeting with Baldwin School Board and City Council

FRIDAY, APRIL 4, 2003
9:00 A.M.
-Canvass city & school general elections

WEDNESDAY, MAY 7, 2003
-No Commission Meeting

(2)

Douglas County

Department of Public Works

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

TO : Douglas County Commission

FROM: Keith A. Browning, P.E., Director of Public Works/County Engineer KB
Michael D. Kelly, L.S., County Surveyor MK

DATE : January 3, 2003

RE : Proposed Road Vacation; Willow Springs Township

The county received a request from Willow Springs Township officials to vacate portions of E. 900 Road within their jurisdiction. The township held a public hearing on December 4, 2002 to receive comment concerning the proposed vacation. They have recommended the vacation proceed as shown on a "recommendation form" (enclosed) prepared for this issue.

A public hearing has been scheduled before the Board of County Commissioners to receive comment concerning the proposed vacation on January 8, 2003 during the regular commission meeting.

Action Required: Note receipt of the Willow Springs Township Board's recommendations regarding the proposed vacation. Receive comment during a public hearing. Upon conclusion of the hearing, if appropriate, consider the attached resolution vacating the requested road segments per the township's recommendations.

1242 Massachusetts Street, Lawrence, Kansas 66044-3350 / Fax No. (785) 841-0943
Telephone No. (785) 832-5293 / E-Mail dgcopubw@douglas-county.com

PROCESS TO VACATE WILLOW SPRINGS TOWNSHIP ROADS – initiated by Township

9/1/99 1. Willow Springs Township Board of Highway Commissioners made the decision to consider vacation of roads.

The Public Work Department began the process. Research revealed a landlocked parcel. Action delayed until ownership issue was resolved.

10/11/02 2. The Public Works Department (C. R. No. 94-2-1):

a. researches adjacent properties for landlocking issues;
b. researches landowner's addresses;
c. prepares preliminary legal description of road; and
d. prepares public notice.

The Public Works Department reviews the location of the roadway, researches the ownership of adjacent property for mailing addresses and landlocking issues. A legal notice is prepared with meeting place, date and time omitted to allow for township input. The information is then forwarded to the township.

3. The Township (C. R. No. 94-2-1):

11/22/02 a. publishes notice of a public hearing in the Journal World;
11/19/02 b. sends notice by certified mail to adjacent landowners;
12/4/02 c. holds public hearing; and
12/11/02 d. makes written recommendation to the County Commission.

The township must give notice of the hearing by publishing once in the official county newspaper "not less than ten (10) days prior to the public hearing" and by sending notice by certified mail to each adjoining landowner. After the hearing, the township prepares a written recommendation to be forwarded to the County Commission.

4. The Public Works Department:

Complete a. prepares a proposed schedule of events (administrative);

The Public Works Department performs an analysis of the process (including conformance with K.S.A. 68-102 et seq and Charter Resolution 94-2-1) as it pertains to the particular location(s) in question and prepares an estimate of the process duration.

Complete b. prepares ownership map/road vacation plat (administrative);

The Public Works Department prepares a map showing ownership of all properties abutting the road(s) in question. The ownership research shall reflect the names shown on the tax roll. The map will be used as the basis for a road vacation plat upon completion of any required field work.

12/27/02 c. publishes notice once in official county newspaper (C. R. No. 94-2-1);

The Public Works Department prepares notice and transmits to Journal World to be published in Legal Section >10 days (administrative) before the hearing.

12/23/02 d. notifies adjoining landowners by certified mail (C. R. No. 94-2-1);

The Public Works Department informs pertinent landowners of impending hearing via certified mail >10 days (administrative) before the hearing.

1/3/03 e. prepares resolution (administrative).

The Public Works Department prepares resolution assuming originally requested portion of road will be vacated and transmits same to County Commission.

1/8/03 5. The County Commission:

a. holds hearing (administrative);

b. at the County Commission's discretion, views the road under consideration (administrative);

c. if appropriate, considers Resolution vacating road.

The County Commission has the option of taking no action, enacting the resolution with the originally requested location, or directing Public Works Department to prepare a revised Resolution.

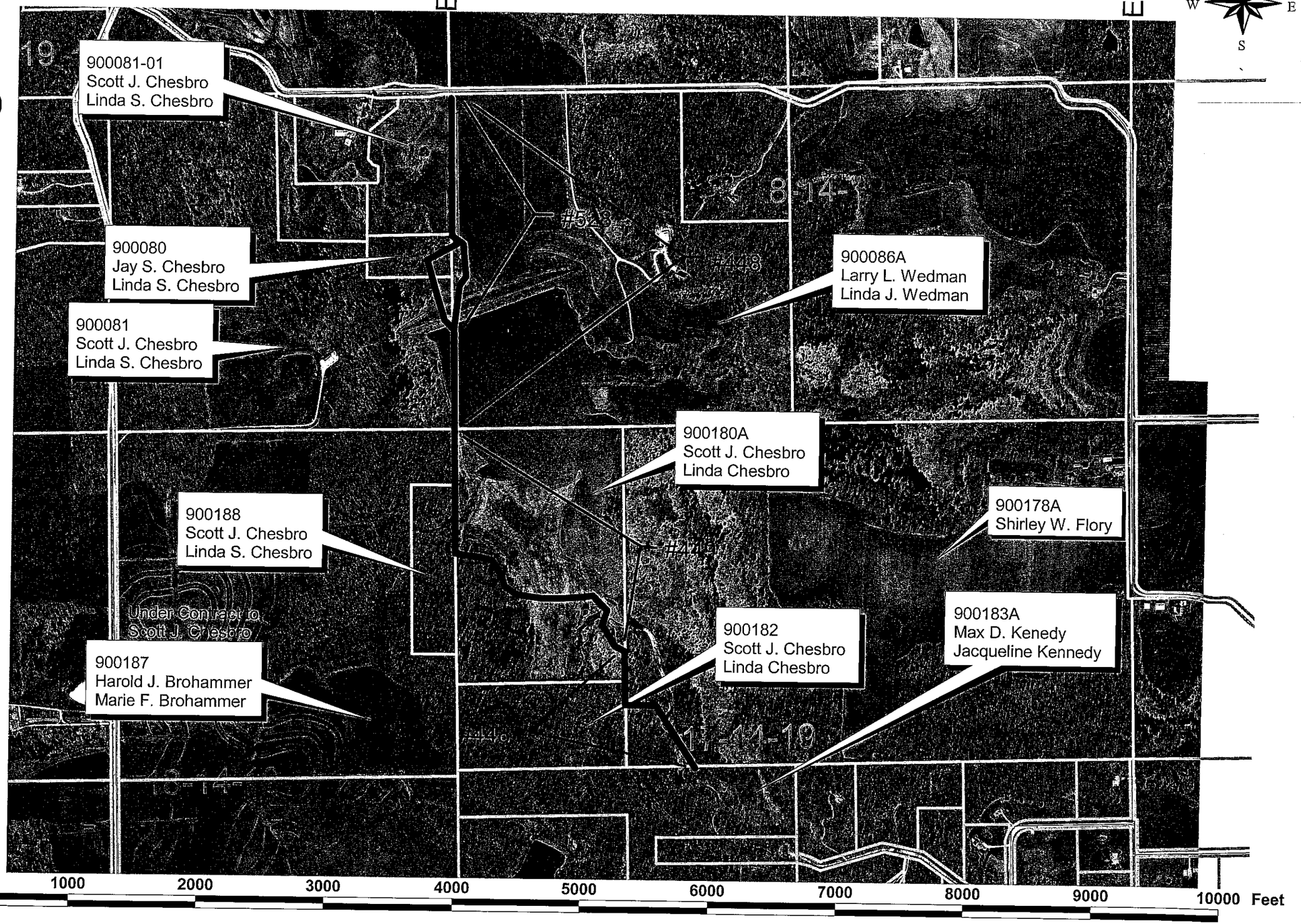
1/22/03 6. The Public Works Department, if appropriate,:

a. records resolution at Register of Deeds (administrative);

b. prepares road vacation plat for road records (administrative);

c. stores plat and resolution in official road packet (administrative).

ROAD NO. 448, 449 & 528 VACATION



(3)

DOUGLAS COUNTY RESOLUTION NO. _____

A RESOLUTION VACATING A PORTION OF E. 900 ROAD

WHEREAS, The Douglas County Board of County Commissioners, pursuant to K.S.A. 68-102, as amended by Douglas County Charter Resolution No. 94-2-1, may vacate a road without a petition being presented to them; and,

WHEREAS, the Douglas County Board of County Commissioners, has received a request from the Willow Springs Township Board to vacate a portion of E. 900 Road, described as:

E900 Road: from 650N to 668N

that portion of Permanent Road Record No. 448 located in the Northwest Quarter (NW 1/4) of Section 17, Township 14 South, Range 19 East of the Sixth Principal Meridian in Douglas County, Kansas, the centerline of which is more particularly described as follows:

beginning at the point on the South Line of the Northwest Quarter (NW 1/4) of Section 17, Township 14 South, Range 19 East, said point being coincident with the termination point of road previously vacated at Commissioner's Book L, Page 106, May 6, 1924, thence North 42 degrees 30 minutes 0 seconds West a distance of 8.42 chains (555.72 feet), thence North 90 degrees 0 minutes 0 seconds West a distance of 2.2 chains (145.2 feet), thence North 0 degrees 0 minutes 0 seconds East a distance of 8.3 chains (547.8 feet), and terminating at said point; also,

E900 Road: from 668N to 700N

that portion of Permanent Road Record No. 449 located in the Northwest Quarter (NW 1/4) of Section 17, Township 14 South, Range 19 East of the Sixth Principal Meridian in Douglas County, Kansas, the centerline of which is more particularly described as follows:

beginning at a point 14.8 chains (976.8 feet) North of the Southeast corner of the West half of the Northwest Quarter (NW 1/4) of Section 17, Township 14 South, Range 19 East, thence North 68 degrees 30 minutes 0 seconds West a distance of 0.96 chains (63.36 feet), thence North 20 degrees 45 minutes 0 seconds West a distance of 3.33 chains (219.78 feet), thence North 15 degrees 0 minutes 0 seconds East a distance of 1.15 chains (75.9 feet), thence North 49 degrees 0 minutes 0 seconds West a distance of 2.55 chains (168.3 feet), thence, North 90 degrees 0 minutes 0 seconds West a distance of 6.5 chains (429.0 feet), thence North 90 degrees 0 minutes 0 seconds West a distance of 8.0 chains (528.0

feet), thence North 59 degrees 30 minutes 0 seconds West a distance of 3.0 chains (198.0 feet), thence North 22 degrees 0 minutes 0 seconds West a distance of 3.0 chains (198.0 feet), thence North 65degrees 30 minutes 0 seconds West a distance of 1.53 chains (100.98 feet), thence North 84 degrees 0 minutes 0 seconds West a distance of 1.25 chains (82.5 feet), thence North 67 degrees 30 minutes 0 seconds West a distance of 1.82 chains (120.12 feet), thence North 0 degrees 0 minutes 0 seconds West a distance of 4.0 chains (264.0 feet), thence North 0 degrees 0 minutes 0 seconds West a distance of 14.18 chains (935.88 feet) to the corner of Sections 7,8,17 & 18 and terminating at said point; also,

E900 Road: from 700N to 750N

that portion of Permanent Road Record No. 448 located in the Southeast Quarter (SE 1/4) of Section 7, Township 14 South, Range 19 East of the Sixth Principal Meridian in Douglas County, Kansas, the centerline of which is more particularly described as follows:

beginning at the southeast corner of the Southeast Quarter (SE 1/4) of Section 7, Township 14 South, Range 19 East, thence North 0 degrees 0 minutes 0 seconds East a distance of 11.57 chains (763.62 feet), thence North 30 degrees 0 minutes 0 seconds West a distance of 1.78 chains (117.48 feet), thence North 12 degrees 0 minutes 0 seconds West a distance of 1.44 chains (95.04 feet), thence North 20 degrees 0 minutes 0 seconds West a distance of 2.03 chains (133.98 feet), thence North 20 degrees 0 minutes 0 seconds West a distance of 3.13 chains (206.58 feet), thence North 20 degrees 0 minutes o seconds West a distance of 2.29 chains (151.14 feet), thence North 62 degrees 0 minutes 0 seconds East a distance of 4.4 chains (290.4 feet), thence North 0 degrees 0 minutes 0 seconds East a distance of 15.45 chains (1019.7 feet) to the northwest corner of the Southwest Quarter (SW 1/4) of Section 8, Township 14 South, Range 19 East, and the terminating at said point; also,

that portion of Permanent Road Record No. 528 located in the Southwest Quarter (SW 1/4) of Section 8, Township 14 South, Range 19 East of the Sixth Principal Meridian in Douglas County, Kansas, the centerline of which is more particularly described as follows:

beginning at the northwest corner of the Southwest Quarter (SW 1/4) of Section 8, Township 14 South, Range 19 East, thence South 0 degrees 0 minutes 0 seconds East a distance of 16.65 chains (1098.9 feet), thence South 46 degrees 0 minutes 0 seconds East a distance of 1.71 chains (112.86 feet), thence South 18 degrees 0 minutes 0 seconds East a distance of 1.6 chains (105.6 feet), thence South 1 degree 45 minutes 0 seconds West a distance of 2.67 chains (176.22 feet), thence South 34 degrees 0 minutes 0 seconds West a distance of 1.38 chains (91.08 feet), thence South 7 degrees 45 minutes 0 seconds West a distance of 4.0 chains (264.0 feet) to the intersection of the west line of said

Section 8, and terminating at said point.

WHEREAS, in the judgment of the Douglas County Board of County Commissioners said road is not a public utility by reason of neglect, nonuse, or inconvenience; and,

WHEREAS, said road has become practically impassable and the necessity for said road as a public utility does not justify the expenditure of funds for repair of said road or place the same in condition for public travel; and,

WHEREAS, notice of the proposed vacation of said road was published in the official Douglas County newspaper and additional notice was sent by first class mail to each owner of property adjoining said road.

NOW, THEREFORE, BE IT RESOLVED BY THE DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS that the above described road be vacated.

ADOPTED this ____day of _____, 2003 by the Douglas County Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

_____
Jere McElhaney, Chairman

ATTEST:

_____
Bob Johnson, Member

_____
Patty Jaimes, County Clerk

_____

(4)

PUBLIC HEARING ITEM:

ITEM NO. 10: **TEXT AMENDMENT TO AMEND MAXIMUM CUL-DE-SAC LENGTH (GL/SMS)**

SUMMARY

TA-10-05-02: Consider Text Amendment to Section 21-607.2(k) to revise the design standards for the length of a cul-de-sac in the City/County Subdivision Regulations. Initiated by the Lawrence/Douglas County Planning Commission on October 23, 2002.

GENERAL INFORMATION

In the past several years, the Planning Commission has reviewed multiple requests to permit cul-de-sacs within subdivisions that exceed the standards permitted in the code. In several instances variances have been granted to exceed the 1,000 feet permitted in Section 21-607.2 due to the topography within the subdivision or the size of the property that is being subdivided. At their meeting in October 2002, the Planning Commission directed staff to draft a text amendment to the subdivision regulations to extend the permitted length.

The current code requirement is as follows:

21-607.2 (k) A cul-de-sac shall be not more than 700 feet in length for medium to high density residential uses (more than 7 d.u./acre) or commercial/industrial land uses. A maximum length of 1,000 feet shall be observed for low density residential developments (7 d.u./acre or fewer).

In subdivisions with cul-de-sacs, easements shall be provided to ensure the water supply system is looped.

A variance from these provisions may be requested by the property owner as provided for in section 21-802 of these regulations. The burden shall be upon the applicant to satisfactorily demonstrate that the street layout and design standards in Article 6 are met by the request.

When a variance is granted, the planning commission shall require:

(1) Extra street or road width for medium and high density residential uses or commercial/industrial uses;

(2) Easements or similar means of guaranteeing emergency vehicle access as recommended by the public works director and fire chief; and,

(3) Such other conditions as may be necessary to protect the public health, safety and general welfare.

(l) All cul-de-sacs shall have a minimum right-of-way radius of 50 feet.

(m) Streets longer than one lot which dead end against property boundaries of undeveloped land shall provide an improved temporary turnaround.

(n) Not more than two streets shall intersect at any one point.

STAFF REVIEW

Staff has conducted a review of subdivision regulations across the country. The vast majority of regulations reviewed state the length shall not exceed 800-1,000 feet and a handful of rural counties have permitted longer lengths. Surrounding Kansas counties limit the length to 1,000 feet. The issue of cul-de-sac length has also been discussed in the Zoning & Codes Advisory Committee and is addressed in the proposed subdivision regulations prepared by Duncan Associates. Duncan has suggested that the maximum length be extended to 1,320 feet.

Staff has found that the 1,000-foot length is more often an issue in reviewing subdivisions located in the unincorporated portions of the County where five acre or larger lots are proposed. The maximum length may become less of an issue for subdivisions located in the City due to recent fire code requirements that include provision of 50 foot (radius) paved turnaround areas for streets longer than 500 feet. Therefore, at this time staff is recommending that a change only occur for the cul-de-sac standards in county subdivisions.

PROPOSED TEXT

The proposed changes to the existing regulations are shown in ***italics***:

21-607.2 (k)***(1) In subdivisions located within the City of Lawrence, a*** cul-de-sac shall be not more than 700 feet in length for medium to high density residential uses (more than 7 d.u./acre) or commercial/industrial land uses. A maximum length of 1,000 feet shall be observed for low density residential developments (7 d.u./acre or fewer).

(2) In subdivisions located within the unincorporated areas of Douglas County, the maximum length of a cul-de-sac shall be 1,320 feet.

In subdivisions with cul-de-sacs, easements shall be provided to ensure the water supply system is looped.

A variance from these provisions may be requested by the property owner as provided for in section 21-802 of these regulations. The burden shall be upon the applicant to satisfactorily demonstrate that the street layout and design standards in Article 6 are met by the request.

When a variance is granted, the planning commission shall require:

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(3) Such other conditions as may be necessary to protect the public health, safety and general welfare.

(l) All cul-de-sacs shall have a minimum right-of-way radius of 50 feet.

(m) Streets longer than one lot which dead end against property boundaries of undeveloped land shall provide an improved temporary turnaround.

(n) Not more than two streets shall intersect at any one point.

Recommendation: Planning Staff recommends approval of the proposed text amendment to Section 21-607.2 of the Joint Subdivision Regulations and forwarding a recommendation for approval to the City Commission and the County Commission.

ITEM NO. 10: TEXT AMENDMENT TO AMEND MAXIMUM CUL-DE-SAC LENGTH (GL/SMS)

TA-10-05-02: Consider Text Amendment to Section 21-607.2(k) to revise the design standards for the length of a cul-de-sac in the City/County Subdivision Regulations. Initiated by the Lawrence/Douglas County Planning Commission on October 23, 2002.

STAFF PRESENTATION
Staff had no information beyond that included in the Staff Report.

PUBLIC HEARING
No member of the public spoke on this Item.

ACTION TAKEN
Motioned by Comm. Bateman and seconded to approve the Text Amendment on maximum cul-de-sac length as presented and forward to the City and County Commissions with a recommendation for approval.

Motion carried unanimously, 8-0, with Student Comm. Morrell also voting in favor of the motion.

Draft