

PLANNING COMMISSION REPORT
Regular Agenda – Non-Public Hearing Item:

PC Staff Report
05/19/08

ITEM NO. 4B: PRELIMINARY PLAT FOR BC&R STORAGE ADDITION (JCR)

PP-03-05-08: Preliminary Plat including one variance request and one waiver request for BC&R Storage Addition, a two-lot nonresidential subdivision located in the 1300 Block of North 3rd Street. Submitted by Grob Engineering Services, for BC&R Storage Company, Inc. and JGM Properties, LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the variance request from Section 20-810(d)(4)(i) which requires the dedication of additional road right-of-way in lieu of the dedication of a 10' wide pedestrian and right-of-way easement and a 15' wide landscape easement.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for denial of the waiver request from Section 20-811(c)(1)(iii) which requires the construction of a sidewalk along North 3rd Street to the City Commission.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of BC&R Storage Addition and forwarding it to the City Commission for consideration of the requested vacation and dedication of easements, subject to the following conditions:

1. Should the Planning Commission grant denial of the waiver request requiring the applicant to construct sidewalks, revise note #10 to state that public improvements shall consist of a 6' wide sidewalk along North 3rd Street;
2. Should sidewalks be required, add a note stating that Public Improvement Plans will be submitted and approved prior to final plat approval for a new sidewalk;
3. Should the Planning Commission grant the waiver request to forgo a sidewalk, add a note to the preliminary plat which states that an Agreement Not to Protest the Formation of a Benefit District to finance construction of sidewalks will be required prior to final plat approval and recordation;
4. Add a note stating that a Right-of-Way Work Permit shall be obtained from the City Clerk's Office for all construction work performed in the public right-of-way.

KEY POINTS

- The preliminary plat is accompanied by a Special Use Permit request for exterior storage at BC&R Storage Company, Inc.
- A 66,000 square foot building addition is proposed and is subject to administrative site plan review and approval.
- March 24, 2008: Planning Commission approved rezoning of the subject property from RS10 and CS to IG (General Industrial) District to accommodate the proposed building expansion and exterior storage use.
- April 29, 2008: Lawrence City Commission approved rezoning of the subject property upon the recommendation of the Planning Commission.
- Portions of the site are platted while others are not. This application is a request to plat the entire site as a two-lot subdivision.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- The applicant is requesting two variances from the Subdivision Regulations.
- Section 20-810(d)(4) requires the dedication of 20' of additional right-of-way along North 3rd Street with this subdivision. The applicant is requesting that the Planning Commission grant a variance from the requirement to dedicate right-of-way in lieu of the dedication of a 10' pedestrian and road easement and a 15' wide landscape easement.
- Section 20-811(c) requires the construction of a 6' wide sidewalk along all arterial streets, such as North 3rd Street. The applicant is requesting that the Planning Commission grant a waiver from the requirement to construct a sidewalk along North 3rd Street.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- SUP-03-03-08, a Special Use Permit for BC&R Storage (Item #4A).
- Publication of a Rezoning ordinance per Section 20-1303(i).
- Publication of a Special Use Permit ordinance per Section 20-1306(j).
- Submittal, approval and recordation of a final plat at the Register of Deeds.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None to date

GENERAL INFORMATION

Current Zoning and Land Use:	IG (General Industrial) District (pending publication of rezoning ordinance); Existing BC&R Storage Facility including warehouse (interior) storage and exterior storage.
Surrounding Zoning and Land Use:	IG (General Industrial) District to the south; warehouse, storage & distribution uses. CS (Commercial Strip) District to the east; greenhouse, nursery, eating and drinking establishment, manufactured home sales facility and undeveloped land. County I-2 (Light Industrial) District to the west and north; railroad to the west, metal recycling facility to the north.

SUBDIVISION SUMMARY

Property Area (acres):	9.463 (Lot 1: 8.75; Lot 2: .71)
Street Frontage (ft):	850 (Lot 1: 695, Lot 2: 155)
Dedication of Street Right-of-Way (acres):	0
Dedication of Pedestrian & Road Easement (acres):	.212
Dedication of Landscape Easement (acres):	.318
Dedication of Utility Easement (acres):	.198
Vacation of Utility Easement (acres):	.293

STAFF REVIEW

The subject property is located in the 1300 Block of North 3rd Street, just north of Interstate 70/Kansas Turnpike. BC&R Storage Company Inc. currently operates a 60,460 square foot distribution warehouse with exterior storage. The company plans a 66,000 square foot expansion to its distribution warehouse along with an expansion of the outdoor area dedicated to exterior storage. The proposed exterior storage requires approval of a Special Use Permit (Item #4A). The site is composed of both platted and unplatted land. This application is a request to plat the entire BC&R site as one, two-lot nonresidential subdivision. Lot 1 contains the site of the existing building as well as the proposed building addition and a majority of the area dedicated for exterior storage uses. Lot 2 will contain only exterior storage uses.

Zoning and Land Use

The City Commission approved rezoning those portions of the site which are currently unplatted at its April 29, 2008 meeting from CS and RS10 to IG (General Industrial) District to support the proposed building addition and exterior storage uses.

Right-of-Way Variance Request

When necessary, the Subdivision Regulations require the dedication of road right-of-way for all subdivisions. North 3rd Street is classified as a principal arterial street which requires a total of 150' of right-of-way, or 75' each side of centerline. The street has 55' of right-of-way west of centerline abutting the subject property. Application of the regulations requires the property owner to dedicate 20' of additional right-of-way. The applicant requests that the Planning Commission grant a variance from this requirement in lieu of dedicating a 10' wide pedestrian access and road easement and a 15' wide landscape easement.

The Subdivision Regulations authorize the Planning Commission to grant variances in cases of hardship in carrying out the provisions of the regulations. A variance shall not be granted unless the following apply:

1) Strict application of these regulations will create an unnecessary hardship upon the subdivider;

Application of the regulations will reduce the usable area of the lots. The property will feature approximately 85% total lot coverage upon completion of the proposed building addition and the proposed exterior storage uses. The property is physically constrained on the west by the railroad and on the north and south by existing development under different ownership. The proposed exterior storage use requires a 15' wide landscape bufferyard along the length of the street frontage. Additional right-of-way dedication will force the required bufferyard to be moved back 20 feet and reduce the usable area of the property by 17,000 square feet.

2) The proposed variance is in harmony with the intended purpose of the Subdivision Regulations;

The variance request is in harmony with the intended purpose of the regulations. The purpose is to ensure that adequate right-of-way is available for the construction of roads and to obtain the right-of-way necessary to improve existing streets to the current standards if needed. This portion of North 3rd Street is located within 88' of right-of-way, including 55' on the west side of centerline abutting the subject property. There are no current plans to widen North 3rd Street. Widening of North 3rd Street along the length of the corridor may not be possible without significant alterations to the Kansas Turnpike bridge over North 3rd Street to widen the distance

between the piers. The proposed bridge reconstruction does not propose widening the piers beyond their current width. The applicant will dedicate a 10' wide pedestrian and road easement for the placement of a sidewalk and potential future road improvements. This will provide a total of 65' of area for road improvements west of centerline.

3) The public health, safety and welfare will be protected.

The public health, safety and welfare are protected should the variance request be granted. The dedication of additional right-of-way will not further protect the public health, safety and welfare.

Sidewalk Waiver Request

The Subdivision Regulations require the construction of a 6' wide sidewalk along North 3rd Street. The applicant is requesting a waiver from this requirement. The regulations authorize the Planning Commission to make a recommendation to the City Commission on such waiver requests. The regulations state that in considering such requests, special consideration shall be given to sites adjacent to collector or arterial roads, located in historic districts, or in areas with severe site topography which make it impractical or difficult to build a sidewalk.

None of the considerations cited above are applicable to the subject property. The applicant is requesting the ability to provide an agreement to not protest the formation of a benefit district to finance the construction of a sidewalk at a later date. Sidewalks are typically required to be constructed concurrent with development for all multi-dwelling residential uses and commercial and industrial uses. An eating and drinking establishment located across the street from the subject property is an example in which the sidewalk was constructed concurrent with site development. Staff recommends that the applicant be required to construct the sidewalk concurrent with the development of the site.

Streets and Access

The proposed subdivision is adjacent to North 3rd Street, a principal arterial street. There are no other street rights-of-way within or adjacent to the subject property. Access to Lot 1 is provided directly from North 3rd Street at two points. Lot 2 is accessed via a reciprocal cross-access easement across Lot 1 to Lot 2. Direct access to Lot 2 from North 3rd Street will be prohibited. Direct access to Lot 1 from North 3rd Street from any location other than the two access points shown on the plat shall be prohibited. The access points shown are consistent with access management standards of the Subdivision Regulations and Development Code.

Utilities and Infrastructure

The plat does not propose the extension of any public utilities or infrastructure. The subject property is currently developed and is currently served with the necessary infrastructure to accommodate the proposed building addition and exterior storage. Private water service lines are proposed to be extended to provide water access for fire protection.

Easements and Rights-of-way

The plat proposes the vacation of an existing utility easement that is currently unused. The City Utilities Department supports the proposed vacation as does Planning Staff. All other existing easements are proposed to remain. The plat proposes the dedication of the following easements for the following purposes:

- 1) a 15' wide utility easement for Westar electric;

- 2) a 10' wide pedestrian access and road easement in lieu of the dedication of road right-of-way for the placement of a sidewalk and future road improvements;
- 3) a 15' wide landscape easement for a landscape bufferyard, as required of the associated Special Use Permit;
- 4) a reciprocal cross-access easement across Lot 1 to provide access to Lot 2.

Conformance with *Horizon 2020*

The lots are dimensioned and sized appropriately for industrial or warehouse and distribution uses. The Future Land Use Map of *Horizon 2020* designates the subject property for "Office Research, Industrial/Warehouse/Distribution".

Conformance with Subdivision Regulations & Development Code

With the exception of the variance and wavier requests, the preliminary plat conforms to standards of the Subdivision Regulations and Lot Density and Dimension Requirements of the Development Code for property zoned IG (General Industrial).

PRELIMINARY PLAT
B C & R STORAGE ADDITION
LAWRENCE, KANSAS

DESIGNED BY
SMC

CHECKED BY
JDC

ISSUE DATE
February 19, 2008
PP-02-01-08

REVISIONS
March 21, 2008
PP-03-05-08

April 16, 2008 City Comments

SHEET

1

LEGAL DESCRIPTION

A BEAR OF LOT 1, NORTH LAWRENCE ADDITION NO. 15; LOT 1, BLACKS SUBDIVISION NO. TWO; LOT 1, GARDNER'S LITTLE EASE, AND TWO TRACTS OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, ALL IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID QUARTER SECTION, SAID POINT BEING 399.18 FEET MEASURED ALONG SAID EAST LINE FROM THE CORNER OF SAID QUARTER SECTION 19, TOWNSHIP 12 SOUTH, RANGE 20 EAST, THENCE SOUTH 88°30'11" WEST 322.13 FEET TO A CHISELED "X" IN CONCRETE, SAID POINT BEING 1391.17 THENCE SOUTH 88°30'11" WEST 322.13 FEET TO A CHISELED "X" IN CONCRETE, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 01°19'28" EAST ALONG SAID EAST RIGHT OF WAY LINE, 763.40 FEET TO A BAR WITH CAP "P15 610"; THENCE NORTH 87°49'00" EAST, 529.44 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 02°14'31" EAST ALONG SAID EAST LINE, 923.88 FEET TO THE POINT OF BEGINNING, LESS HIGHWAY RIGHT OF WAY.

MONUMENTATION

- Set 1/2" x 24" bar w/cap "AP5 1391"
- Found Bar

SITE SUMMARY

Gross Property Area:	9.463 AC
Proposed ROW & Pedestrian Easement:	0.212 AC
Proposed Additional Utility Easement:	0.198 AC
Proposed Additional Utility Easement:	0.293 AC
Utility Easement to be Vacated:	0.293 AC
Total Number of Lots:	2
Minimum Lot Size:	0.711 AC
Maximum Lot Size:	0.752 AC
Average Lot Size:	4.731 AC

GENERAL NOTES

- OWNER: BCR Storage Company Inc. JCM Properties LLC
1321 North 3rd Street P.O. Box 565
Lawrence, Kansas 66044 Lawrence, Kansas 66044
1. Land Planner/Engineer: Grob Engineering Services, LLC
3210 Mesa Way, Suite A
Lawrence, Kansas 66049
2. Surveyor: All Points Surveying, LLP
P.O. Box 4444
Lawrence, KS 66045

LEGEND

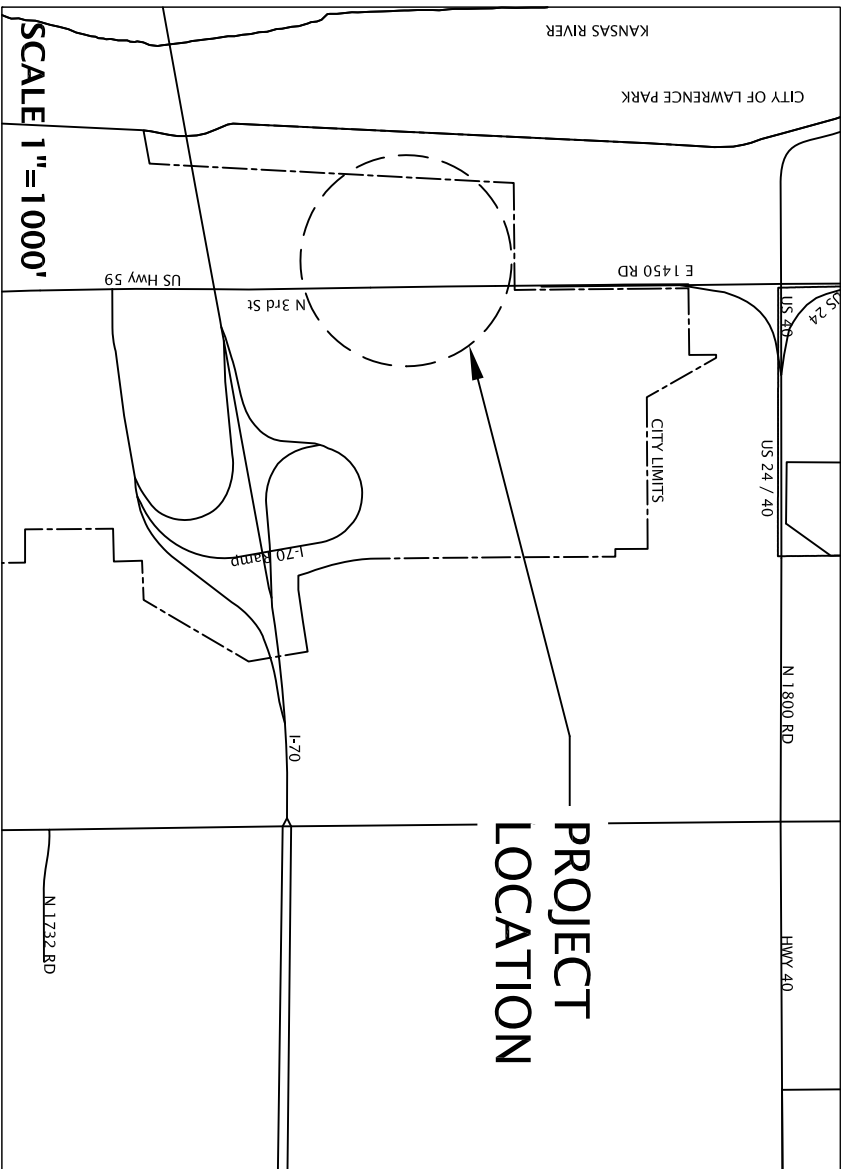
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- DEED
- PLAT
- (CM) CALCULATED FROM MEASUREMENTS
- (CM) CONIFEROUS TREE
- DECIDUOUS TREE
- EXST. SAN. SEWER MANHOLE
- EXST. STORM MANHOLE
- EXST. STORM DRAIN
- EXST. GUY ANCHOR
- EXST. UTILITY POLE
- EXST. BOLLARD
- EXST. WATER METER
- EXST. WATER VALVE
- EXST. SPRINKLER
- EXST. SPRINKLER VALVE
- EXST. GAS VALVE
- EXST. GAS METER
- EXST. LIGHT POLE
- EXST. SIGN
- ELECTRIC BOX
- CABLE TV BOX
- EXST. OVERHEAD WIRE
- EXST. UNDERGROUND TEL.
- EXST. UNDERGROUND PIPE
- EXST. GAS
- EXST. WATERLINE
- EXST. SANITARY SEWER LINE
- PROPERTY LINE
- RIGHT-OF-WAY
- PEDESTRIAN/LANDSCAPE EASEMENT

- EXST. SAN. SEWER MANHOLE
- EXST. STORM MANHOLE
- EXST. STORM DRAIN
- EXST. GUY ANCHOR
- EXST. UTILITY POLE
- EXST. BOLLARD
- EXST. WATER METER
- EXST. WATER VALVE
- EXST. SPRINKLER
- EXST. SPRINKLER VALVE
- EXST. GAS VALVE
- EXST. GAS METER
- EXST. LIGHT POLE
- EXST. SIGN
- ELECTRIC BOX
- CABLE TV BOX
- EXST. OVERHEAD WIRE
- EXST. UNDERGROUND TEL.
- EXST. UNDERGROUND PIPE
- EXST. GAS
- EXST. WATERLINE
- EXST. SANITARY SEWER LINE
- PROPERTY LINE
- RIGHT-OF-WAY
- PEDESTRIAN/LANDSCAPE EASEMENT

WAIVERS AND VARIANCES REQUESTED

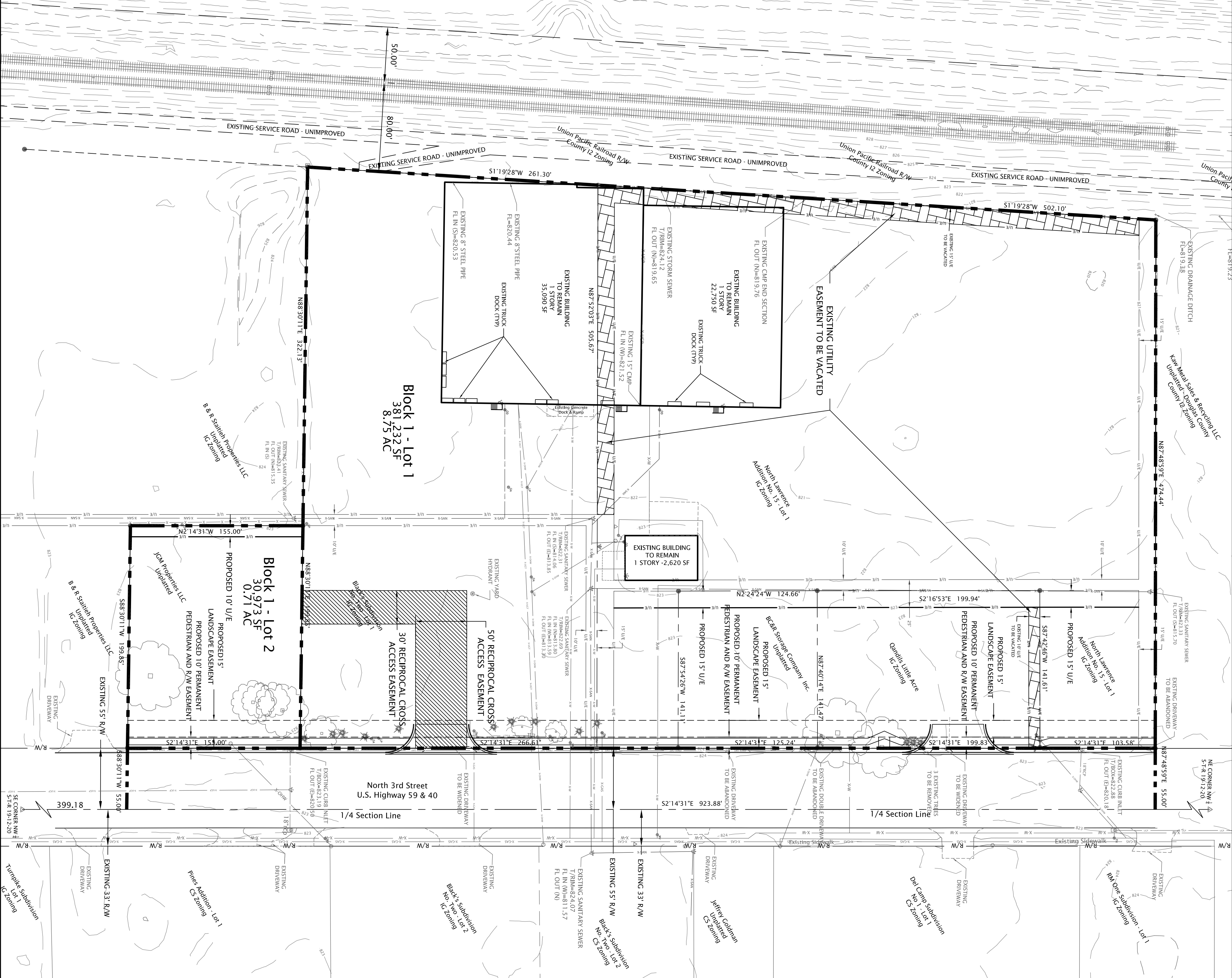
- Pursuant to Subdivision Design Standards Section 20.810(d)(4)(i), The Owners of this property request a waiver to the requirement to dedicate 20 feet of additional Right-of-Way for a Principal Aerial Street Type. The Owners propose to dedicate 10 feet of Permanent Pedestrian and Right-of-Way Easement and 15 feet of Landscape Easement along N. 3rd Street.
- Standards Section 20.811(c)(1)(B) and Land Development Code Section 20.1.106, The Owner requests a waiver to the requirement to install sidewalks along N. 3rd Street. An Agreement is on record at the Douglas County Register of Deeds Book 391, Page 1276 which the owners of Lot 1, Blacks Subdivision No. 2 and Lot 1, North Lawrence Addition No. 15 have agreed to not protest the formation of a benefit district for construction of sidewalks and/or streets. The above mentioned property has been replatted as part of the BCR Storage Addition to the Owners of this property will sign and execute an Agreement Not to Protest the formation of a benefit district for sidewalk improvements along N. 3rd Street.

LOCATION MAP



a preliminary plat for
B C & R STORAGE ADDITION

THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY -
NOT FOR CONSTRUCTION



SCALE: 1 inch = 50 feet

