

**PLANNING COMMISSION REPORT
REGULAR AGENDA -- PUBLIC HEARING ON VARIANCE REQUESTS ONLY**

PC Staff Report
10/22/08

ITEM NO. 9: PRELIMINARY PLAT FOR ALEXEI'S ADDITION; 825 ILLINOIS STREET (MKM)

PP-08-10-08: Preliminary Plat for Alexei's Addition, a one-lot, 0.16 acre subdivision, located at 825 Illinois Street. Submitted by Dean Grob for Paula Minetti, property owner of record. Variances are requested from Section 20-810(d)(10)(ii) to permit an alley with less than the minimum required right-of-way width of 20 feet and from Section 20-810(d)(10)(iii) to permit an alley that does not comply with the construction standards of the city.

STAFF RECOMMENDATION: Staff recommends approval of the following variances:

- 1) From Section 20-810(d)(10)(ii) which requires that alleys shall have a minimum right-of-way width of 20 feet to permit the existing right-of-way width of 16 feet, and
- 2) From Section 20-810(d)(10)(iii) which requires that alleys comply with the construction standards of the City as provided in these regulations to permit the alley surface to remain gravel in this location.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of Alexei's Addition subject to the following condition:

- 1) Provision of a note on the preliminary plat that states that an easement for the overhead power lines which encroach over a portion of the lot to the south will be dedicated by separate instrument and the Book and Page Number will be noted on the final plat.

Applicant's Reason for Request: The applicant intends to reconstruct a garage on the property. Per Section 20-801(c) of the Subdivision Regulations, building permits may be issued only on platted property.

KEY POINTS

- A portion of the west side of Illinois Street is unplatted. The remainder of the area was platted in the 1800's, but the west side of the 800 Block north of and including the subject property at 825 Illinois and the 700 Block of Illinois Street have never been platted.
- Per Section 20-801(c) of the Subdivision Regulations, building permits may be issued only on property which has been platted.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- The plat is not compliant with Sections 20-810(d)(10)(ii) & (iii) of the Subdivision Regulations because the alley behind the lot is 16 ft wide rather than the 20 ft required

by Sub Regs and is constructed of gravel which is not an approved surfacing material within the city. Variances are being requested from these standards with this plat.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval of variances requested from Sections 20-810(d)(10)(ii) & (iii) to permit the 16 ft gravel alley to remain in its existing state.
- Submittal of the preliminary plat to the City Commission for acceptance of dedication of rights-of-way and easements.
- Submission and administrative approval of a final plat.
- Dedication through separate instrument an easement for the overhead power lines which encroach over the lot to the south.
- Recordation of the final plat with the Book and Page number for the off-site easement noted.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Area residents contacted the Planning Office with concerns about the proximity of the garage to the property line and the narrow width of the alley. It was suggested that the garage or accessory structure be required to be setback 2 ft. from the alley right-of-way to provide additional openness to the area.

GENERAL INFORMATION

Current Zoning and Land Use: RS5 (Single-Dwelling Residential) District; single dwelling residence.

Surrounding Zoning and Land Use: In all directions:
RS5 (Single-Dwelling Residential) District; established single-family residential neighborhood.

To the southeast:
CS (Commercial Strip) District; small retail center.

SITE SUMMARY

Number of Lots	1	
Area of Lot	7022.5 sq. ft	5,000 sq. ft. minimum required in the RS5 District
Lot Width	60.13 ft.	40 ft. minimum required in the RS5 District
Lot Frontage	60.13 ft.	40 ft. minimum required in the RS5 District

STAFF REVIEW

The subject property is located at 825 Illinois Street. The west side of the of Illinois Street is unplatted from the subject property north to the intersection of Illinois Street and 7th Street. (See Figure 1) The area had been platted early in Lawrence's history; the properties east of Illinois Street were platted as Lanes 1st Addition in 1865, the properties immediately to the west were platted in 1868 as the Lane Addition, and the properties to the south were platted in 1887 as Logan Place. The area shown in white in Figure 1 was not platted when the surrounding area was platted. Per Section 20-801(c) of the Subdivision Regulations, building permits may be

issued only for property which has been platted; therefore, the applicant has submitted a preliminary plat for this property.

Many alleys in the older portions of Lawrence are 16' wide. Per Section 20-533(3) of the Development Code, accessory structures which do not open directly onto the alley may be located up to the rear property line. The foundation shown in Figure 4 on the west side of the alley appears to be located the same distance from the alley as the foundation for the structure on the subject property, shown in Figure 3. As the development pattern of narrower alleys with structures built to the property line is common throughout the older portions of Lawrence, Staff does not feel the additional setback for this garage would be appropriate.

Zoning and Land Use

The property was previously zoned RS-2 (Single-family Residence) District. The zoning in this area was changed to the RS5 (Single-Dwelling Residential) District with the adoption of the Development Code in 2006. The proposed lot meets the minimum lot area and lot width requirements of the RS5 District (5,000 sq. ft. and 40 ft). No change in the use of the property is being proposed.

Streets and Access

The property is bounded on the east by Illinois Street and on the west by a 16 ft. gravel alley that is located to the rear of the lots. The subject property has a curb cut on Illinois Street so access is possible from either the alley or from Illinois Street. Currently, access is taken from Illinois Street.

Utilities and Infrastructure

Sanitary sewer lines are located within the alley and water lines are located on the west side of Illinois Street. An overhead power line is located in the alley and crosses a portion of the lot to the south, Lot 1, Logan Place, to access the existing structure on the subject lot. An easement shall be dedicated by separate instrument to accommodate this utility line on the neighboring property and the Book and Page Number will be noted on the Final Plat.

Easements and Rights-of-way

The property abuts Illinois Street which has 80 ft of right-of-way which exceeds the amount of right-of-way required in Section 20-810(d)(4)(i) for local streets. There are no utility easements in this area as the utility infrastructure is located within the alley and the Illinois Street right-of-way. A utility easement will be dedicated prior to the recording of the final plat to accommodate the power line crossing the neighboring property.

Variances

The property owner is requesting a variance from Section 20-810(d)(10)(ii) which requires 20 ft of right-of-way for alleys and from Section 20-810(d)(10)(iii) which requires that alleys be constructed to City standards.

Section 20-813(g) states that the Planning Commission may grant a variance from the design standards of these regulations with the exception of the standards of the wastewater disposal system standards only if the following three criteria are met: that the strict application of these regulations will create an unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of these regulations and that the public

health, safety and welfare will be protected. Below is a review of the variance request in relation to these criteria.

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

RIGHT-OF-WAY: Strict application of these regulations would require the dedication of additional right-of-way for the alley behind the subject lot. The area contains established single dwelling residences and the alley has been in this configuration since the surrounding properties were platted in the 1800s. As it is unlikely that all of the platted properties would replat, it is unlikely that the width of the alley would be increased throughout the length of the block. A wider right-of-way for this lot would remove area from the lot and would create an alley with irregular boundaries.

CITY STANDARDS: The property owner would also be required to pave the alley behind the lot. The remainder of the alley is gravel and gravel would soon be spread over the newly paved area. If the alley were to be widened or paved throughout the entire block, the alley would be improved to City Standards; but, requiring a small portion of the alley to be paved would serve no useful purpose.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

Per Section 20-801(a) of the Subdivision Regulations, these regulations are intended to ensure that the division of land will serve the public interest and general welfare as well as to provide for the conservation of existing neighborhoods. The variances will allow for the conservation of the existing neighborhood as it will permit the property owner to obtain a building permit. Denial of the variance would result in an alley with uneven boundaries and a small paved area, which would have no beneficial impact on the public welfare.

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

The variance would allow the alley to remain in its current state, which would have no negative impact on the public health, safety and welfare.

Conformance

With the approved variances and recommended condition, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

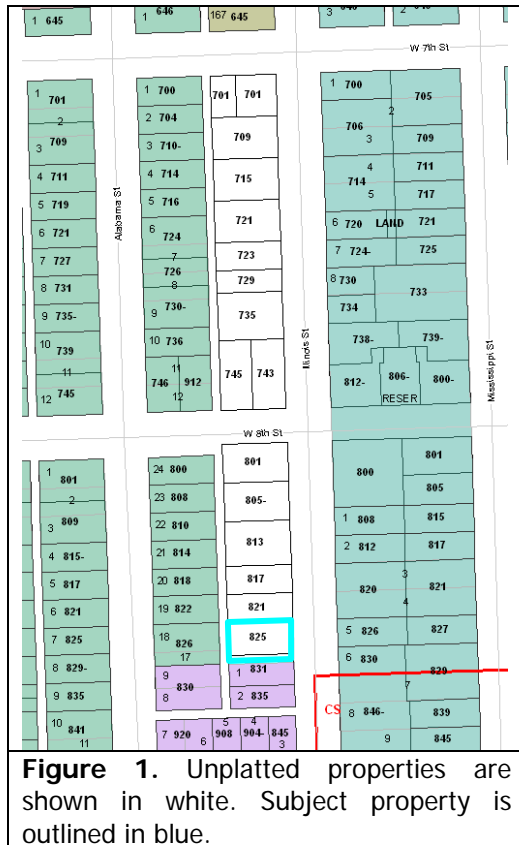


Figure 2. 825 Illinois Street



Figure 3. West side of alley behind subject property.



Figure 4. East side of alley behind subject property. Subject property to the east.