

**PLANNING COMMISSION REPORT
REGULAR AGENDA
Public hearing on Variance Requests**

PC Staff Report
08/25/10

ITEM NO 5: PRELIMINARY PLAT; RIVERSIDE BUSINESS PARK; 30.527 ACRES; 2030 PACKER COURT (MKM)

PP-6-5-10: Consider a Preliminary Plat for Riverside Business Park, a two lot subdivision containing approximately 30.527 acres, located at 2030 Packer Court and variances from Section 20-810(d)(2)(ii) requiring more than one access to the collector/arterial street network and from Section 20-810(d)(4)(i) requiring additional right-of-way for a principal arterial. Submitted by Bartlett and West for Riverside Development, Inc. and Riverside Business Park LLC, property owners of record.

STAFF RECOMMENDATION ON VARIANCE FROM SECTION 20-810(D)(2)(iii):

Staff recommends approval of the requested variance from the requirement in Section 20-810(d)(2)(iii) for more than one access point to the collector/arterial street system for more than 25,000 sq ft of nonresidential space subject to the following condition of approval:

1. The following note shall be added to the plat: "The property will be developed in compliance with the requirements of the International Fire Code (IFC) which may include sprinklering of buildings or provision of a fire access based on the size of development proposed."

STAFF RECOMMENDATION ON VARIANCE FROM SECTION 20-810(D)(4)(i):

Staff recommends approval of the requested variance from the requirement in Section 20-810(d)(4)(i) to allow the right-of-way for N Iowa Street to remain at 100 ft in this location. The plat shall be revised to indicate that this variance was approved.

STAFF RECOMMENDATION ON PRELIMINARY PLAT:

Staff recommends approval of the Preliminary Plat of the Riverside Business Park-Addition No 2 and forwarding the plat to the City Commission for acceptance of dedications of easements and rights-of-way subject to the following conditions of approval:

1. Provision of a revised plat with the following changes:
 - a. Show the access restriction graphically and add the following note: "No direct access shall be permitted to N Iowa Street".
 - b. Add the following note: *"The drainage, landscape, and utility easements along the south property line will be maintained as 'greenspace' to serve as a buffer for the residential properties to the south."*
 - c. Show the existing and proposed water main per approval of the City Utility Engineer.

Applicant's Reason for Request: To consolidate several lots into a larger lot for future industrial development.

KEY POINTS

- The combination and reconfiguration of lots proposed with this plat can be accomplished through an administrative Minor Subdivision; however, as several easements will be revised and public right-of-way will be vacated, it is being replatted through a Major Subdivision.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-810(d)(2)(iii) requires 2 or more access points to the arterial and collector street system for new subdivisions with more than 25,000 sq ft of nonresidential space. A variance has been requested from this requirement to permit 1 public access point.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission acceptance of dedication of easements and rights-of-way as shown on the preliminary plat.
- Final plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Submittal of public improvement plans and provision of assurance of means to complete public improvements prior to recording of the final plat.
- Site planning will be required prior to development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required with the preliminary plat.
- *Downstream Sanitary Sewer Analysis* – A letter dated June 18, 2010, states that the site use is undetermined and a full downstream sanitary sewer analysis will be completed at the time of the future site plan. Department of Utilities agrees that the DSSA is better addressed when the lot use is known.
- *Drainage Study* – A drainage study will be required with any site plan for this property, but is not required at this time.
- *Retail Market Study* – Not required per Sec. 20-1107 of the Development Code

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Site Summary

Gross Area:	29.380 acres (1,279,792 sq ft)
Number of Lots:	2
Area of Lots:	Lot One 26.333 acres (1,147,000 sq ft)
	Lot Two 3.057 acres (133,152 sq ft)

GENERAL INFORMATION

Current Zoning and Land Use: IG (General Industrial) District; undeveloped.

Surrounding Zoning and Land Use:

To the west:

- IG (General Industrial) District, pet food manufacturing and beverage distribution facility, *General Industrial* uses and an undeveloped property.

To the south:

- IG (General Industrial) District south of Lot 2; undeveloped parcel with County A (Agricultural) District to the south of that, developed with a *detached dwelling*.
- County A-1 (Suburban Home) District; land outside the city limits developed with *detached dwellings*.

To the east:

- County A-1 (Suburban Home) District, land outside the city limits, developed with *detached dwellings*.
- County I-4 (Heavy Industrial) District; land outside the city limits, undeveloped.

To the north:

- County I-4 (Heavy Industrial) District; property used in conjunction with electric power plant, a *major utility*.

STAFF REVIEW

The subject property is platted, but has not been developed. The property is being replatted to provide a larger lot for industrial development.

Zoning and Land Use

The subject property is zoned IG (General Industrial) District which is intended to accommodate moderate and high-impact industrial uses, including large scale or specialized industrial operations. No uses are being proposed at this time.

Streets and Access

A portion of property fronts N Iowa Street. Access will be provided to N Iowa Street from Packer Court. No direct access shall be permitted to N Iowa Street. The previously approved plat for this property did not permit access to N Iowa Street for the frontage included in the proposed Lot 2. The plat should note this access restriction and show it graphically. Packer Court was platted as a 800 ft long cul-de-sac with Riverside Business Park Addition. With this plat, the length of this cul-de-sac will be reduced to approximately 400 ft; therefore, a portion of the right-of-way for Packer Court is being vacated.

Section 20-810(d)(2)(iii) of the Subdivision Regulations requires 2 or more access points to the collector and arterial street system for any property with more than 25,000 sq ft of non-residential space. A variance from this design standard has been requested with this plat and will be discussed later in the report.

Fire Code requires 2 access points unless the buildings will be sprinklered, although they do not both need to be public access. As the use and building size have not been determined at this time a note should be added to the plat which states that the Fire Code requirements adopted at the time of development must be adhered to relative to access.

Section 20-810(d)(2) requires that streets provide for street connections to adjacent undeveloped land. The property was platted as the Anna Hope Subdivision in May of 1981 and was replatted as the Riverside Business Park in June of 2002. An additional 40 Ft of right-of-way for Wisconsin Street was dedicated with the Riverside Business Park so street right-of-way

extended to the southern property line of Lot 20, Wells Acres. As all adjacent lots have access to an improved street, additional right-of-way is not required with this plat.

Utilities and Infrastructure

Sanitary sewer lines are located in utility easements near the northern and southern property lines. These lines and easements will remain. The existing watermain must be shown to ensure that the water main is available to the proposed lots for services, fire lines and fire hydrants. The plat should be revised to show the existing water main and proposed alterations per approval of the City Utility Engineer.

Fire access roads must be provided within 150 ft of the exterior wall of the first floor of any structure. When this property is site-planned it will be necessary to include approved fire apparatus access roads around any structure.

Easements and Rights-of-way

N Iowa Street is designated a 'principal arterial' on the Major Thoroughfares Map. 100 ft of right-of-way is currently provided for N Iowa Street in this location. Section 20-810(d)(4)(i) of the Subdivision Regulations requires 150 ft of right-of-way for principal arterials. The applicant has requested a variance from this design standard. The variance is discussed later in this report.

A drainage easement is located in the northern portion of the property. It is approximately 190 ft wide at the midway point of the northern lot line. A drainage easement is also located in the southeast corner of the property and extends along the southern side of the property to approximately 300 ft from N Iowa Street. A 50 ft landscape easement with a berm is located along the south side of the property just north of this drainage easement. A 20 ft utility easement borders the interior of the drainage or landscape easements. The previously approved plat contained a note that the drainage, landscape, and utility easements would be maintained as 'greenspace' to serve as a buffer for the residential properties to the south. This note should be added to this plat as well.

Environmentally Sensitive Lands

A stream corridor and mature stand of trees, as defined in the Development Code, is located in the northern portion of the property. This area is currently within a drainage easement which is also shown on the replat.

VARIANCES

Section 20-810(d)(2)(iii) of the Subdivision Regulations prohibits approval of any new subdivision in which more than 25,000 sq ft of nonresidential space will have access to the public road system via a single outlet to the arterial and collector street system as shown on the adopted Major Thoroughfares Plan. A variance is being requested to permit one public access to the collector and arterial street system. Section 20-810(d)(4)(i) requires 150 ft of right-of-way for principal arterials. A variance is being requested to permit N Iowa Street right-of-way to remain at 100 ft.

Section 20-813(g) states that the Planning Commission may grant a variance from the design standards of these regulations 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.

The evaluations below review the proposed development with the criteria necessary for granting a variance.

Variance From Access Requirement in Section 20-810(d)(2)(iii)

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

Applicant's Response:

"This is an existing platted site. Lot 1 is land-locked by existing conditions which include landscape easement with berm and residential housing to the south, unplatted county land to the east, drainage easement with existing creek to the north. Existing Wisconsin Street to the SE of the property has been partially vacated and is adjacent to a drainage easement."

The property was previously platted and the street system was laid out with only one access to the collector and arterial street system. This plat is consolidating 5 lots into 1 and slightly enlarging the lot closest to N Iowa Street, Lot 2. The replat permits the construction of a larger industrial building rather than 5 individual building sites. These changes should not result in any higher intensity of use for the area.

A second public access to this property may be possible if an easement were obtained so that a drive could be constructed across the Westar property to the east. However, traffic would then pass through a residential neighborhood south of the Westar property in order to access the nearest collector street, Riverridge Drive, (Figure 1). The type and amount of traffic associated with industrial uses may not be suitable for a local street through a residential neighborhood.

The property was previously platted with one access point to the collector/arterial street system and this replat is reducing the number of lots from 6 to 2. Given the type of change being proposed with this plat, and the possible impact the second access could have on existing neighborhoods, the provision of this additional access would be an unnecessary hardship.

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

Applicant's Response:

"Packer Court is roughly 450 feet in length. The end of Packer Court is a relatively short distance from North Iowa Street. There will be direct access to Lot 1 from the cul-de-sac. We feel this in no way will adversely affect the health, safety and welfare of the public. When Lot 1 is site planned fire protection issues will be addressed as required."

If a second access were provided to the east, industrial traffic would travel through residentially zoned properties to access the site. Maintaining the single access, while reducing the number of lots, would maintain the traffic patterns through the neighborhood which had been previously approved. It is not possible to foretell the impact that the proposed reduction in the number of lots would have on the intensity of use (primarily traffic). The reduced number of lots may reduce the number of different industrial facilities that would be located on the property; however, larger buildings may be possible.

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

"Packer Court is roughly 450 feet in length. The end of Packer Court is a relatively short distance from North Iowa Street. There will be direct access to Lot 1 from the cul-de-sac. We feel this in no way will adversely affect the health, safety and welfare of the public. When Lot 1 is site planned fire protection issues will be addressed as required."

Figure 1. Street network in the area. Red denotes arterial streets and Yellow designates collector streets, as designated on the Major Thoroughfares Map. (Subject property shaded in green.)

STAFF RECOMMENDATION

Staff recommends approval of the variance request from Section 20-810(d)(2)(iii) to permit the replatting of the subject property with the previously approved single access to the collector or arterial street system. A note should be added to the plat which specifies that the development will comply with the requirements of the adopted Fire Code.

Variance From Right-of-Way Requirement in Section 20-810(d)(4)(i)

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

Applicant's Response:

"The existing right-of-way at 100' wide provides adequate width for current and future road improvements along North Iowa Street. Since the property has already been plated and intends to keep the frontage and cul-de-sac access the same as the previous plat, we request the additional 25' of right-of-way be waived in this unique situation."

The majority of N Iowa Street has been developed. (Figure 2) It is often problematic to require the additional right-of-way which is required in the Development Code for principal arterials in areas that have been developed or partially developed. As a 20 ft utility easement is provided along the street right-of-way, and it is highly unlikely that N Iowa Street will be widened in the future, the City Engineer indicated he has no objection to the variance.

As the additional right-of-way has been determined to be unnecessary at this location, dedication of the right-of-way would result in an unnecessary hardship to the applicant.

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

Applicant's Response:

"This variance does not propose any future hardships for traffic planning along North Iowa Street in the future and is in harmony with current land use planning regulations."

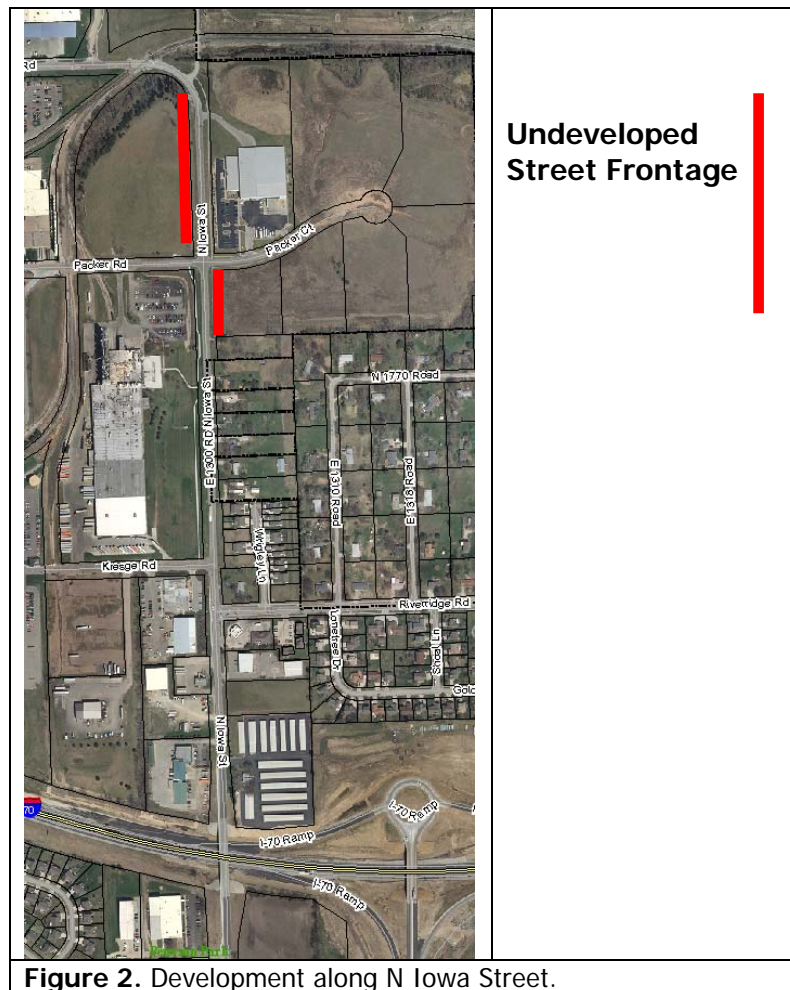
The purpose of the Subdivision Regulations is to provide for the harmonious and orderly development of land and to contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity and efficiency. The wider right-of-way required in the 2006 Subdivision Regulations is intended to provide adequate space for the roadway, utilities, sidewalks and other features. The Subdivision Regulations are also intended to coordinate the development of each parcel of land with the existing community and facilitate the proper development of adjoining land [Section 20-801(2)(iv)]. In this case, the utilities, roadway and sidewalks have been installed and the amount of right-of-way provided is consistent with that provided for the remainder of N Iowa Street. The proposed variance is in harmony with the intended purpose of the Subdivision Regulations.

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

Applicant's Response:

"The acceptance of this variance does not pose any threat to the public health, safety and welfare of the citizens of Lawrence."

The proposed plat will combine existing lots in preparation for industrial development. The lots will each meet the density and dimensional requirements of the IG Zoning District. The variance will permit the right-of-way for Iowa Street to remain at 100 feet in this location, which the City Engineer had indicated was acceptable and is in keeping with the remainder of N Iowa Street. In staff's opinion, there will be no negative impact on the public, health, safety and welfare.



STAFF RECOMMENDATION

Staff recommends approval of the variance request from Section 20-810(d)(4)(i) to permit the right-of-way for N Iowa Street to remain at 100 ft in consistency with the remainder of the street.

Conformance

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