

**PLANNING COMMISSION REPORT
REGULAR AGENDA**

PC Staff Report
08/25/10

ITEM NO 6: PRELIMINARY PLAT; HALLMARK ADDITION; 5.252 ACRES; 151 MCDONALD DR (MKM)

PP-6-6-10: Consider a Preliminary Plat for Hallmark Addition 3rd Plat, a three lot subdivision containing approximately 5.252 acres, located at 151 McDonald Drive and a waiver request from the requirement in Section 20-811 to provide sidewalks along all street frontages. Submitted by Paul Werner Architects for Downtown Equities II, LC, property owner of record.

STAFF RECOMMENDATION ON WAIVER:

Staff recommends the forwarding of the waiver from the requirement to provide sidewalks along McDonald Drive to the City Commission with a recommendation for approval subject to the following condition:

1. Execution of an Agreement Not to Protest the Formation of a Benefit District for future installation of sidewalk.

STAFF RECOMMENDATION ON PRELIMINARY PLAT:

Staff recommends approval of the Preliminary Plat of the Hallmark Addition 3rd Plat and forwarding the plat to the City Commission for acceptance of dedications of easements subject to the following conditions:

1. Provision of a revised plat with the following changes:
 - a. Relocation of the waterline within the access/utility easement with a connection at North Iowa Street and Princeton Boulevard.
 - b. Re-labeling of 'access easement' as 'access/utility easement'.
 - c. Provision of the following notes regarding the access easement and the joint use driveway: "*The access easement and joint use driveway will be privately-owned and maintained.*" and "*The access easement is provided for the purpose of establishing onsite multi-modal circulation. The easement shall not be gated and shall remain unobstructed for vehicles, pedestrians and bicycles.*"
 - d. Revision of General Note 8 to indicate that the drainage easement will be privately maintained *unless* the City accepts ownership.
 - e. Show Fire Hydrants located no further than 500 ft apart as required in the International Fire Code.
 - f. Revision of legal description to identify the property as Hallmark Addition 3rd Plat.
 - g. Provision of a note which states that access to McDonald Drive, Princeton Boulevard, and N Iowa Street is restricted as shown on the plat.
 - h. Revision of the sanitary sewer to extend straight to the west across N Iowa Street.
 - i. Revision of General Note 10 to indicate that the 6 ft wide sidewalks will be installed with the public improvements.
2. Submittal of Public Improvement Plans to the Public Works Department for acceptance prior to the recording of the final plat.
3. Provision of certification that the public improvements have been completed or one of the means listed in 20-811(h)(2) for ensuring completion of required public improvements prior to the recording of the final plat.
4. Execution of an Agreement Not to Protest the Formation of a Benefit District for sidewalk, stormsewer or street improvements prior to the recording of the final plat.

Applicant's Reason for Request: Division of land to create smaller lots prior to development.

KEY POINTS

- The subject property was divided from Lot 1 Hallmark Addition through a Minor Subdivision, Hallmark Addition 2nd Plat, in 2009. Variances which were approved with this minor subdivision remain applicable and are noted on the preliminary plat.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Variance from right-of-way requirement in Section 20-810(d)(4)(i) of the Subdivision Regulations was requested with a previous minor subdivision for this property, Hallmark Addition 2nd Plat (MS-9-10-08), and was approved by the Planning Commission at their January 28, 2009 meeting.
- On April 2, 2009, the City Engineer approved a waiver request from the access management standards in Section 20-915(e)(2)(ii) to permit a driveway to access Princeton Boulevard in the midpoint of Lot 2 in association with the Minor Subdivision noted above.
- The applicant is requesting a waiver from the requirement to provide sidewalks along the street frontage [Section 20-811(c)] for the frontage along McDonald Drive. The City Commission is the decision making body on this waiver.

ASSOCIATED CASES/OTHER ACTION REQUIRED

PRELIMINARY PLAT

- City Commission acceptance of dedication of easements and right-of-way as shown on the preliminary plat.
- City Commission determination on waiver request from requirement to provide 6 ft wide sidewalk along McDonald Drive. If approved, a note to that effect will be added to the plat. If denied, the sidewalk will be installed with the public improvements.

FINAL PLAT

- Final Plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Submittal of public improvement plans.
- Certification of completion of public improvements or provision of means of ensuring completion of required public improvements.
- An agreement not to protest the formation of a benefit district for sidewalk, stormsewer and street improvements must be executed and provided to the Planning Office for recording with the plat.

SITE PLAN

- Site plans submitted for administrative approval prior to development.
- A Stormwater Pollution Prevention Plan (SWP3) and an Erosion Control Plan (ECP) must be provided and accepted by the Stormwater Engineer prior to any construction activity.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required with the preliminary plat. Will be required with site plan.
- *Downstream Sanitary Sewer Analysis* – The DSSA has been accepted.
- *Drainage Study* – A drainage study was provided and accepted.
- *Retail Market Study* – Not required. Retail uses in this zoning district may not exceed 50,000 sq ft per condition placed on the re-zoning to the IL District. Zoning Ordinance No. 8511.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Site Summary

Gross Area: 5.252 acres (228,764 sq ft)
Number of Lots: 3
Area of Lots: Lot 1- 1.732 acres (75,441 sq ft)
Lot 2- 1.662 acres (72,418 sq ft)
Lot 3- 0.893 acres (38,891 sq ft)

GENERAL INFORMATION

Current Zoning and Land Use: IL (Limited Industrial) with conditions; undeveloped.

Surrounding Zoning and Land Use: To the north: IG (General Industrial) District; Manufacturing and warehousing (Hallmark Cards facility)
To the west: RM12 (Multi-Dwelling Residential) District; multi-dwelling residential units.
To the east: GPI (General Public and Institutional Uses) District; School District administrative offices.
To the south: RS10 (Single-Dwelling Residential) District; National Guard Armory Administrative Offices.

STAFF REVIEW

The subject property is undeveloped and is currently platted as one lot. This plat proposes to divide the existing lot into 3 lots which will share a common access drive from Princeton Boulevard to N Iowa Street.

Zoning and Land Use

The subject property is zoned IL (Limited Industrial) District with conditions. The IL District is intended to accommodate low-impact industrial, wholesale and warehouse operations that are employment-intensive and compatible with commercial land uses. The IL Zoning was approved with conditions which limited the permitted uses in the District and the amount of retail development. The use restrictions are listed in Table 1, below.

The following uses are not permitted in this Zoning District, per Ordinance No 8511:	
Mobile Home	Gas and Fuel Sales
Detention Facilities	Heavy Equipment Sales/ Rental
Cemetery	Inoperable Vehicles Storage
Livestock Sales	RV and Boats Storage
Fast Order Food, with Drive-in	Heavy wholesale, Storage & Distribution
Retail Sales and Services-Food and Beverage	Recycling Facilities, Large Collection
Mixed Media Store	Recycling Facilities Processing Center
Cleaning (Vehicle Sales and Services)	
The following uses are permitted but are limited to a total of 15,000 gross square feet for either one or a combination of these uses:	
Retail Sales and Services-Personal Convenience	
Retail Sales and Services-Personal Improvement	
Retail Sales, General	
Commercial Parking Facilities shall be allowed except that no vehicle with a Gross Vehicle Weight (curb weight plus payload) of more than 6000 lbs is permitted.	
Table 1. Use restrictions per IL (District) Conditional Zoning for this property.	

No uses are being proposed at this time. When uses are proposed, the property will be required to be site planned and only uses that are compliant with the restrictions in Ordinance 8511 will be permitted.

Streets and Access

The property is bounded by McDonald Drive on the east, N Iowa Street on the west and Princeton Boulevard on the south. McDonald Drive and N Iowa Street are classified as principal arterials and Princeton Boulevard is classified as a minor arterial on the Major Thoroughfares Map. N Iowa Street and Princeton Boulevard are located within City right-of-way, but McDonald Drive is located within Kansas Turnpike Authority (KTA) right-of-way. Right-of-way provided for the abutting streets complies with the requirements in Section 20-810(d)(4)(i) with the exception of N. Iowa Street. At the January 28, 2009 meeting, the Planning Commission granted a variance from the right-of-way requirement to permit the N Iowa St. right-of-way to remain at 100 ft at this location. This variance remains applicable with this subdivision and a note referencing this variance has been placed on the plat.

As the property is bounded by arterial streets on 3 sides, access restrictions apply to all sides and are shown on the plat. Per Section 20-915(e)(1)(i) all driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 300 feet from the perpendicular curb face of the intersecting street. Per Section 20-915(e)(3)(i) of the Subdivision Regulations, the City Engineer approved a waiver from the access standards for the access point on Princeton Boulevard based on the fact that access is limited by virtue of it being a median separated road and the turning movement would be limited to 'right in/right out' turns only. The KTA representative indicated that a note on the plat indicating that 'any access point on McDonald Drive must be approved by KTA prior to construction' would be adequate for their access restriction. This restriction applies to areas that are beyond the City's restricted access.

Utilities and Infrastructure

A sanitary sewer main will be extended to serve all 3 lots. The plat shows the sanitary sewer line in an easement, which then follows the west property line to the north where it crosses N Iowa Street. The Utility Department approved a different configuration, with the sanitary sewer line continuing straight across N Iowa Street from the sanitary sewer easement. A water main is also required to be extended and the Utilities Department indicated that it would be appropriate to locate the water main in the access easement with a connection to Princeton Boulevard and N Iowa Street. The access easement should be relabeled 'access/utility' easement to clearly identify its purpose.

A 6' wide sidewalk is required along the west, south, and east property lines as the property is bordered on all sides by arterials. Per Section 20-811(c)(1)(i) a 10 ft bicycle/recreation path is required on one side of a principal arterial. The Bicycle Route Map indicates that a bicycle/recreation path is planned for North Iowa Street. As park land is located on the west side of N Iowa Street, the bicycle/recreation path would be more appropriate on the west side and a 6 ft wide sidewalk on the east side adjacent to the subject property. The sidewalks are required to be installed with the public improvements and must be shown on the public improvement plans but are not required to be shown on the preliminary plat. As adequate right-of-way is not available for a 6 ft wide sidewalk along Princeton Boulevard, the property owner will dedicate a 'utility/pedestrian access easement' rather than the current 'utility easement' along the southern property line to accommodate the sidewalk.

The applicant requested a waiver from the requirement in Section 20-811(c) to install a sidewalk along McDonald Drive. This waiver will be forwarded to the City Commission for consideration with the preliminary plat and is discussed later in the Staff Report.

Easements and Rights-of-way

The Planning Commission approved a variance from Section 20-810(d)(4)(i) to permit the right-of-way for N Iowa Street to remain at 100 ft at this location, with a minor subdivision [MS-9-10-08] which divided the subject property from the larger Hallmark property to the north. This variance remains applicable with this further subdivision of the property.

A drainage easement was provided on this property when it was originally platted as part of Lot 1, Hallmark Addition in 1997. A portion of this easement is being vacated with this plat and the remainder of the drainage easement will be contained in Tract A. General Note 8 states that the drainage easement will be privately owned and maintained until the City accepts ownership. This language should be revised to '*unless*' the City accepts ownership for clarity.

Utility easements are being provided along the perimeter of the lots. A utility/pedestrian access easement is being dedicated along the Princeton Boulevard street frontage to accommodate the 6 ft wide sidewalk. An access easement is being dedicated to accommodate the shared drive which accesses Princeton Boulevard and N Iowa Street. The easement should be labeled as a 'access/utility' easement as the waterline will also be located within this easement. The plat should note that this easement will be privately owned and maintained and include the following wording "*The access easement is provided for the purpose of establishing onsite multi-modal circulation. The easement shall not be gated and shall remain unobstructed for vehicles, pedestrians and bicycles.*"

Waiver

The applicant is requesting a waiver from the City Commission from the requirement to install a sidewalk along McDonald Drive. Section 20-811 states that the Planning Commission may make a recommendation on such waiver request, but final action on the request shall be by the Governing Body, as part of the preliminary plat review. The applicant listed the following justification for the waiver request:

1. *McDonald Drive doesn't have an end destination other than the KTA booth which is obviously car oriented. The need for a sidewalk to that location is relatively non-existent.*
2. *There is not a good location for a sidewalk along McDonald Drive because it will come to the large drainage ditch and culvert on the north side of this proposed development. Without a way to cross the drainage easement pedestrians would have to get onto the McDonald Drive shoulder to continue north. When it comes to pedestrian safety this is not a recommended solution. It is important to note that the proposed development comes to an end before the sidewalk comes to the drainage ditch.*
3. *It's unknown at this time what it would take between the City, private owners and KTA to get a sidewalk/bridge over the drainage ditch but it will be a large cost for a dead end sidewalk that ends at the KTA booth.*
4. *Pedestrian access will be provided on Princeton and Iowa to get pedestrians to Hallmark and the proposed development.*

Staff agrees that there are obstacles to the extension of a sidewalk along McDonald Drive; however, it may be possible to extend a sidewalk to access Hallmark in the future. The KTA toll booth and Interstate Highway to the north would limit pedestrian access further north. Staff recommends approval of the waiver subject to the condition that the Agreement Not to Protest

the Formation of a Benefit District include sidewalks as well as stormsewer and street improvements.

Conformance

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