

Memorandum

City of Lawrence

Planning and Development Services

TO: David L. Corliss, City Manager

FROM: Planning Staff

Date: For 02/21/12 City Commission Meeting

RE: SP-2-13-12 – Briggs Auto use of right-of-way request – W 29th Terrace and Iowa Street Frontage Road

Briggs Auto is proposing to use the medians within the right-of-way of W. 29th Terrace and the grass portion of the Iowa Street Frontage Road for the commercial display of automobiles, including the display of signs and a 75' wind turbine. The project includes reconstructing the grass/treed medians within W. 29th Terrace in order to display vehicles. The new medians will also have new light poles with banner signs attached. The proposal also includes a large area marker sign, along with vehicle display, at the east end of the project facing Iowa Street.

Since the whole of this proposal takes place within street right-of-way and within an access easement, a use of right-of-way agreement between the City of Lawrence and Briggs Auto is required in order to give permission to use the right-of-way of W. 29th Terrace in a commercial manner. The Lawrence City Commission decides such requests. Use of the right-of-way for commercial purposes for the Iowa Street Frontage Road will require Kansas Department of Transportation (KDOT) review and approval.

A Standard Site Plan has been assigned to this project so that the City may evaluate the technical elements of the project. A summary of the identified issues is found below:

1. The subject streets are flanked by auto related uses, including three auto dealerships. The area is unique for its high concentration of auto-related uses. The use of the right-of-way for commercial purposes could enhance this retail area for the consumer.
2. Previous zoning enforcement and site planning efforts for auto dealerships has focused on preventing the display of automobiles within street rights-of-way. This project proposes to display cars for commercial purposes in the right-of-way of W. 29th Terrace and in the grass portion of the Iowa Street Frontage Road. If allowed, it should be emphasized that the Commission's approval does not grant other dealerships the ability to use the right-of-way for commercial purposes.
3. The project includes the following types of signs:
 - 10 square foot car information banner signs on each new light pole within the new medians along W. 29th Terrace and along the frontage road.

- Stone wall commercial area marker sign advertising the “Lawrence Auto Plaza”. The area marker also includes a vehicle display area, on the east end of the project and facing Iowa Street.
- Relocated existing monument sign from the Briggs property to the frontage road.

The proposed signage for the project does not comply with the Sign Code. Business advertising signs are not permitted “off premises” or in the right of way. Ground signs are limited to one per parcel unless there are multiple businesses on parcels larger than 5 acres, in which case a single sign can be increased in area or a second smaller sign may be permitted. Ground signs must be of the monument type (no new pole signs). Area markers are limited to residential districts and are limited to 24 square feet in area, 4 feet in height, and must be constructed of wood, stone, brick or combinations thereof. Informational signs are limited to 4 square feet and 4 feet above grade, and must be “generic” in message content, i.e. no business graphics, names, or logos. Banners or signs attached to light poles that don’t meet the criteria for informational signs are not allowable.

To be approved as proposed the City Commission would need to consider the signs as signs of community interest.

4. The zoning of the property surrounding the project is CS (Commercial Strip) District. The maximum height allowed in the CS District is 45 feet. The proposed wind generator is 75 feet.

5. The Iowa Street right-of-way is a major highway entrance to the city, KU campus. It connects businesses on Iowa Street via a green corridor. It has been enhanced with city funding and supporting businesses over the last decade and serves as a green infrastructure and buffer from large asphalt parking lots along the corridor.



Permitting display vehicles along Iowa Street would diminish the effect of the buffer and could encourage other businesses to request its use for commercial purposes, further reducing the green space.

6. Recent auto dealership site plans along W. 29th Terrace were not required to have street trees because of the presence of trees in the medians along W. 29th Terrace. The city recently spent funds and staff time to improve the soil & plant street trees in the existing W. 29th Terrace medians. The existing street trees in

the medians will be removed with this proposal. Consideration should be given to replacing the trees proposed for removal at locations on the property that flank the street.

Discussion

Based on the unique concentration of auto-related uses, staff supports the request for using W. 29th Terrace, but believes greater consideration should be given to using the Iowa Street Frontage Road right-of-way. Staff has identified elements that are not code compliant and also notes that this request may trigger additional requests along Iowa Street or even other parts of the city to use public right-of-way for merchandise display.

In lieu of granting a use of right-of-way agreement to use the right-of-way for commercial purposes, the Commission may want to consider vacating W. 29th Terrace as a public street and require that an access easement be established over the private property to ensure its connectivity with the surrounding street network. A site plan would be necessary to use the private property in the manner proposed by the applicant. The project would also have to comply with the Development Code or seek variances for those elements identified as not yet code compliant.

Optionsⁱ

1. Approve the request as proposed and direct staff to draft an agreement to use the public right-of-way.
2. Approve the request with revisions to make the non-compliant elements code compliant (signs and wind turbine height) and/or permit only on a portion of the requested right-of-way (W. 29th Terrace and not Iowa St Frontage Road).
3. Deny the request and provide direction on whether the Commission would entertain vacating W. 29th Terrace to allow site planning private property.

ⁱ Review to date has identified the Iowa Street Frontage Road as KDOT right-of-way, though there is some debate about this issue. Any approval by the City Commission may need KDOT approval as well. Staff continues to research this matter.