

January 10, 2017

MS-16-00507: A Minor Subdivision/Replat of 3101 W. 31st Street: Block One, Lots 1 and 2, Central Bank of the Midwest Subdivision to divide the property into two lots. Submitted by Landplan Engineering for Central Bank of the Midwest, property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Minor Subdivision, subject to the following conditions:

1. Submission of a revised master street tree plan as discussed in the body of the staff report.
2. Submission of a revised Minor Subdivision drawing with the following notes and changes:
 - a. Add a note confirming the variance by the Planning Commission for a reduction in right-of-way for W. 31st Street and S. Iowa Street with the date.
 - b. Add signature block for Planning Commission Chair.
 - c. Add a note prohibiting access to Iowa Street/U.S. 59 from Lot 1.
 - d. Revise drawing to show dedication of additional ROW at corner of W. 31st Street and S. Iowa Street to include all existing improvements at the intersection.

KEY POINTS

- Per Section 20-808(c)(5) of the Subdivision Regulations, only one lot combination or division may be approved through the Minor Subdivision process except that lot line adjustments or mergers that do not increase the total number of lots may be accomplished through the Minor Subdivision/Replat process even if the property had previously been part of a Minor Subdivision or Repat. The subject Minor Subdivision is for the division of a platted lot into two new lots.
- This property was originally platted as the Harwood Addition in 1984 and included two lots.
- The northeast corner of the property included 175' of ROW width for U.S. Highway #59.
 - This width included a frontage road that was vacated and removed to accommodate redevelopment in 2003.
- 1994 agreement between property owners of parcels located on the southwest corner of W. 31st and Iowa Street and the City was executed addressing the vacation of a portion of right-of-way by KDOT to the City, development potential for the various lots, the removal of a frontage road, identification of access points to public streets and private access easements.
- The property was reconfigured in 1997 as a single lot and an area of right-of-way was vacated from KDOT to the City and then transferred to the property owner.
 - Additional right-of-way was dedicated for Nieder Road and W. 31st Street with this property.
 - East 25' of Lot 1 was vacated KDOT ROW that was added to the main body of the lot.
 - May 1997 City transferred excess KDOT ROW property to Douglas County Bank.
 - July 2003 the remaining frontage road ROW was vacated (after the completion of intersection improvements).
- Water and Sanitary Sewer Service is available to this property. Public Improvement Plans are not required for this proposed subdivision.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.
- Section 20-810 (e)(5) Cross-Sections. Minimum width for certain street types required.
- Section 20-813 (g) Variances. Procedures and review criteria for variances.

ASSOCIATED CASES

1. Harwood Addition, a two lot subdivision recorded in 1984.
2. Douglas County Bank, a one lot subdivision recorded in 1997.
3. SP-4-28-96; Original site plan for Douglas County Bank
4. Vacation of ROW by KDOT to the City of Lawrence and Vacation of ROW to the property owner. July 22, 2003; Book 878 Page 0071.

OTHER ACTION REQUIRED

- Approval of variance for reduction in ROW for Principal Arterial Streets (31st Street and Iowa Street) less than 150'.
- Acceptance of easements and ROW by the City Commission.
- Provision of a revised mylar of the Minor Subdivision Plat bearing the notarized signature(s) of the property owner, the Land Surveyor's signature and seal, and the County Surveyor's signature, and the appropriate recording fees.
- Recording of the Minor Subdivision and associated documents at the Douglas County Register of Deeds.

Table 1

GENERAL INFORMATION	
Current Zoning and Land Use:	CS (Commercial Strip) District; <i>Office; Financial, Insurance & Real Estate</i> a Bank with drive-through.
Surrounding Zoning and Land Use: To the north:	CS (Commercial Strip); <i>Retail and Financial, Insurance & Real Estate</i> (Bank with drive-through).
To the south:	CS (Commercial Strip) District; <i>Retail</i> (Petco) and <i>Financial, Insurance & Real Estate</i> (Bank with drive-through) and uses.
To the west:	PD-[Target PCD] District; <i>vacant building</i>
To the east:	PD-[Pineridge Plaza PCD] District; <i>Fast Order Food</i> (IHOP Restaurant) and <i>Retail</i> (Mixed in-line commercial building with multiple tenants).
Number of Existing Lots:	1
Number of Proposed Lots:	2

The property is located within the Iowa Street commercial corridor and on the southwest corner of Iowa Street and 31st Street. The property is developed with an existing bank with drive-through lanes. A large open space area is located on the western portion of the property that will be bounded by W. 31st Street and Nieder Road as a separate lot if approved.

RIGHT-OF-WAY

This property has been included in two previous subdivision applications. Right-of-way has been acquired or vacated along the perimeter streets depending on the development plan and applicable subdivision design regulations. The vacation of a portion of S. Iowa Street in the mid-1990's and again in 2003 after the completion of intersection improvements at 31st Street has resulted in a situation where the current lot configuration does not meet the minimum design standards of the current subdivision regulations regarding Principal Arterial Streets. Table 2 lists the required ROW for the adjacent streets in this Minor Subdivision.

Table 2: Minimum ROW requirements

Street	Classification	Required [required from Center Line]	Existing
Iowa Street	Principal Arterial	150' [75']	Variable (65'+)
31 st Street	Principal Arterial	150' [75']	Variable (70')
Nieder	Local	60' ft [30']	80' total ROW 40' to center line

The right-of-way at intersections is typically wider to accommodate those improvements and infrastructure (poles, boxes, transformers) both above and below ground that are required to manage vehicular and pedestrian movements. Three of the four corners of the Iowa Street/31st Street intersection include wider right-of-way as shown in the graphic below. Staff recommends that a like dedication of right-of-way be provided for this Minor Subdivision. The dedication of additional right-of-way for S. Iowa Street will not impact the existing improvements relative to zoning setbacks. The following image highlights the area recommended for ROW dedication.

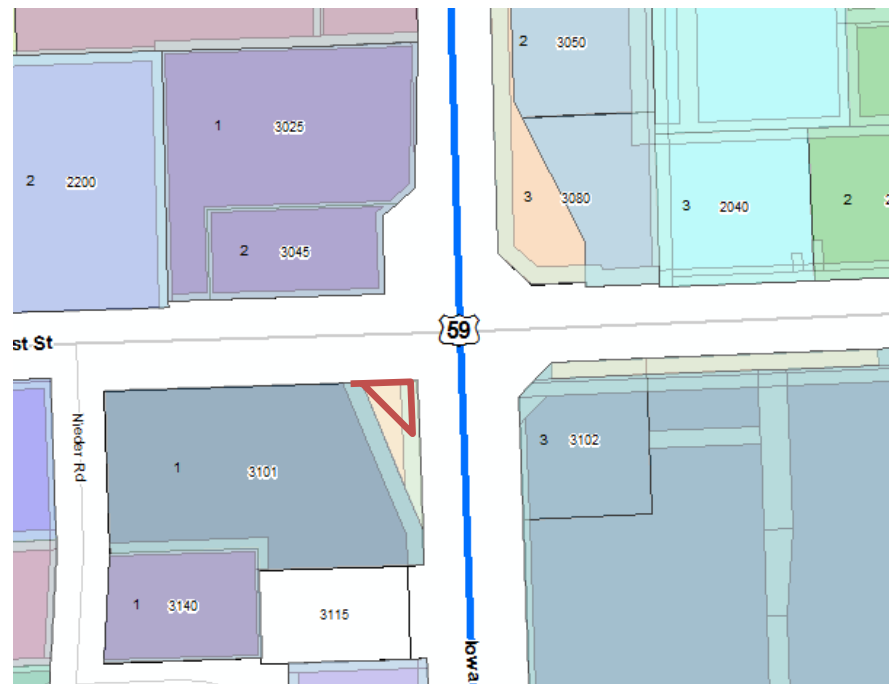


Figure 1: Existing Intersection ROW

A variance per section 20-813 (g) is required regarding ROW width and must be approved by the Planning Commission. This meeting is scheduled for 25 January 2017.

DIMENSIONAL REQUIREMENTS OF CS DISTRICT

The proposed subdivision exceeds the minimum lot area and lot width requirements for the CS District.

Table 3: Lot Area and Width Requirements

Required	Provided
Lot Area: 5,000 sq ft	Lot 1: 33,598 SF (.771 AC) Lot 2: 78,036 SF (1.781 AC)
Minimum Lot Width: 100 ft	Lot 1: Width along 31 st Street = 215.56' Width along Iowa Street = 291.26' Frontage along Nieder Road = 39' Lot 2: Width along 31 st Street = 166.65' Width along Nieder Road = 317.37'
Access to Nieder Road is prohibited except at the existing access drive.	

UTILITIES/EASEMENTS

The site includes an existing 25' wide utility easement located on the diagonal immediately east of the building. An additional 15' wide utility easement is located along the south property line of the subject property for the western 235'. This project includes the dedication of a new 30' wide access easement along the south and east property lines of Lot 2. The easement is located on Lot 1 but provides access to Lot 2 and follows the existing access drive.

The applicant is proposing a 5' wide combined access and utility easement along the north property line to accommodate any future improvements along W. 31st Street without further reducing the lot size.

Existing water and sanitary sewer services are located within the right-of-way for W. 31st Street and Nieder Road. Service lines can be extended from the new lot to these facilities as needed for development of Lot 2. Lot 1 is served by utility connections to the north. The sanitary sewer line that will serve Lot 2 is located on the west side of Nieder Road. A sanitary sewer service line would require crossing Nieder Road. The developer may choose, in the future to seek an extension of the sanitary sewer across Nieder Road to reduce the length of the service line or the construction of a service line under a public street. Public Improvement Plans are not required this this application. If a future development of Lot 2 includes a request to extend the sanitary sewer main; then the developer will be required to provide Public Improvement Plans.

ACCESS

Access to this property is provided from W. 31st Street on the north and Nieder Road on the west. An additional access to the south through the commercial development is provided through an existing cross access easement. Direct access to S. Iowa Street is prohibited. The drawing shows the restriction graphically. A note should be added to also state the prohibition.

SIDEWALKS

Along the adjacent streets, Nieder Road, W. 31st Street and Iowa Street. Sidewalks exist along these public streets. No changes are required to the existing sidewalks with this Minor Subdivision. Future plans including improving the existing W. 31st Street to a shared use path and will require widening of the facility. The parking lot within Lot 1 currently does not comply with the required 15' setback. Dedication of additional right-of-way for W. 31st Street would increase this nonconformity. The applicant proposes providing 5' of pedestrian easement along W. 31st Street to meet the required total width when combined with the existing ROW along this street segment.

MASTER STREET TREE PLAN

A Master Street Tree Plan is required for this application. Street trees are required along Nieder Road, W. 31st Street and S. Iowa Street as follows:

- **Nieder Road = 6 Trees Required [5 Trees for Lot 2 and 1 tree for Lot 1]**
- **W. 31st Street = 4 Trees Required for Lot 2 and 8 Trees for Lot 1**
- **S. Iowa Street = 7 Trees Required**

The Master Street Tree plan shows 5 trees along Nieder Road, all located on Lot 2, Block 1. One Tree is required for that portion of Lot 1, Block 1 that has frontage along Nieder Road. However, this frontage provides the access drive that limits the ability to plant trees along the entire length of the street frontage. The required street trees along Nieder Road are reduced by one tree.

The frontage along W. 31st Street is divided between the two lots. The proposed master street tree plan shows the required number of street trees for the new lot (Lot 2, Block 1). There are three existing trees. Development of the lot will require the installation of one additional tree for Lot 2, Block 1. W. 31st Street frontage for Lot 1, Block 1 is encumbered by overhead and underground utilities as well as sidewalk and pavement. As W. 31st Street has been widened and improved the amount of green space along the north property line has been reduced through the acquisition of right-of-way.

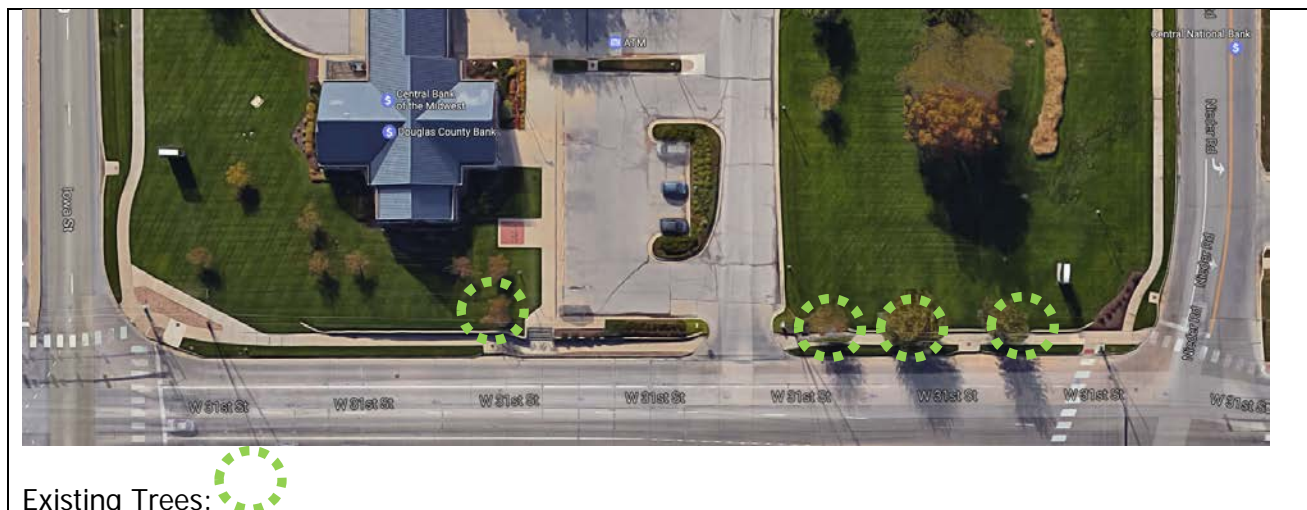


Figure 2: W. 31st Street Trees

The plan states that there are 6 street trees existing for Lot 1, Block 1. All but one of the street trees is setback more than 40' from the back of the curb.

Only Lot 1, Block 1 abuts S. Iowa Street frontage. This lot requires 7 street trees. The lot also includes a 25' wide easement parallel to the property line. This easement hinders the planting of street trees. Some trees are located in the existing easement along S. Iowa Street. The curb line is located 26' east of the property line. Any street tree located along the east side of the lot would be more than 30' from the curb unless the tree was planted in the right-of-way (between the sidewalk and the curb line). Lot 1, Block 1 is a developed site. Any additional plantings would be related to redevelopment of the lot and are not required to be planted now.



Figure 3: Iowa Street Trees

Staff recommends the Master Street Tree Plan be revised to reflect the number of existing trees that can reasonably be counted toward street trees as follows:

Table 4: Recommended Master Street Tree Revisions

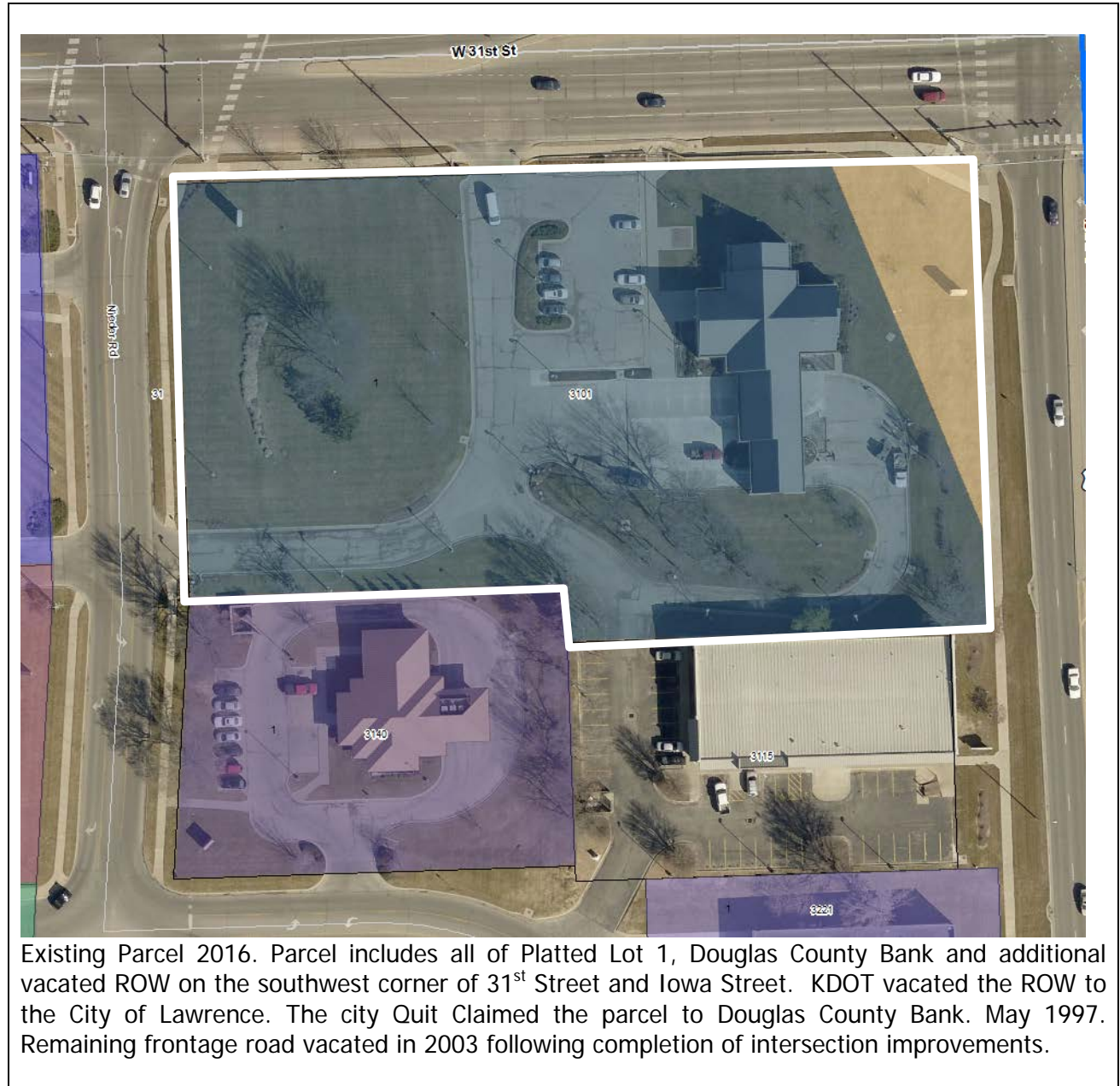
<u>Along Iowa Street</u>	<u>Trees Required</u>	<u>Existing Trees</u>	<u>New Trees to be Provided</u>
Lot 1, Block One	7	1	6
<u>Along 31st Street</u>			
Lot 1, Block One	8	1	7
Lot 2, Block One	4	3	1
<u>Along Nieder Road</u>			
Lot 1, Block One	1	0	0
Lot 2, Block One	5	0	5

Compliance with Minor Subdivision Review Criteria, Section 20-808(d)

The minor subdivision is compliant with the review criteria as noted below:

1. The proposed land division is eligible for review through the Minor Subdivision/Replat process.
2. The proposed lot conforms to the lot size requirements of the underlying zoning district;
3. The lots will have direct access to an existing public street that meets current adopted access and public improvement standards;
4. The required right-of-way combined with additional easements for the adjacent streets is provided. A variance from the Planning Commission is required to approve this design concept;
5. Required easements are provided to serve the property;
6. Protective devices are not required as the property is not located within the FEMA designated regulatory floodplain;
7. The lots are currently served by public utilities, it is not necessary to extend utilities;
8. The Minor Subdivision is in conformance with the Comprehensive Plan;
9. The Minor Subdivision conforms with the Major Thoroughfares Map and does not preclude or interfere with the logical continuation of any streets;
10. The Minor Subdivision is consistent with any conditions imposed on the original Platted Subdivision; and
11. The proposed Minor Subdivision conforms to the minimum boundary survey standards.

Conclusion: The Minor Subdivision, as conditioned, conforms to the approval criteria in Section 20-808(d) of the Subdivision Regulations.



Existing Parcel 2016. Parcel includes all of Platted Lot 1, Douglas County Bank and additional vacated ROW on the southwest corner of 31st Street and Iowa Street. KDOT vacated the ROW to the City of Lawrence. The city Quit Claimed the parcel to Douglas County Bank. May 1997. Remaining frontage road vacated in 2003 following completion of intersection improvements.