

February 21, 2019

MS-18-00535 South Hills No. 3 Second Replat, a Minor Subdivision/Replat of Lots A-1 and A-2, A lot split for lot A in the replat of South Hills No. 3 together with Lot B, a replat of South Hills No. 3, both being subdivisions in the City of Lawrence, Douglas County, Kansas. Submitted by Opus Development Company LLC on behalf of George B. and Marlene J. Leinmiller, the property owners of record.

- Variance /approved by the Planning Commission on January 23, 2019.
- Dedication of easements and rights-of-way to be accepted by the City Commission.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the minor subdivision.

KEY POINT

- This minor subdivision proposes consolidating the property into a single development parcel.
- This site redevelopment is proposed as an *Infill Community Plan* per Chapter 21:SmartCode.
- Development applications submitted under the SmartCode follow the same subdivision regulations process as the Land Development Code.
- Driveways along W. 23rd Street will be closed and consolidated in accordance with the access management plan for W. 23rd Street.
- Only one lot combination or division may be approved through the minor subdivision process, except lot line adjustments or mergers that do not increase the total number of lots may be accomplished through the Minor Subdivision/Replat process.
- The revised minor subdivision shows a 10 foot dedication of right-of-way along W. 23rd Street.

SUBDIVISION CITATIONS TO CONSIDER

The Subdivision Regulations for Lawrence and Unincorporated Douglas County
Chapter 21 City Code - SmartCode

COMMUNICATIONS

None received

ASSOCIATED CASES

- Z-18-00536; CS (Commercial Strip) to T-5 (Urban Center) Transect Zone
- PDP-18-00537; Infill Development Plan

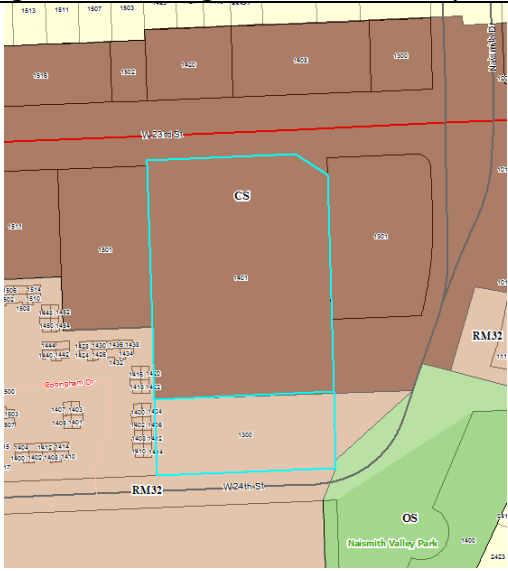
OTHER ACTION REQUIRED

- Submittal of a signed copy of the minor subdivision, an executed master street tree plan, and document recording fees for recording with the Douglas County Register of Deeds.
- Publication of ordinance rezoning property upon approval of rezoning.
- Submission of a Building Scale Plan per Article 500 of the SmartCode.

ATTACHMENTS

Attachment A: Proposed minor subdivision drawing

Attachment B: Existing Platted Subdivision Drawing

GENERAL INFORMATION	
Current Zoning and Land Use	CS (Commercial Strip) District; existing commercial building, <i>Wireless Communication Facility</i> (tower), and vacant land.
Surrounding Zoning and Land Use	CS (Commercial Strip) District to the north, east, and west. Existing commercial development. RM32 (Multi-Dwelling Residential) District to the southwest and south. Existing multi-dwelling residential development.
	 <p>Figure 1: Subject property and surrounding zoning</p>
Number of Existing Lots: 2	1401 W. 23 rd Street; Lot A: 146,865.4 square feet (CS – commercial development) 1300 W. 24 th Street; Lot B: 47,290.6 square feet (RM32 - vacant)
Number of Proposed Lots: 1	Combined property 1401 W. 23 rd Street 193,361 square feet

STAFF REVIEW

The minor subdivision proposes to consolidate two platted lots into a single parcel to facilitate redevelopment of the site. The property will continue to share access to W. 23rd Street with the adjacent property to the east. The property is proposed to be redeveloped in accordance with the SmartCode as a T5 (Urban Center Transect Zone) infill development that includes commercial and residential uses.

The property is not located within any historic district. The property is located in proximity to the regulatory floodplain.

DIMENSIONAL REQUIREMENTS

Per Section 20-601(a) of the Land Development Code, the CS (Commercial Strip) District requires a minimum lot area of 5,000 square feet, a minimum lot width of 100 feet for lots platted after the July 1, 2006 effective date. The RM32 District requires 6,000 square feet and a minimum lot width of 50 feet. The SmartCode does not include density and dimensional standards in the conventional sense. The SmartCode uses building height, building disposition (setbacks) and parking placement to establish lot configuration. This review assumes the approval of the T5

zone. Section 21-500.5.1 states that newly platted lots shall be dimensioned according to section 21.500.5.11.

Lot occupation:

- a. Lot Width: 25 feet minimum 150 foot maximum.
- b. Lot Coverage 80%

The existing property is approximately 273 feet wide with an addition 71.5 feet of width along the east side of the property. The property line angles to the south on the east side of the property. This application seeks to dissolve the common lot line between lots A and B and is not proposing to "subdivide" the property. The proposed redevelopment project is a vertical mixed-use building that is not designed to be accommodated in separate lots. This deviation is discussed in more detail as part of the infill development plan.

The proposed lot included in this minor subdivision exceeds the minimum requirements for lot area and width for the CS and RM32 zoning district as conventional zoning and meets the requirements as noted in the SmartCode.

ZONING AND LAND USE

The north portion of the property (Lot A) is currently developed with a multi-tenant building facing W. 23rd Street. A smaller multi-tenant building facing Naismith Drive and a free-standing wireless communication tower in the south portion of Lot A. Lot B is zoned RM32 and undeveloped.

UTILITIES/EASEMENTS

Existing infrastructure to serve the proposed lot already exists in the public right-of-way and easements. There is an exclusive gas line easement located along the east property line. A parallel utility easement is located along the west side of the gas line easement. There is an existing 5-foot utility easement located along the west property line and a 10-foot wide utility centered on the common lot line between Lots A and B. These easements will be retained. There are several easements located on the property that are directly related to the *wireless communication facility* (tower). These easements will also be retained.

The proposed drawing shows the addition of new utility easements, as well as access easements that are required to serve this property. The dedication of new easement requires City Commission action to accept the dedications as proposed. The project will include public improvement plans for extended municipal services to the property.

ACCESS

The property abuts W. 23rd Street along the north property line and W. 24th Street along the south property line. The eastern driveway to W. 23rd Street was reconstructed several years ago as part of the access management project that changed the driveway from a full access driveway to a ¾-access drive. This means that some movements prohibited, specifically, the left out movement. Cross-access was previously established between the subject property and the property to the east (Natural Grocer). A secondary driveway to Naismith Drive is located on the east side of the property. This access driveway crosses City right-of-way and will be maintained as part of the redevelopment. The west driveway along W. 23rd Street is proposed to be closed with this site's redevelopment.

Currently, there is no driveway access to W. 24th Street since the property is undeveloped. The proposed redevelopment will include a new driveway to W. 24th Street that is intended to provide residential access to the rear parking area.



Figure 2: Existing Development

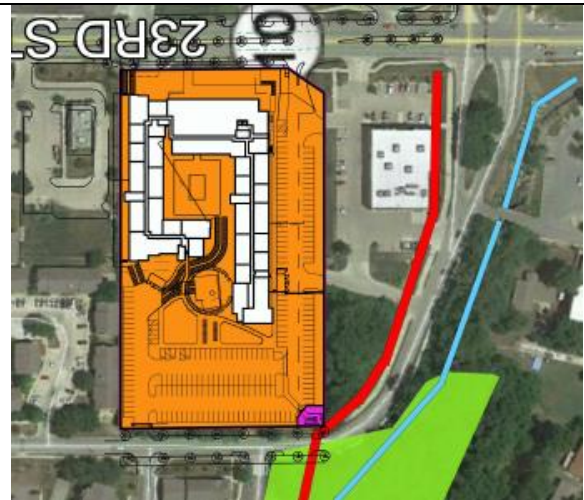


Figure 3: Proposed Development

RIGHT OF WAY

The Planning Commission discussed this project at their January meeting and directed the applicant to reserve area for pedestrian access along W. 23rd Street. The applicant revised the drawing to show the dedication of 10 feet of additional right-of-way along the north property line. The previous drawing showed a 5 foot utility easement along the north property line. This proposed right-of-way dedication will replace and expand the area to accommodate a pedestrian sidewalk and any utilities required in this area.

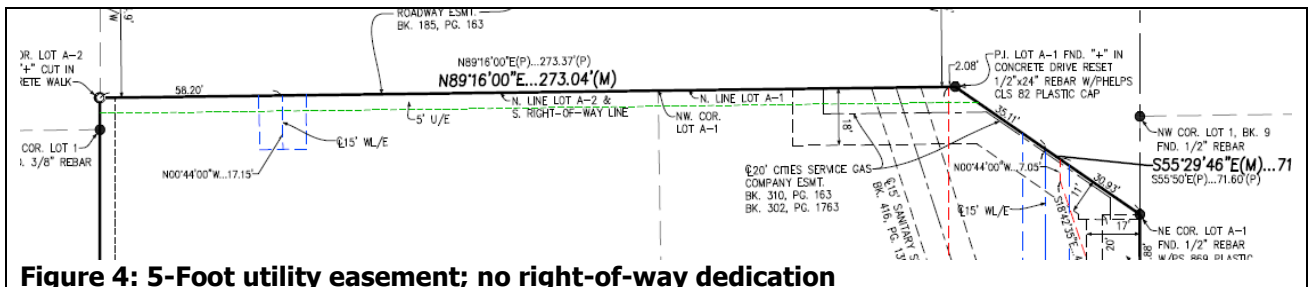


Figure 4: 5-Foot utility easement; no right-of-way dedication

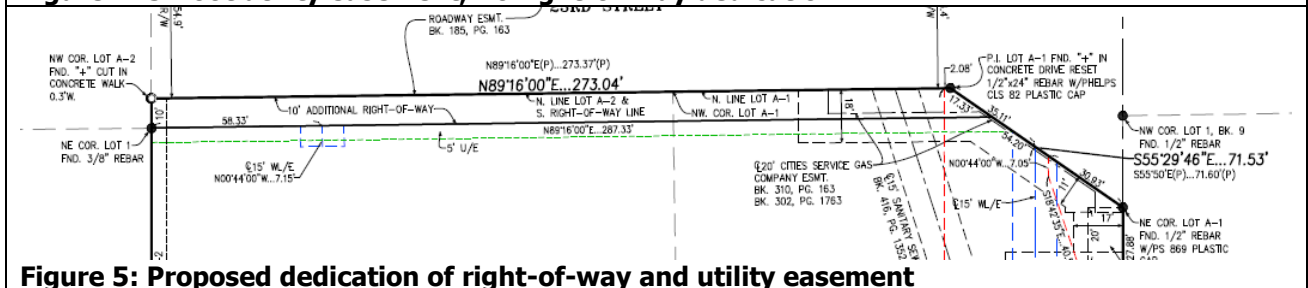


Figure 5: Proposed dedication of right-of-way and utility easement

This change aligns the property line with the abutting properties to the east and west creating a uniform street width along this segment of the street corridor.

MASTER STREET TREE PLAN

The City Code (Subdivision Regulations) requires the submission and approval of a master street tree plan. The SmartCode addresses the Subdivision Regulations as it pertains to preliminary and final plats but does not include a process for Minor Subdivisions. The SmartCode includes a cross reference Section 20-810 Subdivision Design Standards, but not Section 20-811, Public Improvement Standards. Street trees are required at a rate of 1 tree per 40 feet of frontage per Section 20-811(g). The SmartCode includes a detailed prescription for public frontages and

applicable landscaping. Street trees are required based on a particular street typology set out in Section 21-600. There are no plans to reconstruct one-half of a portion of W. 23rd Street to meet the prescribed street typology defined in the SmartCode. It is impractical to assume that the street would be fully or partially reconstructed to meet one of the applicable typologies.

Detailed landscaping will be reviewed and approved as part of the Infill Community Plan and for the site specific plan (site plan) for the project. The master street tree plan provides a summary for trees along W. 23rd Street and W. 214th Street. Street trees are also applicable along Naismith Drive and should be reported in the text document of the plan. The street facility is separated from the subject property by a portion of the right-of-way that is covered by mature vegetation. A copy of the draft landscape plan for the infill project is attached for reference.

The proposed landscape plan generally show trees in excess of what a conventional redevelopment project under the Land Development Code would require.

SUMMARY

The purpose of this minor subdivision is to dissolve the interior lot line, dedicate new utility and access easements, and dedicates new right-of-way along W. 23rd Street as a preliminary step in redevelopment of the property. The property is located along an existing, developed, commercial corridor.

Conclusion: The minor subdivision meets the approval criteria in Section 20-808(d) of the Subdivision Regulations.