ITEM NO 3: PRELIMINARY PLAT FOR FREESTATE DENTAL ADDITION; 4111 W 6th Street (BJ P)

PP-16-00073: Consider a Preliminary Plat for Freestate Dental Addition, a one lot subdivision containing 0.850 acres, located at 4111 W 6th St. Submitted by Landplan Engineering, PA, for Freestate Dental Building LLC, property owner of record.

STAFF RECOMMENDATION:
VARIANCE FOR RIGHT-OF-WAY WIDTH:
Staff recommends approval of the variance requested from Section 20-810(e)(5)(i) subject to the following condition:
1. The plat shall be revised to note that a variance from the right-of-way width required in Section 20-810(e)(5) of the Subdivision Regulations was granted by the Planning Commission to allow the right-of-way on the subject property side of the center line to remain at 50 ft and list the date of approval.

PRELIMINARY PLAT
Staff recommends approval of the Preliminary Plat for Freestate Dental Addition, subject to the following condition:
1. The plat shall be revised to include the following note:
   a. Revise the plat to show the 50’ Parking and Building Setback along W 6th Street.

Reason for Request: Predevelopment requirement for planned Health Care Office use development.

KEY POINTS
• Platting required as pre-development step.
• Preliminary Plat includes 1 lot planned for Health Care Office use.

SUBDIVISION CITATIONS TO CONSIDER
• This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 10, 2012.

ATTACHMENTS
Attachment A: Preliminary Plat

ASSOCIATED CASES/ OTHER ACTION REQUIRED
Associated Cases
• Z-15-00523; Rezoning of approximately 1.04 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential – Office) District, located at 4111 W 6th Street. Planning Commission recommended approval on 12/15/20015, City Commission approved on 01/12/2016.
• BZA-16-00081; Variance request to reduce the 50' parking and building setback requirement at 4111 W 6th Street. On April 7, 2016, the Board of Zoning Appeals denied, 5-0-1, based upon
findings in the staff report that conclude the request did not meet the unwarranted hardship criteria in Section 20-814(c) for a variance to be approved.

**Other Action Required:**
- Submittal of final plat for administrative approval and recordation with the Douglas County Register of Deeds.
- Submittal and approval of public improvement plans and provision of means of assurance of completion shall be submitted prior to the recording of the Final Plat.
- Submittal and approval of Major Site Plan application and building plans prior to release of building permits for development.

**PLANS AND STUDIES REQUIRED**
- *Downstream Sanitary Sewer Analysis – DSSA provided by applicant, accepted by City Staff.*
- *Drainage Study – Drainage Study provided by applicant, accepted by City Staff.*
- *Traffic Study – 7-Step Study will be provided with forthcoming site plan.*

**PUBLIC COMMENT**
None received prior to publication.

<table>
<thead>
<tr>
<th>Site Summary</th>
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<tbody>
<tr>
<td>Gross Area:</td>
<td>1.044 acres</td>
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<tr>
<td>Right-of-Way Dedicated:</td>
<td>0.194 acres</td>
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<tr>
<td>Number of Proposed Lots:</td>
<td>1</td>
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<tr>
<td>Lot Size</td>
<td>0.850 acres</td>
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</table>

**GENERAL INFORMATION**

Current Zoning and Land Use: RMO (Multi-Dwelling Residential — Office) District; *Detached Dwelling.*

Surrounding Zoning and Land Use:
- **North:** PCD – [Monterey Center] (Planned Commercial Development); *Office.*
- **East:** RSO (Single-Dwelling Residential — Office); *Office.*
- **South:** RS7 (Single-Dwelling Residential); *Detached Dwellings.*
- **West:** RMO (Multi-Dwelling Residential — Office); *Multi-Dwelling Structure.*

**STAFF REVIEW**

This Preliminary Plat is a predevelopment requirement for a planned Health Care Office use. The property is proposed to be platted as 1 lot. This property is located on the south side of W 6th Street, east of Eldridge Street and west of Monterey Way. The subject property contains a detached dwelling and has been a residential use since 1941.
Compliance with Zoning Regulations for the RMO District
The property was recently rezoned from the UR (Urban Reserve) District to the RMO (Multi-Dwelling Residential – Office) District in anticipation of future development (Z-15-00523). The proposed lot is 37,039 sq ft which meets the minimum lot area required in the RMO District (5,000 sq ft). The proposed lot will have approximately 168’ of frontage, which also meets the regulations of the RMO District (40’).

Section 20-814(a)(2) of the Land Development Code requires that the building and parking setback lines along W 6th Street from Monterey Way to Folks Road to have a setback line of 50’. A request for a variance from this section was submitted to the Board of Zoning and Appeals (BZA-16-00081). The request was denied by the board based upon findings in the staff report that conclude the request did not meet the unwarranted hardship criteria in Section 20-814(c) for a variance to be approved.

Streets and Access
The subject property is located on the south side of W 6th Street. Access to the property will not be permitted directly from W 6th Street (Hwy 40). The plat indicates the access restriction. The plat to the east of the property (A Final Plat of Freestate Veterinary Hospital) notes that a 30’ wide cross access easement will be established with the property to the west. However, based on stormwater drainage concerns, the Stormwater Engineer indicated that the property should take access from a shared access easement with the property to the west (600 Eldridge Street). The preliminary plat shows a public access easement. The width of this easement will be finalized with the final plat.

There is an existing sidewalk located on both sides of W 6th Street that provided pedestrian connectivity.
Utilities and Infrastructure
The City sanitary sewer line will need to be extended to serve this property. Public Improvement Plans will be required for this. The Utilities Department noted that it may be necessary to alter the proposed alignment of the sanitary sewer based on comments during development of the Public Improvement Plans. Additional easement may be necessary if the proposed alignment changes too much.

Full development of this property will require a detention basin. Further action related to this will be required with the site plan application. Specifically, prior to the release of the site plan for building permits, Public Improvement Plans for the storm drainage system and an Erosion Control Plan must be submitted to the Public Works Department for review. The construction of the detention basin will also require a right-of-way permit from the City of Lawrence and the Kansas Department of Transportation.

Easements and Rights-of-way
The preliminary plat indicates that new 10’ utility easements will be provided along the north, west, and east boundaries of the property.

The subject property is bound by W 6th Street to the north. This street is classified as a principal arterial and requires 150’ of right-of-way per Section 20-810(e)(5)(i) of the Land Development Code. The existing right-of-way is 50’. The City Engineer indicated he would support the variance request from the requirement to dedicate additional right-of-way for W 6th Street with this plat as the existing right-of-way is consistent with W 6th Street, as developed.

VARIANCE
Per Section 20-813(g) of the Development Code, the Planning Commission may grant a variance from the Design Standards of the Subdivision Regulations in cases where there is hardship in carrying out the literal provisions of the standards. This section also lists the criteria which must be met in order for a variance to be approved. The variances requested with this Preliminary Plat are reviewed with these criteria in the following section.

RIGHT-OF-WAY WIDTH VARIANCE REQUEST
Variance from the 150 ft right-of-way width requirement in Section 20-810(e)(5)(i) for a Principal Arterial to allow the right-of-way for W 6th Street to remain at 100’ (50’ from centerline) for that portion of W 6th Street adjacent to the subject property.

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

Applicant Response:
The existing width of right-of-way for W 6th Street at this location is 100-foot. This 100-foot right-of-way width is generally consistent for the entire half-mile of W 6th Street between Monterey Way and Folks Road. Strict application of this section of the Subdivision Regulations would limit the property owner’s ability to develop the subject property in a manner consistent with its neighbors.

The right-of-way width is consistent at 100 ft from Folks Road on the west to Monterey Way on the east. This area has been platted and developed.

The 150 ft right-of-way standard is intended primarily for green field development, rather than infill; however, additional right-of-way is often required to accommodate future street
improvements. There are no plans to improve W 6th Street and the City Engineer indicated there were no plans to widen it in the future. Dedicating the additional right-of-way would remove property from the developable area and would reduce the area the applicant has designated as open space.

![Figure 2. Right-of-way for W 6th Street is consistent at 100 ft from Folks Road to Monterey Way. (Subject property is highlighted)](image)

**Staff Finding:** As the right-of-way is not needed for future street improvements, requiring the dedication for the subject property would be an unnecessary hardship on the applicant.

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

**Applicant Response:**

The subject property is located adjacent to a portion of W 6th Street which saw significant curb and gutter and sidewalk improvements less than 5 years ago. The current rights-of-way adequately accommodate all improvements. It is unlikely that this street will be significantly widened in the future.

Right-of-way dedication is required when properties are platted to insure adequate right-of-way is available to accommodate improvements to the street, including infrastructure and sidewalks. There are no plans to improve W 6th Street and there are existing sidewalks on both sides of the street.

The right-of-way currently provided adjacent to the subject property is consistent with the pattern of the area. The City Engineer indicated there are no plans for improvements within the W 6th Street right-of-way and that the right-of-way currently dedicated for W 6th Street in this area is adequate.

**Staff Finding:** The proposed request is consistent with the pattern of the area. The amount of right-of-way currently provided for W 6th Street, 100 ft, is adequate and there are no plans to widen the street in the future. The variance is in harmony with the purpose of the regulations.
**Criteria 3:** The public health, safety, and welfare will be protected.

Applicant Response:

*Maintaining the existing W 6th Street right-of-way will not jeopardize the public health, safety or welfare. Increasing its width would not serve to improve them. This stretch of roadway functions adequately and there is no plan for future improvements which would require additional right-of-way.*

**Staff Finding:** As there are no plans to improve W 6th Street in this area and sidewalks are provided on both sides of the street, the variance will not affect the public health, safety, or welfare.

**Variance Staff Recommendation:**

Approve the variance requested from Section 20-810(e)(5)(i) from the requirement to dedicate additional right-of-way for W 6th Street adjacent to this subdivision subject to the following condition:

*The plat shall be revised to note that a variance from the right-of-way width required in Section 20-810(e)(5) of the Subdivision Regulations was granted by the Planning Commission to allow the right-of-way on the subject property side of the center line to remain at 50 ft and list the date of approval.*

**Preliminary Plat Conformance**

The preliminary plat will create one lot to allow for the development of a Health Care Office use. With the variance and the noted condition, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.