

**PLANNING COMMISSION REPORT
NON PUBLIC HEARING ITEM
PUBLIC HEARING ON THE VARIANCE ONLY**

PC Staff Report
04/25/2015

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

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 12/15/2015, 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.

Site Summary	
Gross Area:	1.044 acres
Right-of-Way Dedicated:	0.194 acres
Number of Proposed Lots:	1
Lot Size	0.850 acres

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.*

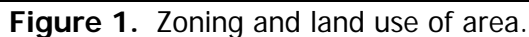
East: RSO (Single-Dwelling Residential – Office); *Office.*

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.



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').

Streets and Access

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)

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.

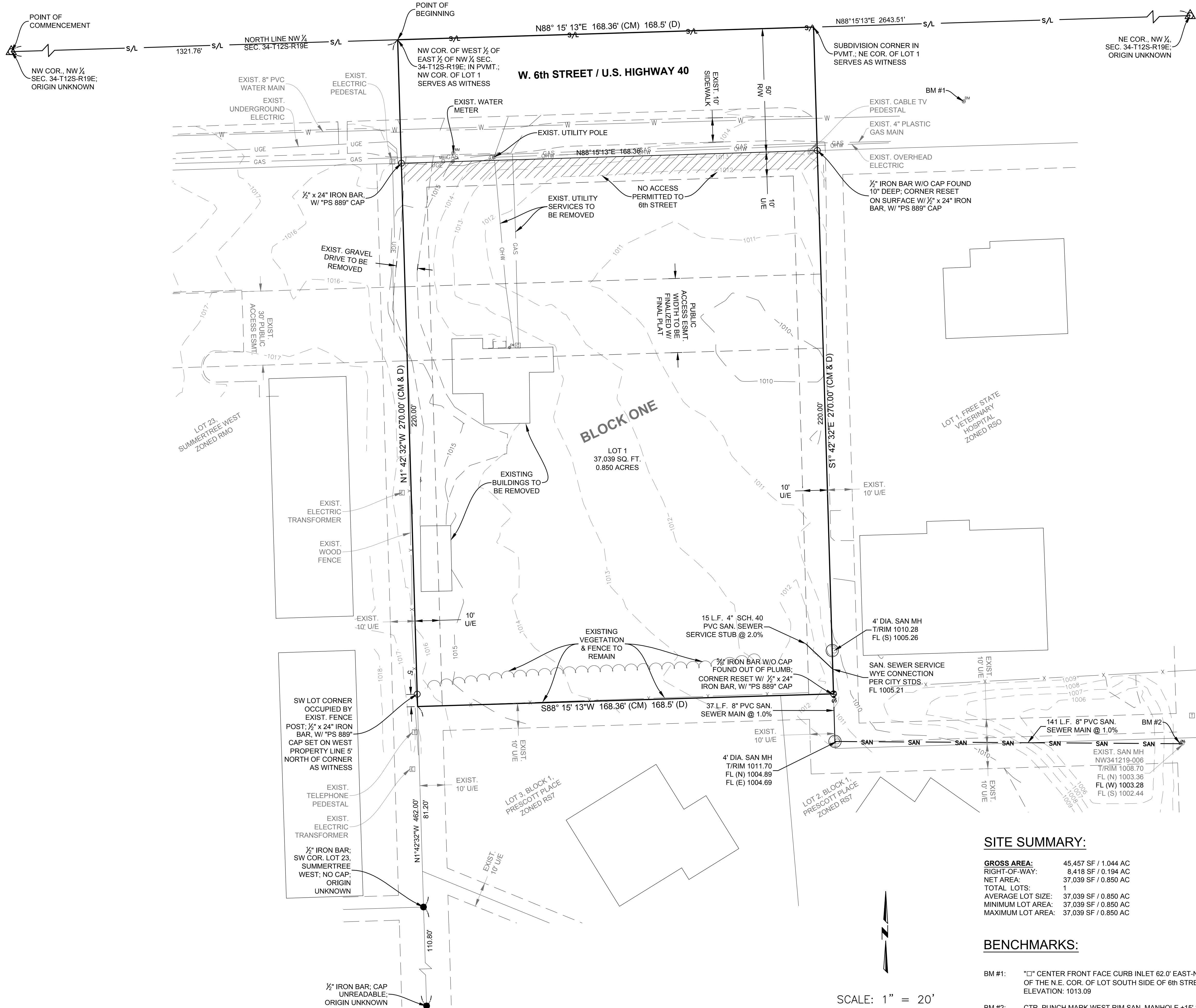
Variance Staff Recommendation:

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:

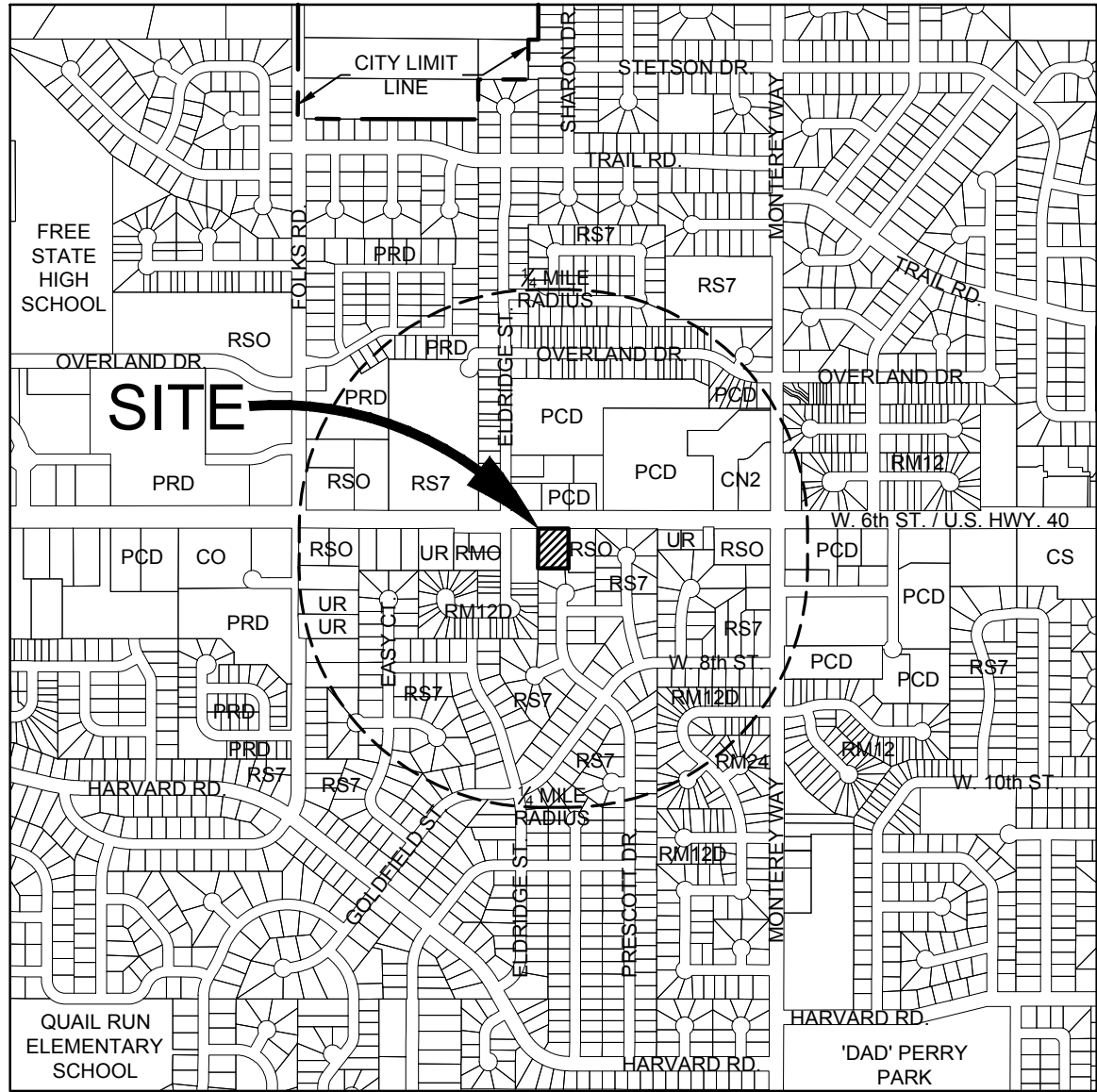
The plat shall be revised to note that a variance from the right-of-way width required in Section 20-810(e)(5) of the Subdivision Regulations was granted by the Planning Commission to allow the right-of-way on the subject property side of the center line to remain at 50 ft and list the date of approval.

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.



LOCATION MAP:



LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 34,
TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 34, THENCE NORTH 88°15'13" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 1,321.76 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 34, THENCE SOUTH 88°15'13" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 168.36 FEET; THENCE SOUTH 1°42'32" EAST, ALONG THE WEST LINE OF LOT 1, FREE STATE VETERINARY HOSPITAL, 270.00 FEET TO AN ANGLE POINT ON THE NORTH LINE OF LOT 2, BLOCK 1, PRESCOTT PLACE; THENCE SOUTH 88°15'13" WEST, PARALLEL TO THE NORTH LINE OF SAID NORTHWEST QUARTER, 168.36 FEET TO THE NORTHWEST CORNER OF LOT 3, BLOCK 1, PRESCOTT PLACE; THENCE NORTH 1°42'32" WEST, ALONG THE EAST LINE OF LOT 3, SUBDIVISION OF LOT 3, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, 270.00 FEET TO THE POINT OF BEGINNING. CONTAINS 1.044 ACRES, MORE OR LESS.

GENERAL NOTES:

1. OWNER: FREESTATE DENTAL BUILDING, LLC
4137 WIMBLEDON DRIVE
LAWRENCE, KANSAS 66047
2. LAND PLANNER: PAUL WERNER ARCHITECTS
123 W. 8th STREET
LAWRENCE, KANSAS 66044
2. CIVIL ENGINEER/
SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
3. TOPOGRAPHIC INFORMATION SHOWN WAS OBTAINED FROM A FIELD SURVEY
PERFORMED BY LANDPLAN ENGINEERING IN DECEMBER, 2015.
4. EXISTING ZONING: RMO
5. PROPOSED ZONING: RMO
6. EXISTING LAND USE: SINGLE-FAMILY RESIDENTIAL
7. PROPOSED LAND USE: HEALTH CARE OFFICE / HEALTH CARE CLINIC
8. TYPICAL SOIL TYPES: MARTIN SILT CLAY, GRAIN 3 TO 7% SLOPES
9. PROPOSED UTILITY LOCATIONS AND SIZES ARE PRELIMINARY AND WILL BE
FINALIZED AT THE TIME OF SITE ENGINEERING.
10. DEVELOPER IS RESPONSIBLE FOR THE COST OF ANY RELOCATION OF EXISTING
UTILITIES, IF NECESSARY TO SERVE THE PROPOSED SUBDIVISION.
11. ALL NEW TELEPHONE, CABLE TELEVISION AND ELECTRICAL LINES (EXCEPT
HIGH VOLTAGE LINES) MUST BE LOCATED IN THE BACKGROUND.
12. LANDSCAPING SHALL NOT BE LOCATED WITHIN UTILITY EASEMENTS, WITHIN 8
FEET OF ANY WATER MAIN, OR WITHIN 8 FEET OF ANY SANITARY SEWER MAIN.
13. THE BASIS OF THE BEARINGS FOR THIS PLAN IS KANSAS STATE PLANE NORTH.

PROVISION AND FINANCING OF ROADS,
SEWER AND OTHER PUBLIC SERVICES:

1. THE SUBDIVISION WILL DEDICATE PUBLIC RIGHT-OF-WAY TO THE CITY FOR W. 6th STREET. THE SUBDIVISION WILL TAKE ACCESS TO AND FROM THE EXISTING ELDRIDGE STREET RIGHT-OF-WAY VIA A DEDICATED PUBLIC ACCESS EASEMENT.
2. THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE WATER SYSTEM VIA AN EXISTING 8-INCH MAIN LOCATED IN THE W. 6th STREET RIGHT-OF-WAY.
3. THE SUBDIVISION WILL PROVIDE A CONNECTION TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA A PROPOSED 8-INCH MAIN LOCATED IN A DEDICATED UTILITY EASEMENT EAST AND SOUTH OF THE SUBDIVISION.
4. PURCHASERS OF THE LOT IN THE SUBDIVISION WILL NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
5. THE PROVISION OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

**LANDPLAN
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4111 W. 6th STREET
LAWRENCE, LAWRENCE 66049
A PRELIMINARY PLAT FOR
FREESTATE DENTAL ADDITION

[illegible]

DATE:	2/22/16
PROJECT NO.:	20152018
DESIGNED BY:	PWA/LPE
DRAWN BY:	BS
CHECKED BY:	BZ

ISSUE	SHEET NO.
	1

OF	1	SHEETS
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