

PLANNING COMMISSION REPORT
Regular Agenda – Non-Public Hearing Item

PC Staff Report
PP-16-00261

ITEM NO. 2A: PRELIMINARY PLAT FOR JOHNSTON ADDITION; 706 E 23RD ST (MKM)

PP-16-00261: Consider a Preliminary Plat for Johnston Addition, a one lot commercial subdivision containing approximately 1.5 acres, located at 706 E 23rd Street. Submitted by Johnston Investments Company, LLC for Lawrence Brothers, LLC, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of Johnston Addition subject to the following conditions:

1. Applicant shall provide a revised preliminary plat with the following changes:
 - a. Addition of the following note: *"With the dedication of additional right-of-way for E 22nd Street the existing building encroaches into the required rear setback; however the structure is not considered a nonconforming structure per Section 20-1503(a) of the Development Code."*
 - b. Add leader line between portion of open-sided building to be removed and label.

Reason for Request: Subdivision is required prior to redevelopment of property with new use and site improvements.

KEY POINTS

- The subject property was developed in the 1960's with a lumber yard, but was not platted at that time. Section 20-813 of the Subdivision Regulations notes that platting is required prior to issuance of a building permit unless the Planning Director determines the lot to be a Lot of Record or a nonconforming lot. The subject property has not been determined to be a Lot of Record or a nonconforming lot; therefore, platting is required.
- A previous deed for the subject property referred to the 30 ft right-of-way line for E 22nd Street. No records of right-of-way having been recorded by separate instrument have been found. The right-of-way necessary to meet the 30 ft right-of-way on the property side of the center line is being dedicated with this plat. The structure is not considered a nonconforming structure per Section 20-1503(a) of the Development Code which states that a previously conforming structure that fails to conform due to the taking or acquisition of right-of-way shall not constitute a nonconformity.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 10, 2012.

ASSOCIATED CASES

- Z-16-00154, rezoning from IG (General Industrial) to CS (Commercial Strip). Approved by the City Commission on July 12, 2016 with the adoption of Ordinance No. 9262.
- SUP-16-00262, *Manufacturing and Production, Limited* (micro-brewery), being considered at the August, 2016 Planning Commission meeting.

OTHER ACTION REQUIRED

- Submittal and administrative approval of Final Plat.
- City Commission acceptance of dedications of easements shown on the Final Plat.
- Submittal and approval of Public Improvement Plans and means of assurance of completion.
- Recording of the Final Plat with the Douglas County Register of Deeds.
- City Commission approval of Special Use Permit and publication of ordinance.
- Application and issuance of Building Permits prior to development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required with the Preliminary Plat.
- *Downstream Sanitary Sewer Analysis* – The analysis provided on June 20, 2016 was accepted by the City Utilities Department.
- *Drainage Study* – The drainage study dated 6-21-2016 meets the specified requirements and was approved.

PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

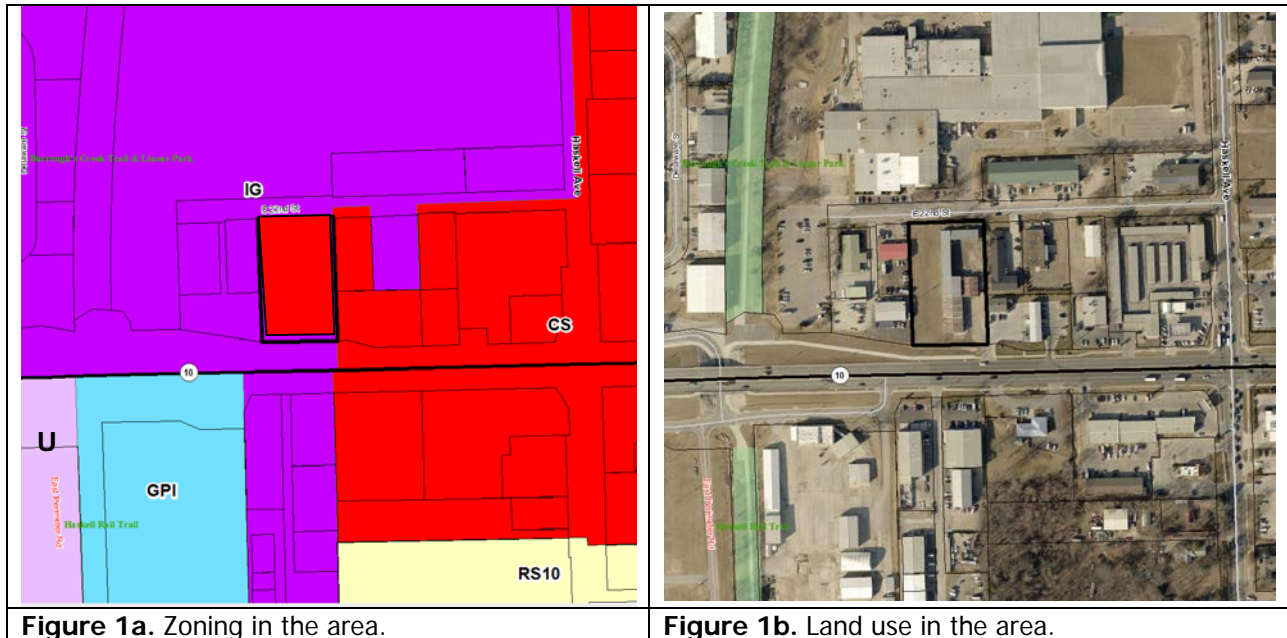
GENERAL INFORMATION

Current Zoning and Land Use: CS (Commercial Strip) District; vacant lumberyard, proposed use: microbrewery with tap room/bar and incidental retail sales and food truck permanently on the premises (*Manufacturing and Production, Limited; Bar or Lounge; General Retail Sales, and Fast Order Food*)

Surrounding Zoning and Land Use: To the north:
IG (General Industrial) District; *Light Wholesale Storage and Distribution* and *General Industrial*
To the west:
IG (General Industrial) District; *Construction Sales and Services* and *Manufacturing and Production, Limited*
To the east:
CS (Commercial Strip) District; *Car Wash, Light Equipment Repair*
To the south:
IG (General Industrial) and CS (Commercial Strip) south of K-10; *Veterinarian, Light Equipment Repair*
(Figure 1)

STAFF REVIEW

This property is located on the north side of E 23rd Street/ K10 Highway, a designated principal arterial and a state highway. The property is not encumbered by the regulatory floodplain and is not within the environs of a registered historic property. The subject property was developed with a lumber store and yard, which is now vacant. The lumberyard went out of business quite some time ago and various tenants have utilized portions of the building. The most recent business vacated the building in 2009.



Compliance with Zoning Regulations for the CS District

Per Section 20-809(d)(2) of the Development Code, each lot resulting from the division will conform with the minimum lot size and other dimensional requirements applicable to the property through the Zoning District regulations. Lots created in the CS District must have a minimum area of 5,000 sq ft and a minimum lot width of 100 ft, per the Dimensional Standards in Section 20-601(b) of the Development Code. The proposed lot has an area of 64,702 sq ft and a minimum lot width of 200 ft.

The proposed lot complies with the Dimensional Standards in Section 20-601(b).

Streets and Access

Access to arterial streets, such as E 23rd Street, is prohibited except in redevelopment or infill situations where the subject property has no other reasonable access to the street system and the City Engineer determines that access onto the arterial street, based on the street's ultimate design, can be safely accommodated. The subject property and the property to the east currently utilize a shared access point on E 23rd Street. This is the only access on E 23rd Street that is permitted the subject property. A secondary access point will be installed to E 22nd Street with the Special Use Permit site plan.

Utilities and Infrastructure

The subject property is located within a developed portion of the city. City water mains and sanitary sewer mains are located in the right-of-way to the north and south of the property. A storm sewer main is located in the right-of-way to the south of the property. Utilities are available in the area to serve the proposed lot.

Easements and Rights-of-way

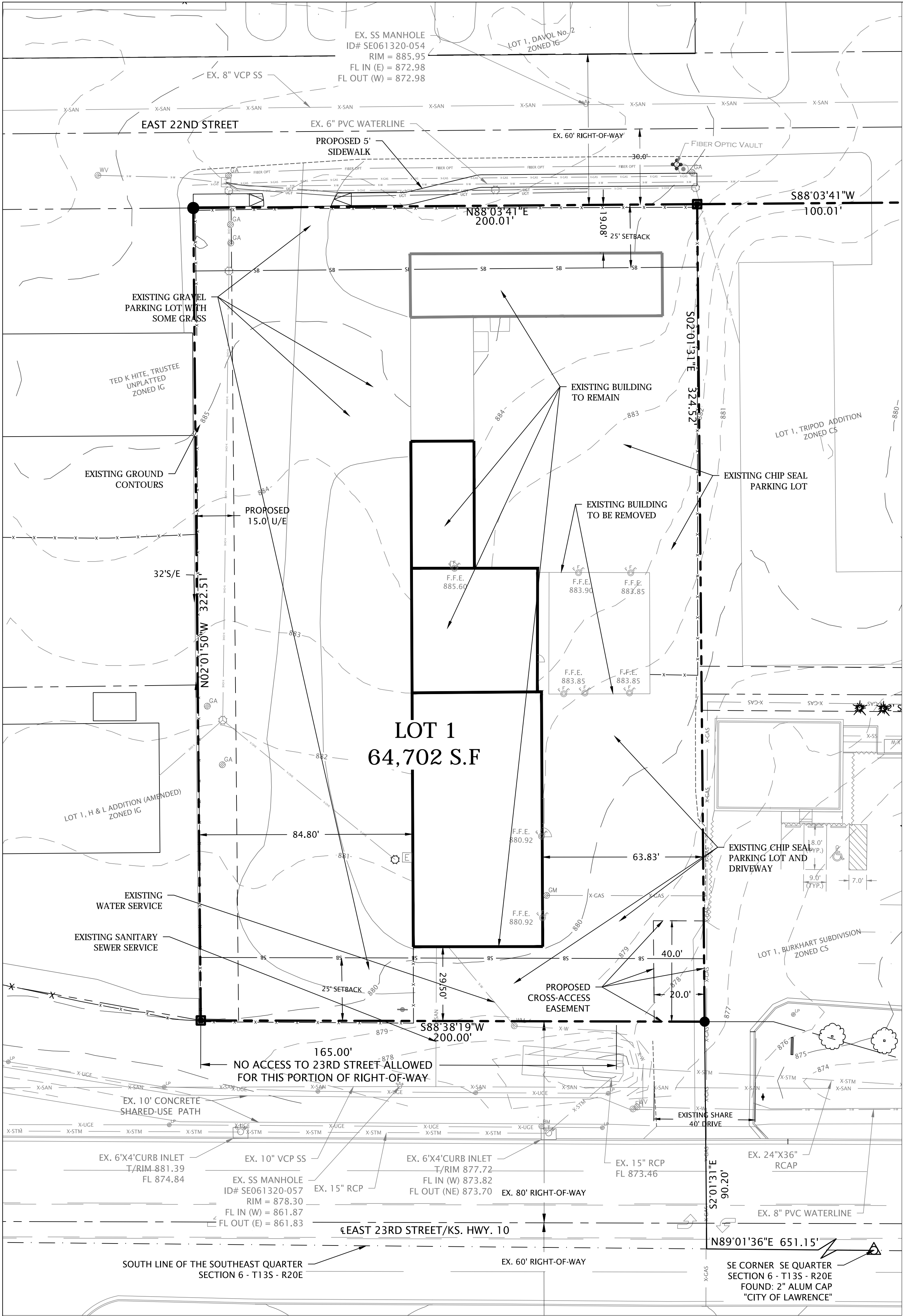
A 15 ft wide utility easement is provided along the west side of the property to accommodate overhead electric lines. Water and sanitary sewer lines are located within the rights-of-way for E 22nd and E 23rd Streets.

E 23rd Street/K10 Highway has 140 ft of right-of-way in this location. The Subdivision Regulations Design Standards require 150 ft of right-of-way for principal arterials, with half or 75 ft being dedicated on either side of the centerline. While the street right-of-way width is less than the required 150 ft, 80 ft of right-of-way is provided on the north side of the centerline. Any additional right-of-way width would be necessary from the south side of the street.

30 ft of right-of-way for E 22nd Street is shown on the plat. Staff has not found any record of this right-of-way having been dedicated by separate instrument, but it is noted in an early deed for the property. The County Surveyor indicated that showing the right-of-way on the plat will include it in the dedications and it will be dedicated with this plat. The building is shown on the plat to insure the property lines observe the required setbacks. The north side of the building is located approximately 19.08 ft from the north property line, while 25 ft setback is required by Code. The building observed the setback when it was originally constructed; however, it now encroaches into the required setback due the dedication of the additional right-of-way. Per Section 20-1503, a building that conformed with the required setback but no longer conforms due to a governmental taking or acquisition of right-of-way shall not constitute a nonconformity. The building may remain and can be used, without being classified as a nonconforming structure. This should be noted on the plat.

Preliminary Plat Conformance

The preliminary plat is the first step in platting the existing parcel into a lot to allow for the redevelopment of the vacant lumberyard with a micro-brewery and bar. The preliminary plat, as conditioned, is in conformance with the review criteria of Section 20-809 of the Subdivision Regulations.



LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

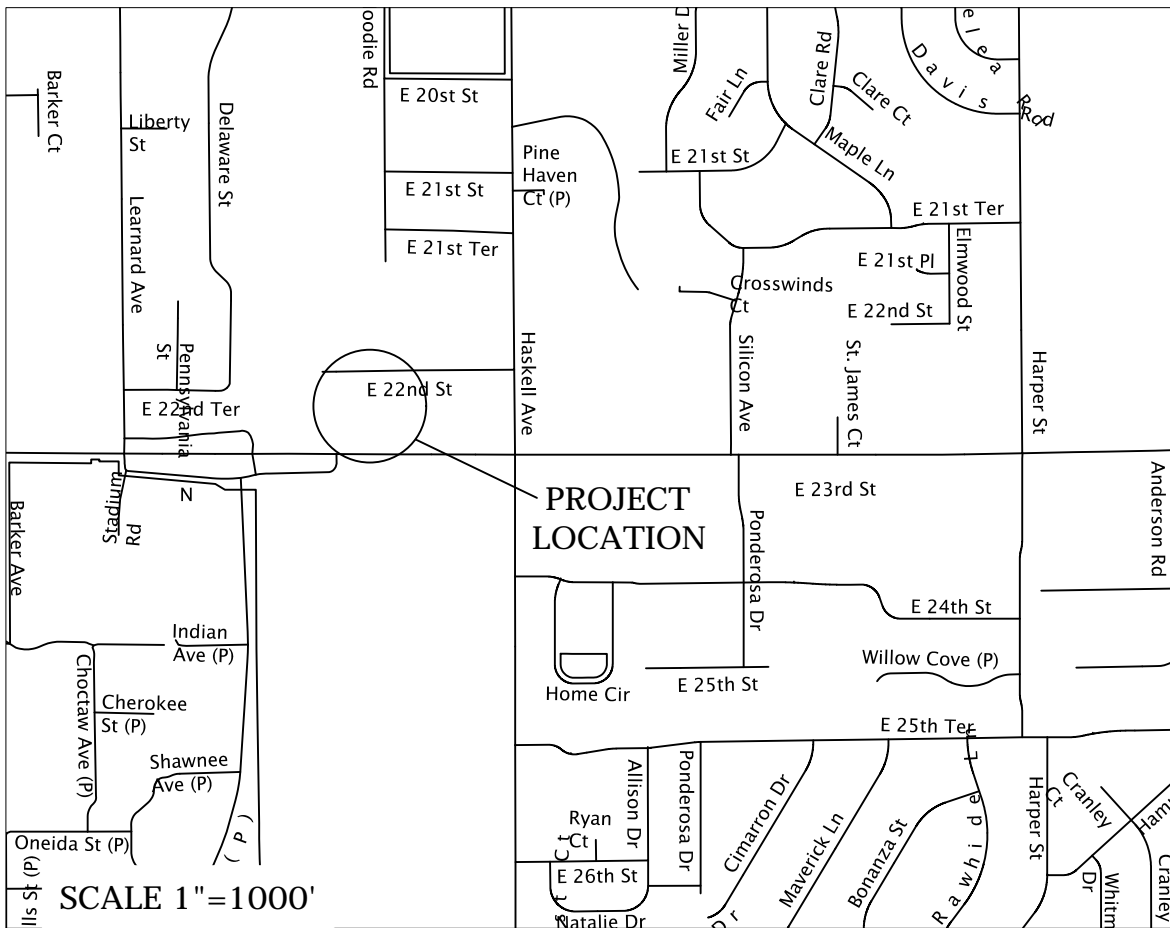
COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 89° 01' 36" WEST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 651.15 FEET; THENCE NORTH 02° 01' 32" WEST, 90.20 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF EAST 23RD STREET; THENCE CONTINUING NORTH 02° 01' 32" WEST, 324.52 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EAST 22ND STREET; THENCE SOUTH 88° 03' 42" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, 200.02 FEET; THENCE SOUTH 02° 01' 51" EAST, 322.51 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF EAST 23RD STREET; THENCE NORTH 88° 38' 18" EAST ALONG SAID NORTH RIGHT OF WAY LINE, 200.00 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 1.485 ACRES, MORE OR LESS.

GENERAL NOTES

- Owner: Lawrence Brothers, LLC
879 N 200 Road
Baldwin City, Kansas 66006
- Contract Purchaser: Johnston Investments Company, LLC
10745 S. Oakcrest Lane
Olathe, Kansas 66061
- Land Planner/Engineer: Grob Engineering Services, LLC
3210 Mesa Way, Suite A
Lawrence, Kansas 66049
- Surveyor: All Points Surveying, LP
P.O. Box 4444
Lawrence, Kansas 66045

- Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2006 and 2013. Specific topographic and boundary information for property & directly adjacent obtained from field survey provided by All Points Surveying LP, June, 2016.
- Typical Soil Type: Pc - Pawnee Clay Loam
- Existing Land Use: Vacant Lumber Yard
- Proposed Land Use: Microbrewery/Tap Room
- Current Zoning: CS - Commercial Strip
- No part of the property is located within a SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% CHANCE FLOOD per FEMA Flood Insurance Rate Map (FIRM) Panel 178 of 460, Map # 20045C0178E, Map Revised September 2, 2015.
- Proposed utility locations, elevations, and sizes are preliminary and will be finalized during final design of improvements.
- New telephone, cable television and electrical lines (except high voltage lines) must be located underground. The developer is responsible for the cost of relocation of existing utilities, if necessary to serve the subdivision.
- Soils investigations shall be performed before primary structures are erected on lots with slopes greater than 3:1, or non-engineered fill greater than 12 inches. A soils engineer licensed by the State of Kansas, shall perform investigations, and a report of the investigation shall be submitted to the City of Lawrence Codes Enforcement Division. Other lots may be required to be investigated where excavation reveals indications of unsuitable conditions.
- No new public right-of-way or streets will be created as part of this subdivision. No improvements are proposed for 22nd or 23rd Streets. Sidewalks exists along 23rd Street. Sidewalks will be constructed along 22nd Street in accordance with Public Improvement Standards Section 20-811(c). This subdivision will connect to the City of Lawrence public water source. This subdivision will connect to City of Lawrence public sanitary sewer system. The above mentioned public improvements will be financed and completed by the Subdivision Developer.

LOCATION MAP



THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY - NOT FOR CONSTRUCTION

REFERENCED DOCUMENTS

- KANSAS HIGHWAY PROJECT NO. 10-23-U078-6(7)
- CONDEMNATION CASE NO. 2011-CV-428 (BOOK 1082, PAGE 4245)
- FINAL PLAT OF TRIPOD ADDITION
- HIGHWAY DEED, BOOK 125, PAGE 630
- FINAL PLAT OF BURKHART SUBDIVISION
- DISTRICT COURT CASE NO. 25634
- SURVEY NO. 4360 BY ROBERT E. CHAMBERLAIN, KANSAS SURVEYOR NO. 185, DATED DECEMBER 22, 1982.

PROJECT BENCH MARK:

- DOUGLAS COUNTY PUBLIC WORKS CHARN DG41
NORTHING 233,503.53
EASTING 2,100,788.90
ELEVATION = 862.21 FT.
- CHESELED SQUARE IN THE NW CORNER OF CONCRETE STORMWATER INLET IN THE WEST OF ENTRANCE TO PROPERTY ON 23RD STREET, ELEVATION = 877.79.

SITE SUMMARY

Gross Area of Subdivision:	1.485 AC
Area within CD Zoning District	1.485 AC
Total Number of Lots:	1
Minimum Lot Size:	1.485 AC
Maximum Lot Size:	1.485 AC
Average Lot Size:	1.485 AC

a preliminary plat for
JOHNSTON ADDITION

GES

GROB
ENGINEERING
SERVICES, LLC

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PRELIMINARY PLAT
JOHNSTON ADDITION
LAWRENCE, KANSAS

DESIGNED BY

JDG

CHECKED BY

JDG

ISSUE DATE

JUNE 20, 2016

REVISIONS

JULY 29, 2016

SHEET

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