

Memorandum

City of Lawrence

Planning and Development Services

TO: Diane Stoddard, Interim City Manager
FROM: Planning Staff
DATE: For June 22, 2015 Planning Commission meeting
RE: MISC. ITEM NO. 2

MS-15-00123: A Minor Subdivision Replat of Lots 125, 127, 129, 131, 133, 135, and 137 on Mississippi Street, Lots 132, 134, 136, and 138 on Illinois Street, Lots 41, 43, 45, 47, and 49 on Pinckney Street together with one-half of the vacated streets and alleys adjacent to said Lots, Lots 121-128, 129, 131, and the east 65' of Lot 133 in block 41 of West Lawrence and Clinton Park bounded by 5th and 6th Streets (N&S) and Illinois Street and Alabama Street (E&W) located at 810 W 6th Street. Submitted by Grob Engineering Services, LLC for Unified School District 497, property owner of record.

The Minor Subdivision proposes to replat multiple existing lots into two lots. Minor Subdivisions are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. A copy of the Minor Subdivision is included with this memo for context; however, no action is required on the Minor Subdivision.

The subject property is located at 810 W. 6th Street, and contains Pinckney Elementary School and Clinton Park. West 6th Street is classified as a principal arterial street on the Major Thoroughfares Map. Per Section 20-810(e)(5) of the Subdivision Regulations, principal arterial streets require 150' of right-of-way, however W. 6th Street was constructed with approximately 100' of right-of-way. A variance is required to reduce the required right-of-way along W. 6th Street from 150' to 100'.

Citations to Consider:

Section 20-813(g) states that the Planning Commission may grant a variance from the design standards only if the following three criteria are met: that the strict application of these regulations will create unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of the regulations, and that the public health, safety, and welfare will be protected. The follow is a review of the variance request in relation to these criteria.

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

The Minor Subdivision (MS-15-00123) replats multiple existing lots into two lots. The purpose of the Minor Subdivision is to accommodate a land transfer. A portion of Clinton Park was deeded from the City to USD 497 (approved by the City Commission on June 2, 2015). There are no other changes associated with the Minor Subdivision.

Staff Finding: Requiring the dedication of additional right-of-way for W. 6th Street at this time would constitute an unnecessary hardship on the property owner, as the right-of-way is not necessary.

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

The area along W. 6th Street is developed with 100' of right-of-way. This is because the standard for 150' of right-of-way was adopted with the 2006 Land Development Code. Areas developed prior to 2006 do not typically meet the 150' right-of-way requirement. The standard that requires the 150' of right-of-way is more applicable to new development rather than existing corridors.

Staff Finding: The variance will allow the proposed Minor Subdivision to occur without requiring the dedication of additional right-of-way. Adequate right-of-way is available for W. 6th Street. The request is in harmony with the intent of the regulations given the nature of this land division.

Criteria 3. The public health, safety, and welfare will be protected.

Maintaining the existing right-of-way width for W. 6th Street will not hinder the public health, safety, or welfare. Conversely, increasing the right-of-way to 150' does not affect these factors. There are no future plans for improvements along W. 6th Street that would require additional right-of-way.

Staff Finding: The variance will not affect the public health, safety, or welfare.

Staff Recommendation:

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

The plat shall be revised to include the following note: *"On June 22, 2015, the Planning Commission approved a variance from right-of-way requirements in Section 20-810(e)(5) of the Subdivision Regulations to allow the replatting of this property with 100 ft. of right-of-way currently provided for W. 6th Street."*

MS-15-00123: A Minor Subdivision Replat of Lots 125, 127, 129, 131, 133, 135, and 137 on Mississippi Street, Lots 132, 134, 136, and 138 on Illinois Street, Lots 41, 43, 45, 47, and 49 on Pinckney Street together with one-half of the vacated streets and alleys adjacent to said Lots, Lots 121-128, 129, 131, and the east 65' of Lot 133 in block 41 of West Lawrence and Clinton Park bounded by 5th and 6th Streets (N&S) and Illinois Street and Alabama Street (E&W) located at 810 W 6th Street. Submitted by Grob Engineering Services, LLC for Unified School District 497, property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Minor Subdivision, subject to the approval of a variance to reduce the right-of-way for W. 6th Street from 150' to 100', and mylar and recording fees for this Minor Subdivision, and the following conditions:

1. Dedicate the 'no build' area by separate instrument after review & approval by the City Attorney; and
2. The Minor Subdivision shall be revised with the following changes:
 - a. Add a note referencing the Book & Page for the filed 'no build' restrictions.

KEY POINTS

- This Minor Subdivision proposes to replat multiple existing lots into two lots.
- This Minor Subdivision is necessary to accommodate a land transfer. A portion of Clinton Park was deeded from the City to USD 497, approved by the City Commission on June 2, 2015.
- This land transfer is part of an in-kind trade. The School District dedicated a drainage easement to the City with the final plat of the Schwegler Elementary School improvements.
- Clinton Park is shown as a designated park between Illinois Street and Alabama Street on the 1855 plat for the City. To preserve the open space as intended by the original plat, the following conditions were approved by the Lawrence City Commission and the Board of Education:
 1. USD 497 agrees to maintain the green space as per the preliminary site plan as approved by the Lawrence Historic Resources Commission on December 18, 2014.
 2. USD 497 will grant the City the right of first refusal if the property is ever sold.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.

ASSOCIATED CASES

- PP-14-00303; Preliminary Plat for Schwegler Addition approved September 22, 2014.
- PF-14-00442; Final Plat for Schwegler Addition recorded with the Douglas County Register of Deeds Office on January 27, 2015 Plat Book 18 Page 743.

- SP-9-62-99; Site Plan for Pinckney School, building addition and parking lot improvements.
- DR-14-00501; 810 W 6th Street; Addition; Certificate of Appropriateness Review.

OTHER ACTION REQUIRED

- City Commission acceptance of dedication of utility easement and vacation of right-of-way as shown by this replat.
- Provision of an original mylar of the Minor Subdivision Plat bearing the notarized signature(s) of the property owner and the Land Surveyor's signature and seal; and, the appropriate recording fees.
- Recording of the Minor Subdivision and associated documents at the Douglas County Register of Deeds.

GENERAL INFORMATION

Current Zoning and Land Use	GPI (General Public and Institutional Use) District; <i>School</i> OS (Open Space) District; <i>Park</i>
Surrounding Zoning and Land Use	North, East, South: RS5 (Single-Dwelling Residential) District; <i>Detached Dwelling</i> Southwest: CS (Commercial Strip) District; <i>Retail Sales & Service</i> West: RM12 (Single-Dwelling Residential) District; <i>Detached Dwelling</i> and <i>Duplex</i> RS5 (Single-Dwelling Residential) District; <i>Detached Dwelling</i>
Number of Existing Lots:	26.5
Number of Proposed Lots:	2

STAFF REVIEW



Figure 1. Current land use and zoning of subject property (outlined in turquoise).

The property is located on the north side of W. 6th Street, and contains Pinckney Elementary School and Clinton Park. The land use of the surrounding area consists primarily of residential, however there is an area of zoned CS (Commercial Strip) District located near the southeast corner of the property (Figure 1). The original plat of the property consists of 26.5 platted lots (Figure 2a). This Minor Subdivision will combine those lots into two lots, Lot 1 and Lot 2.

This Minor Subdivision is necessary to

accommodate a land transfer between the City and the USD 497. During the preliminary site plan review process for Pinckney Elementary School, it was determined that a portion of the school blacktop and playground areas are located in Clinton Park, which is city park property. Similarly, during the review of improvements to another USD 497 property, Schwegler Elementary School, it was determined that the City needed a drainage easement to accommodate planned stormwater improvements at 23rd Street and Ousdahl Road. After discussions between the School District and City Staff, it was determined that a drainage easement would be dedicated with the Schwegler final plat and that a transfer of city park property could be accommodated with a replat of Pinckney School property and Clinton Park (Figure 2b).

With this Minor Subdivision, Lot 1 will be USD 497 property, and Lot 2 will contain the park property owned by the City. The total area for Lot 1 is 197,888 square feet, and for Lot 2 it is 181,226 square feet.

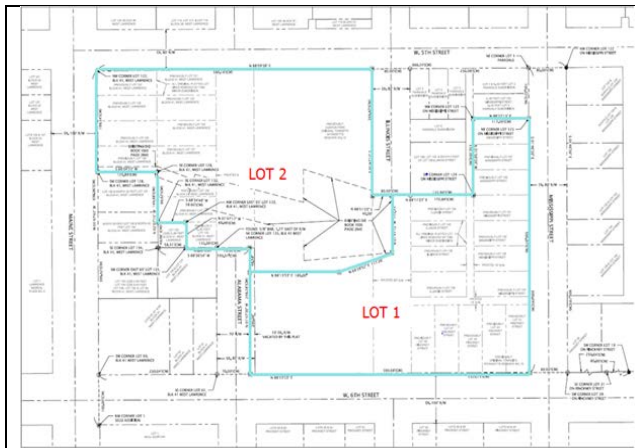


Figure 2a. Plat showing previously platted lots and new lots proposed with this Minor Subdivision.



Figure 2b. Aerial showing proposed new lots and deeded land shown in hatch marks.

During the review of the Minor Subdivision, the Historic Resources Commission (HRC) indicated that, due to the historic nature of the park property, a no build easement should be included with the replat to protect the historic character of the park. Clinton Park is one of the first three city parks shown on the 1858 plat for the City, and has continued to be an open space park since then. The HRC indicated that a no build easement could allow for parking and playground equipment, but would not allow for buildings or sheds.

Based on the HRC comments, the City and the Board of Education agreed to the following conditions as a way to preserve the open space as intended by the original plat:

1. USD 497 agrees to maintain the green space as per the preliminary site plan as approved by the Lawrence Historic Resources Commission on December 18, 2014.
2. USD 497 will grant the City the right of first refusal if the property is ever sold.

RIGHT-OF-WAY

The required and existing right-of-way for all of the surrounding streets are listed in the table below.

Street	Classification	Required	Existing
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		ROW	ROW
W. 5th	Local	60 ft.	80 ft.
Mississippi	Local	60 ft.	80 ft.
Alabama	Local	60 ft.	80 ft.
Illinois	Local	60 ft.	80 ft.
W 6th	Principal Arterial	150 ft.	100 ft.
Maine	Collector	80 ft.	100 ft.

The streets surrounding the subject property meet the minimum right-of-way requirements of Section 20-810(e)(5), with the exception of W. 6th Street. Per the Subdivision Regulations, a principal arterial street requires 150' of right-of-way; however W. 6th Street was constructed with approximately 100' of right-of-way. Variance approval by the Planning Commission is required prior to final approval of this Minor Subdivision. The variance is scheduled for the June 22, 2015 Planning Commission meeting.

Alabama street, located on the west side of the subject property, is classified as a local street. The Minor Subdivision proposes to vacate 10' of right-of-way of Alabama Street, reducing the existing right-of-way from 80' to 70'. After the reduction of right-of-way, Alabama Street will still meet the Subdivision Regulations of Section 20-810(e)(5). The City Commission is scheduled to receive the vacation of right-of-way on July 7, 2015.

UTILITIES/EASEMENTS

There is an existing drainage easement on the city park property which will be entirely contained within Lot 2 (Figure 3).

There is a stormwater line located along the west side of the subject property that will run through the USD property (highlighted in yellow in Figure 3). This will require a utility easement. The City Commission is scheduled to receive dedication of the easement on July 7, 2015.

ACCESS

Access points do not change with this replat. There are two drives on Mississippi Street that Pinckney Elementary School will continue to take access from. Access to Clinton Park will remain from 5th Street.

Pedestrian access to Clinton Park is provided by existing sidewalks north of the park property along 5th Street. Pedestrian access is also available to Pinckney Elementary School by sidewalks located along Mississippi Street and 6th Street.

MASTER STREET TREE PLAN

A Master Street Tree Plan and graphic were submitted and approved. A total of 62 street trees are required based on 1 shade tree for every 40' of street frontage.

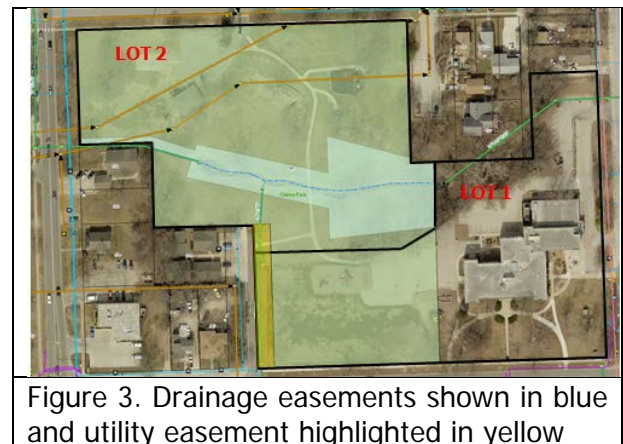
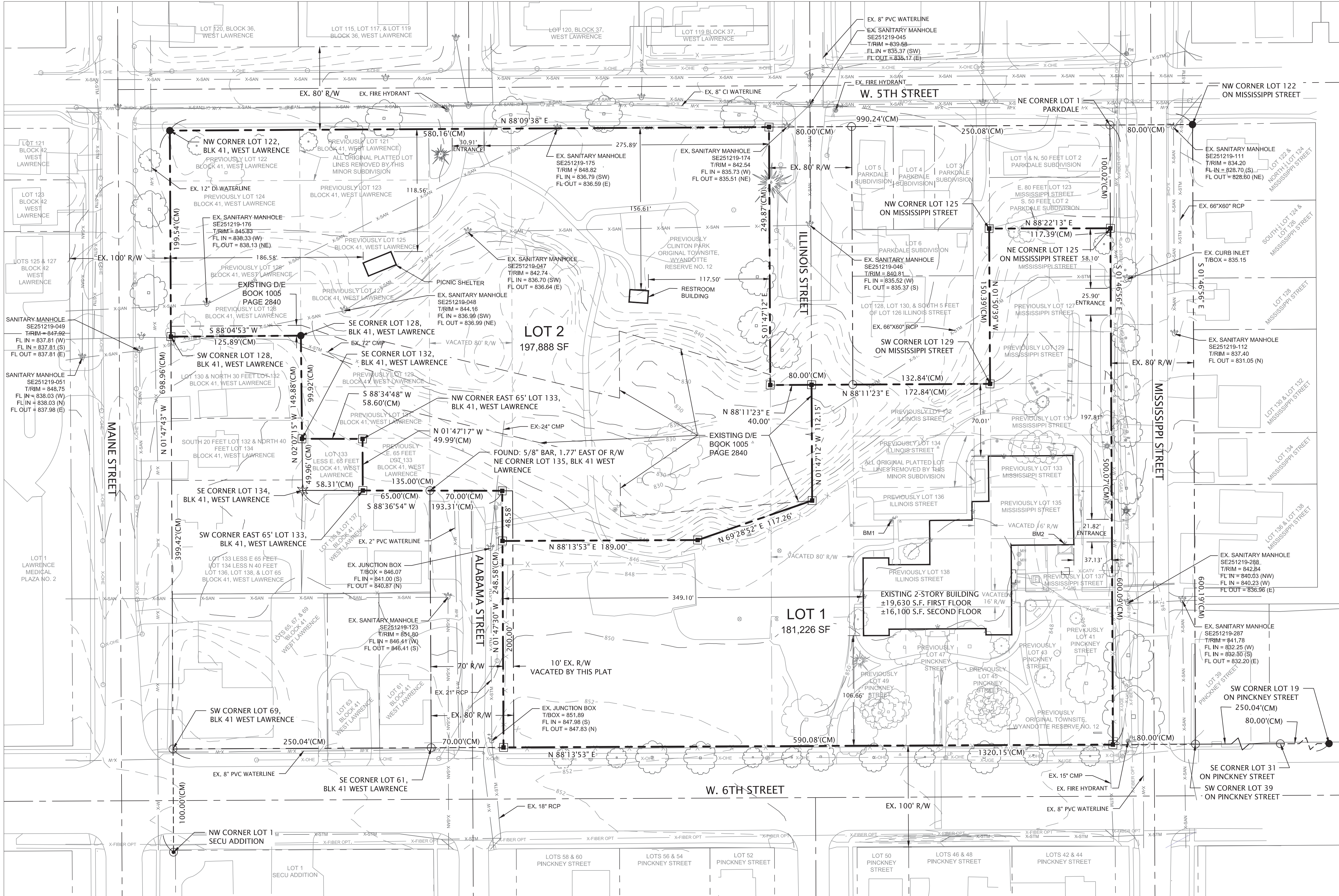


Figure 3. Drainage easements shown in blue and utility easement highlighted in yellow

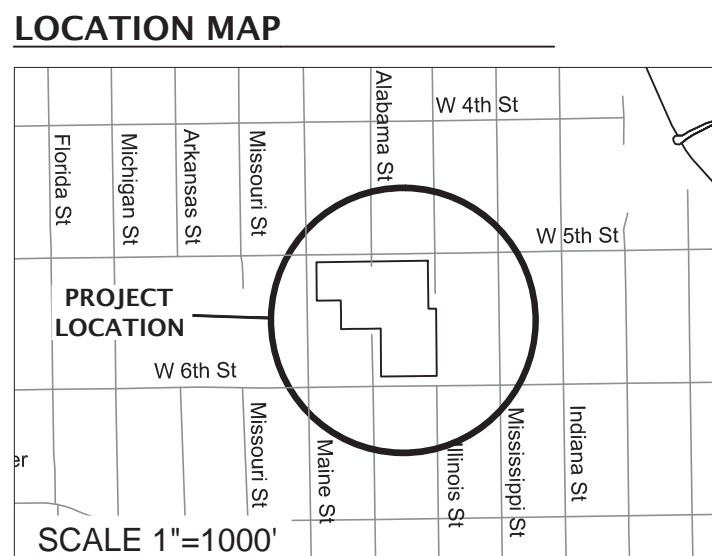
Street	Frontage Length	Required Trees
Mississippi	500 ft.	13
W. 6th	590 ft.	15
Alabama	248 ft.	7
Maine	199 ft.	5
W. 5th	580 ft.	15
Illinois	249 ft.	7
	2366 ft.	60

LOT 2
 LOT 1
 SCALE: 1" = 100'
 LEGEND:
 ○ PROPOSED STREET TREES
 ★ EXISTING STREET TREES
 PINCKNEY ADDITION
 MASTER STREET TREE PLAN

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



LEGEND		
— OHW —	OVERHEAD WIRE	8/8" BACK OF CURB TO BACK OF CURB
— OHE —	OVERHEAD ELECTRICAL	R/W RIGHT-OF-WAY
— UGT —	UNDERGROUND TELEPHONE	C/L CENTERLINE
— GAS —	GAS	U/E UTILITY EASEMENT
— W —	WATERLINE	(D) DEED
— SAN —	SANITARY SEWER LINE	(P) PLATTED
— S —	SANITARY SEWER SERVICE	(M) MEASURED
— STM —	STORMWATER LINE	(CM) CALCULATED FROM MEASUREMENTS
— — —	PROPERTY LINE	● FOUND 1/2" BAR - ORIGIN UNKNOWN
— — —	CENTERLINE	● FOUND 1/2" BAR W/CAP "WHITE MARTIN"
— — —	PAVEMENT	● FOUND 5/8" BAR - ORIGIN UNKNOWN
— — —	UTILITY EASEMENT	✱ 1/2" BAR W/CAP "APSL1991"
— SB —	BUILDING SETBACK LINE	○ CALCULATED POSITION - NOT SET
NOTE: "X" IN UTILITY LINE DENOTES EXISTING FEATURE		
⊕	SANITARY MANHOLE	
⊕	STORM MANHOLE	
⊕	STORM DRAIN	
⊕	GUY ANCHOR	
⊕	UTILITY POLE	
⊕	WATER METER	
⊕	WATER VALVE	
⊕	FIRE HYDRANT	
⊕	TRAFFIC SIGNAL STR.	
⊕	GAS VALVE	
⊕	GAS METER	
⊕	LIGHT POLE	
⊕	SIGN	
⊕	ELECTRIC BOX	
⊕	CABLE TV BOX	



SURVEYOR'S CERTIFICATION
I hereby certify that the platred area shown hereon is the true and accurate result of a field survey performed under my direct supervision in February, 2015, and that the plat is a closed traverse. This Minor Subdivision/Replat conforms to the Kansas Minimum Standards for Boundary Surveys.

ENGINEER'S CERTIFICATION
I hereby certify that the information and area map shown hereon are true and accurate to the best of my knowledge. Plat prepared February, 2015.

BENCHMARKS
BM1 - CHISELED "X" ON LIGHT POLE BASE SOUTH OF NORTHWEST PARKING LOT. ELEV. = 851.56
BM2 - FINISHED FLOOR ELEVATION AT SE CORNER OF EXISTING BUILDING. ELEV. = 847.03

REFERENCED DOCUMENTS
1. Original Townsite, Wyandott Reserve No. 12, City of Lawrence, Kansas, recorded August 21, 1863 in Book 241, Page 591.
2. Original Townsite, West Lawrence, City of Lawrence, Kansas, recorded July 12, 1920 in Book 1, Page 1.

LEGAL DESCRIPTION
LOTS 125, 127, 129, 131, 133, 135, AND 137 ON MISSISSIPPI STREET, LOTS 132, 134, 136, AND 138 ON ILLINOIS STREET, LOTS 41, 43, 45, 47, AND 49 ON PINCKNEY STREET TOGETHER WITH ONE-HALF OF THE VACATED STREETS AND ALLEYS ADJACENT TO SAID LOTS, LOTS 121 - 128, 129, 131, AND THE EAST 65 FEET OF LOT 133 IN BLOCK 41 OF WEST LAWRENCE AND CLINTON PARK BOUNDED BY 5TH AND 6TH STREETS (N&S) AND ILLINOIS STREET AND ALABAMA STREET (E&W), IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS. THE ABOVE CONTAINS 8.65 ACRES, MORE OR LESS.

FILING RECORD
State of Kansas
County of Douglas

This is to certify that this instrument was filed for record in the office of the Douglas County Register of Deeds on this _____ day of _____, 2015, and is duly recorded at _____ AM/PM, in plat Book _____, Page _____.

Register of Deeds
Kay Pesnell

ENDORSEMENTS
Approved as a Minor Subdivision under the Subdivision Regulations of the City of Lawrence & the Unincorporated area of Douglas County.
Reviewed in accordance with K.S.A. 58-2005

Planning Director
Scott McCullough
Date
Michael D. Kelly, P.S. #869
Date
Douglas County Surveyor

Rights-of Way and Easements Accepted by
City Commission, Lawrence, Kansas

Michael Amyx
Mayor
Date
Diane Trybom
Acting City Clerk
Date

DEDICATION
Be it known to all men that I (we), the undersigned owner(s) of the above described tract of land, have had cause for the same to be surveyed and platted as a Minor Subdivision under the name of "PINCKNEY ADDITION" and have caused the same to be subdivided into lots(s) as shown and fully defined on this plat.

Kyle Hayden, Assistant Superintendent,
Business Operations
Unified School District #497
Michael Amyx, Mayor
City of Lawrence, Kansas

ACKNOWLEDGEMENT
State of Kansas
County of Douglas

Be it remembered that on this _____ day of _____, 2015, before me, the undersigned, a notary public, in and for said county and state, came Kyle Hayden, Assistant Superintendent, Business Operations, who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

In witness whereof, I have hereunto set my hand and affixed my seal on the day and year last written above.

Notary Public
My commission expires _____
ACKNOWLEDGEMENT
State of Kansas
County of Douglas

Be it remembered that on this _____ day of _____, 2015, before me, the undersigned, a notary public, in and for said county and state, came Michael Amyx, Mayor of the City of Lawrence, Kansas, who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

In witness whereof, I have hereunto set my hand and affixed my seal on the day and year last written above.

Notary Public
My commission expires _____
NOTES

1. Basis of Bearings for this Minor Subdivision is the north right-of-way line line of W. 6th Street, in the City of Lawrence (N 88°13' 53"E).
2. This Minor Subdivision is a replat of a Lots 125, 127, 129, 131, 133, 135, and 137 on Mississippi Street, Lots 132, 134, 136, and 138 on Illinois Street, Lots 41, 43, 45, 47, and 49 on Pinckney Street together with one-half of the vacated streets and alleys adjacent to said lots, Lots 121 - 128, 129, 131, and the East 65 feet of Lot 133 in Block 41 of West Lawrence and Clinton Park bounded by 5th and 6th streets (N&S) and Illinois Street and Alabama Street (E&W).
3. Further division or consolidation of any lots contained in this Minor Subdivision is prohibited, and shall be processed as a Major Subdivision, unless the action meets the exception noted in Section 20-808(c)(5)(i).
4. Aerial and topographic information obtained from aerial survey performed by Sanborn Mapping for the City of Lawrence and Douglas County 2006 & 2013. Specific boundary and topographic information for property & directly adjacent obtained from field survey provided by Alpoins Surveying, February 2015.
5. Street trees shall be provided in accordance with the Master Street Tree Plan filed with the Register of Deeds Book _____, Page _____. If street trees die, the property owner is responsible for replanting trees within one year. No trees on the right-of-way can be removed without the permission of the City of Lawrence Parks Department. Trees within the right-of-way require tree root protection within 10' radius of the tree trunk. Trees shown graphically are limited to those considered as street trees or those whose canopy would be affected by street trees. Remaining trees on site are omitted for clarity.
6. The City is hereby granted a temporary right of entry to plant the required street trees pursuant to Section 20-811(g) of the City Subdivision Regulations.
7. Typical Soil Types: Pc - Pawnee Clay Loam
8. The property within this Minor Subdivision/Replat is zoned GPI and OS. All new construction shall conform to the setback regulations of the GPI and OS zoned districts as defined by the City of Lawrence Development Code.
9. The lots will be pinned prior to recordation of the Minor Subdivision/Replat at the Register of Deeds Office (per Section 20-811(g)(8)).
10. No portion of this property is located within a designated "Special Flood Hazard Area" per FEMA Map Number: 20045C0176D, Map Revised: August 5, 2010.
11. This Minor Subdivision/Replat modifies the existing right-of-way along Alabama Street. No public improvements are proposed with Minor Subdivision/Replat.
12. Existing topography and improvements, and proposed improvements shown for review purposes only. Topography contours and improvements will be removed from final documents

PINCKNEY ADDITION

A MINOR SUBDIVISION/REPLAT OF LOTS 125, 127, 129, 131, 133, 135, AND 137 ON MISSISSIPPI STREET, LOTS 132, 134, 136, AND 138 ON ILLINOIS STREET, LOTS 41, 43, 45, 47, AND 49 ON PINCKNEY STREET TOGETHER WITH ONE-HALF OF THE VACATED STREETS AND ALLEYS ADJACENT TO SAID LOTS, LOTS 121 - 128, 129, 131, AND THE EAST 65 FEET OF LOT 133 IN BLOCK 41 OF WEST LAWRENCE AND CLINTON PARK BOUNDED BY 5TH AND 6TH STREETS (N&S) AND ILLINOIS STREET AND ALABAMA STREET (E&W)

a subdivision in the SE ¼ of Section 25, Township 12 S, Range 19 E, in the City of Lawrence, Douglas County, Kansas

