

Memorandum

City of Lawrence

Planning and Development Services

TO: Planning Commission
FROM: Planning Staff
DATE: For November 16, 2015 Planning Commission meeting
RE: ITEM NO. 2

MS-15-00462: A Minor Subdivision Replat of all of Lot 2, Block 1 Hopkins Addition located at 2540 Iowa Street. Submitted by Strick & Company, Inc. for Iowa 33, LLC, property owner of record.

The Minor Subdivision proposes to replat one existing lot 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 2540 Iowa Street, and contains an existing shopping center. Iowa 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 Iowa Street was constructed with approximately 100' of right-of-way. A variance is required to reduce the required right-of-way along Iowa 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-15-00462) replats one existing lots into two lots. The subject property contains an existing shopping center located adjacent to Iowa Street with a right-of-way width of 100'. The Minor Subdivision facilitates development of a *Fast Order Food* use to be constructed at the south end of the property. There are no other changes associated with the Minor Subdivision.

Staff Finding: Requiring the dedication of additional right-of-way for Iowa Street at this time would constitute an unnecessary hardship on the property owner, as a portion of the property is developed and the City Engineer has indicated that additional right-of-way is not necessary.

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

The area along Iowa 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 Iowa 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 Iowa 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 Iowa 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 Iowa Street subject to the following condition:

The plat shall be revised to include the following note: "On November 16, 2015, the Lawrence/Douglas County Planning Commission approved a variance from right-of-way requirements in Section 20-810(e)(5) of the Subdivision Regulations to allow the Iowa Street right-of-way to remain at 100 feet within this Minor Subdivision in lieu of the 150 feet required for a Principal Arterial Street."

October 30, 2015

MS-15-00462: A Minor Subdivision/Replat of Lot 2, Block 1 of Hopkins Addition located at 2540 Iowa Street. Submitted by Strick & Company, Inc. for Iowa 33, LLC, property owners of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Minor Subdivision, subject to the following conditions:

1. Submission and approval of the Master Street Tree Plan
2. Submission of mylar with signatures and recording fees for this Minor Subdivision.

KEY POINTS

- Per Section 20-808(c)(5) of the Subdivision Regulations, only one lot combination or division may be approved through the Minor Subdivision process except that lot line adjustments or mergers that do not increase the total number of lots may be accomplished through the Minor Subdivision/Replat process even if the property had previously been part of a Minor Subdivision or Repat. Any future lot divisions or combinations, except lot line adjustments, will require approval through the Major Subdivision Process.

SUBDIVISION CITATIONS TO CONSIDER

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

ASSOCIATED CASES

- SP-5-34-92: A site plan for Tower Plaza Shopping Center
- SP-15-00359: A site plan for changes to the Tower Plaza Shopping Center with partial demolition of the center and façade upgrades.

OTHER ACTION REQUIRED

- 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

CS (Commercial Strip) District; a *Retail Specialty* shopping center which includes the following uses: *General Retail Sales, Quality Restaurant Fast Order Food, Personal Convenience, Food and Beverage*, and a *Payday Advance Loan Business*.

Surrounding Zoning and Land Use

To the north:

CS (Commercial Strip) District; *Financial, Insurance, Real Estate Office; Personal Convenience; and Quality Restaurant.*

To the west:

CS (Commercial Strip) District; *General Retail Sales and Fast Order Food with Drive-In.*

To the south:

CS (Commercial Strip) District; *Health Care Clinic/Office and Multi-Dwelling Structure.*

To the east:

RM32 (Multi-Dwelling Residential) District; *Multi-Dwelling Structures.*

Number of Existing Lots: 1

Number of Proposed Lots: 2

STAFF REVIEW

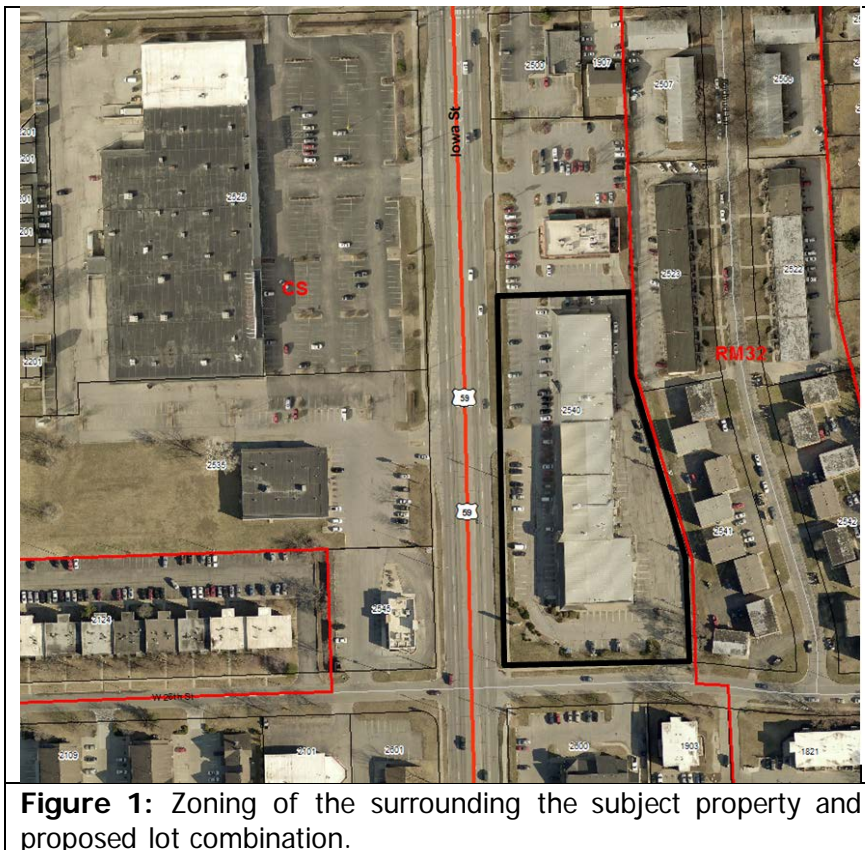


Figure 1: Zoning of the surrounding the subject property and proposed lot combination.

The property is located on the east side of Iowa Street, and north of W. 26th Street. The property within this subdivision consists of one platted lot (Lot 2, Block 1, Hopkins Addition). The majority of the surrounding area is zoned CS (Commercial Strip) District, however there is RM32 (Multi-Dwelling Residential) zoning district located to the east of the property (Figure 1).

RIGHT-OF-WAY

Street	Classification	Required	Existing
Iowa Street	Principal Arterial	150 feet	100 feet
W. 26 th Street	Local	60 feet	60 feet

The streets surrounding the site meet the minimum right-of-way requirements of Section 20-810(e)(5), with the exception of Iowa Street, which is classified as a principal arterial street on the Major Thoroughfare Map. Per the Subdivision Regulations, a principal arterial street requires 150' of right-of-way; however Iowa 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 November 16, 2015 Planning Commission meeting.

DIMENSIONAL REQUIREMENTS

SITE SUMMARY				
Existing			Proposed	
Total Area: 123,811 sq. ft.	Lot	Existing Lot Area	Lot	Lot Area
Number of existing lots: 1	2	123,811 sq. ft.	Lot 1	86,913 sq. ft.
			Lot 2	36,898 sq. ft.
Minimum required Lot Area for the CS District			5,000 sq. ft.	

UTILITIES/EASEMENTS

There are no new easements or dedications provided with this Minor Subdivision. The Stormwater Engineer indicated that an additional utility easement would not be required due to the public stormwater improvements being covered by the existing platted utility easement.

ACCESS

No changes are being proposed to the vehicular ingress and egress to the site. Access to the site is provided from Iowa Street and W 26th Street. An existing access easement will remain to provide vehicular cross-access through the property.

Pedestrian access is provided by existing sidewalks along Iowa Street and W. 26th Street.

MASTER STREET TREE PLAN

Revisions are needed to the Master Street Tree Plan that was previously provided. Prior to recording the Plat with the Register of Deeds, a Master Street Tree Plan must be submitted and approve.

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