

**PLANNING COMMISSION REPORT
REGULAR AGENDA -- PUBLIC HEARING ON VARIANCE REQUEST ONLY**

PC Staff Report
01/25/12

ITEM NO. 8B PRELIMINARY PLAT FOR EVEN LOWER EAST SIDE ADDITION; 920 & 920 ½ DELAWARE ST (SLD)

PP-11-11-11: Consider a Preliminary Plat for Even Lower East Side Addition, a one lot subdivision containing approximately .20 acres, located at 920 and 920 ½ Delaware Street. The request includes a variance request from the Subdivision Design Standards, specifically 20-809(d) regarding the minimum area of the proposed lot. Submitted by Struct/Restruct, LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the variance request from Section 20-809(d)(2) which requires that 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 found in Section 20-601(a).

The variance would permit the following variation from the dimensional requirements of Section 20-601(a) for the IL Zoning District:

1. Lot area of 8,701 for Lot 1 rather than the 20,000 sq. ft. required in the proposed IL Zoning District.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of the Even Lower East Side Addition subject to the following conditions:

1. Revision of the preliminary plat with the following notes and changes:
 - a. Addition of the following note to the face of the drawing: "Variance approved from Section 20-809(d)(2) which requires that each lot conform with the dimensional requirements applicable to the property through the Zoning District Regulations found in Section 20-601(a), specifically the minimum area requirements.
 - b. The revised Preliminary Plat must list the revision date.
 - c. Provision of a revised note regarding the 100 year floodplain to reference the August 5, 2010 FEMA FIRMs.
2. An Agreement Not to Protest the Formation of a Benefit District for future street and sidewalk improvements to Delaware Street must be executed by the property owner and provided to the Planning Office with submission of the Final Plat.
3. Review and approval by the Historic Resources Commission.

Applicant's Reason for Request: Per Section 20-801(c) of the Subdivision Regulations, building permits may be issued only on platted property.

KEY POINTS

- The subject property is located within the environs of the East Lawrence Industrial District, National Register of Historic Places.
- Property is in environs of Hobbs Park, Lawrence Register of Historic Places.
- The proposed lot layout is consistent with the historical development pattern of the area.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 6, 2009.
- The plat is not compliant with Section 20-809(d) (2). This section requires that each lot conform with the dimensional requirements applicable to the property through the Zoning District Regulations found in Section 20-601(a). The minimum lot area for the IL district is 20,000 SF. This property includes only 8,701 SF.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-11-26-11 Rezoning IG to IL (submitted concurrently with this preliminary plat request).
- Submittal of the preliminary plat to the City Commission for acceptance of dedication of rights-of-way and easements.
- Submittal and administrative approval of the final plat and recordation at the Douglas County Register of Deeds.
- Submittal and approval of a site plan prior to the issuance of building permits.
- HRC approval of building plans and release of plans for building permits.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No comment has been received related to the preliminary plat. See zoning Z-11-26-11 for comments related to uses.

GENERAL INFORMATION	
Current Zoning and Land Use:	IG (General Industrial) District; existing contractor's office and woodworking shop.
Surrounding Zoning and Land Use:	IG (General Industrial) District to the north, south and east; Allen Press to the north and east, residence to the south. RS5 (Single-Dwelling Residential) District to the west; existing detached homes.

STAFF REVIEW

This property is located at 920 and 920 ½ Delaware Street. Per Section 20-801(c) of the Subdivision Regulations, building permits may be issued only for property which has been platted. Changes of use and anticipated site redevelopment that would require building permits require that the property be platted. Therefore, the applicant has submitted a preliminary plat for this property.

Zoning and Land Use

The zoning in this area was changed from M-3 (Intensive Industrial) District to IG (Industrial General) District upon adoption of the Development Code in 2006. The minimum lot area required in the proposed IL District (Z-11-26-11) is 20,000 SF. This property includes only 8,701 SF. The configuration of this property was likely established by the presence of the rail road that was originally located in this area. The historic land use pattern is demonstrated in the 1912 and 1927 Sanborn Fire Insurance Maps.

The property is developed with existing structures. There are no plans to remove the structures. The property is in the environs of the East Lawrence Industrial Historic District, National Register of Historic Places and Register of Historic Kansas Places. It is also in the environs of

Hobbs Park (702 E 11th), Lawrence Register of Historic Places. Location within the environs of historic properties requires Historic Resource review of all development proposals.

Streets and Access

The property is bounded on the west by Delaware Street. Delaware Street is designated as a local street in this area. No changes to access are proposed by this preliminary plat.

Easements and Rights-of-way

The property abuts Delaware Street which has 60 ft of right-of-way as required in Section 20-810(d)(4)(i) for local streets in the City of Lawrence. There are no utility easements in this area. The utility infrastructure is located within the Delaware Street right-of-way.

Utilities and Infrastructure

Sanitary sewer lines and water service lines that serve this property are located within the public right-of-way. No changes to the existing service are proposed with this preliminary plat.

Variance

The developer is requesting that a variance be granted from Section 20-809(d)(2) which requires that each lot conform with the dimensional requirements applicable to the property through the Zoning District Regulations found in Section 20-601(a). The specific standard applicable to this request as noted above is the minimum lot area. The minimum lot area required.

- The minimum lot area required in the proposed IL District (Z-11-26-11) is 20,000 SF.
- This property includes only 8,701 SF.

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

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

Strict application of these regulations would prohibit the subdivision of the property within the IL District. The shape and size of the property has resulted from the development pattern of the area as demonstrated in the Sanborn maps.

The total area of the subject property is 8,701 sq. ft. The IL District requires a minimum lot area of 20,000 sq ft. It should be noted that the IG district only requires 5,000 SF but is arguably a more intensive district; deserving of a larger area to accommodate buffer yards and setback. The historic development pattern of this area did not include these modern design standards. Existing buildings are located in a manner that includes little or no setback and no opportunity for buffering. Only the acquisition of land from the adjacent properties would allow the property to be compliant with this design standard. Existing development of the surrounding properties is not conducive to such an acquisition. Application of this criterion would be a hardship on the applicant.

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

The intended purpose of these regulations, stated in Section 20-801(a) of the Subdivision Regulations, is to ensure that the division of land will serve the public interest and general welfare as well as to provide for the conservation of existing neighborhoods. The proposed variance from the area requirement would permit the property to be redeveloped within the existing confines of the parcel boundaries. The proposed variance from the minimum lot area would allow the developer to retain and improve the property. The retention and improvement of historical structures in the environs serves the public interest and provides for the conservation of existing neighborhoods.

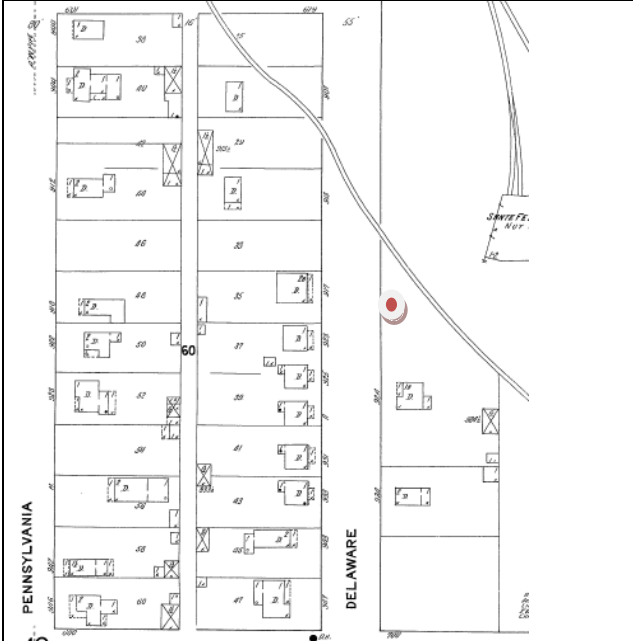
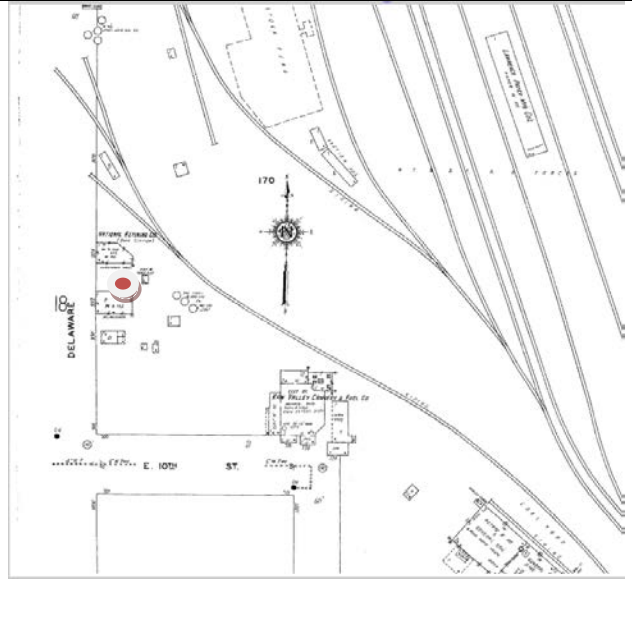

Criteria 3: The public health, safety and welfare will be protected.

The variance would allow a reduction in the lot area, which would have no negative impact on the public health, safety and welfare.

Staff recommends approval of the variance request from Section 20-809(d)(2) which requires that 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 found in Section 20-601(a).

Conformance

With the approved variance and recommended conditions, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.

1912 and 1927 Sanborn Fire Insurance Maps	
	
<p>Historical development pattern in the area, taken from 1912 Sanborn Map.</p>	<p>Historical development pattern in the area, taken from 1927 Sanborn Map.</p>
 920-920 1/2 Delaware	