

PLANNING COMMISSION REPORT
Regular Agenda – Non-Public Hearing Item
Public Hearing on Variance Request Only

PC Staff Report
12/15/08

ITEM NO. 1 PRELIMINARY PLAT FOR FREE STATE ADDITION NO. 3; 4700 OVERLAND DRIVE (SMS)

PP-10-14-08: Preliminary Plat for Free State Addition No. 3, a non-residential subdivision containing 17.641 acres, located at 4700 Overland Drive. Submitted by Landplan Engineering, for City of Lawrence Public Schools USD 497, property owner of record. Applicant has requested a variance from full dedication of right-of-way requirements of 20-810(d)(4)(i).

STAFF RECOMMENDATION:

Staff recommends approval of the variance requested from Section 20-810(d)(4)(i) to allow a total half-width dedication of 60' of right-of-way with an additional 10-foot Utility/Pedestrian easement where a total half-width dedication of 75' of right-of-way is required for a principal arterial street, subject to the following condition.

1. A note shall be included on the plat that defines the use of the Utility/Pedestrian easement.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of Free State Addition No. 3 and forwarding it to the Lawrence City Commission for consideration of the requested dedication of easements and right-of-way, subject to the following conditions:

1. Remove Note 12 as additional right-of-way is being proposed with this plat.

Applicant's Reason for Request: Platting parcel is a condition of approval of the related Special Use Permit (SUP-07-05-08).

KEY POINTS

- Preliminary Plats are the first step of a two step process to subdivide land known as a Major Subdivision. A final plat is the second step of the Major Subdivision process.
- Platting parcel is a condition of approval of the related Special Use Permit (SUP-07-05-08).

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Wakarusa Drive is classified as a principal arterial. Section 20-810(d)(4)(i) requires 150' of right-of-way for a principal arterial. The applicant has requested a variance to reduce this requirement.
- Section 20-813(g) identifies criteria for variances from design standards of regulations.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Planning Commission action on the requested variance; being considered at the December meeting.
- Submittal of the preliminary plat to the City Commission for acceptance of dedication of rights-of-way and easements.
- Submission and administrative approval of a final plat.
- Submittal of Public Improvement Plans for the necessary revisions to the infrastructure.
- Submittal, approval and recordation of a final plat at the Register of Deeds.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None to date

GENERAL INFORMATION

Current Zoning and Land Use: GPI District (General Public and Institutional Use) District; existing Free State ball fields.

Surrounding Zoning and Land Use: RS7 (single-Dwelling Residential) District to the north; developing residential neighborhood.

OS (Open Space) District to the west; undeveloped future park.

UR (Urban Reserve) District; pending POD – (Planned Office Development) District along the south property line. Undeveloped land

GPI (General Public and Institutional Use) District to the east; existing Free State High School campus

SUBDIVISION SUMMARY

Property Area (acres): 17.641
Dedication of Street Right-of-Way 0
(acres):
Total Lots: 1
Lot Size: 17.641

STAFF REVIEW

Zoning and Land Use

The subject property is currently zoned GPI and is used for athletic activities associated with the High School.

The intent of the GPI district is to accommodate institutional uses occupying significant land areas. This district allows a variety of land uses including community facilities such as public safety operations, schools and public utility operations.

The property is part of the Free State campus that has recently been approved with a Special Use Permit and Institutional Development Plan for the construction of additional parking and installation of bleachers/restrooms/concessions/lighting/sound systems to accommodate football/softball/soccer/tennis competition on-site. A condition of approval was that this unplatted parcel, which was never platted when the high school was first constructed, be platted.

Streets and Access

The property abuts Wakarusa Drive public right-of-way along the length of the west property line. Wakarusa Drive is classified as a principal arterial, and as such, direct access is restricted. A note has been provided to indicate that access restrictions will exist for Wakarusa Drive. Hatch marks have been provided to visually represent the access restriction along this boundary of the property.

PUBLIC IMPROVEMENTS, INFRASTRUCTURE & SERVICES

Utilities and Infrastructure

No new public infrastructure is proposed. The preliminary plat provides perimeter utility easements along the north, west and south sides of the property in the event additional service is required in the future.

Easements and Rights-of-way

Right-of-way width for a principal arterial is required to be 150'. This existing stretch of Wakarusa only contains 100'; therefore, an additional 25' is required to be dedicated with this plat. The proposed plat dedicates 10' of right-of-way and proposes the provision of an additional 10' of utility/pedestrian easement. A variance from the requirement to provide the full 25' dedication is required and is discussed below. A condition is recommended to define the intent of this 10' utility/pedestrian easement.

Sidewalks

Sidewalks are required for Major Subdivisions. Sidewalks were provided along both sides of Wakarusa Drive when it was constructed.

Street Trees

Street trees are required for Major Subdivisions. A master street plan is a requirement of the Final Plat and is a document recorded with the Register of Deeds Office at that time the Final Plat is recorded.

Variances and Waivers

The applicant is requesting a variance from Section 20-810(d)(4)(i) regarding the full right-of-way dedication for a principal arterial street.

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. Attached is a letter from the applicant addressing each of these criteria. Below is a review of the variance request in relation to these criteria.

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

The applicant notes that providing the full 75' of required right-of-way will place a portion of the existing softball fences and lights in the right-of-way. In this case, the applicant proposes a utility and pedestrian access easement to provide an equivalent solution to the desire to have the sidewalk and street elements contained within a public way if or when street widening is completed in the future, be it right-of-way or easement. Providing the easement and reducing the total public way will not affect the existing structures. This would create an unnecessary hardship in this instance given that the intent of the regulation can be upheld with the equivalent easement.

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

Per Section 20-801(a) of the Subdivision Regulations, these regulations are intended 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. According to the City Engineer, the proposed dedication of right-of-way and easement is sufficient in this case based on assumptions of what future widening may involve and contain in the future. The dedicated area will permit the widening of Wakarusa Drive if the city chooses to do so in the future. Denial of the variance would permit the city to operate under more common practice of including all public improvements in the right-of-way; however, easements are often used as an equivalent mechanism to meet the intent of the regulations to provide enough corridor width by which to place all of the necessary public improvements.

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

The health, safety, and welfare will be protected as all of the necessary public improvements will be provided within the proposed right-of-way and easement.

CONFORMANCE

Conformance with Subdivision Regulations & Development Code

The property is zoned GPI (General Institutional) District. With approval of the requested variance for right-of-way standards, the preliminary plat conforms to the Subdivision Regulations and the density and dimensional standards of the GPI District outlined in the Development Code.

Conformance with *Horizon 2020*

The lot is dimensioned and sized appropriately for institutional uses. *Horizon 2020* designates a portion of this property for Community Facility. The proposed Preliminary Plat is substantially consistent with the land use recommendations of *Horizon 2020*.