

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

PC Staff Report
12/15/08

**ITEM NO. 2 PRELIMINARY PLAT FOR HUNTER'S ACRES; 2145 LOUISIANA ST
(SMS)**

PP-10-15-08: Preliminary Plat for Hunter's Acres, a non-residential subdivision containing 9.353 acres, located at 2145 Louisiana Street. 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 40' of right-of-way with an additional 10-foot Utility/Pedestrian easement where a total half-width dedication of 50' of right-of-way is required for a minor 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 Hunter's Acres and forwarding it to the Lawrence City Commission for consideration of the requested dedication of easements and rights-of-way, subject to the following condition:

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

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-07-06-08).

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Louisiana Street is classified as a minor arterial. Section 20-810(d)(4)(i) requires 100' of right-of-way for a minor arterial. An additional 17' from centerline is required. The applicant proposes an additional 7' of right-of-way and a 10-foot Utility/Pedestrian easement.
- 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.
- Recordation of the final plat with the Douglas County Register of Deeds.
- 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 school building and open field area.

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

RS5 (Single-Dwelling Residential) District to the east; existing residential neighborhood.

CS (Commercial Strip) District to the south; existing retail commercial development.

SUBDIVISION SUMMARY

Property Area (acres): 9.353

Dedication of Street Right-of-Way (acres): An additional 7' of right-of-way on Louisiana Street with an additional 10-foot Utility/Pedestrian easement

Total Lots: 1

Lot Size: 9.353 acres

STAFF REVIEW

The subject property is located at the southwest corner of Greever Terrace and Louisiana Street. The property currently contains the Lawrence Virtual School (former Centennial Elementary), an associated parking lot and open fields. It is zoned GPI and recently gained approvals for a baseball field and tennis courts, in addition to the existing school building and associated parking areas. The property currently contains three platted lots included in the Meadows Acres subdivision and an unplatted parcel to the east. Platting the property in accordance with the current subdivision regulations was a condition of approval of SUP-07-06-08.

Streets and Access

The property abuts Greever Terrace public right-of-way along the north side of the property and Louisiana Street public right-of-way along the east side of the property. Through approval of the SUP, predominant vehicular access will occur at two points along Greever Terrace. An

existing vehicular access point on Louisiana Street will remain to provide service delivery to the kitchen area in the existing building. An existing curb cut to the south along Louisiana Street will be closed with the field improvements.

PUBLIC IMPROVEMENTS, INFRASTRUCTURE & SERVICES

Utilities and Infrastructure

An existing sanitary sewer force main crosses this property. The applicant proposes to relocate this 12" force main and dedicate a new 15' utility easement so that the sewer is not located under the proposed baseball field. Public improvement plans are currently being reviewed for this project and will need to be approved prior to the recording of a final plat.

Sidewalks

Sidewalks are required for Major Subdivisions. Sidewalks exist on the west side of Louisiana Street and will be reconstructed with the planned improvements of the athletic facilities.

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.

Easements and Rights-of-way

Greever Street is a local street which already includes 60' of right-of-way. Louisiana Street is classified as a minor arterial and is required to have 100' of right-of-way width. This section of the street currently includes 66' of right-of-way; therefore, an additional 17' from centerline is required as part of this subdivision plat. The applicant proposes the dedication of 7' of right-of-way and 10' of utility & pedestrian access easement to meet this requirement, bringing the total half-width right-of-way to 40' and the total in a public mechanism to provide pedestrian and street elements to 50'. A variance from Section 20-810(d)(4)(i) is required to approve this plat.

Perimeter utility easements along the south and west sides of the property will also be dedicated with this plat.

Variances and Waivers

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

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 50' of required right-of-way will place a portion of the existing school and entrance in the required setback, thus creating the need to gain a variance in the future if the school building were to be expanded. 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, be it right-of-way or easement. Providing the easement will not affect the setback for the school in the future were it to be expanded. This would create an unnecessary hardship given that the intent of the regulation can be upheld with the equivalent easement and that the school and street have existed for many years without conflict.

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 dedications will permit the widening of Louisiana Street 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 and a portion for Low Density Residential. The district purchased the south portion of the property in 1999 or 2000, according to school officials. This portion is designated for residential uses and has recently gained approval for field uses. The proposed Preliminary Plat is substantially consistent with the land use recommendations of *Horizon 2020*.