

**PLANNING COMMISSION REPORT
NON-PUBLIC HEARING ITEM
REGULAR AGENDA
PUBLIC HEARING ON THE VARIANCE ONLY**

PC Staff Report
2/27/12

ITEM NO 1b: PRELIMINARY PLAT; FAIRFIELD FARMS; 25TH TERRACE & O'CONNELL RD (SLD)

PP-12-15-11: Consider a Preliminary Plat for Fairfield Farms East Addition 1, located southeast of 25th Terrace & O'Connell Road. This request includes a variance request from the Subdivision design Regulations, specifically 20-811(c) regarding the provision of sidewalks on both sides of a street. Submitted by Johnson Group, LLC, for Fairfield Investors, property owner of record

STAFF RECOMMENDATION: Staff recommends approval of the variance request from Section 20-811 which requires sidewalks on both sides of the street and allow sidewalks on one side of the subdivision streets.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of the Fairfield Farms Addition No. 2 and forwarding it to the City Commission for consideration of acceptance of easements and right-of-way and subject to the following condition:

1. Provision of a revised Preliminary Plat that states: Phasing may or may not occur in the numerical order shown. Adequate facilities for public infrastructure shall be reviewed with each final plat as the area develops and may be reflected in public improvement plan recommendations.

Applicant's Reason for Request: *Reconfigure lots and street right-of-way to accommodate a proposed zoning change.*

KEY POINTS

- Preliminary plat includes only the residential portion south of E 25th Terrace of the original plat.
- Development is intended for residential use (detached and duplex units) including a future church site and townhouse (Multi-Dwelling Residential) development.
- Plat includes vacation of right-of-way and easements along with a revised street and lot arrangement.
- Variance for sidewalk construction on only one side of street.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective January 6, 2009.

ASSOCIATED CASES

- See Z-12-37-11 for list of related projects.

OTHER ACTION REQUIRED

- City Commission acceptance of easements and rights-of-way as shown on the Preliminary Plat, as well as final determination on variance.
- Submission and approval of applicable public improvement plans.
- Final Plat submission for administrative review, approval, and recording at Register of Deeds Office.

- Site Plan approval for the proposed development of the church lot.
- Building permits prior to construction activity.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – 7 step study provided, but does not address direct access along O’Connell Road. This consideration is deferred until specific plans for the church property are submitted along with a detailed traffic study.
- *Downstream Sanitary Sewer Analysis* – Approved.
- *Drainage Study* – Approved.
- *Retail Market Study* – Not applicable to residential project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

ATTACHMENTS

- Preliminary Plat
- Variance request from applicant
- Excerpt from 2009 Subdivision Regulations
- Summary of previous actions

GENERAL INFORMATION

Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District, RM12D (Multi-Dwelling Residential District), and RM12 (Multi-Dwelling Residential) District; undeveloped property.

Surrounding Zoning and Land Use: To the North:
CC200 (Community Commercial) District, and IL (Limited Industrial) District, and County A (Agricultural) District to the north along E 25th Street.

To the West:
RM12D (Multi-Dwelling Residential District), and RS7 (Single-Dwelling Residential) District along O’Connell Road. Developed residential subdivision.

To the South:
County A (Agricultural) District; existing rural residential homes, and

PD-[Prairie View PRD], existing duplex development.

To the East:
GPI (General Public and Institutional) District to the east; existing Douglas County Jail east of Franklin Road Extended.

Project Summary:

This proposed preliminary plat will replace previous plats for the residential portion of this area. This request has been reviewed concurrently with the proposed zoning so that the district boundary will follow platted lot lines. This request represents a modification of planned development pattern of lot and internal street arrangement for this area.

Gross Area:	119.896 acres (entire Preliminary Plat)			73.616 acres (residential portion only)
	PP-06-16-05	PP-6-7-08	PP-4-5-11	PP-12-15-11
ROW (ac)	24.813	24.813	22.32	19.598
Net area (ac)	95.083	95.083	97.566	51.227
total lots	244	235	206	Residential only --187
tracts	3 [2 non-residential 1 residential]	3 [2 non-residential 1 residential]	3 [2 non-residential 1 residential]	1 [1 residential tract dedicated for drainage easement.]

The following table summarizes the number of lots per zoning district as a comparison of change. Overall, the intensity of the development has been reduced as reflected in the reduced lot numbers.

	Total Lots per District			
	PP-06-16-05	PP-6-7-08	PP-4-5-11	PP-12-15-11
RM12 (Z-6-16-11)			Not included in April Plat	18
RM12D	87	87	73	47
RS7	151	141	125	122
CC200	5	6	6	Not included in plat
IL	1	1	2	Not included in plat

STAFF REVIEW

The Preliminary Plat shows the creation of a large lot located on the southeast corner of E. 25th Terrace and O’Connell Road, as was shown in the April 2011 version. Residential lots are realigned along the west side of Ralston Street. A new segment of E. 26th Street is proposed intersecting O’Connell Road along the south side of Lot 9, Block 1. The RM12 zoned lots, between Dalton Drive and Franklin Road, are not altered by this preliminary plat.

Zoning and Land Use

This application is accompanied by rezoning request Z-12-37-11 that revises the RM12D and RS7 district boundary. The area is currently undeveloped. The purpose of the combined development requests rezoning and the Preliminary Plat is the creation of a single larger lot for a future church, reconfigure lots interior to the subdivision, and provision of more land use transition from the east to the west. The platted lots are intended to follow the amended zoning district boundaries.

Streets and Access

This revised Preliminary Plat retains only a portion of the grid street formation originally established for the area. Some intersections are generally retained in the proposed development. The proposed development deviates from the rigid grid pattern previously approved for this development to a modified street arrangement that includes curved streets and cul-de-sacs.

Three intersections with E 25th Terrace are included. The existing center off-set intersection (Fairfield Street) is realigned to create a 4-way intersection in this proposal. A key consideration of the subdivision design is the provision of internal connectivity between blocks within the development. City staff has indicated that 4-way intersections may require additional intersection treatment in residential development to keep traffic speeds low and reduce conflicts and protect pedestrian crossings. Additional intersection control at the intersection of 25th Terrace and Fairfield Street may be recommended with the Final Plat to be included with the public improvement plans.

Collector/Arterial Street Access

- O'Connell Road and E. 25th Terrace are designated collector streets.
- Franklin Road is designated as a future minor arterial street.

Subdivision design standards do not recommend direct access to those streets. The residential lots along E. 25th Terrace are prohibited from direct access. Access is also restricted from Franklin Road.

The traffic study submitted for the Preliminary Plat addresses the basic requirements for the subdivision but does not analyze the impact of direct access from Lot 9, Block 1 (future church lot). The previous approval included a platted restriction that prohibited direct access from lots to the abutting collector streets. This request modifies that provision and allows for a possible access drive to E. 25th Terrace and to O'Connell Road from Lot 9, Block 1. A detailed review of access to O'Connell Road from Lot 9, Block 1 requires a specific traffic study based on the land use for the property. Approval of this Preliminary Plat accommodates a potential future driveway access with the submission of a site plan as noted in General Note 15 on the face of the Preliminary Plat.

The plat also notes the intent for participation in future benefit districts for Franklin Road improvements and for intersection improvements for both O'Connell Road and Franklin Road with K-10 (General Note 18). As part of a Final Plat the applicant will be required to execute the appropriate agreements to be recorded with the Final Plat at that time.

Utilities and Infrastructure

City water and sewer service has been extended through this area. Infrastructure planning previously completed anticipated development of this property. The revised Preliminary Plat includes the necessary interior easements to accommodate the revised lot pattern. As part of the Final Plat process, applicable Public Improvement Plans would be required to be submitted and approved for development prior to recording of the Final Plat. The Preliminary Plat includes phasing that must be coordinated with the extension of utility services and construction of public improvements to support each phase of the development.

Easements and Rights-of-way

This request includes both vacation of existing right-of-way and easements and the creation of new rights-of-way and easements generally in the area located east of Ralston Street.

Variance: construction of streets with sidewalk on one side.

The property owner is requesting variance from Section 20-811 (c) which requires construction of sidewalks on both sides of a public street. This standard is included in the Public improvement section of the Subdivision Regulations. This affects all streets within the subdivision. However, O'Connell Road and E 25th Terrace both constructed collector roads were built with sidewalks on both sides and are not technically within the boundary of this subdivision plat.

Variances are typically the prerogative of the Planning Commission except as they related to water disposal systems and sidewalks, pedestrian rights-of-way, or pedestrian ways. The Subdivision Regulations require the Governing Body to give the applicant and other interested persons an opportunity to be heard. For the requested sidewalk variance the Planning Commission's role is an advisory one. The ultimate decision of the requested variance rests with the City Commission.

Citation References:

SECTION 20-811 PUBLIC IMPROVEMENTS

SECTION 20-813 ADMINISTRATION AND ENFORCEMENT

20-811 (C) Sidewalks and pedestrian ways

(1) City of Lawrence and Urban Growth Areas

Sidewalks and pedestrian ways shall be provided in the City of Lawrence and in platted subdivisions in the Urban Growth Areas in accordance with the standards of this subsection (for Lawrence and the Lawrence UGA) or the applicable UGA city's (Baldwin City, Eudora, or Lecompton) standards:

- (i) *Public sidewalks shall be installed on both sides of all Streets, as follows:*

Street Type	Minimum Sidewalk Width (feet)
<i>Local</i>	<i>5; Minimum width of 4 feet allowed in the Original Townsite Area</i>
<i>Collector</i>	<i>5</i>
<i>Arterial</i>	<i>6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' side walk on the other side</i>

Section 20-813 (g) Variances

In cases where there is hardship in carrying out the literal provisions of the design standards of these regulations (such as design standards for lot width, lot depth, block depth, etc.), the Planning Commission may grant a variance from such provisions, except that in cases where there is hardship in carrying out the literal provisions found in Section 20-811(d) (wastewater disposal systems) the appropriate Governing Body may grant a variance from such provisions.

- (1) *An application for a variance shall be made to the Planning Department. The planning commission shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance from the provisions of the regulations, except that the Governing Body shall give the applicant and any other interested persons an opportunity to be heard with respect to the proposed application for a variance from the provisions dealing with Sidewalks, Pedestrian Rights-of-Way or pedestrian ways.*

A variance from the design standards of these regulations is permitted 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. Following 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.

Applicant's Response: "The cost for this for this phase and future phases of the subdivision is well into six figures. We are extraordinarily sensitive about costs because for this development to achieve the absorption necessary to work economically, it has to fit in the financial model of starter-priced housing. Starter-priced housing is also critical to support the City's economic development efforts across the street at the Farmland site. The expense to put sidewalks on both sides of the street will ultimately be passed through to home buyers and with the extra cost approaching 1,000/lot, it simply does not work for this price level of residential."

The original plat was established under previous subdivision regulations which required sidewalks on only one side of the street. The design and financing of the proposed development has been based on this requirement as design changes have been made. Only a portion of the property is being replatted. While there is a public interest in having a sidewalk on both sides of the street, there is a financial

hardship to the applicant to construction the sidewalk on both sides given the downturn in economic conditions and that the code has been revised before the original subdivision was constructed.

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

Applicant's Response: "The purpose of the regulation is to provide reasonable pedestrian access. These are standard-width local streets and this reasonable pedestrian flow will be achieved with sidewalks on one side of the street. Thus, our request maintains the spirit of the regulation."

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 provide for the conservation of existing neighborhoods. Requiring sidewalks on both sides of streets, including local streets, provides the highest degree of pedestrian convenience and safety.

The Subdivision Regulations prior to 2006 required sidewalks on only one side of streets and many areas of the city have been developed with this as the standard. The Development pattern for projects platted after 2006 require sidewalks on both sides of the street in order to make a more complete street. Through a code change to require sidewalks on both sides of streets, the city has made a policy shift toward providing more convenience for users of the right-of-way. If the variance is approved, the subdivision would meet the intended purpose to provide sidewalks, just not at the level of convenience as the new code standard requires.

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

Applicant's Response: "Sidewalks will be on one side of every street. So, pedestrians can go in the same direction they otherwise would intent to without any undue risk. Again, the fact that these standard-width, local streets makes our variance request reasonable."

Staff is processing a complete streets policy to enhance transportation modes for all users and to enhance the public's health, safety and welfare. While the public's health, safety, and welfare will be protected if sidewalks are allowed on only one side of the streets, this is a subdivision of significant area and consideration should be given to requiring sidewalks on both sides, but only if a significant hardship is not created for the applicant.

VARIANCE RECOMMENDATION

Staff recommends approval of the variance request to construct sidewalks on only one side of subdivision streets.

Phasing

The proposed preliminary plat shows phasing the development. The construction of adequate public facilities to accommodate the specific phase will be assessed in more detail with the submission of a final plat for any portion of the land included in this Preliminary Plat. Phasing may require the construction of the detention pond with the initial phase of development. This issue is an ongoing discussion between the applicant's engineer and City Staff.

Additionally, E. 26th Street is shown as part of Phase 2. As each phase develops the need for multiple points of access for emergency access will be evaluated. Development of phases may or may not occur in the numerical order they are shown in this preliminary plat. Staff recommends a note be added to the plat that states phasing may or may not occur in the numerical order shown. Adequate facilities for public infrastructure shall be reviewed with each final plat as the area develops and may be reflected in public improvement plan recommendations.

Summary

The proposed plat complies with the design standards of the Subdivision Regulations.

STAFF RECOMMENDATION

Variance: The Planning Commission provides a recommendation for elements related to sidewalks for this subdivision (based on the 2009 Subdivision Regulations for this application). Staff recommendation is for approval of the variance based on the original subdivision design and the economic conditions related to residential development currently affecting the community.

Plat: This Preliminary Plat conforms to the standards and requirements of the subdivision regulations and the land use plans for the area subject to the variance approval. Staff recommends approval of the Preliminary Plat.

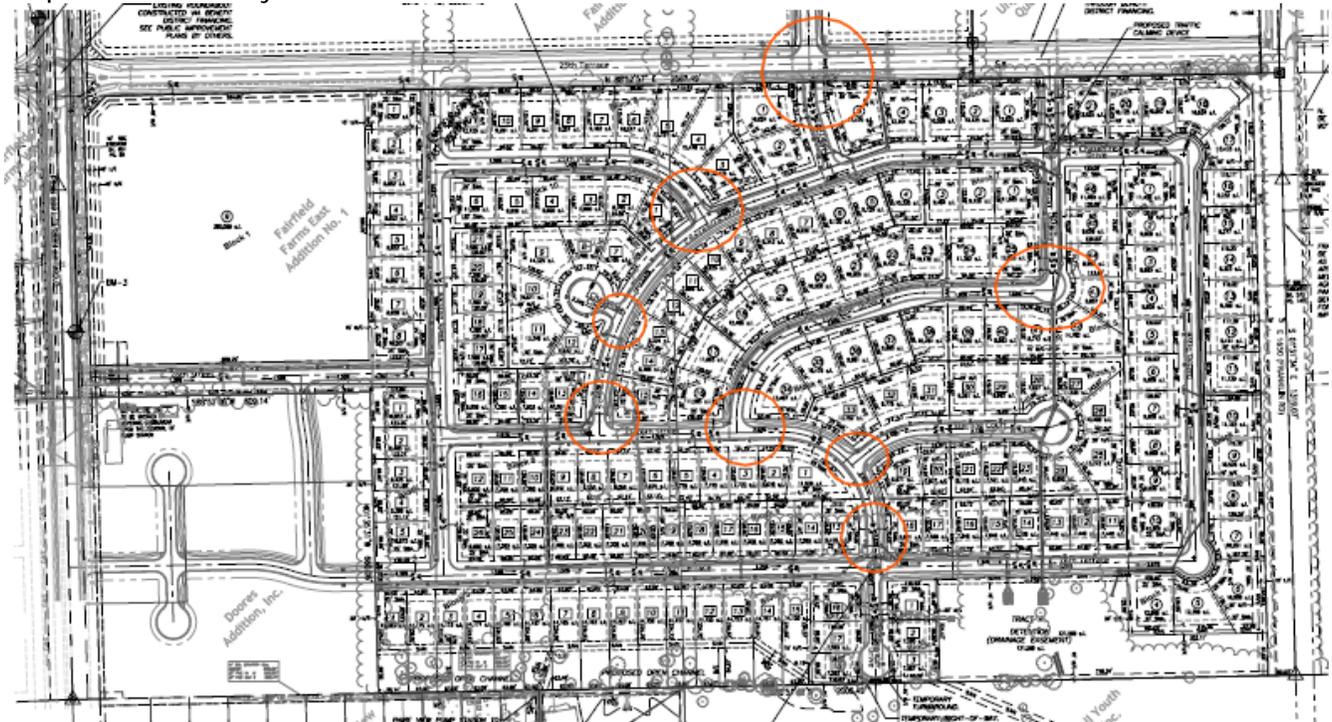
Existing and Proposed Intersection Locations.

Approved Preliminary Plat Subdivision Intersections.



Green circles highlight intersections that will remain unchanged with the approval of the proposed revisions.

Proposed Preliminary Plat Subdivision Intersections



Orange Circles highlight new intersections proposed by changes to subdivision design.