



MS-15-00213: Rockledge Addition No. 2 a minor subdivision, located at 2100 Bob Billings Parkway. Submitted by Landplan Engineering for Robert and Elizabeth Lichtwardt, property owners of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Minor Subdivision, subject to the provision of a master street tree plan, mylar and recording fees for this minor subdivision subject to the following condition:

1. Provision of a revised Minor Subdivision to remove Notes 1-4 from the face of the Minor Subdivision.

ASSOCIATED CASES

Rockledge Addition, recorded 1953

A replat of Lot 2 University Lutheran Center, recorded in 1979

KEY POINTS

- Bob Billings Parkway is an existing principal arterial road platted and developed with 100' of right-of-way prior to the current subdivision regulations which require 150' of right-of-way.
- Vacation of Quarry Lane with Bob Billings Parkway removes a local street intersection (undeveloped) with an existing arterial street. Per Section 20-810(3) local streets should not intersect with arterial streets.
- Quarry Lane is a platted ROW but unconstructed local street. Access to the proposed lot is possible from Bob Billings Parkway as a residential driveway.
- Remaining lots 6 and 8 of Rockledge Addition would require construction of the local street prior to development.

SUBDIVISION CITATIONS TO CONSIDER

- The Subdivision Regulations for Lawrence and Unincorporated Douglas County.

OTHER ACTION REQUIRED

- Planning Commission approval of variance from required right-of-way dedication.
- City Commission acceptance of easements, rights-of-way, and vacation of right-of-way.
- Submittal of a signed mylar copy of the Minor Subdivision, an executed Master Street Tree Plan, and recording fees for recording with the Douglas County Register of Deeds.
- Building Permit obtained from Development Services prior to construction.

GENERAL INFORMATION

Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; existing undeveloped residential lots

Surrounding Zoning and Land Use: RS7 (Single-dwelling Residential) and RSO (Single-Dwelling Residential Office) District to the east; existing detached residence and multi-dwelling buildings.

U-KU (University of Kansas) to the south; existing building for Maintenance and Surplus property (HMS building)
 PD – [Meadow Brook PUD]; existing mixed residential development including multi-dwelling, detached, and duplex residential uses.

RS7 (Single-Dwelling Residential) District to the north;
 existing residences and undeveloped land.



Figure 1: Existing Zoning



Figure 2: Existing Land Use

SITE SUMMARY	
Total Area	3.9 acres (174,020 SF)
Number of Existing Lots	4 Lots, 13, 14 and 15, Rockledge Addition and Lot 1, A Replat of Lot 2 University Lutheran Center
Proposed Lots	1
Proposed New ROW	10'-17' along North side of Bob Billings parkway
ROW Vacated	50' wide segment of Quarry Lane.
Easements	Interior easements proposed from 10' to 15' New peripheral easement proposed. Easement along north side of Lot 1, A Replat of Lot 2, University Lutheran Center proposed to be vacated.
Sensitive Lands	Area located along east side of new lot proposed as sensitive area within lot and extraordinary setback of 25' proposed along west property line. Estimated 30% of lot reserved for open space through setback and designation of sensitive lands area and drainage easement.

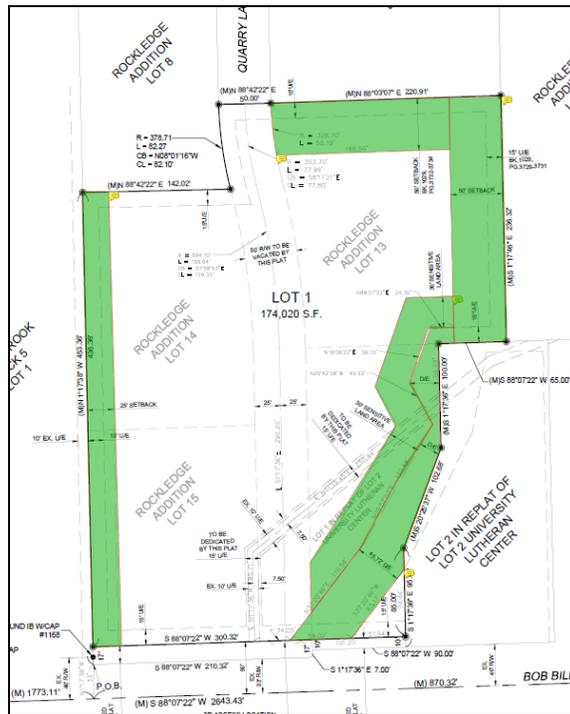


Figure 3: Combined Open Space Area

STAFF REVIEW

This property is located on the north side of Bob Billings Parkway. The property includes four undeveloped platted lots that are intended to be combined as a single lot. Additionally, the applicant is requesting vacation of public right-of-way of Quarry Lane, a platted local street that was not constructed. This property is located within the Sunset Hills Neighborhood and across from the University of Kansas west campus property.

ZONING, LAND USE, AND DEVELOPMENT

As described above this property is zoned RS7, a single-dwelling residential district. A variety of uses are allowed in this district and include detached dwellings on individual lots and nonresidential uses such as assisted living, group homes, daycare facilities, cemeteries, schools, cultural centers/libraries, lodges, fraternal and civic assembly uses, extended care facilities, recreation uses that are passive or undeveloped, and Neighborhood Religious Institutional uses. The south side of this property abuts multi-dwelling uses to the east and west.

The original subdivision for Rockledge Addition, platted in 1953, included specific land use restrictions. Similar language is proposed on the Minor Subdivision. The University Lutheran Center Subdivision does not include and land use restrictions or extraordinary building setbacks or restrictions. As submitted notes on the face of the Minor Subdivision seek further restrict uses above and beyond what limitations are established in the Land Development Code. The notes make reference to the March 1, 2007 Land Development Code. This document has been superseded by more recent revisions. Any notes on the face of the proposed Minor Subdivision should reference the current Land Development Code.

Note 4 on the face of the minor subdivision states:

"No zoning or subdivision shall be permitted on this property other than for detached single-family residential use as an RS District under the Zoning and Subdivision laws in effect under the March 2007 Laws of the City of Lawrence, Kansas."

This minor subdivision proposes not only to restrict uses but to restrict future zoning and subdivision applications that are not for RS uses. The appropriate tool to limit this action would be with a restrictive covenant that would be enforced by the property owners and not the City.

Note 3 states:

"Any dwelling house or garage shall be not over two stories in height from the base level of the main entrance."

The RS7 district allows a maximum building height of 35'. Building height is measured based on a datum defined in the Land Development Code and not "from the base level of the main entrance." Any building measurements should be uniformly considered per the Land Development Code procedures described in section 20-602 (h).

Note 3 of the original subdivision included a minimum building size of 1,200 SF for a dwelling. This minimum building size was not included in the revised notes included in the Minor Subdivision.

Note 2 states:

"That no part of any residence and no building or structure, other than a boundary fence or wall, shall be erected or maintained on any lot shown on this plat, as such lots may be subdivided or combined, within a distance of five feet from the side lot line, the distance being measured from the greatest overhang or extension of said structure.

This note attempts to establish a building envelope for future subdivision of property. If applied to the proposed Minor Subdivision it is irrelevant. The proposed Minor Subdivision contains only one lot with extraordinary setbacks on the east, west and north sides of the property. If subdivided in the future, the relative setbacks of the district and the new subdivision would be applicable. Further, this note seeks to establish a setback at a building eave rather than the building face. The Land Development Code allows certain building projections into required yards up to a maximum of two feet. This condition would require the City to manage a special exception that is not uniformly applicable to the surrounding property within the same district. If the applicant seeks to establish this type of development control, then an appropriate tool for that design consideration is the dedication of a restrictive covenant.

Future subdivision of this property will require a Preliminary and Final Plat application. Additionally, public street extension is likely to be needed to facilitate individual lots. Unless the proposed 4-acre lot is developed with only one detached residential dwelling (house), a public street extension will be required.

If the applicant is concerned about future subdivision then an option would be to plat the property with the appropriate public right-of-way and extraordinary setbacks which can be managed through the building and inspection process consistently with the base zoning district.

Note 1:

Note 1 seeks to restrict the use of the property to a single detached dwelling unit. This use restriction was included in the original subdivision plat. The revised note included on the face of the Minor Subdivision seeks to further restrict that use and defines the use to "single-family" with family defined as *"consisting of not more than three unrelated adults."*

The note also addresses Accessory Dwelling Units. This subject was not originally included in the first subdivision notes. It states:

"Notwithstanding the foregoing, a separate accessory dwelling unit, whether a part of the principal dwelling house or a part of the garage shall be permitted as long as

(i) such accessory dwelling is not a separate structure and its use is in strict compliance with applicable ordinances of the City of Lawrence in effect on March 1, 2007, and

(ii) either the principal dwelling unit or the accessory dwelling unit is occupied by one or more of the persons who either are the record owners of the lot or have an

ownership or beneficial interest in the record owner of the lot, and the accessory dwelling shall not be occupied in a way that shall add more than one additional adult resident to the permitted number of residents that contribute to the definition of a family."

This note requires that the resident/occupant of the property to reside in the main dwelling or the accessory dwelling unit. This language deviates somewhat from the currently adopted regulations regarding Accessory Dwelling Units. The proposed language seeks to place reference to a version of the Land Development Code that has been updated and superseded by more current versions of the document.

This type of restriction is not appropriately enforced by the City and should be included in a private covenant enforced by the property owner with the necessary structure such as a home owners association to manage.

EASEMENTS AND RIGHTS OF WAY

Utility Easements

This project includes the dedication of new easements. There is an existing 10' utility easement that is located diagonally across the eastern part of the property. The proposed Minor Subdivision expands the width of that easement, widening it on both sides, to a total of 15'. New utility easement is also proposed along the west and south property lines. There is an existing 10' utility easement located along the north side of Lot 1, A Replat of Lot 2, University Lutheran Center. This utility easement will be vacated by this proposed Minor Subdivision. The project requires City Commission consideration for the acceptance of the easements associated with this application and the vacation of existing utility easement.

Drainage Easement

This application includes Lot 1, A Replat of Lot 2, University Lutheran Center. This subdivision was platted with a wide drainage easement through the lots included in the subdivision. This Minor Subdivision includes the portion of the drainage easement that encumbers Lot 1, A Replat of Lot 2, University Lutheran Center Subdivision in the new lot of Rockledge Addition No. 2. This application does not modify the boundary of the existing drainage easement.

Green Space and Open Space Easements

This property includes specific 50' wide green space easements along the north side of existing Lot 13 and the east side of Lot 13. This easement was recorded in 2007 by separate instrument and limits development in that space. The easement document states that within the "easement tract", no buildings or other structures shall be built, and the land and existing vegetation shall be kept in its natural state. This restriction effectively establishes an extraordinary setback along the north and east property lines. This easement also facilitates the protection of existing mature vegetation of the property. This setback is reflected with the book and page reference on the Minor Subdivision.

The proposed Minor Subdivision proposes a 25' building setback along the west property line. This is a larger setback than would typically be required for a lot zoned RS7 which is only 5' for an interior side yard.

Located along the west side of the drainage easement is an area that encumbers a portion of the property intended to meet the design standard for Environmentally Sensitive Lands per Section 20-810(k). The subject property is heavily wooded with dense mature trees. The area is 30' wide and runs parallel to the west side of the drainage easement.

An exhibit of the various easements is attached to this report for reference.

Bob Billings Parkway

Bob Billings Parkway is a designated Principal Arterial Street. Its current width includes 100' of public right-of-way along a majority of the corridor. The segment of Bob Billings Parkway between Kasold Drive and Iowa Street includes an irregular right-of-way width.



Figure 4: Right-of-way width

The west end of the subject property includes 33' of existing right-of-way from the center line of the street while the east end includes 40' of existing right-of-way. The Minor Subdivision shows the dedication of additional right-of-way to provide at least a full 50' (one half of a 100' right-of-way width) from the center line.

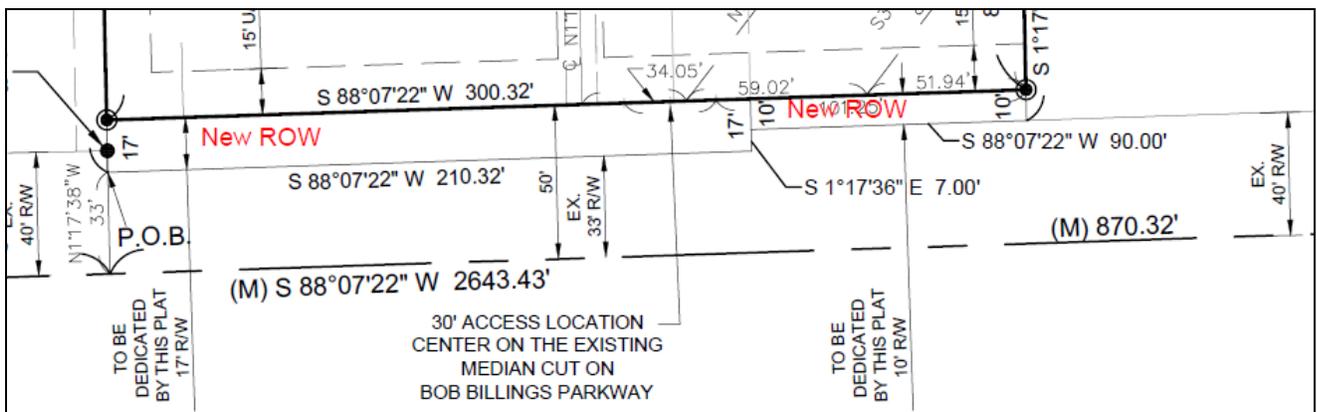


Figure 5: Proposed ROW

The dedication of the proposed ROW as shown on the Minor Subdivision increased the overall width to a more uniform allocation and locates the sidewalk within right-of-way. This action does also vacate an existing easement and re-dedicates it as right-of-way along the north side of Bob Billings Parkway.

In addition to the proposed right-of-way the Minor Subdivision shows an additional 15' utility easement proposed along the north side of the right-of-way. The current subdivision regulations require principal arterial streets to include 150' of right-of-way. The current 33'/40' of right-of-way is an existing condition of the site. New right-of-way (17'/10') is proposed with this application but does not meet the minimum 150' design standard.

One criterion for review of a Minor Subdivision (Section 20-808(d)(4)) requires the subdivision to meet the design standards for ROW per Section 20-810(e)(5). This property does not currently comply with that design standard. The applicant is seeking a variance per Section 20-813(g) from the Lawrence Douglas County Planning Commission.

Quarry Lane

This application includes a request to vacate existing right-of-way for Quarry Lane. This action also requires City Commission consideration. Quarry Lane extends north to intersect with Terrace Road. Terrace Road dead ends at this location and includes dedicated right-of-way that extends further north to intersect with Iowa Street. There are no plans to construct the remaining segment of Quarry Lane or Terrace Road. One residence (2133 Terrace Road) is accessed from a segment of the unimproved Quarry Lane. Likewise, Quarry Park is accessible from this unimproved street.

The remaining original subdivision includes residential lots along the west side of Quarry Lane and the north side of Terrace Road that could be developed if utilities are extended and a public street is constructed.

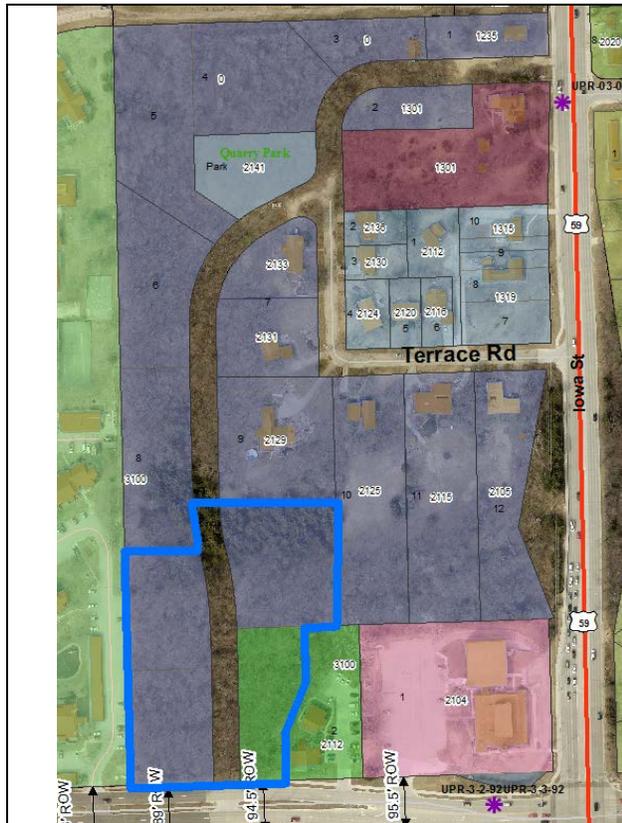


Figure 6: Rockledge Subdivision
Blue line represents boundary of minor subdivision



Figure 7: Quarry Lane Right-Of-Way
Green highlighted area represents right-of-way to be vacated.
Orange highlighted area represents remaining right-of-way.

Sidewalks

This site includes an existing public sidewalk along Bob Billings Parkway. There are no public improvements associated with this project.

CONCLUSION

The new lot exceeds the minimum lot area requirement for the zoning district. The zoning boundary is not altered by this request. This project includes the vacation of an interior local street right-of-way for Quarry Lane, dedication of additional right-of-way for Bob Billings Parkway, a variance that must be processed by the Planning Commission and the dedication and vacation of interior utility easements.

Notes on the face of the Minor Subdivision regarding use restrictions must be removed from the drawing.