

Memorandum

City of Lawrence

Planning and Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: January 25, 2017

RE: Minor Subdivision, MS-16-00507, variance request per Section 20-813(g) of the Subdivision Regulations to allow reduced right of way for W. 31st Street and S. Iowa Street as required by Section 20-810(e) of the Subdivision Regulations. The Minor Subdivision (lot split) is located at 3101 Iowa St. Submitted by Landplan Engineering for Central Bank of the Midwest, property owner of record.

Attachment A: Minor Subdivision MS-16-00507

Minor Subdivisions are processed administratively. Planning Commission approval is required for variances from the Subdivision Design Standards. This Minor Subdivision is subject to Planning Commission approval for the reduced right-of-way for W. 31st Street and S. Iowa Street. A copy of the Minor Subdivision is included with this memo for context; no action is required for Minor Subdivision approval.

The property is located on the southwest corner of W. 31st Street and S. Iowa Street. This is a developed commercial corridor. The applicant intends to divide the property into two lots to accommodate future infill development. A specific development is not proposed for the undeveloped lot west of the existing bank, at this time. The property is zoned CS (Commercial Strip) District. This district allows a wide variety of uses. Access to the site is restricted to the existing driveway locations on W. 31st Street and Nieder Road.

Section 20-810(e)(1) provides general design criteria for streets. Subsection iii states "*Arterial and collector streets shall be laid-out, arranged and designed in accordance with any adopted Major Thoroughfares Map or corridor plan.*" Both W. 31st Street and S. Iowa Street are identified as principal arterial streets.

A principal arterial street requires 150' total right-of-way. Each property is expected to provide one half (75') of right-of-way from the street center line. Total right-of-way width varies along both W. 31st Street and S. Iowa Street.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in accordance with the variance procedures outlined in Section 20-813(g). This section lists the criteria that must be met in order for a variance to be approved. The requested variance is evaluated for compliance with the approval criteria below. As noted in previous

reports, the 150' of required right-of-way is more applicable to new greenfield development rather than existing, developed corridors.

VARIANCE: Reduction in the width of the right-of-way from 150' (75' from center line) as required for a principal arterial street per Section 20-810(e)(5) for both W. 31st Street and S. Iowa Street. The standard for the required right-of-way width changed in 2006 from 100' to 150' with the adoption of the Land Development Code.

- S. Iowa Street provides 65' to center line and proposes 10' additional pedestrian easement parallel to the ROW.
- W. 31st Street provides 70' to center line and proposes a 5' utility and pedestrian easement parallel to the ROW

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

Along S. Iowa Street, the previous frontage road was vacated by KDOT as part of the area redevelopment in the late 1990's. The total right-of-way for this segment of S. Iowa Street is 151'. The street is not centered within the right-of-way. The proposed Minor Subdivision shows 65' of right-of-way from the property line to the street center line. East of the center line to the west property line of Pineridge Plaza is 85'. The combined right-of-way along this street segment meets the minimum required 150' but disproportionately. Easements were retained in the eastern portion of the site to cover various utilities that are located parallel to S. Iowa Street, within Lot 1. A portion of the vacated right-of-way was incorporated into a replat as shown in the *Douglas County Bank Addition*. This Minor Subdivision shows a 10' pedestrian easement along the east side of Lot 1. The combined right-of-way and easement provide an equivalent 75' share of street right-of-way for S. Iowa Street. This application includes the remaining unplatted right-of-way that will be incorporated into the Minor subdivision.

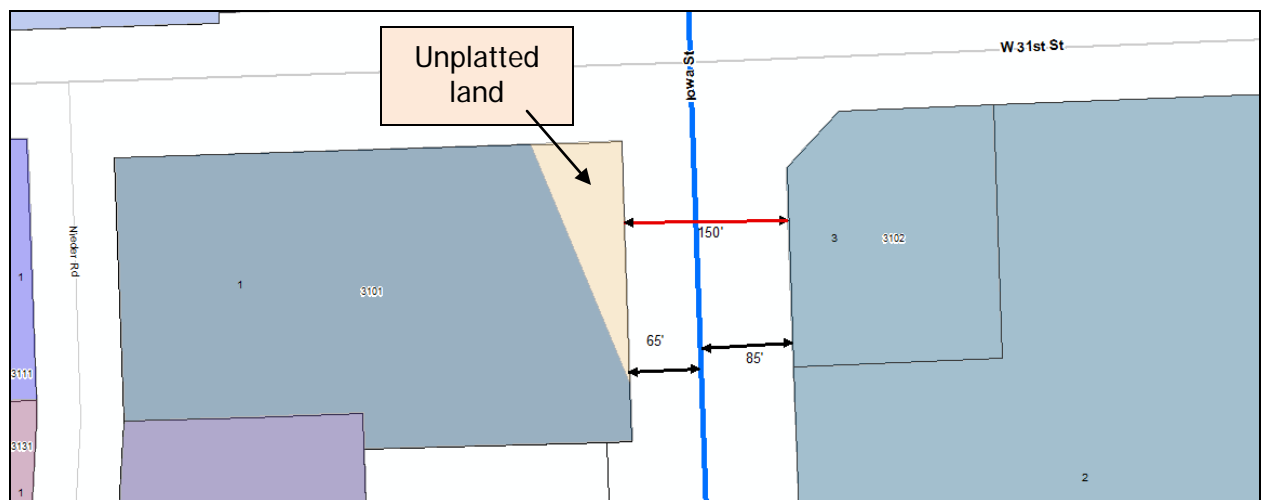


Figure 1: Iowa Street ROW image from City GIS

Dedication of additional right-of-way for South Iowa Street will not impact the existing improvements relative to zoning setbacks. However, the parking lot setback along W. 31st Street within Lot 1 currently does not comply with the required 15' setback. Dedication of additional ROW for W. 31st Street would increase this nonconformity.

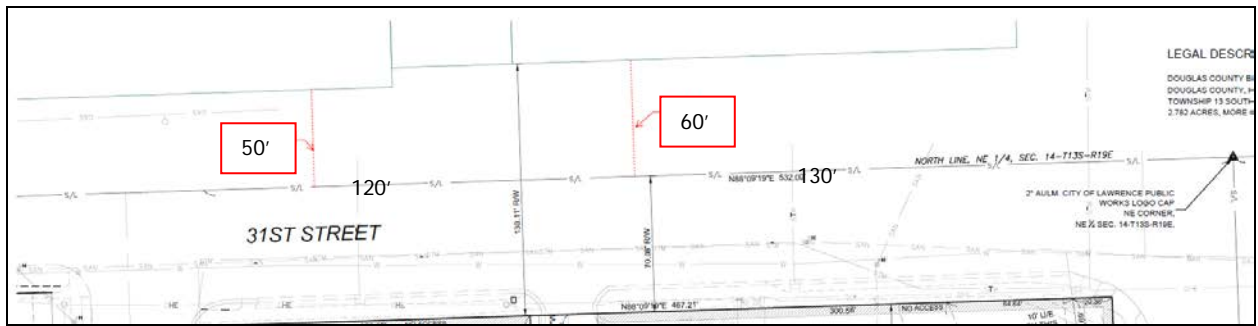


Figure 2: W. 31st Street ROW image from applicant's drawing

Along W. 31st Street the right-of-way varies. While changes to the intersection are not planned, improvements to the sidewalk along W. 31st Street are anticipated for the construction of a shared use path. Additional easement along W. 31st Street combined with the existing right-of-way should be sufficient to accommodate the planned improvement and retain the existing parking lot curb lines that exist on Lot 1. This compromise retains the established development pattern and allows for public facility improvements.

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

This design standard was adopted in 2006 with the Land Development Code. The wider right-of-width accommodates street design with boulevards, multiple lanes and amenities that may or may not exist along developed street segments within the community. A similar variance has been granted for other projects located along developed urban corridors that are designated arterial streets.

There are no planned street improvements to W. 31st Street or S. Iowa Street with the exception of a planned multi-use path improvement that will result in a widened sidewalk. The applicant proposes a combination of ROW and easement to meet intent of regulations.

STAFF FINDING: Granting this requested variance from the required right-of-way is not opposed to the purpose and intent of the regulations. The use of right-of-way and public easement is a common tool to provide the required total width for public improvements along developed street corridors.

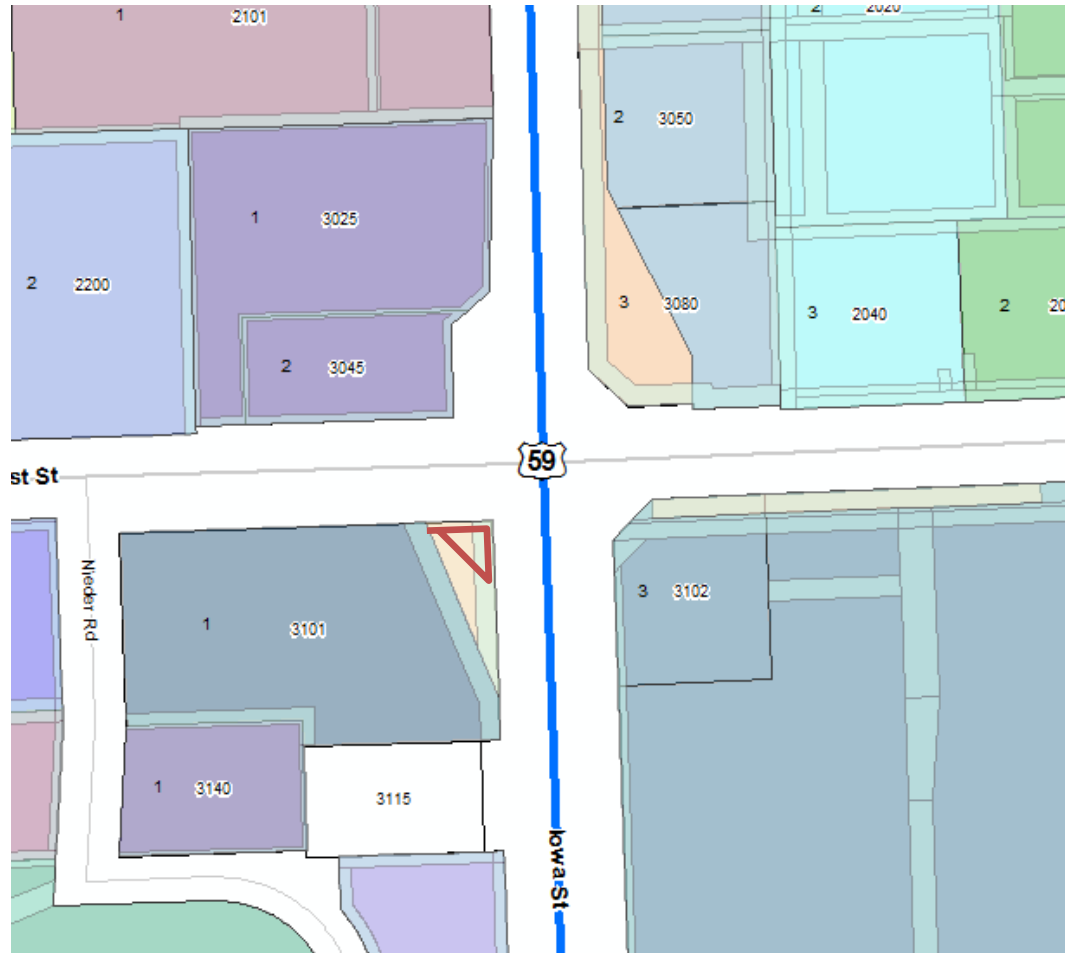
Criteria 3: The public health, safety, and welfare will be protected.

Both W. 31st Street and S. Iowa Street are identified as a "Principal Arterial" streets. S. Iowa Street is not centered in the existing right-of-way. The current right-of-way width of W. 31st Street varies along this property. The provision of additional easement will allow the widening of the multi-use path as planned as a public improvement for the area. No other changes are planned for the streets or the intersection.

STAFF FINDING: Granting this requested variance from the required right-of-way will not harm the public health, safety or welfare.

SUMMARY

The variances related to the width of right-of-way are similar to those considered for other development along existing urban principal arterial streets. The right-of-way at intersections is typically wider to accommodate those improvements and infrastructure (poles, boxes, transformers) both above and below ground that are required to manage vehicular and pedestrian movements. Staff supports the use of the combined easement and right-of-way to meet the intent of the Subdivision Requirement. However, staff recommends that the subdivision drawing be revised to provide corner right-of-way concurrent with the other corners of the intersection.



STAFF RECOMMENDATION

Approve the variance from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for W. 31st Street and S. Iowa Street subject to the following condition:

1. The plat shall be revised to include the following note: *On January 25, 2017 the Lawrence/Douglas County Planning Commission approved a variance from right-of-way requirements in Section 20-810 (e)(5) of the Subdivision Regulations to allow the right-of-way to remain at 70 feet for W. 31st Street and 65 feet for S. Iowa Street within this Minor Subdivision in Lieu of the 150 feet required for a Principal Arterial Street.*