

# Memorandum

## City of Lawrence

### Planning and Development Services

TO: Planning Commission  
FROM: Planning Staff  
CC: Scott McCullough, Planning and Development Services Director  
DATE: January 23, 2019  
RE: Item No. 4: MS-18-00567: Consider a variance from the right-of-way width for a minor subdivision (lot combination) for W. Morris Addition No. 1, located at 1801 and 1807 W. 23<sup>rd</sup> Street. Submitted by Landplan Engineering on behalf of Team Players LLC and Emira-One LLC, property owners of record.

*Variance requested:*

Reduction of right-of-way for a W. 23<sup>rd</sup> Street, a principal arterial street, from 150 feet to 100 feet.

Attachment A: Minor Subdivision MS-18-00243  
Attachment B-D: Related site plans for each lot.  
Attachment E: Communications

#### **Background**

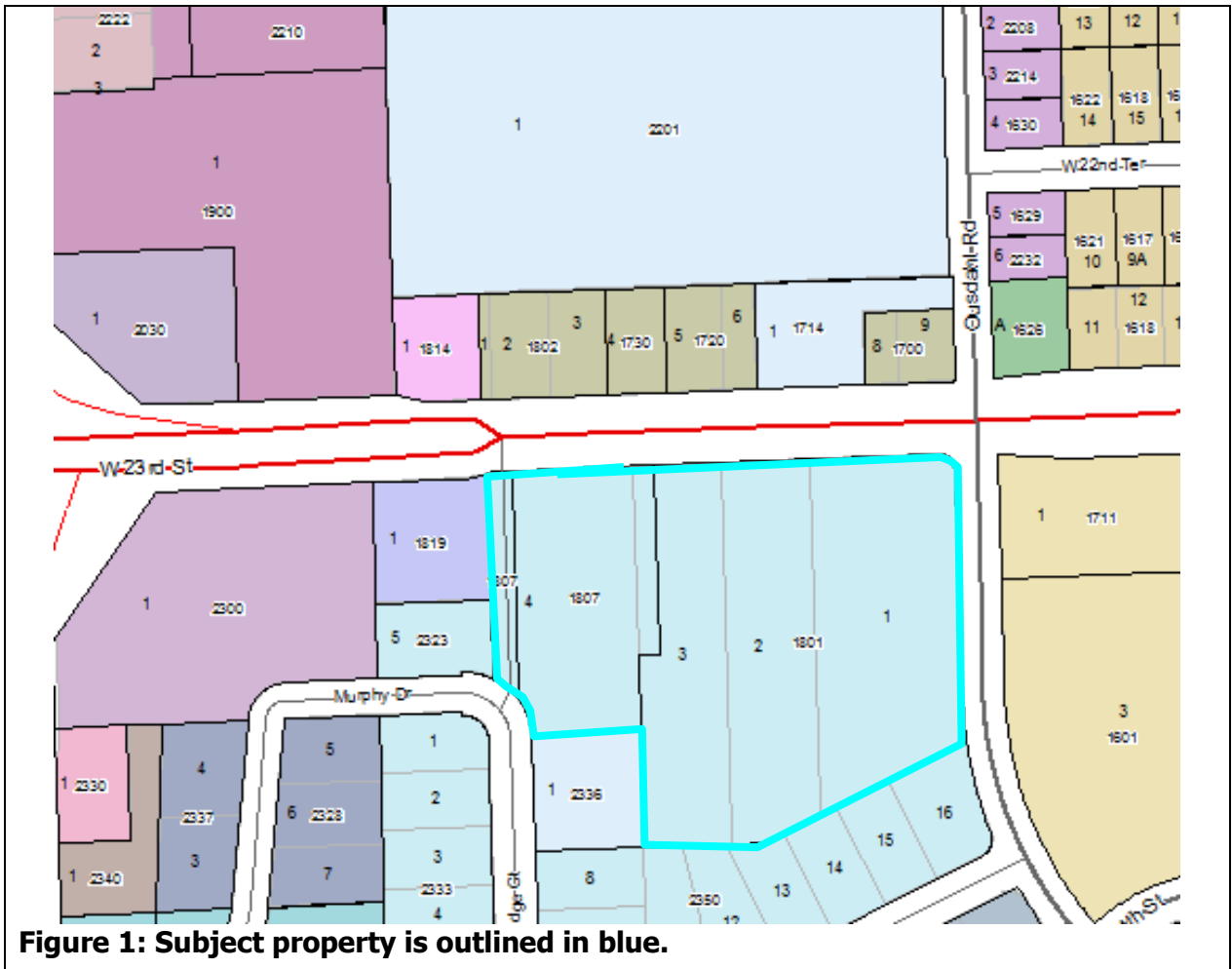
Minor subdivisions are processed administratively; however, the Planning Commission's approval is required for variances from the subdivision design standards. Related site plan applications are currently under review and included with this memo for context with the variance request. No other Planning Commission action related to the proposed minor subdivision is required.

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 memo provides background information on the variance request, evaluates the request for compliance with the approval criteria, and summarizes staff's recommendation.

The standard for the required right-of-way width changed in 2006 from 100 feet to 150 feet with the adoption of the Land Development Code. This property is located on the south side of W. 23<sup>rd</sup> Street. This segment of W. 23<sup>rd</sup> Street is a developed commercial corridor.

**VARIANCE:** Reduction in the width of right-of-way from 150 feet to 100 feet as required for a principal arterial street (W. 23<sup>rd</sup> Street) per Section 20-810 (e)(5) of the Subdivision Regulations to allow reconfiguration of currently two platted lots into three proposed platted lots to facilitate redevelopment of property located along the W. 23<sup>rd</sup> Street.

This segment of W. 23<sup>rd</sup> Street is uniform in width. The applicant proposes no additional dedication of right-of-way, keeping the right-of-way width at 100 feet. As noted in previous reports, the 150 feet of required right-of-way is more applicable to new, greenfield development, rather than existing corridors, unless a specific need is identified.



**Figure 1: Subject property is outlined in blue.**

**REVIEW CRITERIA:**

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

Development along this segment of the W. 23<sup>rd</sup> Street corridor includes non-residential uses with building and parking lot setbacks based on the established property line/right-of-way line. This property is part of a proposed redevelopment project that assumes the same right-of-way as the adjacent properties. The purpose of the application is to create a new pad site (proposed Lot 1) for the development of a new *Eating and Drinking Establishment* (SP-18-00567).

The redevelopment includes the consolidation of driveways along this street segment in accordance with the approved 23<sup>rd</sup> Street Access Management Plan. New cross access easements are proposed between the lots included in the boundary of the minor subdivision drawing.

Strict application of the regulations would limit the developer’s ability to redevelop the property consistent with the existing immediate development pattern. Redevelopment will be required to meet off-street parking setback and green space requirements as applicable to the scope of the redevelopment for each lot included in the project.

As properties have redeveloped along W. 23<sup>rd</sup> Street, the dedication of additional right-of-way has not been required along this street segment. The right-of-way width is uniform between Ridge Court and Alabama Street at 100 feet of right-of-way. Segments farther east are

narrower. Sections of the street can vary at primary intersection (corners) to accommodate street traffic signals and turn lanes.

**STAFF FINDING:** Strict application of the regulations would require the property owner to adjust the existing lot line to the south by 25 feet, dedicating additional right-of-way. Additional right-of-way has not been required for other redevelopment applications in the nearby area.

The strict application of the regulations would require the developer to alter their plans for redevelopment of the site. The additional dedication would result in a reduction of off-street parking for the commercial uses. This same request has been sought for other redevelopment projects along other arterial streets. Granting this requested variance from the required right-of-way dedication is not opposed to the purpose and intent of the regulations.

**Criteria 2:** The proposed variance is 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-way accommodates street designs 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. A list of similar requests is attached to the end of this report.

The intent of this minor subdivision is to create a new developable lot in the northeast corner of the property. The change in design requirements in 2006 requires the applicant to seek a variance as part of the subdivision process. 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.*" W. 23<sup>rd</sup> Street is:

- A Principal Arterial street
- An existing street
- A developed commercial corridor

Per Section 20-801(a) of the Subdivision Regulations, the purpose of these regulations ensures the division of land will serve the public interest and general welfare. The regulations are intended to, "*Provide for the harmonious and orderly development of land within the City by making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related easements, light and air, and other public needs.*"

The property included in this application is being reconfigured as shown on the attached drawings for redevelopment purposes. This change will not alter the established street network in this area. The preliminary review of the related site plan application shows the proposed building and parking area setbacks are consistent with the base zoning requirements. There are no planned widening projects for this segment of W. 23<sup>rd</sup> Street.

**STAFF FINDING:** Granting this requested variance from the required right-of-way is not opposed to the purpose and intent of the regulations.

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

W. 23<sup>rd</sup> Street is a designated "Principal Arterial Street". Its current width includes 100 feet of public right-of-way along this property. The current subdivision regulations require "Principal Arterial Streets" to include 150 feet of right-of-way. The current right-of-way for W. 23<sup>rd</sup> Street is an existing condition of the corridor.

The minor subdivision and related site plans are in process. Part of the review includes the evaluation of a Traffic Impact Study. The applicant has provided a traffic study. No additional right-of-way has been identified as needed.

A key component of this project is the coordination of shared access between multiple property owners with direct access to W. 23<sup>rd</sup> Street. The City adopted an access management plan identifying appropriate driveway consolidation along this segment of the street.

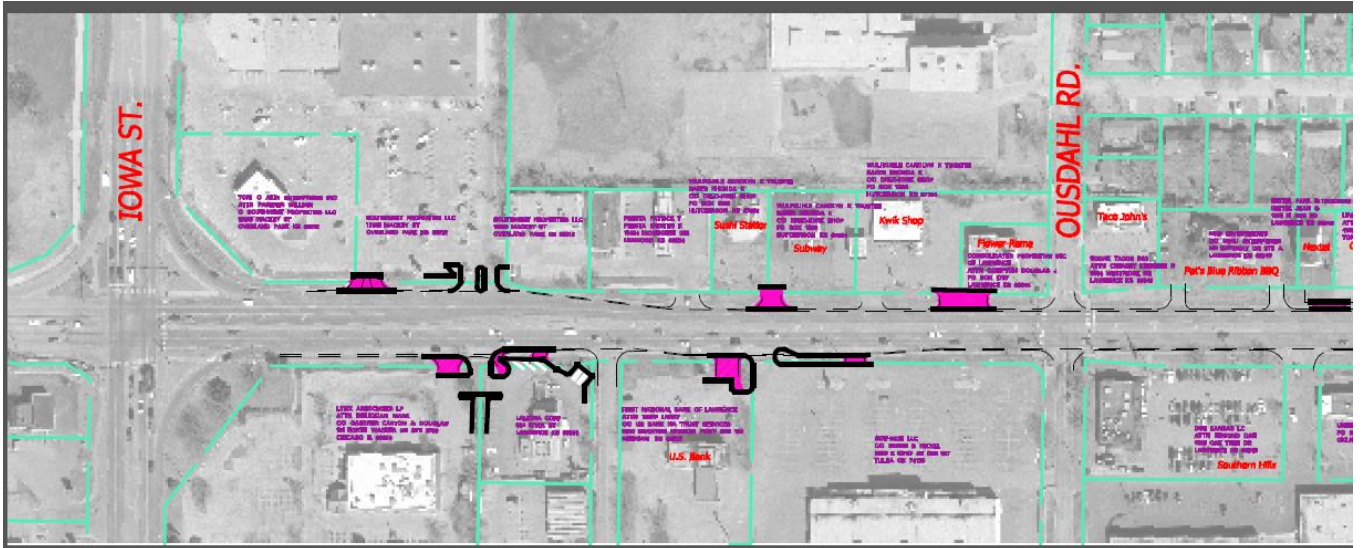
**STAFF FINDING:** Granting this requested variance from the required right-of-way will not harm the public health, safety, or welfare. These public aspirations will continue to be protected through the site development process.

**STAFF RECOMMENDATION**

Approval of the variance requested for a minor subdivision, MS-18-00567, to reducing the right-of-way, required per Section 20-810(a)(5) for a principal arterial street, from 150 feet to 100 feet in accordance with the provisions for 1801 and 1807 W. 23<sup>rd</sup> Street.

Similar Request for right-of-way reduction:

1. PP-15-00067 Dream Haven regarding Peterson Road (4/20/15).
2. PP-14-00303 Schwegler Addition regarding Ousdahl Road, a collector street (9/22/15).
3. PP-13-00338 Menards Addition regarding 31<sup>st</sup> Street (11/8/13 and 10/21/13).
4. PP-13-00352 Burrough's Creek Addition regarding Haskell Avenue (10/21/13).
5. MS-15-00096 Bella Sera at the Preserve (5/18/15).
6. PP-16-00304 Rockledge Addition No. 2 (9/26/16).
7. MS-17-00217 Lawrence Industrial Park No. 2 regarding Haskell Avenue (6/28/2017).
8. MS-17-00390 Sunset Hills Estates regarding W. 6<sup>th</sup> Street (9/27/17).
9. MS-17-00554 Casey's Subdivision 1703 and 1111 W. 6<sup>th</sup> Street (10/25/17)
10. MS-18-00113 Eagle Subdivision No. 2, 1803 W. 6<sup>th</sup> Street (4/25/18).
11. MS-18-00243 Casey's Subdivision 1703 and 1111 W. 6<sup>th</sup> Street (07/25/18)



**Figure 2: Portion of 23rd Street Access Management Plan**