

Memorandum
City of Lawrence
Planning and Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: March 25, 2019

RE: Item No. 2B: MS-19-00035: Consider a variance from the requirement to construct a public sidewalk for a minor subdivision for Lawrence Municipal Airport Addition No. 3, located at 1910 Airport Road. Submitted by Landplan Engineering and Hetrick Air Services, on behalf of the City of Lawrence, property owners of record.

Variance requested:

Requirement to construct public sidewalk along public right-of-way.

Attachment A: Minor Subdivision MS-19-00035

Attachment B: Original Subdivision Plat

Attachment C: Area Map

Background

Minor subdivisions are processed administratively; however, the Planning Commission's approval is required for variances from the subdivision design standards. 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.

Section 20-811 lists the public improvements that are required with a subdivision submitted in the City of Lawrence. The regulations currently require public sidewalks on both sides of new streets with new street construction. Airport Road predated the existing subdivision regulations and was constructed without curbs, gutters, or public sidewalks. There are no plans to improve Airport Road with these design elements.

The land south of Bryant Way was platted in 2001, Lawrence Municipal Airport Addition. The areas east and west of the terminal building were platted in 2010. The street segment constructed to the west of Airport Road includes curbs on both sides and a public sidewalk on only one side of the street. The constructed portion of Bryant Way was completed prior to the adoption of the 2006 Land Development Code requiring sidewalks on both sides of the street.

It was common practice to construct streets as development occurred or by phase, not immediately upon completion of a final plat. The current practice and regulations require an applicant provide a guarantee for all public improvements shown on a subdivision prior to recording the subdivision with the Register of Deeds Office. Because street construction was

deferred until a particular development phase required access, most of the platted right-of-way within the Airport property has not been constructed.

Subdivisions platted after 2006 require sidewalks on both sides of the street per section 20-811 (c). This section also grants authority to the Planning Commission to consider variances per Section 20-813 (g) of the Subdivision Regulations as applicable.

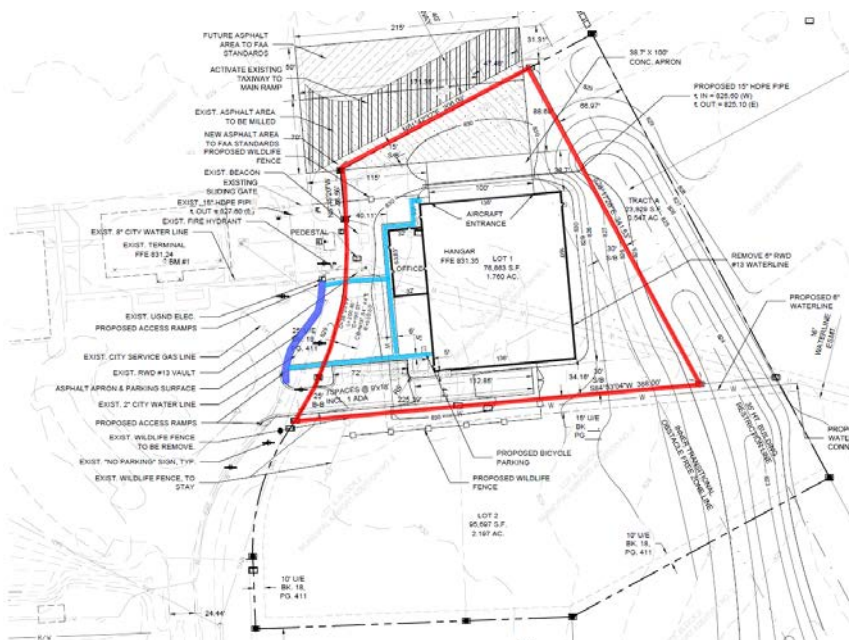
VARIANCE: The applicant proposes to develop one of two lots shown on the minor subdivision. A public sidewalk is proposed along only a portion of Airport Road for Lot 1. No development of Lot 2 is proposed at this time. Bryant Way was not constructed and a public sidewalk was not constructed, affecting only lot 2 of the proposed minor subdivision.

Code Citations

- 20-811 (c) (1) (i) 5 foot wide sidewalks are required on both sides of a local street.
- 20-811 (iv) Sidewalks required to be constructed within the same right-of-way as the street being paved shall be constructed concurrently with the paving of the adjacent roadway or within the first phase of development of a multiple-lot subdivision, adjacent to any improved street.

The proposed development request does not include the construction of Bryant Way to the east of Airport Road and does not include any improvements to the existing Airport Road. Some sidewalk is proposed along Airport Road, but not the full length of the developing lot. Sidewalk construction along Bryant Way is deferred until the future development is proposed for Lot 2.

The following graphic highlights the location of the proposed public sidewalk along a portion of Airport Road shown in dark blue. The private sidewalk area connecting the public sidewalk to the building is shown in light blue and is subject to site plan review.



REVIEW CRITERIA:

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

The City of Lawrence owns the property. Development of the Airport property is a long-term project. The applicant would execute a lease with the City for use of the property including site development. The site plan shows the construction of a partial sidewalk along Airport Road. The north portion of Lot 1, abutting Airport Road is generally restricted past the face of the Terminal Building. The street provides airport access, but does not function as a public street to preserve airport security.

There are no identifiable prospects interested in development for the existing platted lots, at this time. The area has been approved for use as a parachute landing area. There are no physical improvements associated with the parachute drop zone. Airport development is not typically a pedestrian-oriented development. The terminal building represents the most public building anticipated for development within the overall property. Appropriate pedestrian connections between parking lots and buildings is required and recommended for this development and all future developments.

The proposed development does not extend to Bryant Way. Development of the lot, extension of the street, and construction of the public sidewalk along Bryant Way is generally deferred with this development request including the site plan. This variance request is not intended to completely forgo the requirement to construct a sidewalk but does remove the requirement from the subdivision process. The construction of Bryant Way and the corresponding public sidewalks would be considered and reviewed as part of a future development application of proposed Lot 2.

STAFF FINDING: Strict application of the regulations would require the property owner (the City) to construct a public street, with the required public sidewalks on both sides of Bryant Way, an unplanned budget expense. There are no near-term development applications be considered that would require the construction of Bryant Way east of Airport Road that would benefit development.

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

The airport property is unique and owned by the City of Lawrence. The developer is responsible for costs associated with a particular project. The property was originally platted, with a corresponding street network identified to facilitate leases and marketing of the developable area south of the terminal building. Lots are generally arranged to be combined or further subdivided as necessary. The development of public streets and the corresponding public sidewalks was, until 2006 with the adoption of the Land Development Code and Subdivision Regulations, based on phasing.

The request for a minor subdivision that reconfigures platted lots and associated public infrastructure requires compliance with the Subdivision Regulations. The unintended consequence for the applicant is the requirement to address infrastructure that was planned but not constructed as part of the original development applications.

The nature of the request is to defer the construction of the street and public sidewalk until a more fully formed development application can be identified for Lot 2. The status of Bryant Way is an existing condition of the Airport development.

STAFF FINDING: Granting this variance from the requirement to construction Bryant Way and the associated public sidewalk is reasonable given the unique nature of the airport as a land use and development and site plan activity associated with it.

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

Only Lot 1 is proposed for development at this time. The need to reconfigure the lot to accommodate the proposed development requires the inclusion of lots located along the north side of Bryant Way. Depending on the needs of the next developer, the lot configuration could be changed, including the location of the planned street (Bryant Way east of Airport Road). By leaving the streets undeveloped, the City provides the greatest flexibility in order to respond to airport-related development requests. This is a situation unique to airports and should not be assumed for other industrially zoned properties.

Airport development requires strict separation of vehicle and aircraft with very different requirements for access and travel lane width. Streets do not have to accommodate clearance for aircraft wings. Taxiways and ramp areas must be sufficiently wide enough to safely maneuver aircraft on site and protected from vehicular traffic activity. The needs of each developer/tenant located at the airport must be evaluated independently.

STAFF FINDING: Granting this variance to allow a deviation from the requirement to construct a sidewalk the full length of Airport Road and to, in essence, defer construction of Bryant Way and the corresponding public sidewalks. This variance will not harm the public health, safety, or welfare. These public aspirations will continue to be protected though the site development process.

STAFF RECOMMENDATION

Approval of the variance requested for a minor subdivision, MS-19-00035, to allow partial construction of a public sidewalk along Airport Road and to defer the requirements to construct Bryant Way and the corresponding public sidewalk along the south side of proposed Lot 2.