

Memorandum  
City of Lawrence  
Planning and Development Services

**TO: Planning Commission**

**FROM: Planning Staff**

**CC: Scott McCullough, Planning and Development Services Director**

**Date:** August 14, 2015

**RE:** Minor Subdivision, MS-15-00342, variance request to reduce the right-of-way radii for an existing cul-de-sac and to allow subdivision to exclude construction of public sidewalks along W. 19<sup>th</sup> Terrace per Section 20-813(g) of the Land Development Code for University Field Subdivision No. 6, located at 1745 W. 19<sup>th</sup> Terrace. Submitted by Matthew and Jessica Douglas for Mountain Top LLC, owners of record.

**Attachment A: Minor Subdivision MS-15-00342**

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 the existing cul-de-sac bulb and for the exclusion of constructing a public sidewalk along W. 19<sup>th</sup> Terrace. 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 along the south side of W. 19<sup>th</sup> Terrace. This is a developed area with residential uses on both sides of the street. The area was developed with a narrower cul-de-sac bulb right-of-way than is currently required and prior to requirements for the construction of sidewalks on either one or both sides of a public street. The property is currently platted as three lots. The western lot is developed with a residence. The proposed Minor Subdivision proposes to adjust the interior lot lots to create a fourth residential lot.

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.

**VARIANCE #1:** Reduction in the width of the right-of-way bulb from 60' to 40' as required for a cul-de-sac per Section 20-810(e)(5). The current design standard for a cul-de-sac bulb is 60'. This area is developed with a smaller cul-de-sac bulb that terminates W. 19<sup>th</sup> Terrace.

**VARIANCE #2:** The proposed Minor Subdivision includes the creation of 4 new residential lots where there are currently only 3 lots. Per Section 20-811(c) public sidewalks are required. Local streets require the construction of a minimum 5' wide sidewalk. This request seeks to exclude construction of a new sidewalk along this existing street segment as there are no sidewalks along the remainder of W. 19<sup>th</sup> Terrace.

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

**R-O-W:** This area is developed with residences on both sides of the street. W. 19<sup>th</sup> Terrace is an existing local street. The proposed Minor Subdivision includes property along the south side of the street and a portion of the existing cul-de-sac. There are no plans to improve or widen the existing street.

The existing cul-de-sac provides access to existing residences. A parking lot for a multi-dwelling residential development abuts the cul-de-sac on the north. Increasing the width of right-of-way for the cul-de-sac bulb will result in a reduced building setback for the existing residence at 1745 W. 19<sup>th</sup> Terrace. Since the two properties to the north are not included in the proposed Minor Subdivision, the r-o-w would not be uniform. Acquiring additional right-of-way from the properties to the north will impact them by reducing the building setback for the residence and would also result in loss of off-street parking spaces for the existing multi-dwelling residential use. There is no expectation that the street must be reconstructed to serve the proposed Minor Subdivision. Dedication of the additional right-of-way and reconstruction of the street is not necessary to serve one additional lot in this area.



**Sidewalk:** This application seeks to exclude the construction of sidewalk along W. 19<sup>th</sup> Terrace. The proposed application will revise the three platted lots (with one existing residence) to 4 platted lots. There is no existing sidewalk along any part of this street between the cul-de-sac and Ousdahl Road to the east. There are no plans to construct sidewalk on either side of the existing W. 19<sup>th</sup> Terrace. This subdivision and the surrounding area was developed prior to sidewalk improvements being required. Requirement to construct the sidewalk would be unfair when no other property owner in the area would be required to construct sidewalk along their individual properties. Sidewalks along W. 19<sup>th</sup> Terrace west of Ousdahl Road do not meet any sidewalk gap in the overall pedestrian network of the surrounding neighborhood.

**STAFF FINDING:** Strict application of the regulations would require acquiring additional right-of-way that is out of the applicant's control. Reconstruction of the street to current design standards would result in creating non-conforming building setbacks for the two existing residential structures that take access from W. 19<sup>th</sup> Terrace.

Requirement to construct the sidewalk would result in a partial sidewalk segment along only one side of the street with no reasonable expectation that it will be extended to the east to connect with the Ousdahl Road sidewalk.

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

The proposed request does not alter the development pattern. The intent of the land division is to create three buildable lots where there are two platted but undeveloped lots and one platted developed lot. Dedication of additional right-of-way results in creating a non-conforming building setback for the existing residence. Construction of the sidewalk does not substantially benefit anyone in the immediate area. The proposed development is consistent with the existing development pattern in the surrounding area.

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

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

The current width for right-of-way for a cul-de-sac primarily provides turning space emergency apparatus. Construction of new streets must meet this design standard. Current design standards require public sidewalks on both sides of streets. Both of these standards are applicable in new development. This application represents infill development through the Minor Subdivision process creating one additional residential lot above the existing design.

**STAFF FINDING:** Granting this requested variances from the required right-of-way and construction of a sidewalk will not harm the public health, safety or welfare.

**STAFF RECOMMENDATION**

Approve the variance requested for a Minor Subdivision, MS-15-00342, to reduce the right-of-way from Section 20-810(a)(5) for a cul-de-sac bulb from 60' to 40' and to allow the exemption for the construction of a new sidewalk per Section 20-813(g) of the Land Development Code for property located at 1745 W 19<sup>th</sup> Terrace.



# UNIVERSITY FIELD SUBDIVISION NO. 6

## PARENT DESCRIPTION:

Lots 3, 4, and 5, Block B, in REPLAT AND SUBDIVISION OF LOTS IN BLOCK "B" UNIVERSITY FIELD SUBDIVISION NO. FIVE, LAWRENCE KANSAS, in the City of Lawrence, Douglas County, Kansas.

## PROPOSED NEW LOT DESCRIPTIONS:

### LOT 3A

That portion of LOTS 3 and 4, BLOCK B, in REPLAT AND SUBDIVISION OF LOTS IN BLOCK "B" UNIVERSITY FIELD SUBDIVISION NO. FIVE, LAWRENCE KANSAS, in the City of Lawrence, Douglas County, Kansas described as follows:

BEGINNING at the Northwest corner of said LOT 3; thence on assumed bearings, North 87°02'42" East, coincident with the North line of said LOT 3, a distance of 105.60 feet to the Northeast corner thereof; thence coincident with the East line of said LOT 3, on a non-tangent curve to the left, a distance of 41.89 feet, said curve has a radius of 40.00 feet with a chord that bears South 24°49'01" East, 40.00 feet; thence South 40°04'57" West, 54.55 feet; thence South 23°20'29" West, 87.45 feet to the South line of said LOT 3; thence South 83°21'43" West, coincident with the South line of said LOT 3, 52.83 feet to the Southwest corner thereof; thence North 00°00'00" East, coincident with the West line of said LOT 3, 159.00 feet to the POINT OF BEGINNING, containing 13,836 square feet, more or less and subject to any easements, covenants and restrictions of record, in any.

### LOT 4A

That portion of LOTS 3 and 4, BLOCK B, in REPLAT AND SUBDIVISION OF LOTS IN BLOCK "B" UNIVERSITY FIELD SUBDIVISION NO. FIVE, LAWRENCE KANSAS, in the City of Lawrence, Douglas County, Kansas described as follows:

COMMENCING at the Northwest corner of said LOT 3; thence on assumed bearings, South 00°00'00" West, coincident with the West line of said LOT 3, a distance of 159.00 feet to the Southwest corner thereof; thence North 83°21'43" East, coincident with the South line of said LOT 3, 52.83 feet to the POINT OF BEGINNING; thence North 23°20'29" East, 87.45 feet; thence North 40°04'57" East, 54.55 feet to the Northeast line of said LOT 3; thence coincident with the Northeast line of said LOT 3 and the North line of said Lot 4, on a non-tangent curve to the left, a distance of 41.89 feet, said curve has a radius of 40.00 feet with a chord that bears South 84°49'01" East, 40.00 feet; thence South 21°57'04" West, 30.70 feet; thence South 12°05'45" West, 82.36 feet to the South line of said LOT 4; thence South 83°21'43" West, coincident with the South line of said LOTS 4 and 3, 81.42 feet to the POINT OF BEGINNING, containing 7,155 square feet, more or less and subject to any easements, covenants and restrictions of record, in any.

### LOT 4B

That portion of LOTS 4 and 5, BLOCK B, in REPLAT AND SUBDIVISION OF LOTS IN BLOCK "B" UNIVERSITY FIELD SUBDIVISION NO. FIVE, LAWRENCE KANSAS, in the City of Lawrence, Douglas County, Kansas described as follows:

COMMENCING at the Northwest corner of LOT 3 in said Subdivision; thence on assumed bearings, South 00°00'00" West, coincident with the West line of said LOT 3, a distance of 159.00 feet to the Southwest corner thereof; thence North 83°21'43" East, coincident with the South line of said LOTS 3 and 4, 134.25 feet to the POINT OF BEGINNING; thence North 12°05'45" East, 82.36 feet; thence North 21°57'04" East, 30.70 feet to the North line of said LOT 4; thence coincident with the North line of said LOT 4, on a non-tangent curve to the left, a distance of 20.60 feet, said curve has a radius of 40.00 feet with a chord that bears North 50°25'52" East, 20.37 feet; thence North 73°02'30" East, coincident with the North line of said LOT 3, 27.17 feet; thence South 04°15'46" East, 121.00 feet to the South line of said LOT 5; thence South 83°21'43" West, coincident with the South line of said LOTS 5 and 4, 79.95 feet to the POINT OF BEGINNING, containing 7,109 square feet, more or less and subject to any easements, covenants and restrictions of record, in any.

### LOT 5A

That portion of LOT 5, BLOCK B, in REPLAT AND SUBDIVISION OF LOTS IN BLOCK "B" UNIVERSITY FIELD SUBDIVISION NO. FIVE, LAWRENCE KANSAS, in the City of Lawrence, Douglas County, Kansas described as follows:

COMMENCING at the Northwest corner of LOT 3 in said Subdivision; thence on assumed bearings, South 00°00'00" West, coincident with the West line of said LOT 3, a distance of 159.00 feet to the Southwest corner thereof; thence North 83°21'43" East, coincident with the South line of said LOTS 3, 4 and 5, 214.20 feet to the POINT OF BEGINNING; thence North 04°15'46" East, 121.00 feet to the North line of said LOT 5; thence North 73°02'30" East, coincident with the North line of said LOT 5, 61.96 feet to the Northeast corner thereof; thence South 00°03'25" East, coincident with the east line of said LOT 5, 132.87 feet to the Southeast corner thereof; thence South 83°21'43" West, coincident with the South line of said LOT 5, 50.75 feet to the POINT OF BEGINNING, containing 7,006 square feet, more or less and subject to any easements, covenants and restrictions of record, in any.

## LEGEND:

U/E	UTILITY EASEMENT
(M)	MEASURED VALUE
(CR)	CALCULATED FROM RECORD VALUE
(R)	RECORD VALUE
(R1)	VALUE FROM THE RECORDED PLAT: REPLAT AND SUBDIVISION OF LOTS IN BLOCK "B", UNIVERSITY FIELD SUBDIVISION NO.5
(R2)	VALUE FROM THE RECORDED PLAT: REPLAT OF LOTS 1, 2, 5, AND 6, BLOCK A, UNIVERSITY FIELD SUBDIVISION NO.5
(R3)	VALUE FROM UNRECORDED ALTA/ACSM LAND TITLE SURVEY BY PERIDIAN GROUP, LS 1158.
(R4)	VALUE FROM UNIVERSITY FIELD SUBDIVISION NO. 5
CB	CHORD BEARING OF CURVE
CL	CHORD LENGTH OF CURVE
RAD	RADIUS OF CURVE
L	LENGTH OF CURVE
OHE	OVERHEAD ELECTRIC WIRES
UGT	UNDERGROUND TELEPHONE
SAN	SANITARY SEWER
SMH	SANITARY SEWER MANHOLE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCING

UTILITY POLE

SEE CURVE TABLE

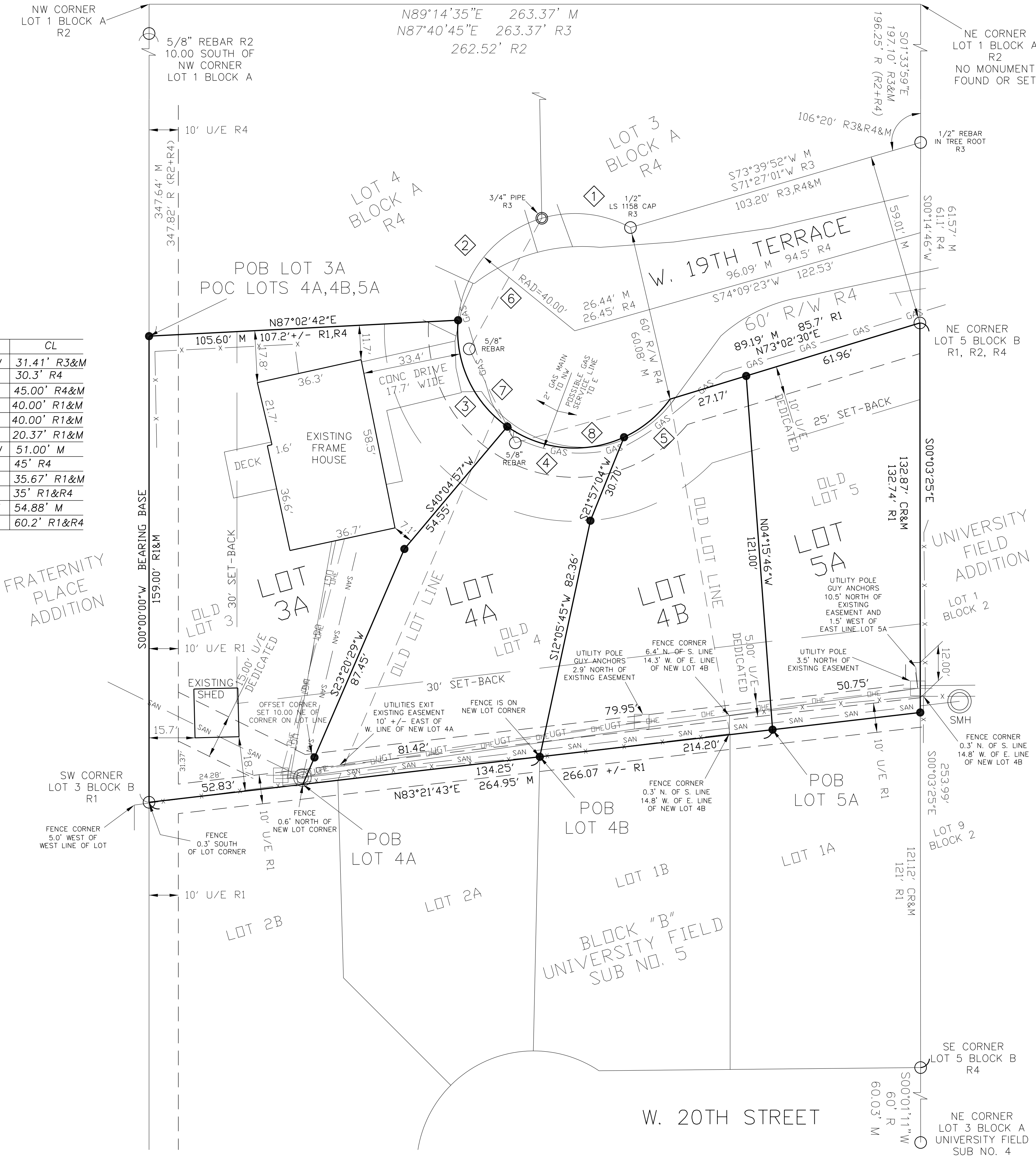
## MONUMENTATION:

○ FOUND 1/2" REBAR OF UNKNOWN ORIGIN, UNLESS OTHERWISE NOTED.

● 1/2" X 24" REBAR SET WITH PLASTIC CAP MARKED BOLTZ LS 1158

IN THE CITY OF LAWRENCE  
DOUGLAS COUNTY, KANSAS

19TH STREET



## DEDICATION:

Be it known to all men that we, the undersigned owners of the above described tract of land, have had cause for the same to be surveyed and platted as a Minor Subdivision/Replat under the name of "UNIVERSITY FIELD SUBDIVISION NO. 6" and have caused the same to be divided into lots as shown and fully defined on this plat.

All utility easements shown on this plat and not heretofore dedicated to public use are hereby so dedicated. An easement to THE CITY OF LAWRENCE and PUBLIC UTILITY COMPANIES to enter upon, construct and maintain utilities upon over and under those areas outlined as "UTILITY EASEMENT" or "U/E".

Matthew Douglas, managing member  
Mountain Top LLC

## ACKNOWLEDGMENT:

STATE OF KANSAS }  
COUNTY OF } SS

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned, a notary public, in and for said county and state, came Matthew Douglas, managing member of Mountain Top LLC, a Kansas limited liability company, who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledge the execution of the same. In witness whereof, I have hereunto set my hand and affixed my seal on the day and year last written above.

Notary Public

My commission expires

## ENDORSEMENTS:

Approved as a Minor Subdivision/Replat under the Subdivision Regulations of the City of Lawrence and the Unincorporated area of Douglas County.

Planning Director  
Scott McCullough

Reviewed in compliance with K.S.A 58-2005.

Michael Kelly, P.S. # 869  
Douglas County Surveyor

## NOTES:

- This Minor Subdivision is a replat of "REPLAT AND SUBDIVISION OF LOTS IN BLOCK "B" UNIVERSITY FIELD SUBDIVISION NO. FIVE, LAWRENCE KANSAS". Further division or consolidation of any lots contained in this Minor Subdivision is prohibited, and shall be processed as a Major Subdivision, unless the action meets the exception noted in Section 20-808(c)(5)(i).
- This survey was made in reference to the Final Plat of "REPLAT AND SUBDIVISION OF LOTS IN BLOCK "B" UNIVERSITY FIELD SUBDIVISION NO. FIVE, LAWRENCE KANSAS", recorded at Douglas County Register of Deeds Office. This replat makes 4 lots out of 3.
- This Minor Subdivision/Replat does not modify the existing right-of-way for 19th Terr. No public improvements are proposed with this Minor Subdivision/Replat.
- The utility locations shown hereon are from field locations marked by the utility companies locating services or maps. No locations have been verified. BEFORE EXCAVATING, Kansas ONE-CALL must be contacted at least 2 business days prior to digging. 1-800-344-7233 or 1-800-DIG-SAFE.

## CERTIFICATION:

I hereby certify that the platted area shown hereon is the true and accurate results of a field survey done under my responsible charge and completed in the field on \_\_\_\_\_, 2015. This survey conforms to the Kansas Minimum Standards for Boundary Surveys.

Boltz Land Surveying, LLC  
Dennis E. Boltz, P.S. 1158  
101 E. 4th St.  
Muscotah, KS 66058  
Phone: 785-423-6944

## FILING RECORD

This is to certify that this instrument was filed for record in the office of the Douglas County Register of Deeds on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, and is duly recorded at \_\_\_\_\_ AM/PM, in plot book \_\_\_\_\_, page \_\_\_\_\_.

Register of Deeds  
Kay Pesnell

BEARINGS ARE ASSUMED AND BASED ON THE WEST LINE OF UNIVERSITY FIELD SUBDIVISION NO. 5 BEING SOUTH 00°00'00" WEST

Boltz Land Surveying, LLC

boltzlandsurveying@gmail.com  
101 E. 4TH STREET  
MUSCOTAH, KS 66058-3031  
Office Phone 785-423-6944  
Cell Phone 785-423-6944