

**PLANNING COMMISSION REPORT  
NON PUBLIC HEARING ITEM  
PUBLIC HEARING ON THE VARIANCE ONLY**

PC Staff Report  
06/22/2015

**ITEM NO 4: PRELIMINARY PLAT FOR DEERFIELD WOODS SUBDIVISION NO. 10;  
3320 PETERSON ROAD (BJP)**

**PP-15-00189:** Consider a Preliminary Plat for Deerfield Woods Subdivision No. 10, a Commercial-Office subdivision containing 3 lots, located at 3320 Peterson Rd. Submitted by Landplan Engineering PA, on behalf of Cheer Pole Ltd, property owner of record.

**STAFF RECOMMENDATION VARIANCE:**

1. Staff recommends approval of the variance with regard to the minimum right-of-way width for Kasold Drive and Peterson Road from 150' to 100'.
2. Staff also recommends approval of the variance to allow sidewalk on only one side of the street for Sherwood Drive and Sterling Drive, with the condition that sidewalks be installed on the entirety of both Sherwood Drive and Sterling Drive with either any new development on Lot 1 or major development on Lot 2 or Lot 3.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Preliminary Plat for Deerfield Woods Subdivision No. 10., subject to the following conditions:

1. The plat shall be revised to include the following notes:
  - a. *"On June 22, 2015, the Planning Commission approved a variance to forego the installation of sidewalks on Sherwood Drive and Sterling Drive, with the condition that sidewalks be installed on the entirety of both Sherwood Drive and Sterling Drive with either any new development on Lot 1 or any major development on Lot 2 or Lot 3."*
  - b. *"Only June 22, 2015, the Planning Commission approved a variance from right-of-way requirements in Section 20-810(e)(5) of the Subdivision Regulations to allow the replatting of this property with 100 feet of right-of-way currently provided for Kasold Drive and Peterson Road."*
  - c. *"Access to Peterson Road and Sterling Drive shall be limited to one curb cut each."*

**Reason for Request:** *Subdivision of existing two lots into three lots.*

**KEY POINTS**

- The subject property contains two lots, Lot 1 and Lot 2. Lot 1 is undeveloped, and Lot 2 contains two buildings. This Preliminary Plat proposes to subdivide Lot 2 into Lot 2 and Lot 3. The division of the property is such that each new lot would contain one of the structures.
- A Minor Subdivision to divide the originally platted lot into two lots was administratively approved on July 16, 2013. Further subdivision of the lots requires a Preliminary Plat per Section 20-808(c)(5)(i).
- A variance from the required right-of-way width for Peterson Road and Kasold Drive is proposed with this Preliminary Plat.

- On July 22, 2013 the Planning Commission approved a variance from right-of-way requirements in Section 20-810(e)(5) of the subdivision regulation to allow the replatting of this property with 100 feet of right-of-way currently provided for Kasold Drive and Peterson Road.
- A variance to allow sidewalks on only one side of the street for Sherwood Drive and Sterling Drive is requested with this Preliminary Plat.
- On July 22, 2013 the Planning Commission approved a variance to forego the installation of sidewalks on Sherwood Drive and Sterling Drive, with the condition that sidewalks be installed on the entirety of both Sherwood Drive and Sterling Drive with either any new development on Lot 1 or any major development on Lot 2 (which would be Lot 2 and proposed Lot 3 in this Preliminary Plat).
- This Preliminary Plat does not involve any new development on Lot 1 or any major development on Lot 2 or proposed Lot 3.
- The two existing structures share a private sanitary sewer service line. This Preliminary Plat proposes to place this shared service line within a private access easement. The owner will record this easement by separate instrument prior to recordation of the Final Plat.

#### **SUBDIVISION CITATIONS TO CONSIDER**

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 10, 2012.

#### **ATTACHMENTS**

Attachment A: Preliminary Plat

#### **ASSOCIATED CASES/OTHER ACTION REQUIRED**

##### **Associated Cases**

- SP-5-32-00: Site Plan for construction of a multi-phase office development including four one and two story buildings, located at the northeast corner of Peterson Road and Kasold Drive.
- SP-08-39-09: Site Plan for Princeton Children's Center located at 3320 Peterson Road.
- URP-03-01-04; Use Permitted Upon Review for day care center at 3340 Peterson Road, original plan approved by the City Commission on 5/18/04.
- UPR-02-01-05; Use Permitted Upon Review, expansion of day care center, approved by the City Commission on 4/5/2005.
- MS-13-00217: Deerfield Woods Subdivision No. 9, a minor subdivision/replat of Lot 1 Deerfield Woods Subdivision No. 7, located at 3320 Peterson Road.

##### **Other Action Required:**

- Submittal of final plat for administrative approval and recordation with the Douglas County Register of Deeds, subject to recordation by separate instrument of the private access easement.
- Placement on the Planning Commission agenda for variance from the minimum right-of-way requirements in Section 20-810(5)(i) and sidewalk requirements in Section 20-811(c)(1).

#### **PLANS AND STUDIES REQUIRED**

- *Downstream Sanitary Sewer Analysis – Not Required*
- *Drainage Study – Not Required*
- *Traffic Study – Not Required*

#### **PUBLIC COMMENT**

None received prior to publication.

<b>Site Summary</b>
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Gross Area:	319,728 sq. ft.
Right-of-Way Dedicated:	None — variance requested for ROW
Number of Proposed Lots:	3
Minimum lot size	64,586 sq. ft.
Maximum lot size	174,047 sq. ft.
Average lot size	106,576 sq. ft.

### GENERAL INFORMATION

Current Zoning and Land Use:

CO (Office Commercial) District; *Office* and undeveloped

Surrounding Zoning and Land Use:

RS7 (Single Dwelling Residential) District to the north and northeast; existing detached homes.

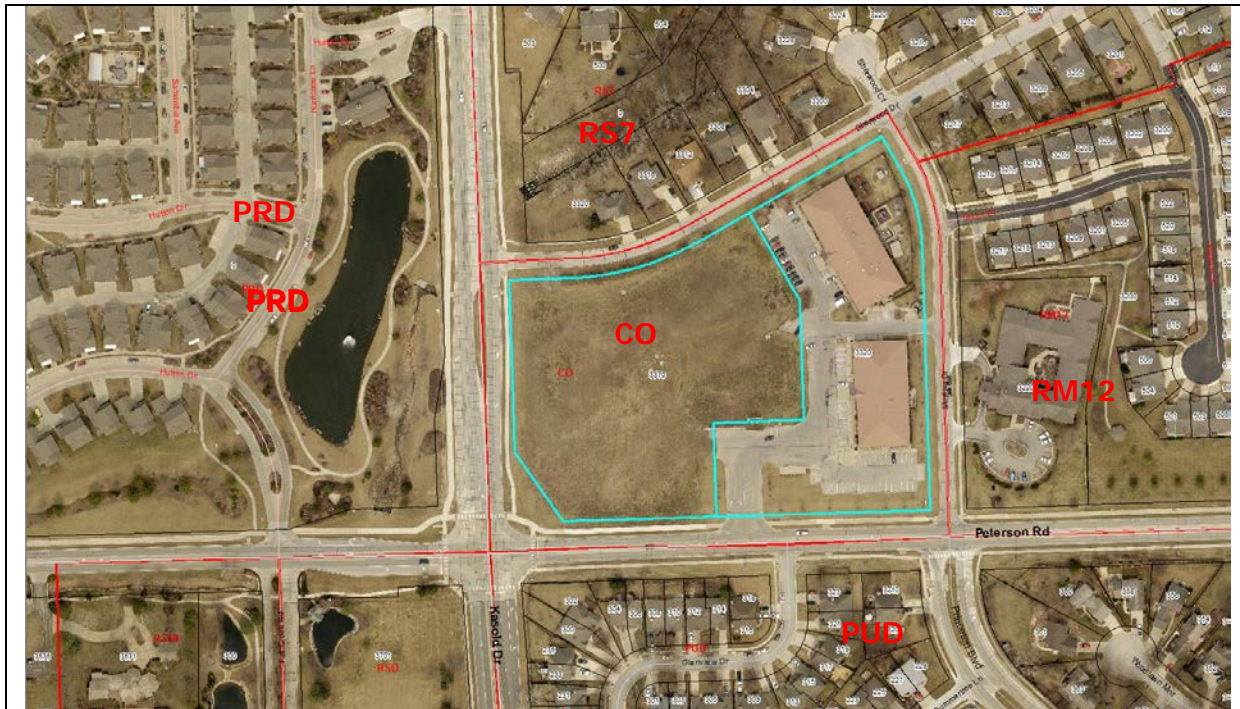
RM12 (Multi Dwelling Residential) District to the east; existing duplex housing and nursing home.

PRD [Hutton Farms PRD] District to the west; existing mixed residential development.

PD [Deerfield PUD]; to the south single dwelling residential uses existing detached homes.

### STAFF REVIEW

This property is located at the northeast corner of Kasold Drive and Peterson Road. The subject property contains two lots. Lot 1 is undeveloped, while Lot 2 is developed with an existing childcare facility, office use, and associated off-street parking. The proposed project would subdivide Lot 2 into two separate lots. The two existing lots, Lot 1 and Lot 2, were created through a Minor Subdivision, which was administratively approved on July 16, 2013. Further subdivision of the lots requires a Preliminary Plat as per Section 20-808(c)(5)(i).



**Figure 1a.** Zoning and land use of area.

### Compliance with Zoning Regulations for the CO District

Lot	Lot Area
Lot 1	174,047 sq. ft.
Lot 2	64,586 sq. ft.
Lot 3	81,095 sq. ft.

**Table 1.** Proposed lot sizes

The square footage associated with each of the three proposed lots exceeds the minimum 5,000 sq. ft. lot area (Table 1). The proposed lot line between Lot 2 and Lot 3 is located so that the existing buildings conform to the minimum 5' side interior setback required in the CO District.

The proposed lots comply with the Dimensional Standards in Section 20-601(b).

### Streets and Access

The subject property is located on the northeast corner of Kasold Drive and Peterson Road. Both streets will continue to function as principal arterials in the area. The property also abuts Sherwood Drive to the north and Sterling Drive to the east. There are two drives that serve the existing structures. An access easement is shown on the Preliminary Plat. This easement preserves the existing vehicular circulation of the site and was accepted by the City Commission on August 6, 2013. There are no new drives proposed with this Preliminary Plat.

Sherwood Drive and Sterling Drive are both local streets with sidewalks constructed on one side of the street adjacent to the residential development. At the time of construction, sidewalks were required on only one side of the street. There is no sidewalk on the south side of Sherwood Drive or the west side of Sterling Drive. A variance to forego the installation of sidewalks along these local streets with the Minor Subdivision that was processed in 2013 (MS-13-00217). The Planning Commission approved the variance request on July 22, 2013 with the condition that sidewalks be installed on the entirety of both Sherwood Drive and Sterling Drive with either any new development on Lot 1 or and major development on Lot 2. A similar variance has been requested with this Preliminary Plat.

The other streets surrounding the subject property, Kasold Drive and Peterson Road, contain existing sidewalks on both sides of the street.

### **Utilities and Infrastructure**

This Preliminary Plat does not include any changes to utilities that serve this property. The existing structures are currently provided with supporting infrastructure. There is no new development proposed for Lot 1 with this proposed project.

### **Easements and Rights-of-way**

There are no new public easements associated with this Preliminary Plat. Water and sanitary sewer lines abut this property. Interior easements for the storm sewer and access throughout the property were dedicated with MS-15-00217. The City Commission accepted the easements on August 6, 2013.

The two existing structures, located on Lot 2 and proposed Lot 3, share a sanitary sewer service line. The Preliminary Plat proposes to place this shared service line within a private access easement. The owner will record the easement by separate instrument prior to recordation of the Final Plat. This easement will grant the owners of both future lots access to the shared service line for the purposes of maintaining and repairing it. The Utility Department desires that the easement be private, rather than public, because this shared service line is private and not the responsibility of the City.

### **Variance Request:**

The property owner is requesting variances from Section 20-810 and 20-811 of the Subdivision Regulations with regard to:

**Variance 1. Reduce required right-of-way along Kasold Drive and Peterson Road from 150' to 100' (noted as "a" below).**

**Variance 2. Request variance from Section 20-811(c)(1)(i) that specifies public sidewalks be installed on both sides of all streets (noted as "b" below).**

### **Citations to Consider:**

**Section 20-813(g)** states that the Planning Commission may grant a variance from the design standards of these regulations only if the following three criterion are met: that the strict application of these regulations will create unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of the regulations, and that the public health, safety, and welfare will be protected. The following is a review of the variance request in relation to these criteria.

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

### *Applicant Response:*

- a. The existing rights-of-way for both Peterson Road and Kasold Drive at this location are 100-feet wide. Generally, the rights-of-way for both Peterson Road and Kasold Drive in this vicinity are 100 feet wide. Strict application of this section of the Subdivision Regulations would place the existing parking lot adjacent to Peterson Road outside the minimum parking setback. Such strict application would also render future building and parking improvements as shown on approved site plans non-compliant for similar setback reasons, thus making it difficult for the property owner to further develop the site.*

Peterson Road and Kasold Drive have been constructed with turn lanes at the intersection and sidewalks on both sides of the street. The overall width of Peterson Road is 100'. Kasold Drive is generally 110' wide. The intersection of Kasold Drive and Peterson Road is wider to accommodate for the necessary intersection improvements. There are no planned future improvements to either of these streets. No additional right-of-way is needed. The City Engineer has indicated that the right-of-way currently dedicated for Kasold Drive and Peterson Road are adequate. There are no plans for construction of a center median that would necessitate the additional right-of-way. The existing intersection was built out to its maximum geometry. Any future right-of-way needed at the intersection would need to be acquired from the south property owners to maintain the street alignment.

On July 22, 2013, the Planning Commission approved a variance from right-of-way requirements in Section 20-810(e)(5) of the Subdivision Regulations to allow the replatting of this property with 100' of right-of-way currently provided for Kasold Drive and Peterson Road.

- b. The subdivision provides a 7-foot wide sidewalk on the north side of Peterson Road and a 6-foot wide sidewalk on the east side of Kasold Drive. No sidewalks are located on the south side of Sherwood Drive or west side of Sterling Drive. The subdivision was originally platted in 2000 under previous subdivision regulation which required sidewalk on only one side of the road. At this time, it is the property owner's intention to merely subdivide the property, not redevelop it. The cost to provide a quarter-mile of 6-foot wide sidewalk at this time could easily total \$20,000-25,000 and is a financial hardship to the property owner.*

The subject property was originally platted in 2000. The adjacent development to the north, Deerfield Woods Subdivision No. 1, creating Sherwood Drive, was platted in 1989. The development to the east, Deerfield Woods Subdivision No. 4 and 5, creating Sterling Drive, were platted in 1994 and 1995. Both Sherwood Drive and Sterling Drive were constructed consistent with the approved subdivision regulations requiring sidewalks on only one side of the street for local streets. Sidewalks along Kasold Drive and Peterson Road were constructed on both sides of the streets. The proposed variance applies to the south side of Sherwood Drive and the west side of Sterling Drive. The subject property is developed with two existing buildings and a shared parking lot. Sidewalks along Sherwood Drive and Sterling Drive were not required at the time (SP-5-32-00). Since the original development, the commission approved a Use Permitted upon Review (Special Use Permit) for a childcare facility in 2004 and an expansion of the use in 2005. A modification to the site plan was made in 2009 to accommodate parking lot changes for the childcare facility and exterior play yard.

- On July 22, 2013, the Planning Commission approved a variance from Section 20-811(c)(1)(i) of the Subdivision Regulations to allow the replatting of the subject property without construction of sidewalks on Sherwood Drive and Sterling Drive, with the condition that sidewalks be installed on the entirety of both Sherwood Drive and Sterling Drive with either any new development on Lot 1 or any major development on Lot 2.
- There are no planned improvements to Lot 1, Lot 2, or the proposed Lot 3 that would require a major site plan and construction of a sidewalk along Sterling Drive and east end of Sherwood Drive.
- There is an approved site plan (SP-5-32-00) for the development of Lot 1 that did not include a sidewalk along the south side of Sherwood Drive.
- There is no probability that sidewalk along the south side of Sherwood Drive east of Sterling Drive would be constructed. This street terminates at an existing utility access easement and an unconstructed cul-de-sac.

- Since the streets are constructed, any sidewalk additions would be added with the new site development. This would impact only Lot 1 since Lot 2 and proposed Lot 3 are developed.

**Staff Finding:** Requiring the dedication of additional right-of-way for Kasold Drive and Peterson Road at this time would constitute an unnecessary hardship on the property owner, as the right-of-way is not necessary.

While requiring compliance with the construction of sidewalks would benefit the surrounding area by providing new pedestrian connections to the public sidewalk network, half of the property is developed and is not proposed to be redeveloped. Given the minor nature of the request, and the existing street and landscaping development, it may be a hardship to require retrofitting these streets with a sidewalk at this time.

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

*Applicant Response:*

- a. The subject property is located adjacent to portions of Peterson Road and Kasold Drive that saw significant improvements less than 10 years ago. The current rights-of-way adequately accommodate all improvements. It is unlikely that either street will be significantly widened in the future.*

Right-of-way dedication is required when properties are platted to ensure that required right-of-way is available for improvements to adjacent roadways. As previously stated, the City Engineer indicated that the right-of-way currently dedicated for Kasold Drive and Peterson Road are adequate.

- b. The intended purpose of this regulation is to provide reasonable pedestrian access and safety. The subject property, which is zoned commercial, already provides sidewalks adjacent to its frontage on arterial streets, thus providing for pedestrian access from either Peterson Road or Kasold Drive. The frontages for which this variance is requested are those adjacent to local residential streets. Sherwood and Sterling Drives already provide sidewalks on the sides of the street developed with single-family homes. Thus reasonable and safe pedestrian access for the residents of these streets is already provided.*

There are no new public improvements required for this division of property. The streets have been previously constructed with applicable sidewalks prior to the current design standards requiring sidewalks on both sides of the street. With the exception of Lot 1, the surrounding area is developed with established uses and subdivisions. Sidewalks are provided along both sides of the arterial streets in the immediate area.

**Staff Finding:** The variance will allow the proposed lot division to occur without requiring the dedication of additional right-of-way or construction of public sidewalks along the south side of Sherwood Drive and the west side of Sterling Drive. Adequate right-of-way is available for Kasold Drive and Peterson Road. The requests are in harmony with the intent of the regulations given the minor nature of this land division.

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

*Applicant Response:*

- a. Maintaining the Peterson Road and Kasold Drive rights-of-way as they exist will not jeopardize the public health, safety or welfare, nor would increasing their width serve to*

*improve them. Both Peterson Road and Kasold Drive function adequately and there are no plans for future improvements which would require additional rights-of-way.*

As there are no improvement plans to any of the surrounding streets to this area, no additional right-of-way is needed.

- b. The portions of Sherwood and Sterling Drives that front the subject property are fully developed with a sidewalk on one side. The public health, safety and welfare of residents and pedestrians on those streets will not be jeopardized by approval of this variance. This subdivision, combined with those neighboring it, provides for a safe and accessible pedestrian environment.*

Sherwood Drive and Sterling Drive include existing sidewalks on the residential sides of the streets. This area does not connect to any other through streets thus the pedestrian activity is contained in the immediate area and protected from inter-neighborhood traffic. Non-residential development and multi-dwelling residential developments in the immediate area include interior pathways and sidewalks that connect to Kasold Drive and Peterson Road providing interior walkability within individual developments. Likewise, interior sidewalks are proposed for the remaining development of the subject property when the remaining development is constructed. It is unlikely that any development of Lot 2 or proposed Lot 3 will be significant enough to require construction of a sidewalk along Sterling Drive in the future.

**Staff Finding:** The variances will not affect the public health, safety, or welfare.

#### **Conformance**

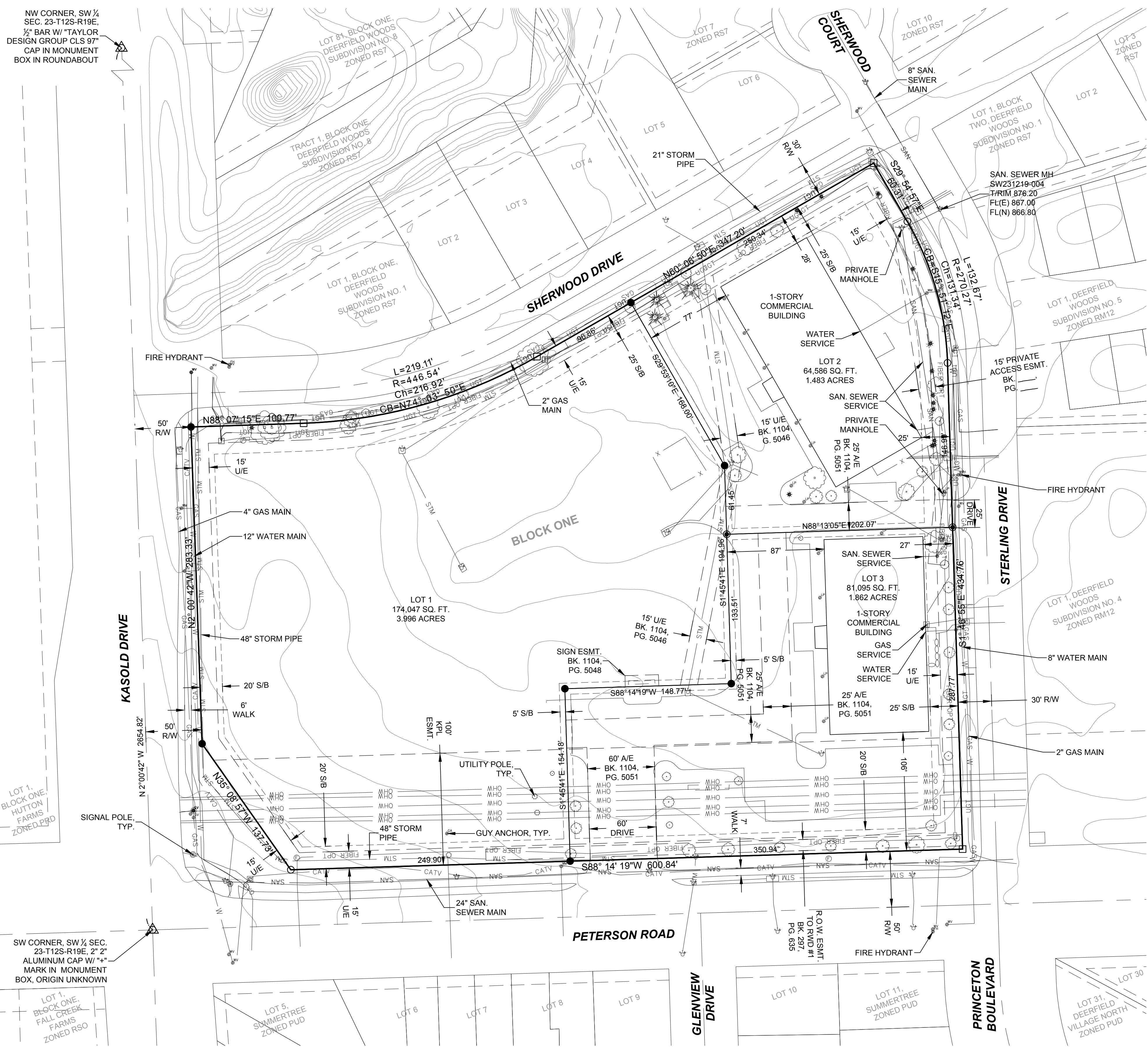
The proposed request is consistent with the development pattern of the area and accounts for the existing condition of the street. There are no planned improvements that would widen this street. Subject to approval of the variance for the right-of-way width for Kasold Drive and Peterson Road, and the variance for sidewalk requirements on Sterling Drive and Sherwood Drive, this Preliminary Plat complies with the standards and requirements of the Subdivision Regulations and the Development Code.



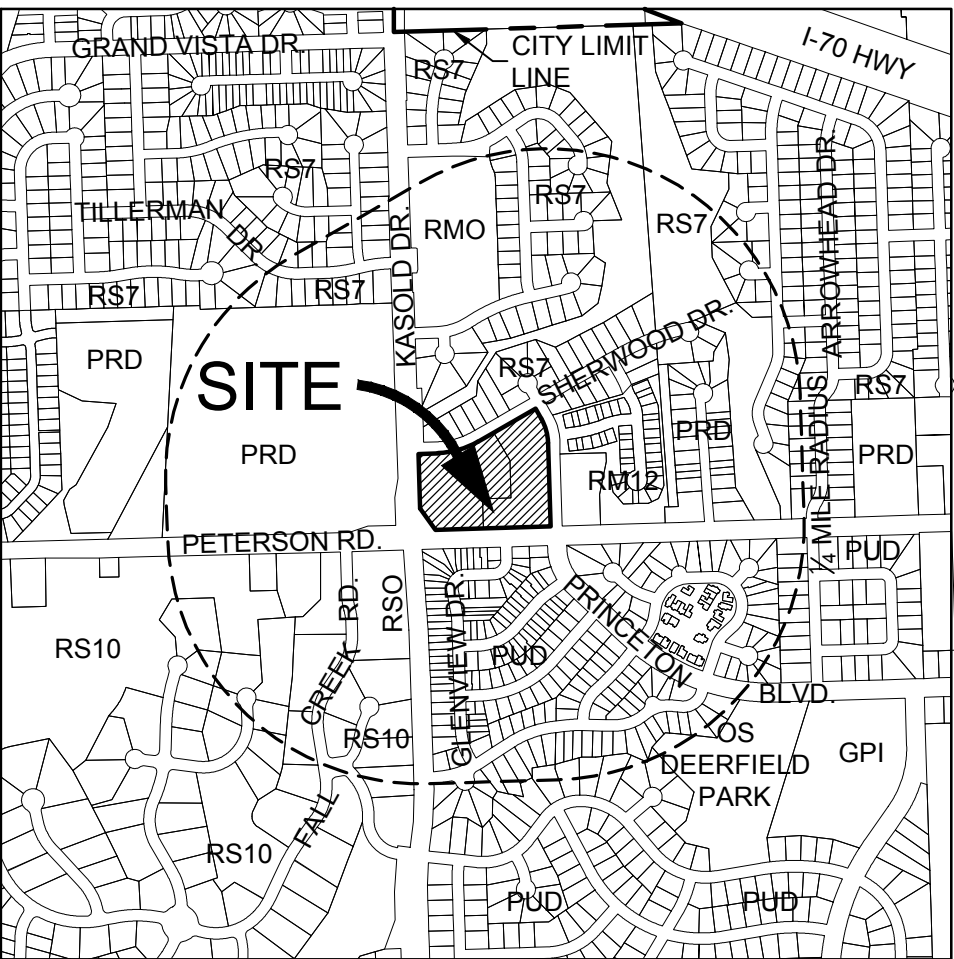
NW CORNER, SW 1/4 SEC. 23-T12S-R19E, 1/2" BAR W/ "TAYLOR DESIGN GROUP CLS 97" CAP IN MONUMENT BOX IN ROUNDABOUT

SW CORNER, SW 1/4 SEC. 23-T12S-R19E, 2" 2" ALUMINUM CAP W/ "HUTTON FARMS ZONED RSO

LOT 1, BLOCK ONE, FALL CREEK FARMS ZONED RSO



LOCATION MAP:



MONUMENTATION:

- SECTION CORNER, SIZE AND ORIGIN AS NOTED
- SET: 1/2" x 24" IRON BAR W/ "PS 889" CAP
- FOUND: 1/2" IRON BAR W/ "PLS 1558" CAP
- FOUND: 1/2" IRON BAR W/ "EBH 377" CAP
- FOUND: 1/2" IRON BAR W/ "LS 988" CAP

LEGEND:

- RW RIGHT-OF-WAY
- U/E UTILITY EASEMENT
- A/E PUBLIC ACCESS EASEMENT
- SAN SANITARY SEWER LINE
- W WATER LINE
- STM STORM SEWER LINE
- GAS GAS LINE
- UGE UNDERGROUND ELECTRIC LINE
- OWH OVERHEAD UTILITY WIRE
- FIBER OPT FIBER OPTIC LINE
- CATV CABLE TELEVISION LINE

GENERAL NOTES:

- OWNERS: YMW, LLC & CHEER POLE, LTD. 1613 ALVAMAR DRIVE LAWRENCE, KANSAS 66047
- LAND PLANNER/ CIVIL ENGINEER/ SURVEYOR: LANDPLAN ENGINEERING, P.A. 1310 WAKARUSA DRIVE LAWRENCE, KANSAS 66049
- TOPOGRAPHIC INFORMATION SHOWN WAS GENERATED FROM DOUGLAS COUNTY LIDAR DATA COLLECTED IN MARCH, 2006.
- EXISTING ZONING: CO
- PROPOSED ZONING: CO
- EXISTING LAND USE: COMMERCIAL OFFICE
- PROPOSED LAND USE: COMMERCIAL OFFICE
- NO PORTIONS OF THE SUBJECT PROPERTY LIE WITHIN A DESIGNATED "SPECIAL FLOOD HAZARD AREA" AS DEFINED BY FLOOD INSURANCE RATE MAP (FIRM); PANEL NO. 157, MAP NUMBER 20045C0157D, DOUGLAS COUNTY, KANSAS, BEARING AN EFFECTIVE DATE OF AUGUST 5, 2010.
- TYPICAL SOIL TYPES: WOODSON SILT LOAM, 1 TO 3% SLOPES; PAWNEE CLAY LOAM, 3 TO 6% SLOPES.
- LANDSCAPING SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS, WITHIN 8 FEET OF THE WATER MAIN, OR WITHIN 8 FEET OF THE SANITARY SEWER MAIN.
- ALL UTILITIES WILL BE LOCATED UNDERGROUND, PER SECTION 20-809(f)(4)(iv) OF THE CITY CODE.
- THE BASIS OF THE BEARINGS FOR THIS PLAT IS KANSAS STATE PLANE NORTH.

LEGAL DESCRIPTION:

DEERFIELD WOODS SUBDIVISION NO. 9, A MINOR SUBDIVISION/REPLAT OF LOT 1, DEERFIELD WOODS SUBDIVISION NO. 7, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

SITE SUMMARY:

GROSS AREA: 319,728 SF / 7.340 AC  
NET AREA: 319,728 SF / 7.340 AC  
TOTAL LOTS: 3  
AVERAGE LOT SIZE: 106,576 SF / 2.447 AC  
MINIMUM LOT AREA: 64,586 SF / 1.483 AC  
MAXIMUM LOT AREA: 174,047 SF / 3.996 AC

PROVISION AND FINANCING OF ROADS, SEWER AND OTHER PUBLIC SERVICES:

- THE SUBDIVISION WILL NOT DEDICATE ANY NEW PUBLIC RIGHTS-OF-WAY. THE SUBDIVISION WILL TAKE ACCESS TO AND FROM PETERSON ROAD AND STERLING DRIVE.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE WATER SYSTEM VIA EXISTING 8" MAINS LOCATED IN THE STERLING DRIVE AND SHERWOOD DRIVE RIGHTS-OF-WAY AND AN EXISTING 12" MAIN LOCATED IN THE KASOLD DRIVE RIGHT-OF-WAY.
- THE SUBDIVISION WILL PROVIDE CONNECTIONS TO THE CITY OF LAWRENCE SANITARY SEWER SYSTEM VIA EXISTING 8" MAINS LOCATED IN THE STERLING DRIVE AND SHERWOOD DRIVE RIGHTS-OF-WAY.
- PURCHASERS OF THE LOT IN THE SUBDIVISION MAY OR MAY NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OF STREETS, ROADS, WATER LINES AND TREATMENT, AND/OR WASTEWATER LINES AND TREATMENT.
- THE PROVISION OF IMPROVED ROADS, WATER SERVICE AND/OR WASTEWATER SERVICE WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

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DEERFIELD WOODS SUBDIVISION No. 10  
LAWRENCE, DOUGLAS COUNTY, KANSAS  
PRELIMINARY PLAT

REV	DATE	DESCRIPTION
1	6/2/15	PER CITY COMMENTS

DATE: 4/20/15  
PROJECT NO.: 20153009  
DESIGNED BY: LPE  
DRAWN BY: BS  
CHECKED BY: BZ

ISSUE SHEET NO.  
**1**  
OF 1 SHEETS

