Memorandum
City of Lawrence
Planning and Development Services

TO: Planning Commission
FROM: Planning Staff
CC: Scott McCullough, Planning and Development Services Director

Date: June 12, 2015

RE: MS-15-00213 – Variance associated with Minor Subdivision for A Replat of Rockledge Addition No. 2, located at 2100 Bob Billings Parkway, Lawrence, KS.

Variance requested: Reduction of Right-Of-Way for a Principle Arterial Street from 150’ to 100’.

Attachment A: Minor Subdivision MS-15-00213

Minor Subdivisions are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-15-00213) is being processed and requires Planning Commission approval of the reduced right-of-way along Bob Billings Parkway, a Principal Arterial Street. A copy of the Minor Subdivision is included with this memo for context; no other action is required by the Planning Commission related to the proposed Minor Subdivision.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations 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: Reduction in the width of right-of-way from 150’ to 100’ as required for a principal arterial street (Bob Billings Parkway) per Section 20-810 (e)(5).

The standard for the required right-of-way width changed in 2006 from 100’ to 150’ with the adoption of the Land Development Code. This property is west of the intersection of Iowa Street and Bob Billings Parkway. The property on the south side of Bob Billings Parkway is part of the University of Kansas. The north side of Bob Billings Parkway includes a religious institution, multi-dwelling residential uses, and vacant land.

This segment of Bob Billings Parkway is variable in width. The applicant proposes the dedication of additional right-of-way to achieve a total dedication of 50’ from the center line of Bob Billings Parkway or one-half of the typical 100’ of right-of-way along the majority of the street corridor.
As noted in previous reports, the 150’ of required right-of-way is more applicable to new greenfield development rather than existing corridors.

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

Development along this segment of the Bob Billings Parkway corridor includes both residential and non-residential uses with building and parking lot setbacks based on the existing property line/right-of-way line configuration. The undeveloped land located along the north side of Bob Billings Parkway has been approved for residential development based on the current parcel configuration for detached residential development on individual lots. Original plans for this property included construction of Quarry Lane south to intersect with Bob Billings Parkway. This street segment was never constructed. The purpose of this Minor Subdivision is to consolidate undeveloped lots, vacate a portion of Quarry Lane and create one large residential lot.

This Minor Subdivision includes the dedication of additional right-of-way along the north side of Bob Billings Parkway and the dedication of additional utility easement as well.

This application represents the dedication of 10’ to 17’ of additional right-of-way along the north side of Bob Billings Parkway consistent with the majority of the corridor to the west.

**STAFF FINDING:** Strict application of the regulations would limit the owner’s ability to develop the property based on an existing development pattern in the immediate area that generally
recognizes a 100’ right-of-way width along the corridor. 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-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. Some examples include:

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 31st 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)

The proposed request does not alter the development pattern. The intent of the land
consolidation is to create one large residential lot without changing the existing access
locations. The change in design requirements in 2006 requires the applicant to seek a variance
from this standard as part of the subdivision process – Minor Subdivision Approval.

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.” Bob Billings Parkway is identified as a principal
arterial street and is an existing street. The immediate intersection of Bob Billings Parkway and
Iowa Street has recently been improved. No additional improvements to this intersection are
proposed. Existing sidewalks and utilities are located in this area. Granting the requested
variance does not impact this design principle.

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.

The Public Works department is currently engaged in a study of the Bob Billings Parkway
between Kasold and the South Lawrence Trafficway to assess the corridor and identify
improvements as needed. This property is located east of that study area. Intersection
improvements have recently been completed at Iowa Street and Bob Billings Parkway. The
applicant’s dedication of the additional right-of-way along with proposed easements captures
the existing improvements, sidewalks, and utilities along this segment of the corridor. No
additional improvements are planned for this intersection.

Bob Billings Parkway is a designated “Principal Arterial Street”. Its current width includes 100’ of
public right-of-way. This segment of the street includes center greenspace islands. The current
subdivision regulations require principal arterial streets to include 150’ of right-of-way. The
majority of the current right-of-way is an existing condition of the site. An additional 10' to 17' of new right-of-way is proposed with the Minor Subdivision.

**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 planning of corridor improvements.

**STAFF RECOMMENDATION**

Approve the variance requested for a Minor Subdivision, MS-15-00213, variance request to reduce the right-of-way from Section 20-810(a)(5) for a principal arterial street from 150' to 100' per section 20-813(g) of the Land Development Code for property located at 2100 Bob Billings Parkway.
May 28, 2015

Sandra Day, AICP
Planner II
City of Lawrence
Planning & Development Services
6 East 6th Street
Lawrence, Kansas 66044

RE: SP-15-00213; Minor Subdivision for 2100 Bob Billings Parkway – Rockledge Addition No. 2

Dear Sandra:

We are requesting a variance from Section 20-810(e)(5) Streets Cross-Sections City of Lawrence Principal Arterial of 150 ROW dedication of ½ of the required ROW.

Dedication of ROW 50’ center line of street as shown on the Final Plat of Rockledge Addition No. 2 is being requested. This is 25 feet less than the required width. Bob Billing Parkway is totally constructed with a median and sidewalks on both sides. The requested 50 foot ROW with an additional 15 U/E outside that ROW will allow any improvements in the future. This also allows for the existing sidewalk to be included in the ROW that was outside the existing ROW of 33’ from centerline.

If you have any questions contact me by phone or email.

Sincerely,

C.L. Maurer, RLA, ASLA
Landplan Engineering, P.A.