

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.

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.



Civil Engineering
Landscape Architecture
Community Planning
Surveying

1310 WAKARUSA DRIVE | LAWRENCE, KANSAS 66049 | 785.843.7530 (p) | 785.843.2410 (f) | info@landplan-pa.com

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:

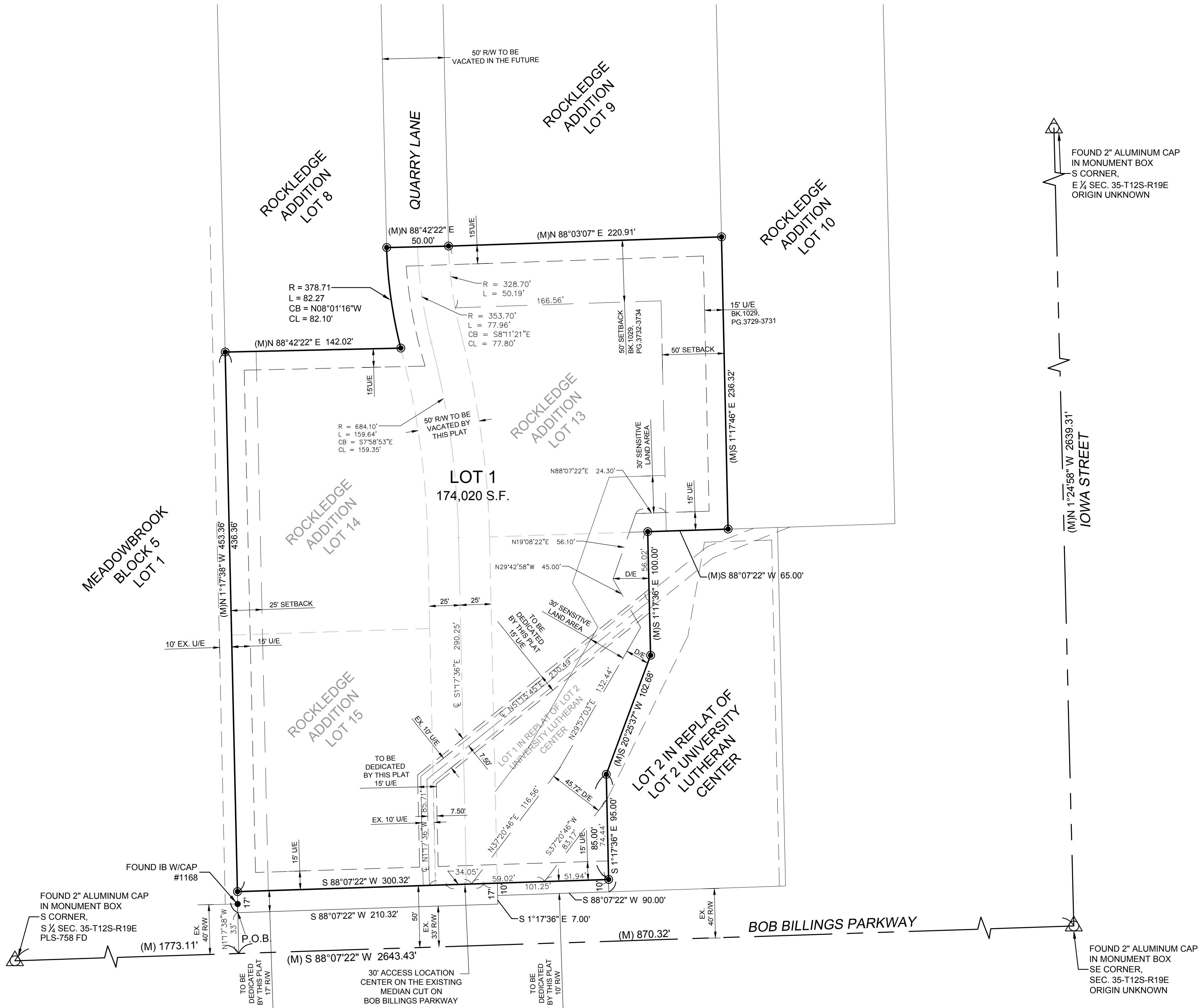
We are requesting a variance from Section 20-810(e)(5) Streets Cross-Sections City of Lawrence Principal Arterial of 150 ROW dedication of ½ of the required ROW.

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.

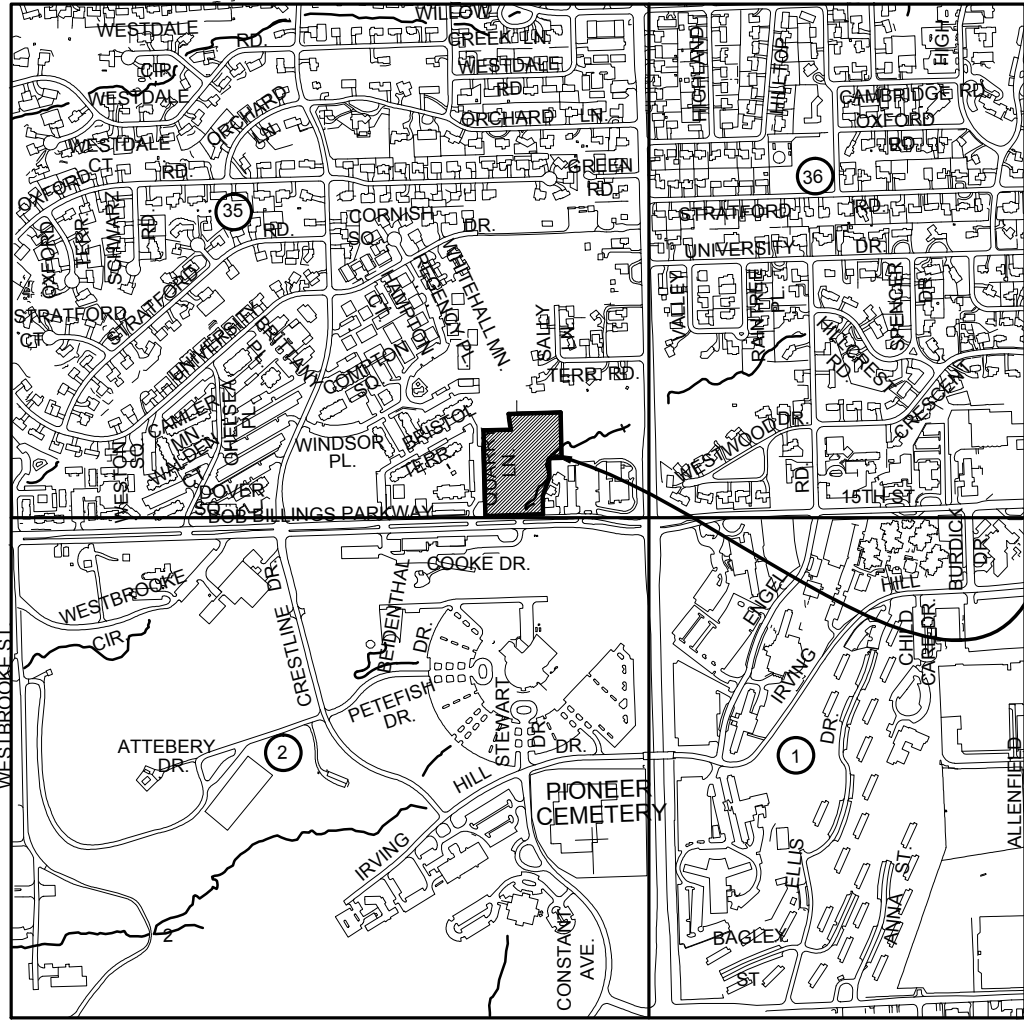
If you have any questions contact me by phone or email.

Sincerely,

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



LOCATION MAP:



SE 1/4, SEC. 35-T12S-R19E
CITY OF LAWRENCE
DOUGLAS COUNTY, KANSAS
SCALE: 1"=1000'

ROCKLEDGE ADDITION NO.2

A MINOR SUBDIVISION / ALL OF LOT 1 IN THE REPLAT OF LOT 2,
UNIVERSITY LUTHERAN CENTER, AN ADDITION TO THE CITY OF LAWRENCE,
DOUGLAS COUNTY, KANSAS, ALL OF LOTS 13, 14, 15 AND A PORTION OF
QUARRY LANE IN ROCKLEDGE ADDITION, AN ADDITION TO THE CITY OF
LAWRENCE, DOUGLAS COUNTY, KANSAS

SE 1/4, SEC. 35-T25S-R19E

LEGAL DESCRIPTION:

ALL OF LOT 1 IN THE REPLAT OF LOT 2, UNIVERSITY LUTHERAN CENTER, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, ALL OF LOTS 13, 14, 15 AND A PORTION OF QUARRY LANE IN ROCKLEDGE ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 15 IN SAID ROCKLEDGE ADDITION; THENCE NORTH 01°17'38" WEST, 453.36 FEET ALONG THE WEST LINE OF LOTS 15 AND 14 TO THE SOUTHWEST CORNER OF LOT 8; THENCE NORTH 88°42'22" EAST, 142.02 FEET ALONG THE SOUTH LINE OF LOT 8; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 378.71 FEET, AN ARC LENGTH OF 82.27 FEET, A CHORD LENGTH OF 82.10 FEET AND CHORD BEARING OF NORTH 08°01'16" WEST; THENCE NORTH 88°42'22" EAST, 50.00 FEET ACROSS QUARRY LANE TO THE SOUTHWEST CORNER OF LOT 9 IN SAID ROCKLEDGE ADDITION; THENCE NORTH 88°03'07" EAST, 220.91 FEET TO THE SOUTHEAST CORNER OF LOT 9; THENCE SOUTH 01°17'46" EAST, 236.32 FEET ALONG THE WEST LINE OF LOT 10 IN SAID ROCKLEDGE ADDITION TO THE NORTH LINE OF LOT 2 IN THE REPLAT OF LOT 2, UNIVERSITY LUTHERAN CENTER; THENCE SOUTH 88°07'22" WEST, 65.00 FEET TO THE NORTHWEST CORNER OF THE LOT 2 IN THE REPLAT OF LOT 2 UNIVERSITY LUTHERAN CENTER; THENCE SOUTH 01°17'36" EAST, 100.00 FEET ALONG THE WEST LINE OF SAID LOT 2; THENCE SOUTH 20°25'37" WEST, 102.68 FEET; THENCE SOUTH 01°17'36" EAST, 95.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 88°07'22" WEST, 30.00 FEET TO THE EAST LINE OF QUARRY LANE; THENCE SOUTH 01°17'36" EAST, 7.00 FEET; THENCE SOUTH 88°07'22" WEST, 210.32 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES:

NOTE 1. THAT NO PORTION OF THE ABOVE-DESCRIBED TRACT OF LAND SHALL BE BUILT UPON, USED OR OCCUPIED FOR OTHER THAN RESIDENTIAL PURPOSES; THAT THERE SHALL NOT BE ERRECTED OR MAINTAINED ON ANY SEPARATELY PLATTED LOT OF ROCKLEDGE ADDITION, AS SUCH LOTS MAY BE SUBDIVIDED OR COMBINED, MORE THAN ONE SINGLE DETACHED DWELLING HOUSE, CONSTRUCTED FOR ONE FAMILY ONLY, EITHER WITH OR WITHOUT A GARAGE. EACH DWELLING SHALL BE ON ITS OWN INDIVIDUAL PLATTED LOT FRONTING ON A PUBLIC STREET; AND THE TERM FAMILY SHALL BE DEFINED AS CONSISTING OF NOT MORE THAN THREE UNRELATED ADULTS. NOTWITHSTANDING THE FOREGOING, A SEPARATE ACCESSORY DWELLING UNIT, WHETHER A PART OF THE PRINCIPAL DWELLING HOUSE OR A PART OF THE GARAGE SHALL BE PERMITTED AS LONG AS (i) SUCH ACCESSORY DWELLING IS NOT A SEPARATE STRUCTURE AND ITS USE IS IN STRICT COMPLIANCE WITH APPLICABLE ORDINANCES OF THE CITY OF LAWRENCE IN EFFECT ON MARCH 1, 2007, AND (ii) EITHER THE PRINCIPAL DWELLING UNIT OR THE ACCESSORY DWELLING UNIT IS OCCUPIED BY ONE OR MORE OF THE PERSONS WHO EITHER ARE THE RECORD OWNERS OF THE LOT OR HAVE AN OWNERSHIP OR BENEFICIAL INTEREST IN THE RECORD OWNER OF THE LOT, AND THE ACCESSORY DWELLING SHALL NOT BE OCCUPIED IN A WAY THAT SHALL ADD MORE THAN ONE ADDITIONAL ADULT RESIDENT TO THE PERMITTED NUMBER OF RESIDENTS THAT CONTRIBUTE TO THE DEFINITION OF A FAMILY.

NOTE 2. THAT NO PART OF ANY RESIDENCE AND NO BUILDING OR STRUCTURE OTHER THAN A BOUNDARY FENCE OR WALL SHALL BE ERRECTED OR MAINTAINED ON ANY LOT SHOWN ON THIS PLAT, AS SUCH LOTS MAY BE SUBDIVIDED OR COMBINED, WITHIN A DISTANCE OF FIVE FEET FROM THE SIDE LOT LINE, THE DISTANCE BEING MEASURED FROM THE GREATEST OVERHANG OR EXTENSION OF SAID STRUCTURE.

NOTE 3. ANY DWELLING HOUSE OR GARAGE SHALL BE NOT OVER TWO STORIES IN HEIGHT FROM THE BASE LEVEL OF THE MAIN ENTRANCE.

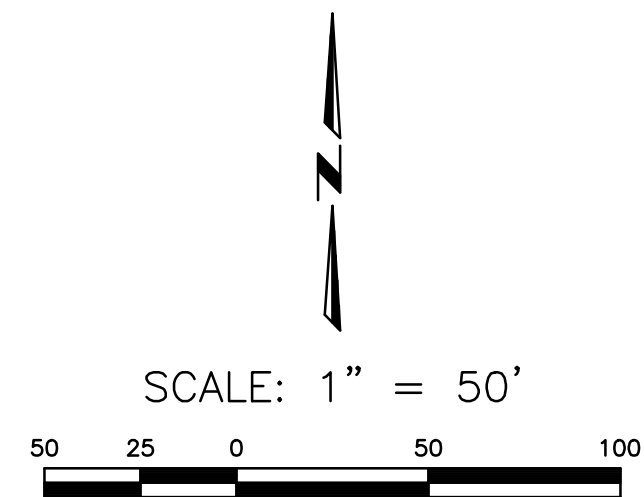
NOTE 4. NO ZONING OR SUBDIVISION SHALL BE PERMITTED ON THIS PROPERTY OTHER THAN FOR DETACHED SINGLE FAMILY RESIDENTIAL USE AS AN RS DISTRICT UNDER THE ZONING AND SUBDIVISION LAWS IN EFFECT UNDER THE MARCH 1, 2007 LAWS OF THE CITY OF LAWRENCE, KANSAS.

MONUMENTATION:

- SECTION CORNER
- SET 1/2" x 24" REBAR W / "PLS 889" CAP
- FOUND IRON BAR AS NOTED

LEGEND:

- (M) MEASURED DIMENSION
- (P) PLATTED DIMENSION
- R/W RIGHT-OF-WAY
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT



DEDICATION:

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF ROCKLEDGE ADDITION NO. 2 AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "DRAINAGE EASEMENT" OR "D/E", "UTILITY EASEMENT" OR "U/E" AND "RIGHTS-OF-WAY" OR "R/W".

ROBERT W. LIGHTWARDT AND ELIZABETH T. LIGHTWARDT REVOCABLE TRUST, DATED DEC. 3, 1993

ROBERT W LIGHTWARDT, CO-TRUSTEE

ELIZABETH T LIGHTWARDT, CO-TRUSTEE

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID DOUGLAS COUNTY AND KANSAS, CAME ROBERT W LIGHTWARDT, CO-TRUSTEE WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) 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

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID DOUGLAS COUNTY AND KANSAS, CAME ELIZABETH T LIGHTWARDT, CO-TRUSTEE WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) 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 UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY

SCOTT McCULLOUGH DATE
DIRECTOR, PLANNING & DEVELOPMENT SERVICES

APPROVAL OF AND VACATION OF ACCESS EASEMENT:

JEREMY FARMER DATE DIANE BUCIA DATE
MAYOR CITY CLERK
REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005:

MICHAEL D. KELLY, P.S. #869 DATE
DOUGLAS COUNTY SURVEYOR

FILING RECORD:

STATE OF KANSAS
COUNTY OF DOUGLAS

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 PLAT BOOK ____ PAGE ____.

REGISTER OF DEEDS
KAY PESNELL

NOTES:

ERROR OF CLOSURE = 1: 3.328,536

BASIS OF BEARINGS: KANSAS STATE PLANE NORTH ZONE 1501.

STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS IN BOOK _____, PAGE _____.

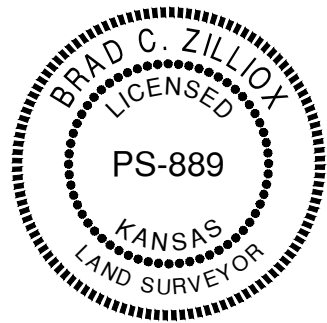
THE LOTS WILL BE PINNED PRIOR TO THE RECORDATION OF THE FINAL PLAT AT THE REGISTER OF DEEDS OFFICE, PER SECTION 20-811(k).

FILING THIS PLAT WITH VACATE ALL OF QUARRY LANE WITHIN THE LIMITS OF THIS PLAT.

FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION IS PROHIBITED AND SHALL BE PROCESSED AS A MAJOR SUBDIVISION, UNLESS THE ACTIONS MEET THE EXPLANATION NOTED IN SECTION 20-808(c)(5)(i).

CERTIFICATION:

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE THE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION MARCH 15, 2015. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.



BRAD C. ZILLOX, P.S. #889
1310 WAKARUSA DRIVE, SUITE 100
LAWRENCE, KS 66049
785.843.7530