

Memorandum

City of Lawrence

Planning and Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: June 10, 2015

RE: Minor Subdivision, MS-15-00265, variance request from the 150' right-of-way width requirements for Wakarusa Corporate Centre Addition No. 3, located in the 4900 block of Corporate Centre Dr. Submitted by Phillip DiVilbiss on behalf of Bristol Partners XII LLC and BCL Alameda LLC, property owners of record.

Attachment A: Minor Subdivision MS-15-00265
Attachment B: Approved Site Plan SP-03-20-2000

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 only. A copy of the Minor Subdivision is included with this memo for context; no action is required for Minor Subdivision approval.

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: Reduction in the width of right-of-way from 150' to 100' as required for a Principal Arterial Street (Wakarusa Drive) per Section 20-810 (e) (5).

The standard for the required right-of-way width changed in 2006 from 100' to 150'. This area is developing with the 100' right-of-way. There are a number of exclusive utility easements located parallel to Wakarusa Drive. 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.

The property is currently platted as a single lot. A site plan was approved for development of the site as an office complex with multiple buildings and an interior drive. The purpose of the Minor Subdivision is to divide the developed and undeveloped property and establish individual lots to facilitate development of the site. Both sides of Wakarusa Drive are platted and

developed. There are no plans to widen Wakarusa Drive with the exception of some intersections as needed.

STAFF FINDING: Strict application of the regulations would limit the owner's ability to develop the property based on approved development plans for this property. 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.

The proposed request does not alter the development pattern. The intent of the land division is to separate the developed and undeveloped parcels and to establish individual developable lots. The interior access and circulation will be retained. But for the change in design requirements in 2006 the applicant would be able to divide the land administratively.

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."* Wakarusa Drive is identified as a Principal Arterial Street and is an existing street. 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 current width for Wakarusa Drive includes 100' of public right-of-way. Much of the corridor also includes parallel easements. Some of these easements are for the exclusive use for utilities such as electric or gas. The current subdivision regulations require principal arterial streets to include 150' of right-of-way. The current right-of-way is an existing condition of the corridor. New right-of-way was not 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 though the planning of corridor improvements.

STAFF RECOMMENDATION

Approve the variance requested for a Minor Subdivision, MS-15-00265, 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 in the 4900 block of Wakarusa Drive.

CHECKED BY: MK