# Memorandum City of Lawrence Planning and Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: May 18, 2015

**RE:** Miscellaneous Item No. 1: MS-15-00096 – Variance associated with

Minor Subdivision for A Replat of Lot 1, Bella Sera at the Preserve, located

at 4500 Bob Billings Parkway, Lawrence, KS.

Variance requested: Reduction of Right-Of-Way for a Primary Arterial Street

from 150' to 100'.

**Attachment A:** Minor Subdivision MS-15-00096 **Attachment B:** Administrative Determination

Minor Subdivisions are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-15-00096) is completed subject to Planning Commission approval of the reduced right-of-way. 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 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).

**Applicant Response:** "The standard for the required right-of-way width changed in 2006 from 100' to 150'. This area was almost fully developed at that time with the 100' right-of-way. It would serve no purpose to require the additional 50' of right-of-way to be dedicated as the existing right-of-way adjacent to this parcel is 100'. 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 is largely developed with 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 at 4500 Bob Billings Parkway has been approved for residential development based on the current parcel configuration. Original plans for this property included a phased residential development. Since Phase 1 construction the development group intends to subdivide the developed and undeveloped property into separate lots.



To date the applicant has received multiple development approvals. Related projects include

- PDP-12-14-04, approved by the Planning Commission on February 2, 2005 and the City Commission on February 22, 2005.
- FDP-5-6-05 approved by the Planning Commission on June 20, 2005 and recorded with the Register of Deeds Office on August 9, 2005.
- PDP-13-00477, approved by the Planning Commission on January 27, 2014 and the City Commission on February 11, 2014.

The 2014 approval modified the housing type proposed for the undeveloped, phase 2, and reduced the density but did not otherwise alter the development intent.

**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. 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 31<sup>st</sup> Street (11/8/13 and 10/21/13)
- 4. PP-13-00352 Burrough's Creek Addition regarding Haskell Avenue (10/21/13)

The proposed request does not alter the development pattern. The intent of the land division is to separate the developed and undeveloped parcels of land without changing the existing access locations. But for the change in design requirements in 2006 the applicant would be able to complete the planned development and divide the land administratively.

Section 20-810 (e)(1) provide 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. Granting the requested variance does not impact this design principal.

**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 facility and identify improvements as needed. It is anticipated that a future traffic signal or roundabout could be required at Inverness Drive and Bob Billings Parkway. At this time there are no designs for an improvement at that intersection.

Bob Billings Parkway is a designated Principal Arterial Street. Its current width includes 100' of public right-of-way. The north side of Bob Billings Parkway includes an additional 10' of utility easement along the property line. 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 site. New right-of-way was not proposed with the Minor Subdivision.

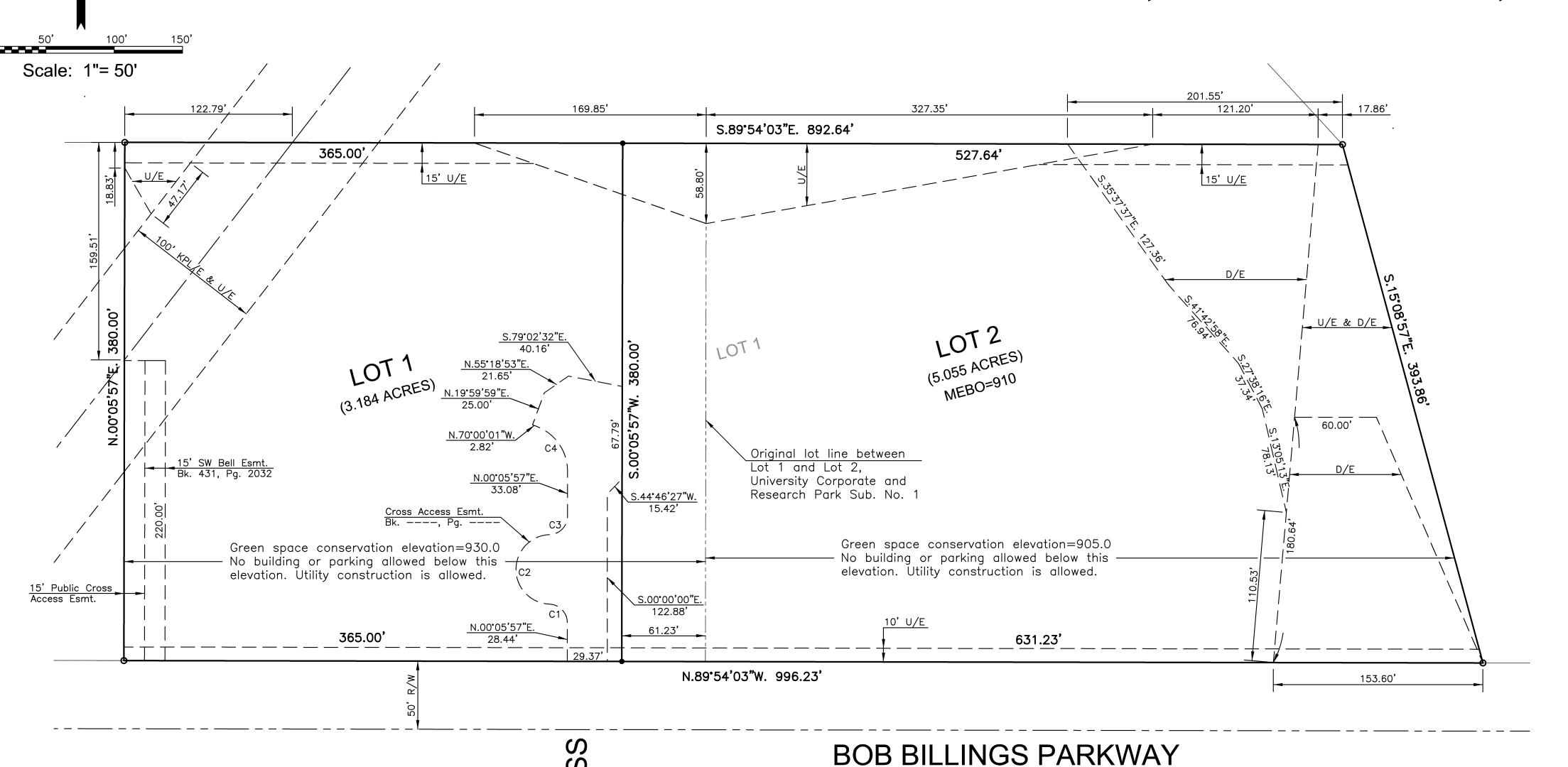
**STAFF FINDING:** Granting this requested variance from the required right-of-way will not harm the public health, safety or welfare. These public aspirations will continue to be protected though the planning of corridor improvements.

#### STAFF RECOMMENDATION

Approve the variance requested for a Minor Subdivision, MS-15-00096, variance request to reduce the right-of-way form 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 4500 Bob Billings Parkway.

# A REPLAT OF LOT 1, BLOCK ONE BELLA SERA AT THE PRESERVE

A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



RVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
	20.77	13.50'	18.78'	N.43°58'02"W.
	78.45'	25.50'	50.97'	N.00°05'57"E.
	20.77'	13.50'	18.78'	N.44°09'56"E.
	42.82'	35.00'	40.20'	N 34°57'02"W

**SURVEYOR'S CERTIFICATE:** 

ALBERT R. DIEBALL, P.S., #758

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005.

**COUNTY SURVEYOR** 

MICHAEL KELLY P.S. #869

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF KANSAS WITH EXPERIENCE AND PROFICIENCY IN

LAND SURVEYING, THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED

PREPARATION OF THIS PLAT, THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND THAT ALL THE MONUMENTS SHOWN

HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE

BEST OF MY KNOWLEDGE AND BELIEF. THE FIELD WORK WAS COMPLETED

AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF DOUGLAS COUNTY, KANSAS, HAVE BEEN COMPLIED WITH IN THE

(STATE OF KANSAS)

JANUARY 2015.

BG CONSULTANTS, INC.

1405 WAKARUSA DRIVE LAWRENCE, KANSAS 66049

(785) 749-4474

COUNTY SURVEYOR

(COUNTY OF DOUGLAS) SS:

# **DEDICATION**

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED PROPERTY, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME OF "A REPLAT OF LOT 1, BLOCK ONE, BELLA SERA AT THE PRESERVE" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOT(S) AS SHOWN AND FULLY DEFINED ON THIS PLAT.

WILL HAYES, MEMBER BELLA SERA LLC

MARY LOCNISKAR, PRESIDENT BELLA SERA COMMUNITY ASSOCIATION INC.

# **NOTARY CERTIFICATE:**

A.D., 2015. MY COMMISSION EXPIRES \_

(STATE OF KANSAS) (COUNTY OF SEDGWICK) SS:

A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT WILL HAYES, MEMBER, BELLA SERA LLC, ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_

NOTARY PUBLIC

(STATE OF KANSAS)

I, LINDSAY LANDIS, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY

NOTARY PUBLIC

(COUNTY OF DOUGLAS) SS:

THAT MARY LOCNISKAR, PRESIDENT, BELLA SERA COMMUNITY ASSOCIATION INC., ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20<u>15</u>. MY COMMISSION EXPIRES <u>08-18-2018</u>.

# PLANNING DIRECTOR

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

SCOTT McCULLOUGH PLANNING DIRECTOR

**PROJECT** 

LOCATION

#### **CERTIFICATE OF THE REGISTER OF DEEDS:**

(STATE OF KANSAS) (COUNTY OF DOUGLAS) SS:

08-18-2018

08-18-2018

THIS INSTRUMENT WAS FILED FOR RECORD, ON THE \_\_\_\_ DAY OF A.D., 2015 AT \_\_\_\_ O'CLOCK \_\_.M., AND DULY RECORDED IN BOOK \_\_\_\_\_ ON PAGE \_\_\_\_\_.

KAY PESNELL, REGISTER OF DEEDS

#### LEGEND

- SET 1/2" x 24" IRON BAR WITH PLASTIC CAP MARKED "BG CONS RLS-758"
- FOUND MONUMENT (1/2" IRON BAR BELIEVED SET FOR PARKVIEW 15 PLAT UNLESS NOTED OTHERWISE)
- PLATTED BEARING/DISTANCE
- UTILITY EASEMENT
- DRAINAGE EASEMENT
- KPL/E KPL EASEMENT

## **DESCRIPTION**

ALL OF LOT 1, BLOCK ONE, BELLA SERA AT THE PRESERVE, A REPLAT OF PARKVIEW 15, A REPLAT OF LOTS 1 AND 2A, UNIVERSITY CORPORATE AND RESEARCH PARK SUBDIVISION NO. 1, PLATTED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS

#### **GENERAL NOTES**

- SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS MAJOR SUBDIVIONS, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION
- STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES AND WALLS).
- 5. COVENANTS PERTAINING TO THE BELLA SERA AT THE PRESERVE PLAT ARE ON FILE WITH THE DOUGLAS COUNTY REGISTER OF DEEDS IN BOOK 378, PAGE 781 AND BOOK 387, PAGE 1160.

#### FLOODPLAIN DATA

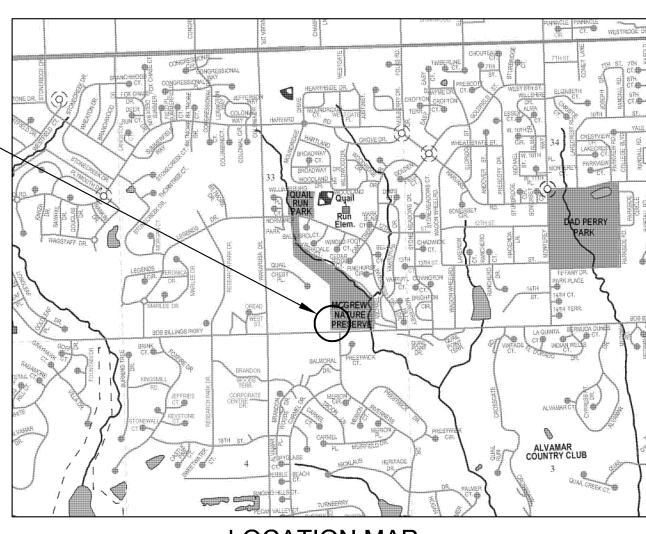
THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0158D, EFFECTIVE DATE AUGUST 5, 2010.

#### STREET TREES

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

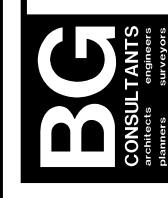
# MIN. ELEV. OF BLDG. OPENING

THE MINIMUM ELEVATION OF BUILDING OPENING (MEBO) HAS BEEN SHOWN FOR EACH LOT. THE ELEVATIONS WERE DERIVED FROM THE FINAL PLAT OF BELLA SERA AT THE PRESERVE. REFERENCE THAT PLAT FOR VERTICAL



**LOCATION MAP** 

66049 OF



Mar. 9, 2015 Revised: April 8, 2015

SHEET NO.



Scale: 1"= 40'

PROJECT

LOCATION

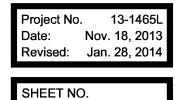
Woodland Dk

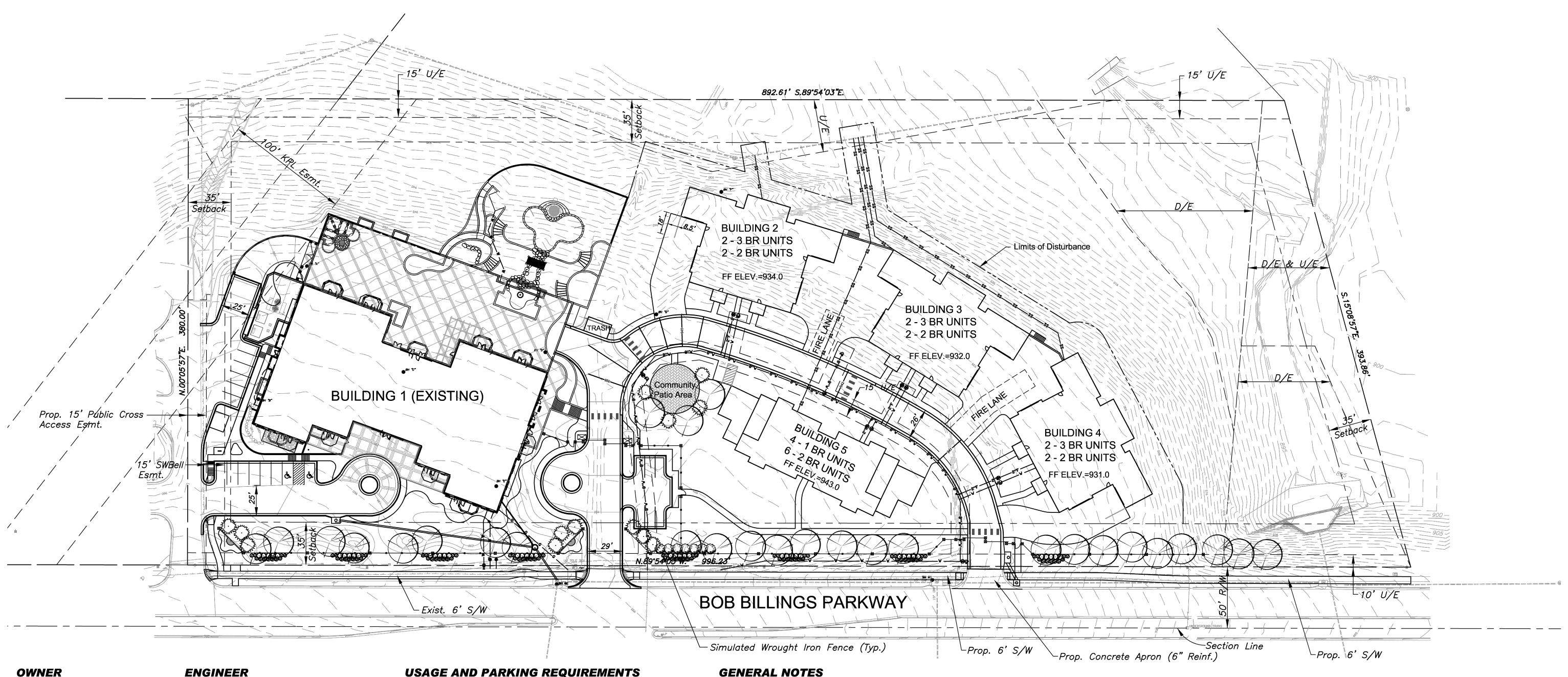
nggmill Pa

QUAIL RUN Woodland

**LOCATION MAP** 

ELEMENTARY





#### DAVID J. HAMBY, P.E., CFM (KS #15594) BG CONSULTANTS, INC. 1405 WAKARUSA DRIVE BELLA SERA LLC, C/O HINKLE LAW FIRM 8621 E 21ST ST N STE 200 WICHITA, KS 67206

## **APPLICANT**

4500 BOB BILLINGS PARKWAY LAWRENCE, KS 66049

#### **DESCRIPTION**

LOT 1, BELLA SERA AT THE PRESERVE, A REPLAT OF PARKVIEW 15, A REPLAT OF LOTS 1 AND 2A, UNIVERSITY CORPORATE AND RESEARCH PARK SUBDIVISION NO. 1 IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS

LAWRENCE, KS 66049

#### ZONING

THE SUBJECT PROPERTY IS ZONED PRD.

THE PROPERTY TO THE SOUTH IS ZONED RM12 & PUD.

THE PROPERTY TO THE EAST IS ZONED OS.

THE PROPERTY TO THE WEST IS ZONED GPI.

THE PROPERTY TO THE NORTH IS ZONED IBP AND OS.

### FLOODPLAIN DATA

THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0158D, EFFECTIVE DATE AUGUST 5, 2010.

## SITE CHARACTERISTICS TABLE:

<b>EXISTING</b>	BUILDINGS	0	S.F.	PROPOSED	BUILDINGS	52,198	S.F.
<b>EXISTING</b>	PAVEMENT	2,365	S.F.	PROPOSED	PAVEMENT	91,815	S.F.
<b>EXISTING</b>	<b>IMPERVIOUS</b>	2,365	S.F.	PROPOSED	<b>IMPERVIOUS</b>	144,013	S.F.
<b>EXISTING</b>	PERVIOUS	356,509	S.F.	PROPOSED	PERVIOUS	214,861	S.F.
PROPERT	Y AREA	358,874	S.F.				

### **PERMITTED USES:** (Pre-2006 Zoning Ordinance)

Proposed uses and use restrictions to the planned residential development:

Uses permitted in the PRD-2 Planed Residential District shall include all of those uses permitted in Use Group 3 — Residential Single—Family Detached; Use Group 3A - Residential Duplex; and Use Group 4 - Residential Multi-Family.

## RESIDENTIAL MULTI-FAMILY

BUILDING 1 - EXISTING 17 - 2 BEDROOM UNITS, 20 - 3 BEDROOM UNITS, 4,200 SF OFFICE 90 REQUIRED (1.5/2 BR, 2.5/3 BR, 1/300 SF OFFICE) 97 PROVIDED (4 - HANDICAP)

80 UNDERGROUND PARKING GARAGE 17 SURFACE PARKING

8 BICYCLE SPACES REQUIRED 8 BICYCLE SPACES PROVIDED

BUILDINGS 2, 3, 4 & 5 4 - 1 BEDROOM UNITS, 12 - 2 BEDROOM UNITS, 6 - 3 BEDROOM UNITS 49 REQUIRED (1 PER BR [46] + 1 PER 10 UNITS [3]) 53 PROVIDED (1 – HANDICAP) 44 STRUCTURE GARAGES

9 SURFACE PARKING 4 BICYCLE SPACES REQUIRED 4 BICYCLE SPACES PROVIDED

#### **BUILDING INFORMATION AND PHASING**

BUILDING 1 — EXISTING BUILDING HEIGHT = 69' FLOOR AREA = 107,400 S.F. FOOTPRINT = 22,100 S.F.

BUILDING 2, 3 & 4 BUILDING HEIGHT = 36' FLOOR AREA = 12,670 S.F. (+2,296 GARAGES) FOOTPRINT = 7,371 S.F. ESTIMATED CONSTRUCTION = 2014

**BUILDING 5** BUILDING HEIGHT = 49' FLOOR AREA = 17,612 S.F. (+7,372 GARAGES) FOOTPRINT = 7,985 S.F. ESTIMATED CONSTRUCTION = 2015

#### **DWELLING UNIT DENSITY**

59 units / 7.01 acres = 8.4 units/acre

Per 20-701(f) Calculated Density = 5.7 DU/acre

### **GREENSPACE CONSERVATION ELEVATION**

No building or parking will be allowed below the elevation of 905.0 (Lot 1) or 930.0 (Lot 2). Lot references refer to Parkview 15 subdivision. Utility construction will be allowed.

- 2. THIS SITE PLAN HAS BEEN DESIGNED TO COMPLY WITH PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG) FOR BUILDINGS AND FACILITIES, APPENDIX A TO 28 CFR PART 36.
- THE WEIGHT OF THE REFUSE TRUCKS.
- 4. A STORMWATER POLLUTION PREVENTION PLAN WILL BE SUBMITTED PRIOR TO THE APPLICATION FOR A BUILDING PERMIT.
- 5. PAVEMENT WILL MEET THE CITY OF LAWRENCE REQUIREMENTS.
- 6. THE TRASH ENCLOSURE WILL BE CONSTRUCTED TO MEET CITY STANDARDS.
- 7. A WAIVER HAS BEEN GRANTED TO ALLOW PARKING ACCESS DRIVES WITHIN THE 35' SETBACK.
- 8. THE DRAINAGE EASEMENT WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES, AND WALLS). (CITY CODE 20-1101(G))

# STREET TREES

Street trees shall be provided in accordance with the Master Street Tree Plan filed with Douglas County Register of Deeds at Book 992, Page 1930.

The City is hereby granted temporary right of entry to plant the required street trees pursuant to Chapter 21, Article 7, Section 21—708a of the City Subdivision Regulations.

## **COMMON OPEN AREA**

The total common open area for this lot is 239,154 s.f. The required 20% area is 71,775 s.f.

## **FUTURE REVISIONS**

All property owners of all properties waive their right to approve or disapprove any alterations or modifications to the preliminary development plan.

## 1. THE TOPOGRAPHY SHOWN HEREON WAS GENERATED BY ACTUAL FIELD SURVEY.

- 3. THE CITY OF LAWRENCE SHALL NOT BE RESPONSIBLE FOR DAMAGE TO THE DRIVE DUE TO

The common open area shall consist of the Pool area, the Patio areas and the undisturbed Preserve area on the northeast portion of this lot.

Bella Sera Community Association, Inc. will be responsible for maintaining the common open area.