

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.

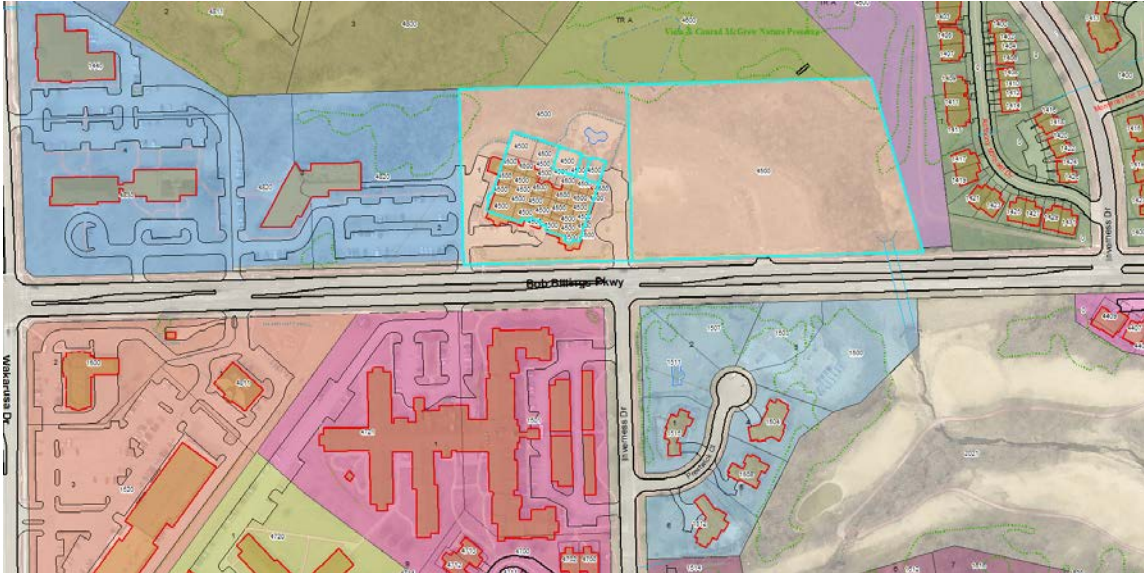
The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-813(g). This section lists the criteria that must be met in order for a variance to be approved. The requested variance 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 31st 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.

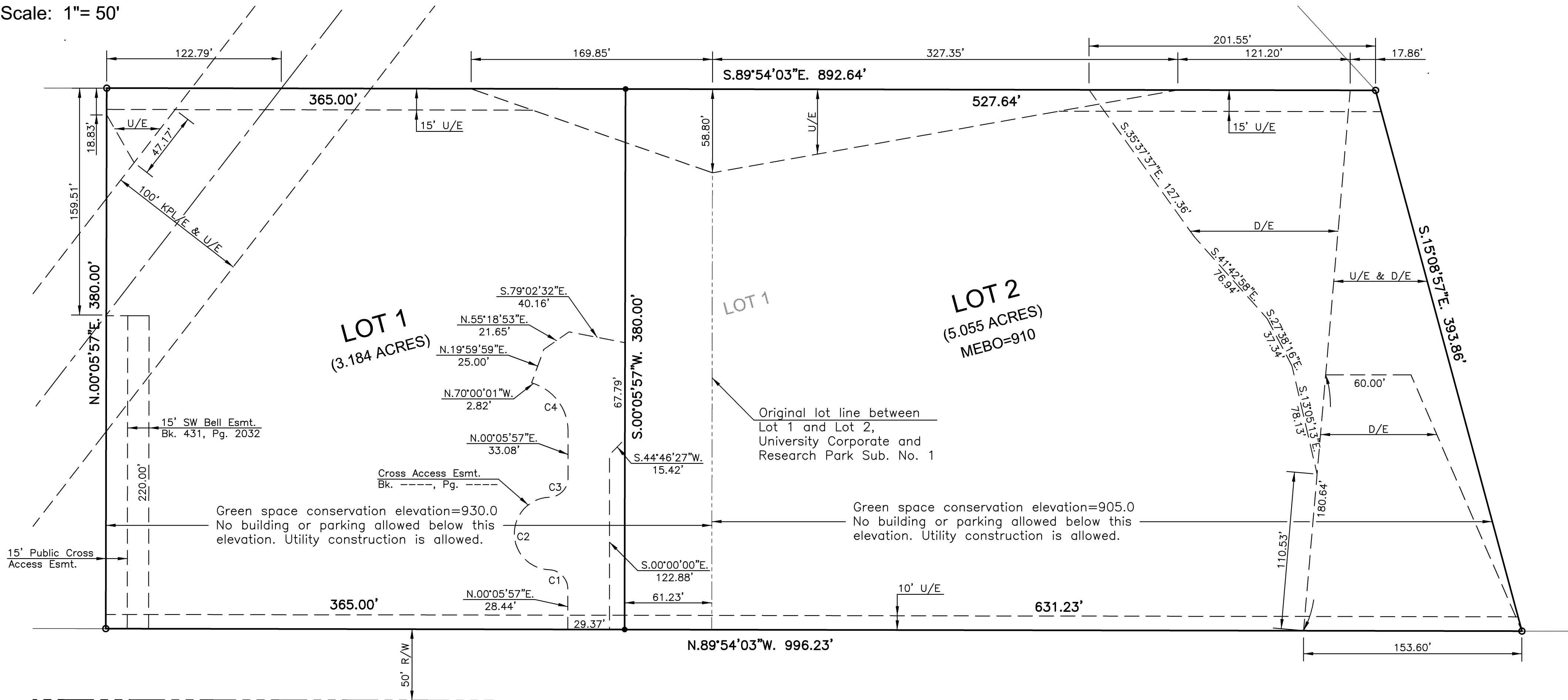
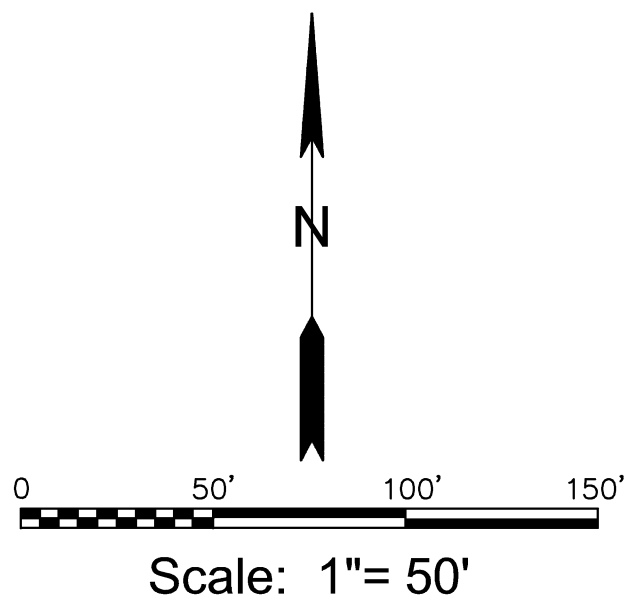
Bob Billings Parkway is a designated Principal Arterial Street. Its current width includes 100' of public right-of-way. The north side of Bob Billings Parkway includes an additional 10' of utility easement along the property line. The current subdivision regulations require principal arterial streets 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 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 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



CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	20.77'	13.50'	18.78'	N.43°58'02"W.
C2	78.45'	25.50'	50.97'	N.00°05'57"E.
C3	20.77'	13.50'	18.78'	N.44°09'56"E.
C4	42.82'	35.00'	40.20'	N.34°57'02"W.

SURVEYOR'S CERTIFICATE:

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

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 AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF DOUGLAS COUNTY, KANSAS, HAVE BEEN COMPLIED WITH IN THE 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 JANUARY 2015.

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

BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(785) 749-4474

COUNTY SURVEYOR

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

MICHAEL KELLY P.S. #869
COUNTY SURVEYOR

DATE

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.

BY:

WILL HAYES, MEMBER
BELLA SERA LLC

MARY LOCNISKAR, PRESIDENT
BELLA SERA COMMUNITY ASSOCIATION INC.

NOTARY CERTIFICATE:

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

I, _____, 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 _____, A.D., 2015. MY COMMISSION EXPIRES _____.

NOTARY PUBLIC

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

I, LINDSAY LANDIS, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY 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., 2015. MY COMMISSION EXPIRES 08-18-2018.

NOTARY PUBLIC

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

DATE

CERTIFICATE OF THE REGISTER OF DEEDS:

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

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)
- (150') PLATTED BEARING/DISTANCE
- U/E UTILITY EASEMENT
- D/E 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 COUNTY, KANSAS.

GENERAL NOTES

- THE BEARINGS HEREON ARE BASED ON THE FINAL PLAT OF PARKVIEW 15.
- FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS MAJOR SUBDIVISIONS, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION 20-808(c)(5)(i).
- 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).
- A BLANKET EASEMENT FOR THE (MOCKING BIRD HILL) WESTAR ENERGY POWER LINE IS RECORDED IN BOOK 156 ON PAGE 206. THERE ARE THREE "GRANT OF RIGHT OF WAY" DOCUMENTS RECORDED FOR THE 50 FOOT EASEMENTS ON EACH SIDE OF THE CENTERLINE. THE "GRANT OF RIGHT OF WAY" DOCUMENTS RECORDED IN BOOK 427, PAGES 1605 & 1607 ARE FOR THE SOUTHEAST 50 FOOT AND BOOK 427, PAGE 1598 IS FOR THE NORTHWEST SIDE OF THE CENTERLINE. THE PARKVIEW 15 FINAL PLAT, THE UNIVERSITY CORPORATE AND RESEARCH PARK SUBDIVISION No.1 PLAT AND THE OREAD WEST No. 4 PLAT ALL INDICATE A 50' EASEMENT ON EACH SIDE.
- 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

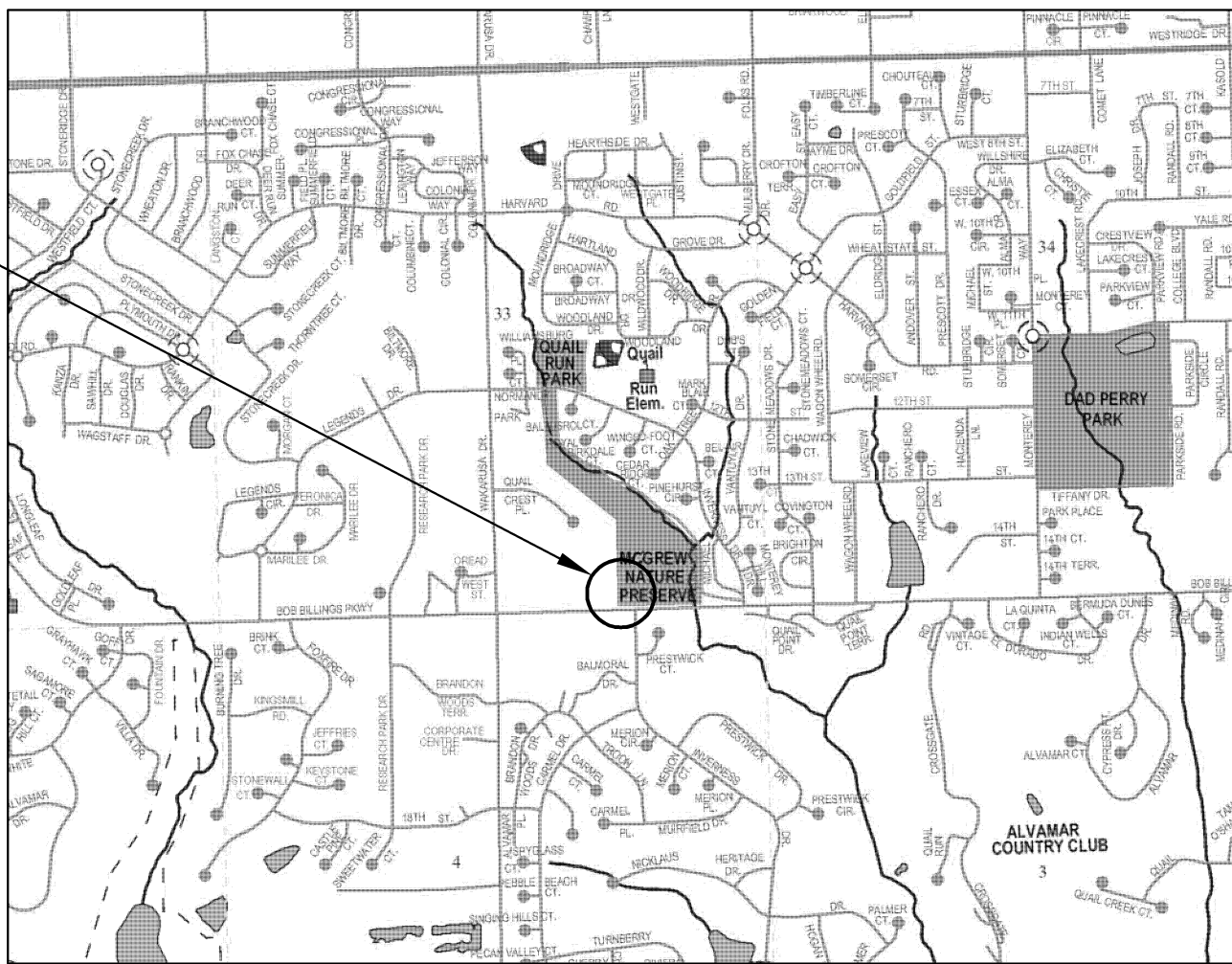
THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0158D, EFFECTIVE DATE AUGUST 5, 2010.

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 CONTROL.



LOCATION MAP

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

4500 BOB BILLINGS PARKWAY, LAWRENCE, KS 66049

MINOR SUBDIVISION

BG CONSULTANTS
engineers
architects
surveyors

Project No. 14-1376L
Date: Mar. 9, 2015
Revised: April 8, 2015

SHEET NO.

1

