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 Invemness 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.