Memorandum
City of Lawrence
Planning and Development Services

TO: Planning Commission
FROM: Planning Staff
CC: Scott McCullough, Planning and Development Services Director

Date: November 6, 2015

RE: Minor Subdivision, MS-15-00532, variance request to reduce the right-of-way for a principal arterial street per section 20-813(g) of the Land Development Code for Lawrence-Ousdahl No. 1, located at 1714 W. 23rd Street. Submitted by Lawrence Ousdahl, LTD, property owner of record.

Attachment A: Minor Subdivision MS-15-00532

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 for W. 23rd Street. A copy of the Minor Subdivision is included with this memo for context; no action is required for Minor Subdivision approval.

The property is located along the north side of W. 23rd Street. The property also extends to the east and is adjacent to Ousdahl Road. This is a developed corridor. The applicant intends to redevelop the property as a Fast Order Food use and is replatting the property. The redevelopment includes the consolidation and relocation of existing driveways along W. 23rd Street.

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. As noted in previous reports, the 150' of required right-of-way is more applicable to new greenfield development rather than existing, developed corridors.

**VARIANCE #1:** Reduction in the width of the right-of-way from 150' to 100' as required for a principal arterial street (W. 23rd Street) 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.

**Criteria 1:** Strict application of these regulations will create an unnecessary hardship upon the subdivider.
STAFF FINDING: Strict application of the regulations would require acquiring additional right-of-way that would result in a reduction of the developable area of the parcel. 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. Additional right-of-way dedication would be especially burdensome due to the shallow lot depths along the north side of W. 23rd Street. 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(s) is (are) 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.

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.” W. 23rd Street is identified as a principal arterial street and is an existing street.

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.

W. 23rd Street is a designated “Principal Arterial Street”. Its current width includes 100’ of public right-of-way along this segment of the corridor. As properties redevelop along this corridor best practices for access management have been and are being applied. This has resulted in a reduction of curb cuts by consolidating access points, the addition of greenspace and parking lot setbacks as well as construction of sidewalks and the installation of street trees.

STAFF FINDING: Granting this requested variance from the required right-of-way will not harm the public health, safety or welfare.

STAFF RECOMMENDATION

Approve the variance from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for W. 23rd Street subject to the following condition:

1. The plat shall be revised to include the following note: On November 16, 2015 the Lawrence/Douglas County Planning commission approved a variance from right-of-way requirements in Section 20-810 (e)(5) of the Subdivision Regulations to allow the W. 23rd Street right-of-way to remain at 100 feet within this Minor Subdivision in Lieu of the 150 feet required for a Principal Arterial Street.