

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.*

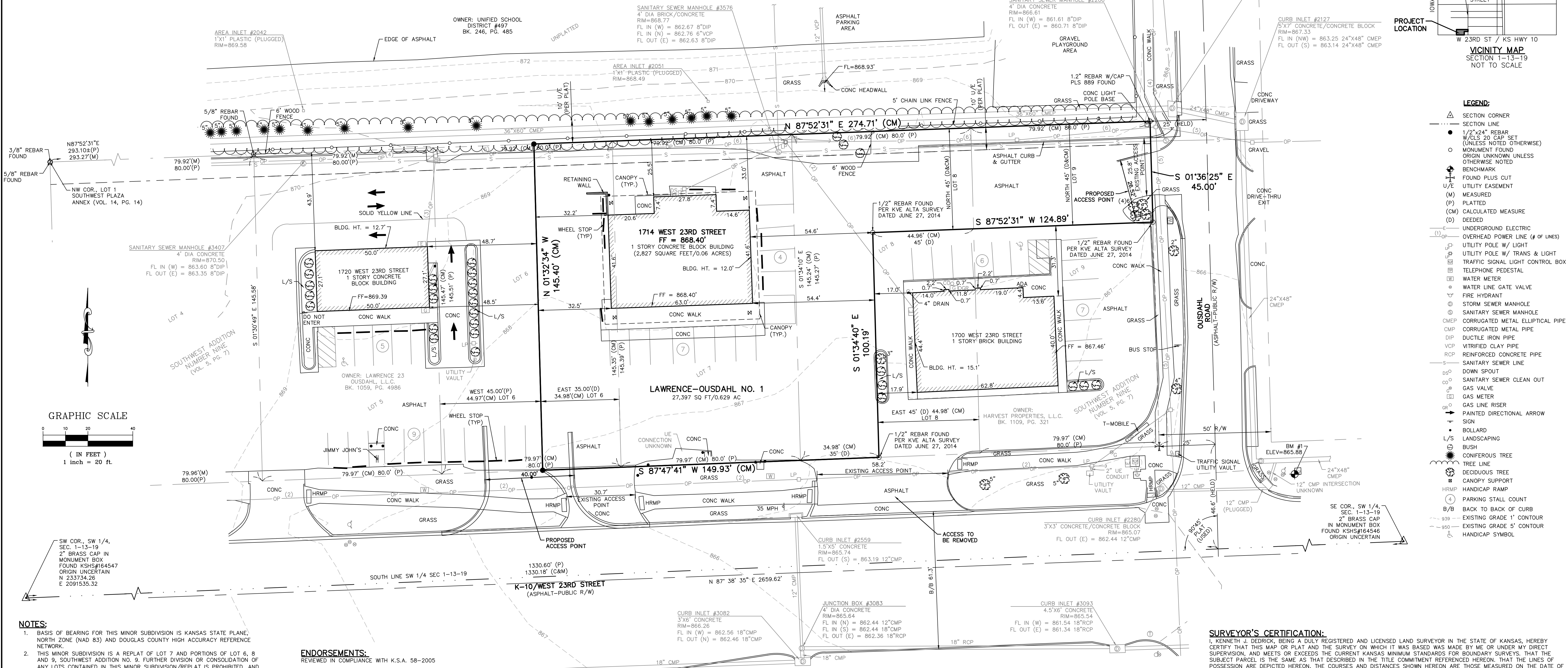
LAWRENCE – OUSDAHL NO. 1

A MINOR SUBDIVISION REPLAT OF ALL OF LOT 7
& PORTIONS OF LOTS 6, 8 AND 9
SOUTHWEST ADDITION NUMBER 9

LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 13, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
THE EAST 35 FEET OF LOT SIX (6), ALL OF LOT SEVEN (7), THE WEST 35 FEET OF LOT EIGHT (8), THE NORTH 45 FEET OF THE EAST 45 FEET OF LOT EIGHT (8), AND THE NORTH 45 FEET OF LOT NINE (9), ALL IN SOUTHWEST ADDITION NO. 9, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

CONTAINS 27,397 SQUARE FEET OR 0.629 ACRES MORE OR LESS.



- LEGEND:**
- SECTION CORNER
 - SECTION LINE
 - 1/2" X 24" REBAR W/CLS 20 CAP SET (UNLESS NOTED OTHERWISE)
 - MONUMENT FOUND ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
 - BENCHMARK
 - FOUND PLUS CUT
 - UTILITY EASEMENT
 - PLATTED
 - MEASURED
 - CALCULATED MEASURE
 - DEEDED
 - UNDERGROUND ELECTRIC
 - OVERHEAD POWER LINE (# OF LINES)
 - UTILITY POLE W/ LIGHT
 - UTILITY POLE W/ TRANS & LIGHT
 - TRAFFIC SIGNAL LIGHT CONTROL BOX
 - TELEPHONE PEDESTAL
 - WATER METER
 - WATER LINE GATE VALVE
 - FIRE HYDRANT
 - STORM SEWER MANHOLE
 - SANITARY SEWER MANHOLE
 - CORRUGATED METAL ELLIPTICAL PIPE
 - DUCTILE IRON PIPE
 - VITRIFIED CLAY PIPE
 - REINFORCED CONCRETE PIPE
 - SANITARY SEWER LINE
 - DOWN SPOUT
 - SANITARY SEWER CLEAN OUT
 - GAS VALVE
 - GAS METER
 - GAS LINE RISER
 - PAINTED DIRECTIONAL ARROW SIGN
 - BOLLARD
 - LANDSCAPING
 - BUSH
 - CONIFEROUS TREE
 - TREE LINE
 - DECIDUOUS TREE
 - CANOPY SUPPORT
 - HANDICAP RAMP
 - PARKING STALL COUNT
 - BACK TO BACK OF CURB
 - EXISTING GRADE 1' CONTOUR
 - EXISTING GRADE 5' CONTOUR
 - HANDICAP SYMBOL

SURVEYOR'S CERTIFICATION:

I, KENNETH J. DEDRICK, BEING A DULY REGISTERED AND LICENSED LAND SURVEYOR IN THE STATE OF KANSAS, HEREBY CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND MEETS OR EXCEEDS THE CURRENT KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. THAT THE SUBJECT PARCEL IS THE SAME AS THAT DESCRIBED IN THE TITLE COMMITMENT REFERENCED HEREON. THAT THE LINES OF POSSESSION ARE DEPICTED HEREON, THE COURSES AND DISTANCES SHOWN HEREON ARE THOSE MEASURED ON THE DATE OF THE SURVEY AND THAT THE SURVEY WAS COMPLETED IN THE FIELD AND ON THE GROUND AND MAY BE RELIED UPON BY THE PARTIES CERTIFIED AS TO BEING CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE.

DATE OF SURVEY: JULY 17, 2015

KENNETH J. DEDRICK
KANSAS RLS NO. 1067

NOTES:

- BASIS OF BEARING FOR THIS MINOR SUBDIVISION IS KANSAS STATE PLANE, NORTH ZONE (NAD 83) AND DOUGLAS COUNTY HIGH ACCURACY REFERENCE NETWORK.
- THIS MINOR SUBDIVISION IS A REPLAT OF LOT 7 AND PORTIONS OF LOT 6, 8 AND 9, SOUTHWEST ADDITION NO. 9. FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS MAJOR SUBDIVISION, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION 20-808(c)(5)(i).
- TOPOGRAPHIC INFORMATION SHOWN WAS PERFORMED BY KAW VALLEY ENGINEERING, INC., JUNE 2014.
- STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS BOOK _____ PAGE _____. IF THE STREET TREES DIE, THE PROPERTY OWNER IS RESPONSIBLE FOR REPLANTING TREES WITHIN ONE YEAR. NO TREES ON THE RIGHT-OF-WAY CAN BE REMOVED WITHOUT PERMISSION OF THE CITY OF LAWRENCE PARKS DEPARTMENT. TREES WITHIN THE RIGHT-OF-WAY REQUIRE TREE ROOT PROTECTION WITHIN 10' RADIUS OF THE TREE TRUNK.
- THE PROPERTY WITHIN THIS MINOR SUBDIVISION/REPLAT IS ZONED CS. ALL NEW CONSTRUCTION SHALL CONFORM TO THE SETBACK REGULATION OF CS ZONE DISTRICT AS DEFINED BY THE CITY OF LAWRENCE DEVELOPMENT CODE.
- THE LOTS WILL BE PINNED PRIOR TO RECORDATION OF THE MINOR SUBDIVISION/REPLAT AT THE REGISTER OF DEEDS OFFICE (PER SECTION 20-811(k)).
- NO PORTION OF THE EXISTING LOTS ARE LOCATED WITHIN A DESIGNATED "SPECIAL FLOOD HAZARD AREA" PER FEMA MAP NUMBER: 20045 C 0159D, MAP REVISED: AUGUST 5, 2010.
- THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO SECTION 20-811(g) OF THE CITY SUBDIVISION REGULATIONS.
- TYPICAL SOIL TYPE: Mc - MARTIN SILTY CLAY LOAM

UTILITY NOTE:

"THE UTILITIES SHOWN HAVE BEEN LOCATED FROM OBSERVABLE FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES."

ENDORSEMENTS:

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

MICHAEL D. KELLY R.L.S. #869
DOUGLAS COUNTY SURVEYOR

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

PLANNING AND DEVELOPMENT SERVICES DIRECTOR
SCOTT MCCULLOUGH

DEDICATION:

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME OF "LAWRENCE-OUSDAHL NO. 1" AS SHOWN AND FULLY DEFINED ON THIS PLAT.

LAWRENCE OUSDAHL, LTD.,
BY: EGP RETAIL MANAGEMENT, L.L.C., A TEXAS LIMITED LIABILITY COMPANY.

BY: (SIGNATURE)

NAME: (SIGNATOR)

ITS: (TITLE)

FILING RECORD:

(STATE OF KANSAS)

(COUNTY OF DOUGLAS) SS:

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY, KANSAS REGISTER OF DEEDS ON THIS DAY _____ OF _____ 2015, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK _____ PAGE _____

ACKNOWLEDGEMENT:

BE IT KNOWN ON THIS _____ DAY ON _____ 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME _____ WHO IS PERSONALLY KNOWN TO ME TO THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES

HORIZONTAL AND VERTICAL DATUM:

HORIZONTAL DATUM IS KANSAS STATE PLANE, NORTH ZONE (NAD 83) AND DOUGLAS COUNTY HIGH ACCURACY REFERENCE NETWORK, BY GPS OBSERVATION OF CONTROL POINTS: DG-41 AND DG-43.

VERTICAL DATUM IS BASED ON GPS OBSERVATION AND DOUGLAS COUNTY HIGH ACCURACY REFERENCE NETWORK OF DG-41, (NAVD 88).

DG-41:

N: 233,503.529 (GRID)
E: 2,100,788.877 (GRID)
ELEV = 862.21

PROJECT BENCHMARKS:

BM #1
SET A CHISELED SQUARE CUT IN THE SOUTHWEST CORNER OF A CONCRETE TRAFFIC CONTROL POLE BASE IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF 23RD STREET AND OUSDAHL STREET.
ELEV = 871.27

BM #2
SET A CHISELED SQUARE CUT IN A CONCRETE LIGHT POLE BASE ON THE SOUTH EDGE APPROXIMATELY 5' ± WEST OF THE SOUTHWEST CORNER OF LOT 4.
ELEV = 865.88

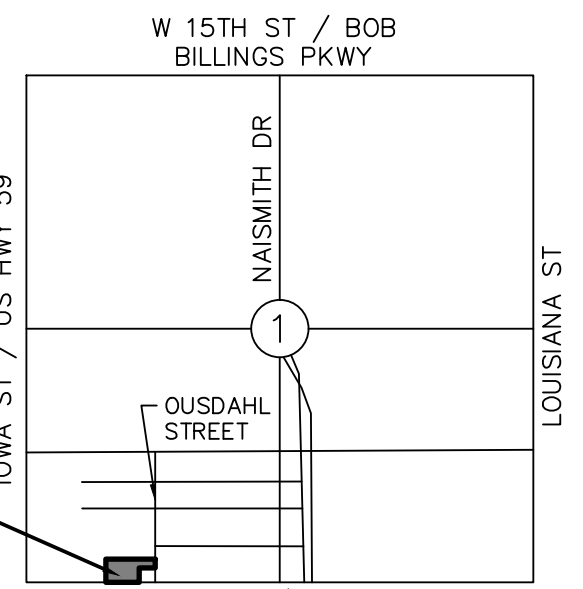
SECTION CORNER TIES:

SW COR, SW 1/4 SEC 1-13-19
NORTHING: 233734.2614' (GROUND COORDINATES)
EASTING: 2091535.3228' (GROUND COORDINATES)
ELEVATION: 895.30'

SE COR, SW 1/4 SEC 1-13-19
NORTHING: 233843.6315' (GROUND COORDINATES)
EASTING: 2094192.6943' (GROUND COORDINATES)
ELEVATION: 854.30'

PLAT REFERENCE:

1. PLAT OF SOUTHWEST ADDITION NUMBER 9 RECORDED IN VOLUME 5, PAGE 7.



VICINITY MAP
SECTION 1-13-19
NOT TO SCALE

	14700 WEST 114TH TERRACE LENEXA, KANSAS 66215 PH. (913) 894-5150 FAX (913) 894-5977 lx@kveng.com www.kveng.com		PROJECT NO. C14-7608
			DRAWN BY EDV
			CHECKED BY KJD
			CFN 7608PLAT
			SHEET 1 OF 1
PREPARED FOR: LAWRENCE OUSDAHL, LTD 500 WEST 5TH STREET, SUITE 700 AUSTIN, TEXAS 78701		KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF AUTHORIZATION NO. LS-20. EXPIRES 12/31/16	