

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: March 28, 2018

RE: **Item No. 1B: MS-18-00046:** Consider a variance from the right-of-way width and for terminating Michigan Street without a cul-de-sac for a Minor Subdivision (lot combination) for Sinclair's Addition No. 2, located at 929 Arkansas, 913, 931, 935 Michigan Street and 1000 Emery Road. Submitted by BG Consultants, on behalf of DJC Holdings LLC, Kirsten & Robin Krug, property owner of record.

Variations requested:

1. Reduction of Right-Of-Way for Emery Road, a local street from 60' variable (50').
2. Terminating a street in a dead-end without a cul-de-sac

Attachments: Minor Subdivision MS-18-00046
Proposed Site Plan

This request is associated with a request to rezone property and to reconfigure lots, as part of a minor subdivision, to facilitate infill/redevelopment of property along Michigan Street. Minor Subdivisions are processed administratively; however, Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-18-00046) is under review but is included with this memo for context with the variance request. The City Commission, at a future meeting, will consider the vacation of right-of-way and dedications of easements as shown on the attached drawing. No other Planning Commission action related to the proposed Minor Subdivision is required.

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 memo provides background information on the variance request and evaluates the request for compliance with the approval criteria.

1. **VARIANCE:** Reduction in the width of right-of-way from 60' as required for a local street (Emery Road) per Section 20-810 (e)(5) of the Subdivision Regulations to allow for the reconfiguration of lots and to redistribute land area between lots for redevelopment.

- VARIANCE:** Terminate Michigan Street in a dead-end with the provision of access easement in lieu of public right-of-way per section 20-810 (e)(2) to allow for the consolidation of lots, vacation of right-of-way, and the reconfiguration of lots to redistribute land area between lots for redevelopment.

BACKGROUND:

The Land Development Code requires a 60' local street right-of-way width. This standard was not changed with the adoption of the Land Development Code. This property is located south of W. 9th Street. A portion of the development request is located within the Oread Neighborhood.

The lot located at 1000 Emery Road (proposed Lot 1, Sinclair's Addition No. 2), was platted in 1988 with only 50' of right-of-way. Emery Road existed prior to 1954. The area developed along Emery Road between the 1950's and 1990's. No additional right-of-way was acquired at that time. The development pattern along Emery Road is well established. There are no plans to widen the existing street.

The 900 block of Emery Road jogs to the east making a short section about 65' wide. The applicant proposes no additional dedication of right-of-way, keeping the ROW width at 50'. A related request, made by the applicant, is for a small vacation of a portion of Emery Road that follows the east curb line.

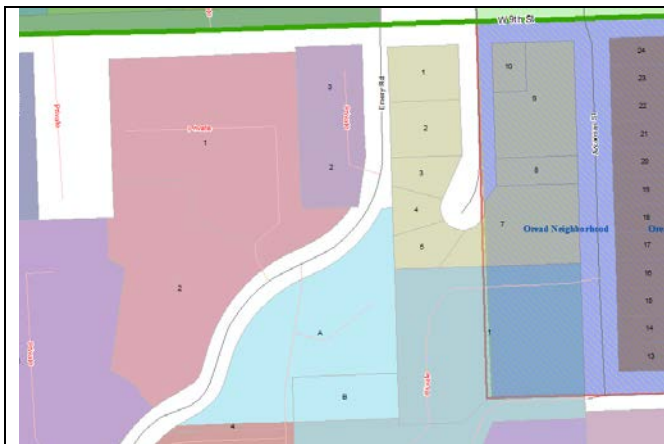


Figure 1: Emery Road and Michigan Street Right-Of-Way.

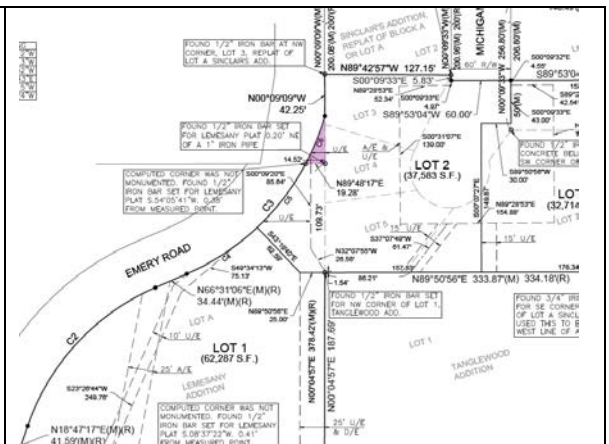


Figure 2: Emery Road Vacation of Right-Of-Way – highlighted in purple.

The City Engineer has reviewed the request to vacate the portion of Emery Road that is parallel to the east curb line. There are no plans to widen the road at this time. Future improvements for sidewalk could require dedication of additional pedestrian easement. The City Engineer was not opposed to the vacation of the Emery Road right-of-way.

The proposed redevelopment includes the vacation of a portion of Michigan Street. Michigan Street currently terminates in a non-standard cul-de-sac. The existing street is in poor condition. Section 20-810 (e) requires streets to be extended to property lines of adjoining property for connectivity. Exceptions for terminating streets in a cul-de-sac are provided by code when environmental features dictate the design such as topography. Section 20-810 (e)(2)(iv) requires that subdivisions with a single access must comply with adopted International Fire Code requirements. Terminating a street in a cul-de-sac provides a public

space for vehicles to access and turn-around within public right-of-way. The current design standard of a cul-de-sac is 120' of right-of-way for a 78' diameter paved turn around.

The applicant proposes the dedication of an access and utility easements that covers the access and interior drives to provide vehicular access, turn around functions, and municipal services access as part of the Minor Subdivision. This design is offered in lieu of the dedication of and construction of a standard cul-de-sac.

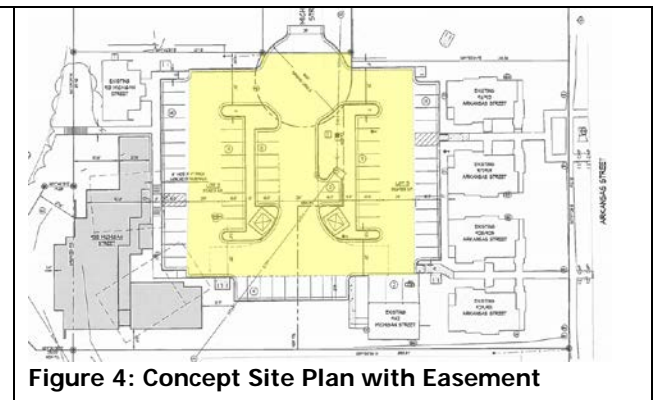
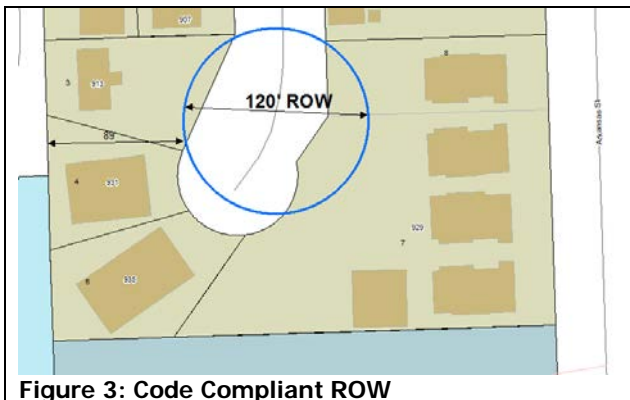
REVIEW CRITERIA:

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the subdivider.

This property is part of a proposed infill/redevelopment project. Strict application of the regulations would limit the developer's ability to redevelop the property consistent with the existing development pattern in the immediate area and addresses blighted conditions.

STAFF FINDING: Approval of the reduced right-of-way width for Emery Road is consistent with the development pattern between W. 9th Street and Sigma Nu Place. There are no other development applications proposed along Emery Road. This segment of the street is established with a high-density residential pattern.

Approval of the variance to terminate Michigan Street in a code compliant cu-de-sac would reduce the area allowed to redevelop. The estimated lot depth, with a cul-de-sac, is approximate 89'. To meet minimum building setbacks for residential development (25' front yard setback, 25' rear yard setback for double frontage lots) with a 78' paved cul-de-sac the remaining lot depth is not sufficient to efficiently redevelop the property given the public improvements required (cost of construction of cul-de-sac).



Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

The intent of this minor subdivision is to reconfigure lots and vacated right-of-way for infill/redevelopment purposes. The variance request, related to Emery Road, is of a technical nature since it is an existing condition of the street network and not proposed to be altered. The request to terminate Michigan Street, in a dead-end, is integral to the ability to redevelop the property as an infill project. Without additional land area, only a limited density can be achieved.

Section 20-810(e) provides general design criteria for streets. All subdivisions are required to extend streets to adjoining lands. Subsection (2)(2)(vi) states, "Streets longer than one lot that terminate at the property boundaries of undeveloped land shall provide an improved temporary turn-around". The proposed redevelopment area is located within an existing developed area. This infill project will not result in any new street connections. The remaining segment of Michigan Street south of W. 9th Street is approximately 200' long. The minimum lot width in the RM32 District (west side of Michigan Street) is 50'. The minimum lot width in the RM12 District (east side of Michigan Street) is 60'. The west side of Michigan Street is developed with one detached residence and multiple multi-dwelling residences. The east side of Michigan Street is developed with two detached dwellings, excluding buildings included in the development application.

Access to the detached residences from Michigan Street is taken from alley since the structures face W. 9th Street and Arkansas Street. Deliveries and public access to the buildings would be from streets other than Michigan Street. Structures located on the west side of Michigan Street take access from both Michigan Street and Emery Road. The development pattern of the street, excluding the buildings included in the redevelopment request, is a mix of both high and very low density. The short length of the street limits the vehicular activity.

A cul-de-sac provides the ability for vehicles to access and turn around within public right-of-way and not use private property. The applicant proposes the dedication of an access and utility easement in lieu of right-of-way.

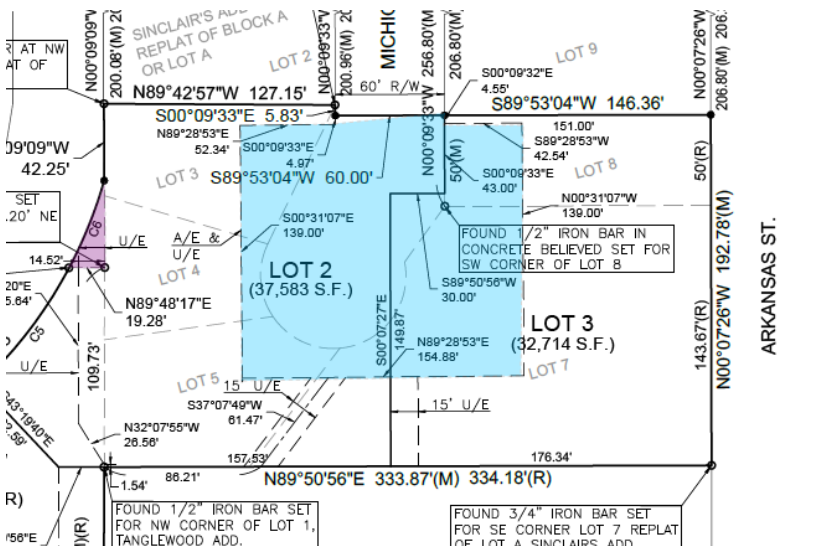


Figure 5: Easement In Lieu Of ROW

The proposed dedication of easement is larger than what would be required as right-of-way. It provides the ability for vehicle access and turnaround as needed for the safety and convenience of the public, City services and fire access.

Per Section 20-801(a) of the Subdivision Regulations, the purpose of the regulations is to ensure that the division of land will serve the public interest and general welfare. The regulations are intended to: "...Provide for the harmonious and orderly development of land within the City by making provisions for adequate open space, continuity of the transportation

network, recreation areas, drainage, utilities and related easements, light and air, and other public needs."

The property included in the Minor Subdivision is being reconfigured to create a lot for the purpose of redevelopment/infill. The land combination will not alter the established street network in this area.

STAFF FINDING: Granting this requested variance from the required right-of-way is not opposed to the purpose and intent of the regulations. Dedication of public access/easement to accommodate a reasonable vehicular access and turning movement is consistent with the intent to provide a subdivision that provides connectivity to the public street network and facilitates the efficient use of land.

Criteria 3: The public health, safety, and welfare will be protected.

The Minor Subdivision and related site plan are in process. The variance related to Emery Road recognizes an existing condition of the established development pattern. There are no changes proposed to the configuration or alignment of Emery Road.

The significant concern for this application, created by to the vacation of Michigan Street and the design to terminate the street in a dead-end, is the effect on the the ability of the public to access the area and be provided with a reasonable way to turn around since there is only one outlet. Additionally, access for public services such as solid waste and emergency access must be considered. The proposed application shows an exchange of public right-of-way for an access easement and public improvements that assure that vehicles can access and can adequately maneuver through the site in a safe and efficient manner.

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 site development process.

The provision of easement in lieu of the dedication of a code complaint cul-de-sac is a reasonable alternative for this infill project given the size of the land the applicant is redeveloping. This project is subject to the approval of the City Commission acceptance of the proposed vacations of right-of-way and dedications of easements including the access easement as show on the Minor Subdivision.

STAFF RECOMMENDATION

Approval of the variance requested for a Minor Subdivision, MS-18-00046, to reduce the right-of-way, required per Section 20-810(a)(5) for a local street, from 60' to 50' and to approve the variance to terminate Michigan Street in a dead-end in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at at 929 Arkansas, 913, 931, 935 Michigan Street and 1000 Emery Road.