

Memorandum

City of Lawrence

Planning and Development Services

TO: Planning Commission

FROM: Planning Staff

Date: April 9, 2018

RE: Item No. 4: MS-18-00113: Consider a variance from the right-of-way width for a Minor Subdivision (lot combination) for Eagle Subdivision No. 2, located at 1803 W 6th St. Submitted by BG Consultants on behalf of Mount Oread Aerie 309 FOE Inc, property owner of record.

Variance requested: Reduction of Right-Of-Way for a Principle Arterial Street from 150' to 100'.

Attachments

A: Minor Subdivision MS-18-00113

B: Proposed Site Plan SP-18-00124

Minor Subdivisions are processed administratively; however, Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-18-00113) is under review but is included with this memo for context with the variance request. 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.

VARIANCE: Reduction in the width of right-of-way from 150' to 100' as required for a principal arterial street (W. 6th Street) per Section 20-810 (e) (5) of the Subdivision Regulations to allow the consolidation of existing platted lots into a single platted lot located along the W. 6th Street corridor.

BACKGROUND:

The standard for the required right-of-way width changed in 2006 from 100' to 150' with the adoption of the Land Development Code. This property is located on the south side of W. 6th Street and west of Wisconsin Street. This segment of W. 6th Street is a developed commercial corridor.

This segment of W. 6th Street is a uniform 100' wide with the exception of the west 500' between Iowa Street and vacated California Street. The applicant proposes no additional dedication of right-of-way, keeping the ROW width at 100'. As noted in previous reports, the 150' of required right-of-way is more applicable to new greenfield development rather than existing corridors unless a specific need is identified.

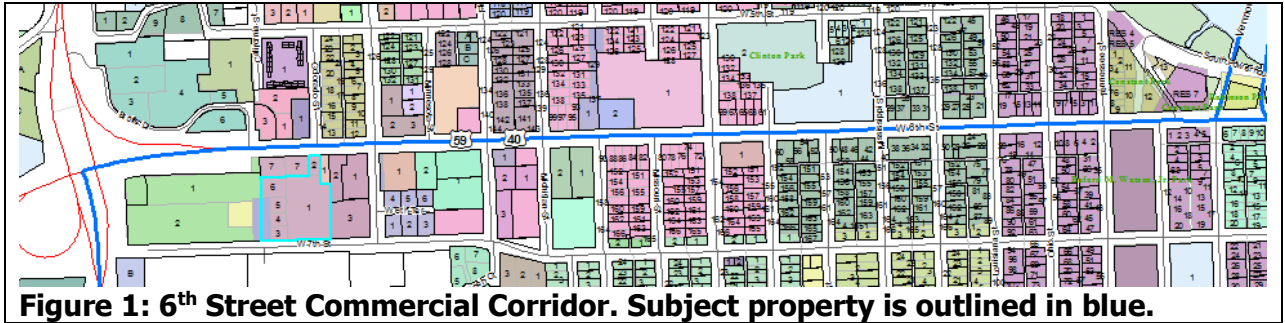


Figure 1: 6th Street Commercial Corridor. Subject property is outlined in blue.

A similar variance was approved by the Planning Commission on October 25, 2017 for the property to the east (MS-17-00554).

REVIEW CRITERIA:

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

Development along this segment of the W. 6th Street corridor includes commercial uses and multi-dwelling uses with building and parking lot setbacks based on the existing property line/right-of-way line configuration. This property is part of a proposed redevelopment project that assumes the same right-of-way as the adjacent properties.

Strict application of the regulations would require a dedication of right-of way for a narrow segment of property along the corridor. As properties have redeveloped along W. 6th Street, the dedication of additional right-of-way has not been required along this street segment. The right-of-way width is uniform between Kentucky Street to approximately 300’ west of Colorado Street.

STAFF FINDING: Strict application of the regulations would require the property owner to adjust the existing lot line to the south by 25’ and dedicate additional right of way. This would have the impact providing additional right-of-way width for a 65’ long segment only. The strict application of the regulations would require the developer make a dedication that was not similarly required for a proposed redevelopment to the east within the same street segment. 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. The Planning Commission has granted similar variance requests for other projects located along developed urban corridors designated arterial streets. A list of these projects is provided at the end of this staff report.

The intent of this minor subdivision is to consolidate lots for redevelopment purposes. The change in design requirements in 2006 requires the applicant to seek a variance from this standard as part of the subdivision process – Minor Subdivision Approval.

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. 6th Street is a *Principal Arterial Street* and is an existing street/developed commercial corridor.

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 application is not being divided; it is being consolidated, to create a single larger parcel for redevelopment purposes. The land combination will not alter the established street network in this area. There are no planned widening projects for this segment of W. 6th 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. 6th Street is a designated *Principal Arterial Street*. Its current width includes 100' of public right-of-way along this property. The current subdivision regulations require *Principal Arterial Streets* to include 150' of right-of-way. The current right-of-way for W. 6th Street is an existing condition of the corridor.

The Minor Subdivision and related site plan are in process. Part of the review includes the evaluation of a Traffic Impact Study. No indication of additional right-of-way is required.

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 through the site development process.

STAFF RECOMMENDATION

Approval of the variance requested for a Minor Subdivision, MS-18-00113, to reduce the right-of-way, required per Section 20-810(e)(5) for a principal arterial street, from 150' to 100' in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at 1803 W. 6th Street.

Variance for Reduction of ROW for *Principal Arterial Street*

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).
5. MS-15-00096 Bella Sera at the Preserve regarding Bob Billings Parkway (5/18/15).
6. PP-16-00304 Rockledge Addition No. 2 regarding Bob Billings Parkway (9/26/16).
7. MS-17-00217 Lawrence Industrial Park No. 2 regarding Haskell Ave (6/28/2017).
8. MS-17-00390 Sunset Hills Estates regarding W. 6th Street (9/27/17).
9. MS-17-00554 Casey's Subdivision regarding W. 6th Street (10/25/17).