

ITEM NO. 2 DEERFIELD WOODS SUBDIVISION; 3320 PETERSON RD (SLD)

MS-13-00217: Deerfield Woods Subdivision No. 9, a minor subdivision/replat of Lot 1 Deerfield woods Subdivision No. 7, located at 3320 Peterson Road. This Minor Subdivision includes a variance request to reduce the right of way for Peterson Road and Kasold Drive from 150' to 100' and a variance to allow sidewalk on only one side of the street. Submitted by Landplan Engineering, for Cheer Pole, LTD, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, said the company Cheer Pole Limited developed quite a bit of this sector of Lawrence. He said they did not have immediate plans to develop lot 1 and that they were doing the lot split to reduce financing costs for the property.

PUBLIC HEARING on Variance Only

Ms. Laura Routh, Community Sidewalk Task Force, was opposed to the variance. She said the community was already behind in pedestrian connectivity and felt commitment should be made to the pedestrian network. She said the lack of a complete network put all pedestrians at risk.

COMMISSION DISCUSSION

Commissioner Rasmussen asked if the variance was granted would it be permanent or could it be conditioned until such time as lot 1 was developed.

Mr. McCullough said sidewalks were triggered by major development. He said it could be conditioned to provide clear intent.

Commissioner Rasmussen did not feel they should grant a variance in perpetuity. He said this was just a replat to split the property into two pieces and he did not feel it should be a trigger to require sidewalks be installed now. He felt sidewalks should be put in when construction occurs on plat 1 or major construction on lot 2. He felt they should condition it to make it clear this was not a permanent variance.

Commissioner Josserand agreed with Commissioner Rasmussen.

Commissioner Liese asked if staff could relate the Complete Streets campaign to this.

Mr. McCullough said Complete Streets was the concept of as many elements of a street as possible to serve all users. He said one tenant of that was including sidewalks on both sides of the street. He said the Code had changed throughout the years with a mix of standards so some areas of the community were started and finished under different Codes. He said staff looks at each project individually and grants variances on a case by case basis.

Commissioner Liese asked if this would be a violation of Complete Streets.

Mr. McCullough said Complete Streets was not an end all. He said they look at the threshold when retrofitting existing development. He said Complete Streets was valuable and upheld. He stated this was a minor subdivision so in his opinion it did not reach the threshold for requiring the developer to put in sidewalks that were not required when originally platted. He said they were likely to see lot 1 develop with a sidewalk on Sherwood Drive that if it becomes a different ownership and application would only extend to the lot line leaving a gap. He said they should be clear about what the expectation was.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Britton, to approve the minor subdivision for Deerfield Woods Subdivision and to include a variance from right-of-way requirements in Section 20-810(e)(5) and 20-811 (c) (1) (i) of the Subdivision Regulations to allow the replatting of this property with 100 ft of right-of-way currently provided for Kasold Drive and Peterson Road and to include a variance to allow replatting without construction of sidewalks on Sherwood Drive and Sterling Drive at the time of replatting but with the condition that sidewalks be installed on the entirety of both Sherwood Drive and Sterling Drive with either any new development on lot 1 or any major redevelopment on lot 2.

Unanimously approved 6-0.