

Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Sandra Day, Planning Staff

CC: Scott McCullough, Planning and Development Services Director
Sheila Stogsdill, Assistant Planning Director

Date: For July 22, 2013 Planning Commission meeting

RE: 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 for Sherwood Drive and Sterling Drive. Submitted by Landplan Engineering, for Cheer Pole, LTD, property owner of record.

Attachment A: Minor Subdivision 13-00217, Deerfield Woods Subdivision #9.

Attachment B: Applicant's Justification

Attachment C: Existing Right-of-Way Map

Attachment D: Existing Sidewalk Map

Attachment E: Approved Site Plan

The Minor Subdivision for Deerfield Woods Subdivision No. 9 (MS-13-00217) will create two new lots by dividing the existing platted lot. Minor Subdivisions are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. A copy of the Minor Subdivision is included with this memo for context; however, no action is required on the Minor Subdivision.

The subject property is located at 3320 Peterson Road. This property is developed with an existing childcare facility, office use, and associated off-street parking. Kasold and Peterson Road are classified as principal arterial streets on the Major Thoroughfares Map. Per Section 20-810(e) (5) of the Subdivision Regulations, principal arterial streets require 150' of right-of-way.

This property is bounded by public streets on all sides. These streets have been constructed with the surrounding development. Sherwood Drive and Sterling Drive are both local streets with sidewalks constructed on one side of the street adjacent to the residential development. At the time of construction, sidewalks were required on only one side of the street. There is no sidewalk on the south side of Sherwood Drive or the west side of Sterling Drive.

VARIANCE REQUEST

The property owner is requesting variances from Section 20-810 and 20-811 of the Subdivision Regulations with regard to:

- Variance 1. Reduce required right-of-way along Peterson Road and Kasold Drive from 150' to 100'.**
- Variance 2. Allow sidewalk on only one side of the street for Sherwood Drive and Sterling Drive.**

Citations to Consider:

Section 20-813(g) states that the Planning Commission may grant a variance from the design standards of these regulations only if the following three criteria are met: that the strict application of these regulations will create an unnecessary hardship upon the Subdivider, that the proposed variance is in harmony with the intended purpose of these regulations and that the public health, safety and welfare will be protected.

<p>Section 20-810 (e) (5) Cross-Sections (i) City of Lawrence</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #333; color: white;"> <th style="width: 70%;">Street Type</th> <th style="width: 30%;">Right-of-Way</th> </tr> <tr style="background-color: #333; color: white;"> <th></th> <th>Min. Width (feet)</th> </tr> </thead> <tbody> <tr><td>Principal Arterial</td><td>150</td></tr> <tr><td>Minor Arterial (3 lane)</td><td>100</td></tr> <tr><td>Collector</td><td>80</td></tr> <tr><td>Residential Collector</td><td>60</td></tr> <tr><td>Local</td><td>60</td></tr> <tr><td>Limited Local</td><td>50</td></tr> <tr><td>Cul-de-sac</td><td>60</td></tr> <tr><td>Marginal Access (Frontage Road)</td><td>60</td></tr> </tbody> </table> <p>All platted Subdivisions lying within the City of Lawrence shall comply with the following cross-section standards:</p> <ol style="list-style-type: none"> a. Pavement width constructed according to City standards. b. Additional r-o-w may be necessary at Intersections. c. Paved bulb with 50' radius is required/60' minimum r-o-w radii required. 	Street Type	Right-of-Way		Min. Width (feet)	Principal Arterial	150	Minor Arterial (3 lane)	100	Collector	80	Residential Collector	60	Local	60	Limited Local	50	Cul-de-sac	60	Marginal Access (Frontage Road)	60	<p>Section 20-811 (c) Sidewalks and Pedestrian Ways (1) City of Lawrence and Urban Growth Areas Sidewalks and Pedestrian Ways shall be provided in the City of Lawrence in accordance with the standards of this subsection:</p> <p style="padding-left: 20px;">(i) Public Sidewalks shall be installed on both sides of all Streets, as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #333; color: white;"> <th style="width: 30%;">Street Type</th> <th style="width: 70%;">Minimum Sidewalk Width (feet)</th> </tr> </thead> <tbody> <tr> <td>Local</td> <td>5; Minimum width of 4 feet allowed in the Original Townsite Area</td> </tr> <tr> <td>Collector</td> <td>5</td> </tr> <tr> <td>Arterial</td> <td>6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' Sidewalk on the other side</td> </tr> </tbody> </table>	Street Type	Minimum Sidewalk Width (feet)	Local	5; Minimum width of 4 feet allowed in the Original Townsite Area	Collector	5	Arterial	6; A designated 10' Bicycle/Recreation Path on one side of the Street and a 6' Sidewalk on the other side
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Following is a review of the variance request in relation to these criteria. Refer to the attached letter for the applicant's reasoning for the variance requests.

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

Right-of-way width:

Both Peterson Road and Kasold Drive have been constructed with turn lanes at the intersection and sidewalks on both sides of the street. The overall width of Peterson Road is 100'. Kasold Drive is

generally 110' wide. The intersection of Kasold Drive and Peterson Road is wider to accommodate for the necessary intersection improvements. There are no planned improvements to either of these streets in the future. No additional right-of-way is needed. The City Engineer indicated that the right-of-way currently dedicated for Kasold Drive and Peterson Road are adequate. There are no plans for construction of a center median that would necessitate the additional right-of-way. The existing intersection was built out to its maximum geometry. Any future right-of-way needed at the intersection would need to be acquired from the south property owners to maintain the street alignment.

Sidewalks:

The subject property was originally platted in 2000. The adjacent development to the north, Deerfield Woods Subdivision No. 1, creating Sherwood Drive, was platted in 1989. The development to the east, Deerfield Woods Subdivisions No. 4 and 5 creating Sterling Drive were platted in 1994 and 1995. Both Sherwood Drive and Sterling Drive were constructed consistent with the approved subdivision regulations requiring sidewalks on only one side of the street for local streets. Sidewalks along Kasold Drive and Peterson Road were constructed on both sides of those streets. The proposed variance applies to the south side of Sherwood Drive and the west side of Sterling Drive. The subject property is developed with two existing buildings and a shared parking lot. Sidewalks along Sherwood Drive and Sterling Drive were not required at that time (SP-5-32-00). Since the original development, the commission approved a Use Permitted upon Review (Special Use Permit) for a childcare facility, known as Princeton Daycare, in 2004, and an expansion of the use in 2005. A modification to the site plan was made in 2009 to accommodate parking lot changes for the childcare facility and exterior play yard.

- There are no planned improvements to Lot 2 that would require a major site plan and construction of a sidewalk along Sterling Drive and the east end of Sherwood Drive.
- There is an approved site plan (SP-5-32-00) for the development of the proposed Lot 1 that did not include a sidewalk along the south side of Sherwood Drive.
- There is no probability that sidewalk along the south side of Sherwood Drive east of Sterling Drive would be constructed. This street terminates at an existing utility access easement and an unconstructed cul-de-sac.
- Since the streets are constructed, any sidewalk additions would be added with new site development. This would impact only Lot 1 since Lot 2 is developed.

Staff Finding: Requiring the dedication of additional right-of-way for Kasold Drive and Peterson Road at this time would constitute an unnecessary hardship on the property owner, as the right-of-way is not necessary.

While requiring compliance with the construction of sidewalks would benefit the surrounding area by providing new pedestrian connections to the public sidewalk network half the property is developed and is not proposed to be redeveloped. Given the minor nature of the request and the existing street and landscaping development, it may be a hardship to require retrofitting these streets with a sidewalk.

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

Right-of-way width:

Right-of-way dedication is required when properties are platted to ensure the required right-of-way is available for improvements to adjacent roadways. As previously stated, The City Engineer indicated that the right-of-way currently dedicated for Kasold Drive and Peterson Road are adequate.

Sidewalks:

There are no new public improvements required for this division of property. The streets have been previously constructed with applicable sidewalks prior to the current design standards requiring sidewalks on both sides of the street. With the exception of proposed Lot 1, the surrounding area is developed with established uses and subdivisions. Sidewalks are provided along both sides of the arterial streets in the immediate area.

Staff Finding: The variance will allow the proposed lot division to occur without requiring the dedication of additional right-of-way or the construction of public sidewalks along the south side of Sherwood Drive and the west side of Sterling Drive. Adequate right-of-way is available for Kasold Drive and Peterson Road. The requests are in harmony with the intent of the regulations given the minor nature of this land division.

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

Right-of-way width:

As there are no improvement plans to any of the surrounding streets to this area, no additional right-of-way is needed.

Sidewalks:

Sherwood Drive and Sterling Drive include existing sidewalks on the residential sides of the streets. This area does not connect to any other through streets thus the pedestrian activity is contained in the immediate area and protected from inter-neighborhood traffic. Non-residential development and multi-dwelling residential developments in the immediate area include interior pathways and sidewalks that connect to Kasold Drive and Peterson Road providing interior walkability within individual developments. Likewise, interior sidewalks are proposed for the remaining development of the subject property when the remaining development is constructed. It is unlikely that any development of Proposed Lot 2 will be significant enough to require construction of a sidewalk along Sterling Drive in the future.

Staff Finding: The variances will not affect the public health, safety, or welfare.

Staff Recommendation:

Approve the variances requested from Section 20-810(e)(5) from the requirement to dedicate additional right-of-way for Kasold Drive and Peterson Road and from Section 20-811 (c)(1)(i) requiring sidewalks on the south side of Sherwood Drive and the west side of Sterling Drive subject to the following condition:

The plat shall be revised to include the following note: "On July 22, 2013, the Planning Commission approved 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 allow replatting without construction of sidewalks on Sherwood Drive and Sterling Drive.

