

**PLANNING COMMISSION REPORT
NON-PUBLIC HEARING ITEM
REGULAR AGENDA
PUBLIC HEARING ON THE VARIANCE ONLY**

PC Staff Report
1/25/12

ITEM NO. 10B PRELIMINARY PLAT FOR ASPEN HEIGHTS ADDITION; 1900 W 31ST ST (SLD)

PP-11-12-11: Consider a Preliminary Plat for Aspen Heights Addition, approximately 41.15 acres, located at 1900 W. 31st Street. The request includes variance requests from the Subdivision Design Standards, specifically 20-810(d) regarding the dedication of additional r-o-w for the adjacent arterial street. Submitted by Landplan Engineering for Mid-America Manufactured Housing Communities, Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the variance request from Section 20-810(d)(4) which requires a minimum of 150' of right-of-way for principal arterial streets. The variance would permit the following variation from the minimum required right-of-way from 75' to 65'.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of Aspen Heights Addition subject to the following conditions:

1. Revision of the preliminary plat with the following notes and changes:
 - a. Addition of the following note to the face of the drawing: "Variance approved from Section 20-810(d) which requires a minimum of 75' to 65' for 31st Street."
2. Execution of an agreement not to protest the formation of a benefit district for future signalization and intersection improvements at Louisiana and 31st Streets executed by the property owner and provided to the Planning Office with submission of the Final Plat subject to the review by the City Attorney's Office prior to recording.
3. Execution of an agreement not to protest the formation of a benefit district for future street improvements to W 31st Street executed by the property owner and provided to the Planning Office with submission of the Final Plat subject to the review by the City Attorney's Office prior to recording.

KEY POINTS

- Subdivision approval is required as a predevelopment condition.
- The proposed plat is part of a package of requests to redevelop this site with duplex and detached housing in a single lot geared toward college students.
- The Plat includes a request for a variance from the right-of-way requirement as it pertains to 31st Street.
- Upon further review of the code the advertised variances are not needed regarding the street extension connection of at least one street connection to each adjacent subdivision and the dedication of the remainder of r-o-w for Ousdahl Road (extended)

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective January 6, 2009.
- Section 20-810 (d) requires 150' of right-of-way for principal arterial streets.
- Section 20-813 variance procedures.

ASSOCIATED CASES

- Z-11-28-11; RS10 to RM12
- SUP-11-5-11; development of multi-dwelling project that includes detached dwellings.

OTHER ACTION REQUIRED

- City Commission acceptance of easements and vacation of rights-of-way as shown on the Preliminary Plat.
- Submission and approval of applicable public improvement plans.
- Final Plat administrative review, approval, and recording at Register of Deeds Office.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study provided accepted by staff.
- *Downstream Sanitary Sewer Analysis* – Study submitted and accepted.
- *Drainage Study* – Study submitted and accepted.
- *Retail Market Study* – Not required for residential development.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Calls from residents inquiring about project and expressing concern about off-street parking in the adjacent neighborhood to the north.

ATTACHMENTS

- Preliminary Plat
- Right-of-Way Exhibit

SITE SUMMARY	
Current Zoning and Land Use:	RS10 (Single-Dwelling Residential) District; existing manufactured home park known as Gaslight Village.
Surrounding Zoning and Land Use:	OS (Open space), RS7 (Single-Dwelling Residential) District, and RM12 (Multi-Dwelling Residential) District to the north; developed residential homes and Naismith Valley Park. CS (Commercial Strip) District, PD-[Home Improvement Center PCD] District, and PD-[Home Improvement Residential] District to the west; Existing commercial uses. RM15 (Multi-Dwelling Residential) District to the south; existing apartment development. A (Agricultural) District and OS (Open Space) District to the east; existing residence and Naismith Valley Park.
Total area:	41.150 acres
Lot 1	35.546 acres
Right-of-Way	00.757 acres
Tract A	04.847 acres

STAFF REVIEW

This property is located on the north side of 31st Street. The property is an existing mobile home park intended for redevelopment. The property is currently unplatted. Several utilities that cross this property include easements that encumber the property and impact the ultimate development of the

site. The property is adjacent to 31st Street, a primary arterial. Primary arterial streets require a total of 150' of right-of-way or 75' of right-of-way for each side of the center line.

Zoning and Land Use

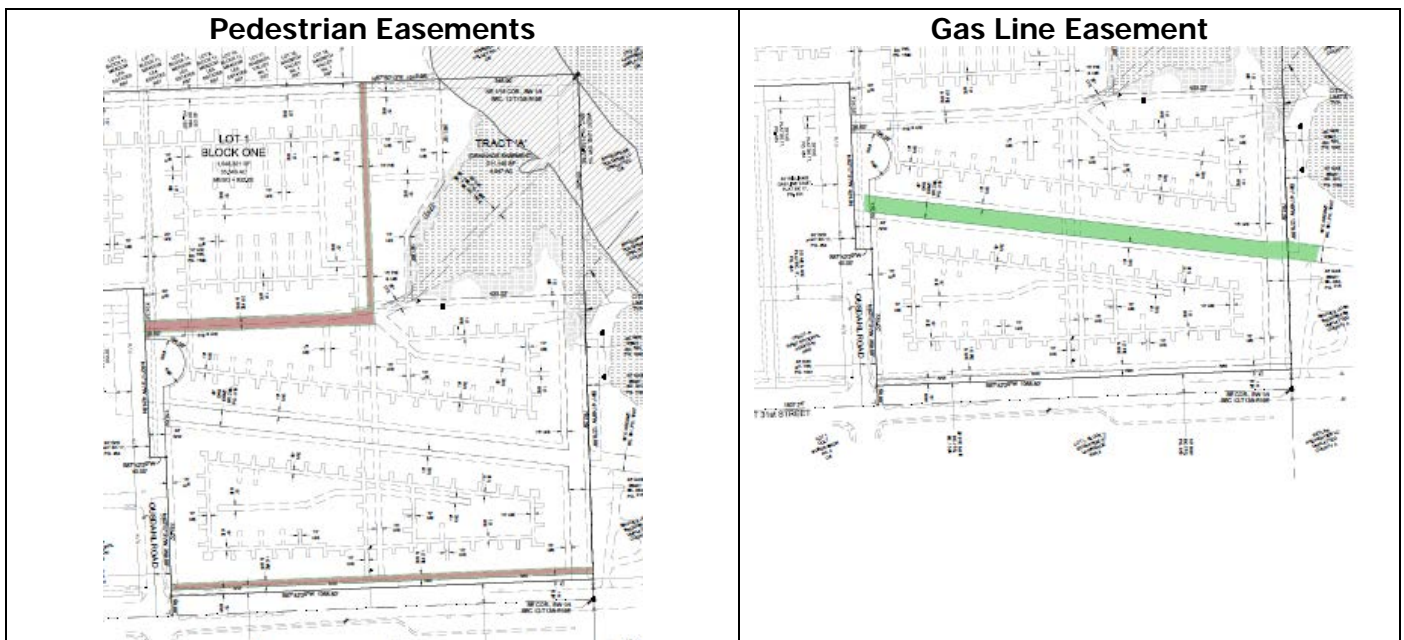
A related request includes rezoning the entire acreage to a single medium density residential zoning district. The surrounding land uses include commercial uses along Iowa Street and multi-dwelling uses along the south side of 31st Street. Low density residential lots are located to the north of the property and a county zoned residence is located to the east. Regardless of the proposed zoning the redevelopment of the site requires that the property be platted. Zoning is discussed in more detail in the related staff report Z-11-28-11.

Utilities and Infrastructure

The property currently has access to public sewer and water service. However additional easements will be provided based on the concept for development that includes numerous structures on the single lot. Public improvements for the extension of services will be required with this project.

Easements and Rights-of-way

Easements: Easements are provided around the periphery of the lot and throughout the property to accommodate individual connections to structures. Several pedestrian easements are also provided that will accommodate construction of a multi-use path between 31st Street on the south and Naismith Valley Park to the north. The property is encumbered by an exclusive gas line easement in the southern portion of the site and floodplain that will be included in a drainage easement and designated as Tract A in the northeast part of this site.



Rights-of-Way: Section 20-810 of the Subdivision Regulations provides the design standards for streets. 31st Street is a designated principal arterial street. Ousdahl Road is a local street. A Principal Arterial Street requires a minimum width of 150' of Right-of-way. This is achieved by each abutting property dedicating one-half of the right of way (75'). The existing 31st Street right-of-way along the subject property includes 75' on the south side and only 50' on the north side.

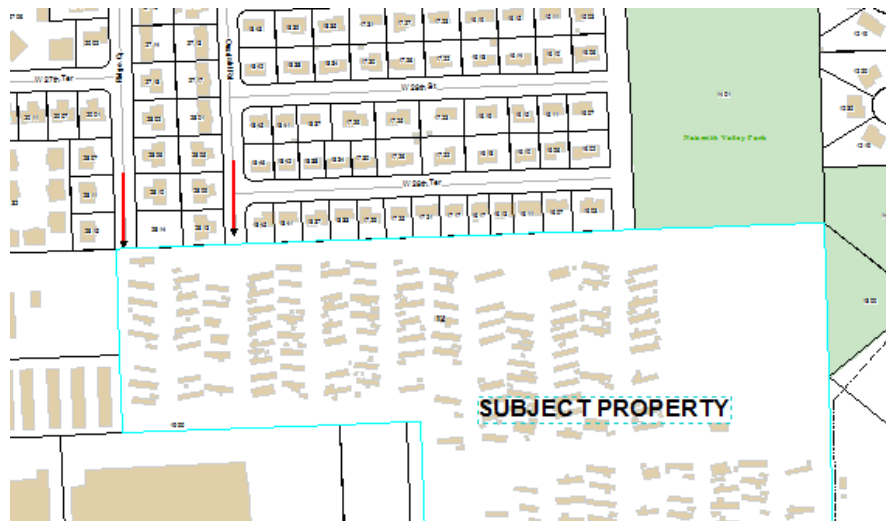
The preliminary plat shows a total of 65' of right-of-way proposed and 15' of additional utility/pedestrian easement for a combined area of 80' for 31st Street. This combined with the existing

75' of right-of-way south of the center line is equal to 155' ROW/Easement to accommodate public improvements in this segment of 31st Street. A variance is required since the proposed right-of-way is less than the minimum 75' required by the Subdivision Regulations.

Access

Primary access to the site is provided via an existing driveway to 31st Street. The 31st Street Corridor Study, completed in 2003, recommends that 31st Street be developed with 150' of right-of-way in this area. An additional 25' of road right-of-way is necessary for W 31st Street to comply with plan recommendations and the Subdivision Regulations. Access to the property will retain the main existing driveway to 31st Street.

Additional access to the site is provided to the site from Ousdahl Road. The road will be extended to move the access farther to the north along Ousdahl Road. The two existing local streets that stub into the property along the north property line (Ridge Court and Ousdahl Road) are not proposed to be extended through this property.



However, the proposed development does include the construction of a crossing from the south terminating street segment of Ousdahl Road along the north property line to provide emergency response vehicle access. Access to the property is proposed to be gated. Access is further discussed in the staff report for the Special Use Permit SUP-11-5-11.

Conformance

The purpose of the subdivision regulations and associated design standards is to assure that the division of land will serve the public interest and general welfare. The proposed lot configurations exceed the minimum lot area and lot width requirements of the pending RM12 district. With the exception of the street right-of-way width, the proposed preliminary plat complies with the subdivision regulations.

Variance: Reduction of right-of-way with for 31st Street

The property owner is requesting variances from Section 20-810(d) which requires a specific amount of right-of-way for streets. 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. Following is a review of the variance request in relation to these criteria.

Citation: SECTION 20-810 (d) (4) Cross-Sections (i) City of Lawrence

All platted *Subdivisions* lying within the City of Lawrence shall comply with the following cross-section standards:

Street Type [1] Measured from back of curb to back of curb. [2] Includes limited access routes.	Right-of-Way	Roadway			Sidewalks (See §20-811(c))
	Min. Width (feet)	Min. Width (feet) [1]	Paving	Curb and Gutter	
Principal Arterial	150	*	Required	Required	Both Sides
Minor Arterial (3 lane)	100	40	Required	Required	Both Sides
Collector	80**	36	Required	Required	Both Sides
Local or Residential Collector	60	30	Required	Required	Both Sides
Local	60	27	Required	Required	Both Sides
Limited Local	50	22	Required	Required	Both Sides
Cul-de-sac ***	60**	22	Required	Required	Both Sides

* As directed by the City [Engineer](#)
 ** Additional r-o-w may be necessary at [Intersections](#)
 ***Paved bulb with 50' radius is required

The minimum right-of-way with required for an arterial street is 150' or 75' from the centerline of the right-of-way. The plat shows a total of:

- 50' of existing right-of-way;
- 15' of proposed right-of-way;
- 15' of proposed utility and pedestrian easement.

A graphic representing the existing and proposed right-of-way is attached to this report for reference.

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

Strict application of these regulations would impact the development by increasing the setback of buildings with an increased right-of-way. The property is encumbered by a 40' gas easement that is angled through the southern portion of the site. This encumbrance significantly dictates design and reduced the flexibility to orient structures and parking.

The property is also encumbered by a drainage easement and floodplain that further dictate development patterns on the site. The proposed development is intended as a low impact multi-dwelling project with detached dwellings and duplex housing types and surface parking. This type of development pattern spreads the density across the site rather than concentrating it in fewer and taller buildings.

Application of this criterion would be a hardship on the applicant by requiring substantial redesign of the project.

The following graphic shows the existing right-of-way of 31st Street between Iowa Street on the west and the east end of this property.

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

Per Section 20-801(a) of the Subdivision Regulations, these regulations are intended to ensure that the division of land will serve the public interest and general welfare as well as provide for the conservation of existing neighborhoods.

The division of land requested will not result in changes to the number of direct access points to 31st Street. Access to the low-density residential area to the north is restricted to a gated entry for emergency vehicle response only. The development includes a turn lane on 31st Street as shown on the plan and the construction of a shared use path providing a non motorized north-south connection in this part of the community. The City Engineer has indicated the design width of the 31st Street right-of-way, as proposed, is adequate in this location.

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

The combined dedication of right-of-way and easement is sufficient to accommodate public infrastructure, a multi-modal path, and installation of street trees along this corridor. The public health, safety or welfare criteria are adequately addressed by the proposed combined dedication of right-of-way and easement.

VARIANCE RECOMMENDATION

Staff recommends approval of the variance request to permit the dedication of 65' of right-of-way for 31st Street.

Conclusion

The proposed plat complies with the design standards of the Subdivision Regulations as discussed in the body of the report. The intent of this plat is to establish a platted lot and internal easements needed for redevelopment. The reduction in right-of-way allows for additional flexibility of building placement around other encumbrances of the site. Approval of the reduced street right-of-way width should not be interpreted as a waiver from standards addressing appropriate screening and land use transition between commercial and residential uses.

This Preliminary Plat conforms to the standards and requirements of the subdivision regulations and the land use plans for the area as noted in the body of the staff report and subject to the variance described above. Staff recommends approval of the Preliminary Plat.