

MS-16-00549: A Minor Subdivision/Replat of Lots 3, 4, and 5, 6Wak Addition addressed as 545 and 565 Wakarusa Drive and 4950 W 6th Street. Submitted by Treanor HL for 6Wak Land Investments, LLC, property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Minor Subdivision subject to the City Commission approval of the proposed vacation of existing utility & access easements and acceptance of dedication of right-of-way for Wakarusa Drive and easements as shown on the attached drawing.

KEY POINTS

- The subject property is undeveloped. This lot combination is preparatory to development of a mixed retail project.
- The proposed changes combine three existing lots into two lots.
- The approved Final Plat prohibits direct access to W. 6th Street.
- Direct access to Wakarusa Drive is prohibited except for the designated access between the existing Lots 2 and 3, 6Wak Addition.
- This application includes the vacation of a portion of the existing 40' wide internal access easements and adjacent utility easement to more closely align with the proposed lot configuration and planned development.
- Additional right-of-way is proposed for Wakarusa Drive as shown on the proposed Minor Subdivision to meet current street design standards.
- Additional utility easement is needed along south side of property line for existing public water line.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.
- Per Section 20-808(c)(5) of the Subdivision Regulations, only one lot combination or division may be approved through the Minor Subdivision process except that lot line adjustments or mergers that do not increase the total number of lots may be accomplished through the Minor Subdivision/Replat process even if the property had previously been part of a Minor Subdivision or Repat. This is the first Minor Subdivision of the property. It is consolidating 3 lots into 2 and will not result in any additional lots; therefore, the Minor Subdivision process remains available for use in the future.



ASSOCIATED CASES

This site has been included in multiple development applications since the property's annexation in 2000. A summary of associated cases and projects is [attached separately to this report](#). A revised development plan application has been submitted for a mixed-use retail commercial building.

- FDP-17-00268; Lot 2 - 6Wak Addition Phase II.

OTHER ACTION REQUIRED

- City Commission approval of easement vacation as shown on drawing.
- City Commission acceptance of additional right-of-way along Wakarusa Drive as shown on drawing.
- Provision of a mylar of the Minor Subdivision Plat bearing the notarized signature(s) of the property owner, the Land Surveyor's signature and seal, and the County Surveyor's signature, and the appropriate recording fees.
- Submittal of building permit application and construction plans and issuance of building permits prior to development activity.

GENERAL INFORMATION	
Current Zoning and Land Use	PCD-[6Wak] (Planned Commercial Development) District; <i>Undeveloped Lots 3, 4 & 5 of 6Wak Addition.</i>
Surrounding Zoning and Land Use	
To the north:	CC600-PD (Community Commercial with Planned Development Overlay) District; <i>Quality Restaurant, Fast Order Food, and Retail [FDP-15-00394].</i>
To the west:	PCD-[6Wak] (Planned Commercial Development); <i>Accessory Parking for Wal-Mart, Retail Sales, General [FDP-11-41-01].</i>
To the south:	PCD-Colonial NE/NW (Planned Commercial Development) District; W 6 th Street/Hwy 40 right-of-way and mixed-use shopping center containing <i>Fast Order Food with Drive-In [McDonalds], Quality Restaurant, Bar or Lounge, Health Care Office/Clinic, Day Care Center, etc.</i>
To the east:	PCD-[Bauer Farm] (Planned Commercial Development) District; <i>Retail Sales, General and Financial Institution [FDP-5-7-08 and FDP-15-00373].</i>
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>6Wak Addition</p>  </div> <div style="text-align: center;"> <p>Lots 3, 4 and 5 6Wak Addition</p>  </div> </div>	

Attachments

1. Minor Subdivision Drawing
2. Development History Summary

PROJECT SUMMARY

The property is located on the northwest corner of W. 6th Street and Wakarusa Drive. The property includes three platted lots with interior cross access easements. Direct access to W. 6th Street is prohibited. This Minor Subdivision shows modified interior access to accommodate the proposed building arrangement as shown on the Proposed Final Development Plan FDP-17-00268. The project also includes the dedication of 15' of public right-of-way for Wakarusa Drive to meet the minimum right-of-way width for a principal arterial street. The east 15' of the property, currently a utility easement, will be vacated and dedicated as right-of-way. This action places the existing sidewalk in right-of-way rather than within an easement on private property.

Existing Lots	Proposed Lots
Lot 3: 1.628 AC	Lot 1: 1.628 AC
Lot 4: 1.383 AC	Lot 2: 1.960 AC
Lot 5: .577 AC	

RIGHT-OF-WAY

The property is bounded on the east by Wakarusa Drive and by W 6th Street on the south. Both streets are classified as a *Principal Arterial* on the *City Major Thoroughfares Map*.

Street/Classification	Required	Existing
W 6 th Street/Hwy 40 Principal Arterial	150' total ROW 75' from centerline	150' 75' north of section line
Wakarusa Drive Principal Arterial	150' total ROW 75' from centerline	130' 60' feet west of section line ¹ .

- This Minor Subdivision complies with the minimum design requirements as it pertains to W 6th Street right-of-way. No additional right-of-way is required for W. 6th Street.

Wakarusa Drive was constructed with multiple northbound and southbound lanes as well as a center median. The street is built off-center from the section line. Therefore, an unequal amount of right-of-way has been dedicated by previous subdivision applications. The public sidewalk and water line along the west side of Wakarusa Drive are constructed on private property but within existing easements. There are two side-by-side easements. Immediately adjacent to the right-of-way is a 15' utility easement. West of the 15' easement is a separate 10' utility easement. The water line is located in the western 10' easement that will abut the revised Wakarusa Drive right-of-way when this Minor Subdivision is approved.

Rather than seeking a variance to allow the reduced ROW width, this application includes a dedication of an additional 15' of right-of-way along the west side of Wakarusa Drive. This will result in a total right-of-way 145'. The dedication captures the existing multi-use path and incorporates it into the right-of-way. This additional right-of-way meets the minimum requirements of Section 20-810(e)(5).

¹ Wakarusa Drive is not constructed in the center of the right-of-way. There is more ROW on the east side of the section line than on the west.



Figure 3: Existing Utility Easements - Yellow

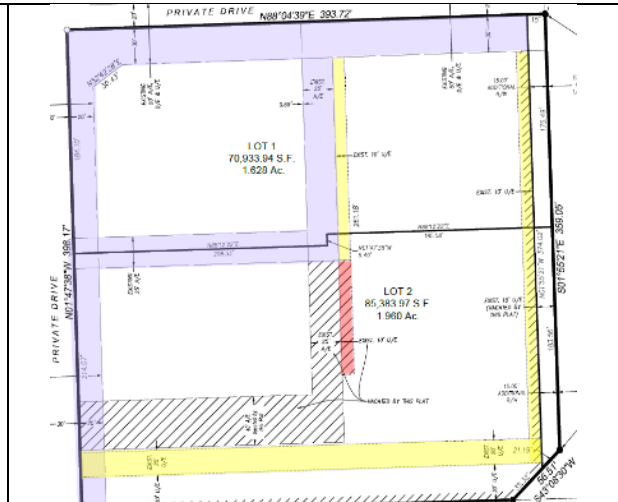


Figure 4: Proposed Vacation of Utility Easements -Red



Figure 5: Existing Water Line Not Covered by Easement

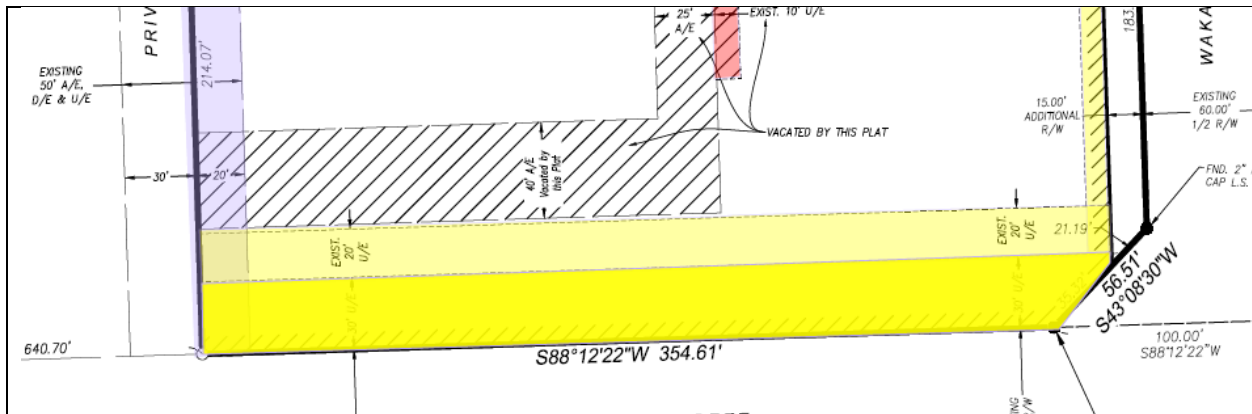


Figure 6: Proposed 30' Utility Easement Dedication Along South Property Line.

ACCESS

Interior Access and Circulation: Access to the site is currently provided through shared access drives from Wakarusa Drive, Congressional Drive and Overland Drive. These driveways connect to interior access easements that form the internal vehicular circulation. This project would revise the interior circulation, in anticipation of a new development, in the southeast corner of the overall commercial property. Existing access easements are shown in the light violet color in Figure 5. A portion of the access easement is proposed to be vacated by this Minor Subdivision as shown in Figure 6.

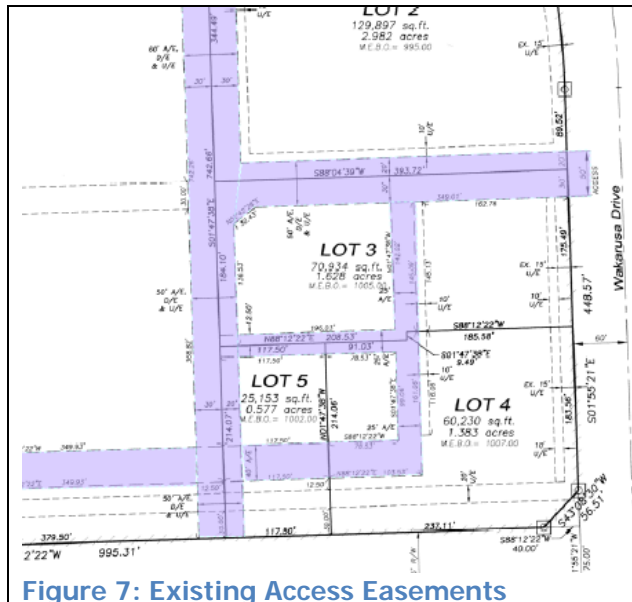


Figure 7: Existing Access Easements

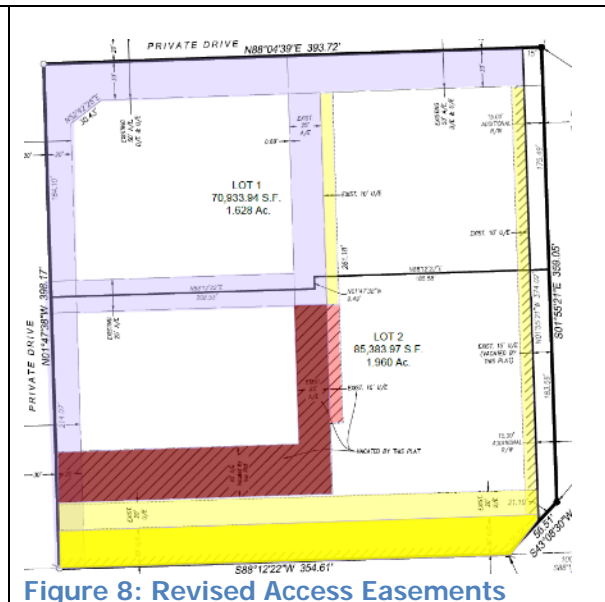


Figure 8: Revised Access Easements

The interior access aligns with the planned development of the lots and will support two-way traffic within the future development. No changes to the access restrictions to W. 6th Street or Wakarusa Drive are proposed with this development application.

MASTER STREET TREE PLAN

A Master Street Tree Plan showing compliance with Section 20-811(g) of the Subdivision Regulations has been submitted for this application. The site includes existing trees along both Wakarusa Drive and W. 6th Street.

Compliance with Minor Subdivision Review Criteria, Section 20-808(c)

The minor subdivision is compliant with the review criteria as noted below:

1. *The proposed lot conforms to the lot size requirements of the underlying zoning district.*

The PCD District did not have minimum lot size requirements but required minimum separation between buildings and minimum building setbacks. The lot area was determined with the Development Plan.

2. *The lot will have direct access to an existing public street that meets current adopted access and public improvement standards.*

Each lot is adjacent to a public street. Direct access to the adjacent public streets (Wakarusa Drive and W. 6th Street) are prohibited. The primary access to the lots is through shared

access driveways (access easements) through the surrounding commercial development. The primary access circulation of the overall 6Wak Planned Development is maintained.

3. The required right-of-way for the adjacent streets is provided.

This application includes the dedication of an additional 15' of right-of-way for Wakarusa Drive. This dedication brings the west half of the street into compliance with the current design criteria (75') for this property.

4. No additional public easements are necessary to serve the property.

No new easements are needed or requested with this minor subdivision. Primary utilities are provided to this property. Check on the extra u/e for water line.

5. Drainage easements or other protective devices have been provided with the original plat of the property although the property is not located within the FEMA designated regulatory floodplain.

This application does not alter established drainage easements. The property is not encumbered by any regulatory floodplain.

6. The proposed Minor Subdivision conforms to the minimum boundary survey standards.

This proposed Minor Subdivision conforms to the minimum boundary survey standards.

Conclusion: The Minor Subdivision, as conditioned, conforms to the approval criteria in Section 20-808(d) of the Subdivision Regulations subject to acceptance of easements and rights-of-way and approval of the proposed easement vacations by the City Commission as shown on the attached drawing.