

MS-17-00382: A Minor Subdivision/Replat for 6Wak Addition Replat Lot 1, located at 550 Congressional Dr to allow a right-in turn driveway from W. 6th Street that includes a break in the access restriction for W. 6th Street and the dedication of additional access and utility easement. Submitted by TreanorHL, for Wal-Mart Real Estate Business Trust, property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Minor Subdivision subject to the City Commission approval of the access break and acceptance of utility & access easements as shown on the attached drawing subject to the following conditions:

1. Submission and approval of public improvement plans.
2. Provision of compensation to the City for the value of the purchased access right to W. 6th Street based on an appraisal of the fair market value.

KEY POINTS

- Lot 1 6Wak Addition is a developed commercial lot with surface parking and shared access drives.
- The proposed Minor Subdivision includes changes to the interior access easements and provides a direct right-in only access driveway from W. 6th Street.
- A recent text amendment to Section 16-1201 of the City Code allows for the access break per Ordinance 9390 (pending second reading and publication).
- This application does not change the boundary of the lot nor does it change, add or combine any interior lot lines or new lots within the development.
- The design of the right-in only driveway has been conceptually approved by the City Engineer per the Traffic Study.
- Public improvement plans are required for the driveway and work within W. 6th Street right-of-way.
- Access rights were purchased. On August 15th the City Commission authorized the City Manager to negotiate the purchasing of the break in access on a fair cost of the access as determined by an appraisal.

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 Replat. This is the first Minor Subdivision of the property.

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 to the Final Development Plan](#). A revised development plan application has been submitted for a mixed-use retail commercial building. Recent applications include the following:

- MS-16-00549 Lot recombination.
- FDP-17-00268; Lot 2 - 6Wak Addition Phase II for in-line retail building.
- City Code Text Amendment 16-1201; Ordinance No. 9390.
- FDP-17-00445; Lot 3 - 6Wak Addition Phase II for restaurant use.

OTHER ACTION REQUIRED

- City Commission approval of easement vacation 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; developed Lot 1 of 6Wak Addition. Wal-Mart
Surrounding Zoning and Land Use	
To the north:	OS (Open space) and CO (Commercial Office) Districts along the north side of Overland Drive. Future City park and existing office building. OS (Open Space) District on the southeast corner of Overland Drive and Congressional Drive. Existing detention pond for commercial development.
To the west:	RM24 (Multi-Dwelling Residential) District along the west side of Congressional Drive. Existing Multi-dwelling development.
To the south:	PCD-Colonial NE/NW (Planned Commercial Development) District; W. 6 th Street right-of-way and mixed-use shopping center containing <i>Fast Order Food with Drive-In</i> [McDonalds], <i>Quality Restaurant, Bar or Lounge, Health Care Office/Clinic, Day Care Center</i> , etc. PCD-[6Wak] (Planned Commercial Development) District on the northeast corner of W. 6 th Street and Congressional Drive; undeveloped Lot 6 of 6Wak Addition.
To the east:	PCD-[6Wak] (Planned Commercial Development) Districts along the west side of Wakarusa Drive and the south side of Overland Drive. Existing and pending commercial development.



Existing Zoning Map

Proposed changes are contained within Wal-Mart lot.

Lot Size: 571,776 SF

Number lots: 1

PROJECT SUMMARY

The property is located on the north side of W. 6th Street. The property abuts Overland Drive on the north and Congressional Drive on the west. Access to Wakarusa Drive is provided via an internal shared access drive. The property was originally developed with a specific access restriction prohibiting direct access to W. 6th Street.

The proposed request, if approved, would revise the lot to allow partial access from W. 6th Street to Lot 1 as a right-in only drive. The project includes amendments to the interior shared access drives to provide connected vehicular pathways through the development. A new utility easement is included along W. 6th Street to cover the existing water line and other utilities that are located along the south property line.

This project specifically does not include the division of the existing lot into additional lots and does not consolidate any lots within the development. The perimeter boundary of the existing platted lot will not be altered by this Minor Subdivision.

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 / Principal Arterial	150' total ROW/ 75' from centerline	150' 75' north of section line.
Wakarusa Drive / Principal Arterial		150' 60' feet west of section line ¹ .
Overland Drive / Collector	80' total ROW 40' from centerline	80'
Congressional Drive /Collector		80' Wider at intersection with W. 6 th Street to accommodate turn lanes.

¹ Additional ROW was dedicated with MS-16-00549. Wakarusa is not immediately adjacent to the subject property but is part of the 6Wak Planned Development.

- 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.

The proposed request would create a new access drive for Lot 1 and the overall development at a specific point along W. 6th Street. The exact location is specified by the Traffic Study (approved) and pending public improvement plans that demonstrate the location meets with the necessary separation requirements from the intersection and designated turn lane dimensions. The remaining frontage along W. 6th Street will remain access-restricted.

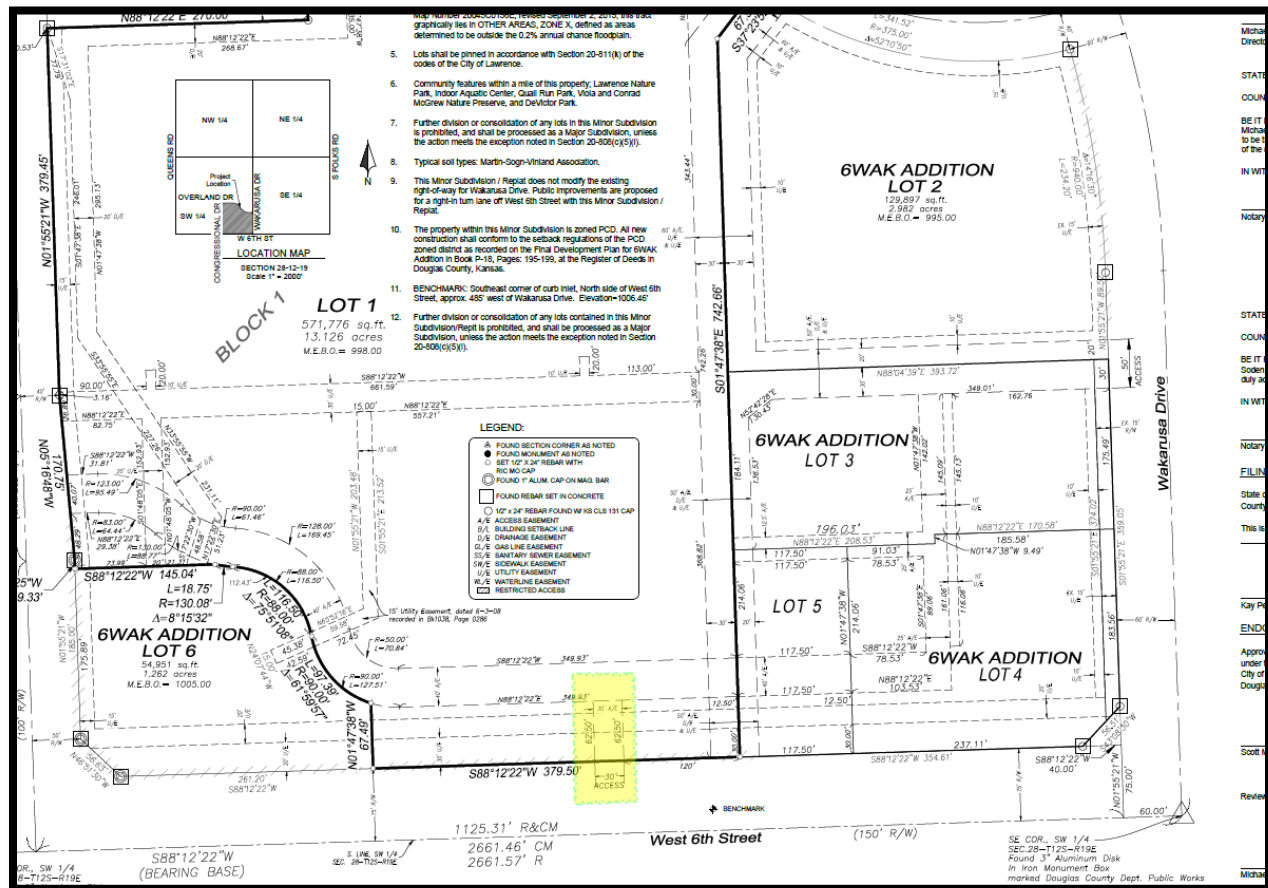


Figure 1: Location of access break

The design of the project is a right-in only drive. A copy of the concept plan is attached to this report.

ACCESS

Interior Access and Circulation: Access to the site is currently provided through shared access drives from Wakanusa 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 by adding the additional right-in only access to W. 6th Street. The light blue color in the following graphic highlights the location of the access and its connection to the established internal access pathways through the development.

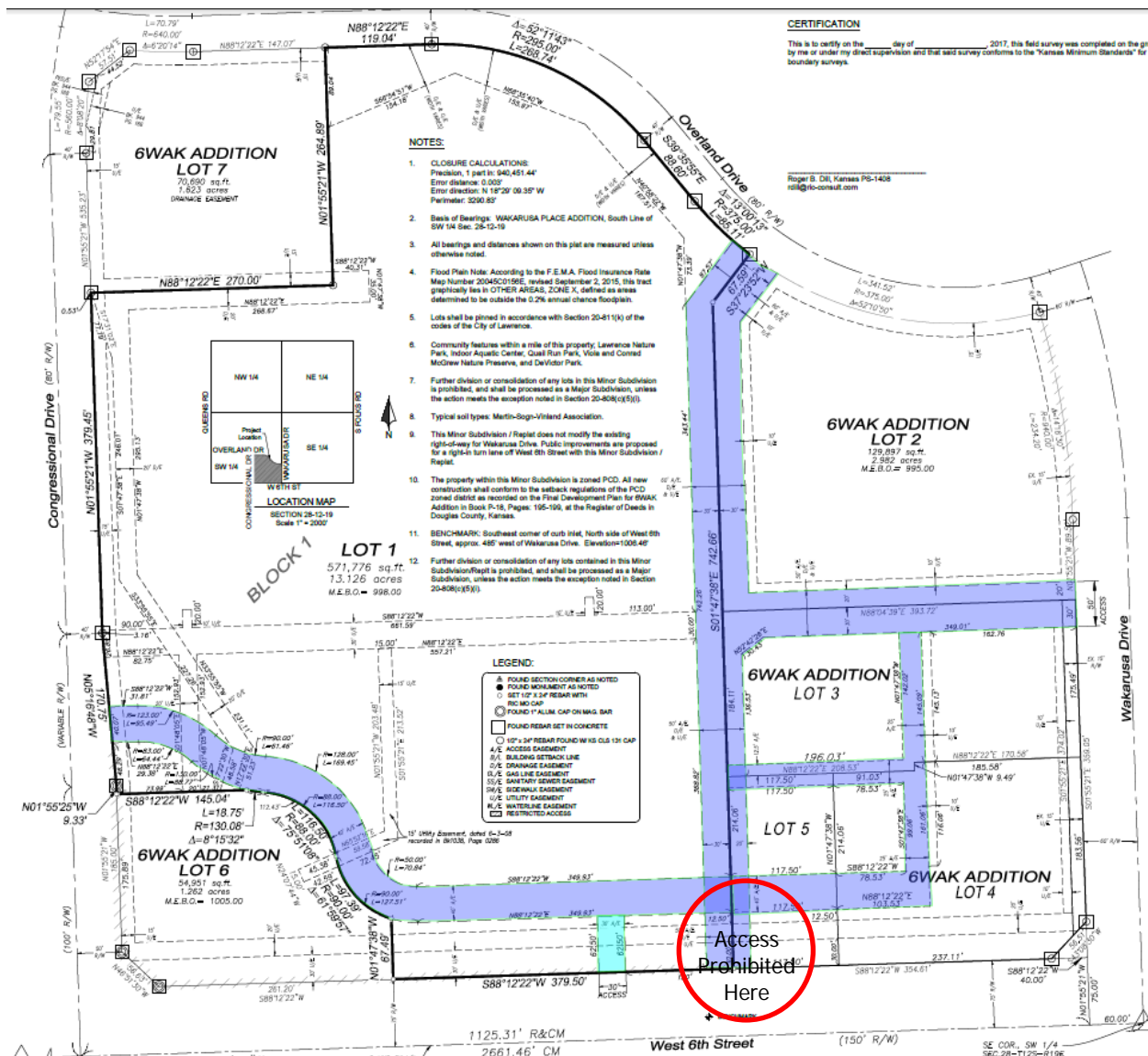


Figure 2: Existing and Proposed Access Easements.

One access easement currently extends to W. 6th Street but access in this location is prohibited. The location is insufficient to meet access management standards and distance requirements from the signalized intersection.

UTILITIES/EASEMENTS

Sanitary sewer and water utilities were previously extended to serve this property and individual lots within the Planned Development. This Minor Subdivision includes the dedication of a 30' Utility Easement located along the south property line.

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 all of the perimeter streets.

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

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.*

This request does not amend the lot size or exterior dimensions. 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.*

Access to this lot is currently provided from Congressional Drive and Overland Drive. Access to Wakarusa Drive is provided through a shared access easement across the adjacent lots to the east. If approved, the lot will have partial access to W. 6th Street via a restricted right-in only driveway.

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

New right-of-way dedication is not proposed with this Minor Subdivision.

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

This application is for the construction of a new access driveway to W. 6th Street that will serve all lots within the 6Wak development. The dedication of easements in addition to the access driveway to W. 6th Street provide interior circulation and cover existing utilities and infrastructure that currently exist and serve this property.

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 access rights by the City Commission as shown on the attached drawing.