

MS-17-00390: A Minor Subdivision/Replat of Blocks 11 & 12 Sunset Hill Estate Subdivision located at 2515 W 6th Street. Submitted by Paul Werner Architects for D & D Properties of Lawrence, Inc., property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Minor Subdivision, subject to the following conditions:

1. Add a note confirming the variance by the Planning Commission for a reduction in right-of-way for W 6th Street and Crestline Drive.
2. The County Surveyor is now Kevin Sontag. Please revise the plat with the new County Surveyor name.
3. Per Resolution No. 17-31, the minimum cap height for the text (letters and numbers) shall be 1/10th of an inch. Please revise with text size to meet that requirement.
4. Submission of mylar with signatures and recording fees for this Minor Subdivision

ASSOCIATED CASES

- SP-1700361; A site plan for a building addition and site improvements located at 2515 W 6th Street.

KEY POINTS

- Existing property platted as 2 lots.
- Proposed subdivision would consolidate the 2 existing lots into 1 lots.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, adopted January 10, 2012.

OTHER ACTION REQUIRED

1. Provision a mylar copy of the Minor Subdivision Plat, an executed Master Street Tree Plan, and the appropriate recording fees.
2. Recording of the Minor Subdivision and associated documents at the Douglas County Register of Deeds.

GENERAL INFORMATION

Current Zoning and Land Use: CS (Commercial Strip) District; *Nightclub*.

Surrounding Zoning and Land Use: CS (Commercial Strip) District to the east, north, and west; *Multi-Dwelling Structure*, and vacant *Gas and Fuel Sales*.

RM12 (Multi-Dwelling Residential) District to the southeast; *Duplex*.

RS5 (Single-Dwelling Residential) District to the south, *Detached Dwellings*.

STAFF REVIEW

The property is located on the southwest corner of the intersection of W 6th Street and Crestline Drive. The subject property is developed with a structure, which previously contained a *Nightclub*

use, and corresponding surface parking lot. The intent behind the proposed Minor Subdivision is to accommodate an addition to a remodel of the structure to accommodate a retail shop and fast order food with drive-thru use.

DIMENSIONAL REQUIREMENTS

Per Section 20-601(b) of the Development Code, the CS (Commercial Strip) District requires a minimum lot area of 5,000 sq. ft. a minimum frontage on a public or private street of 40 ft., and a minimum lot width of 100 ft. for lots platted after the July 1, 2006 effective date. The configuration complies with these requirements.



Figure 1a. Existing platted lot lines of subject property.

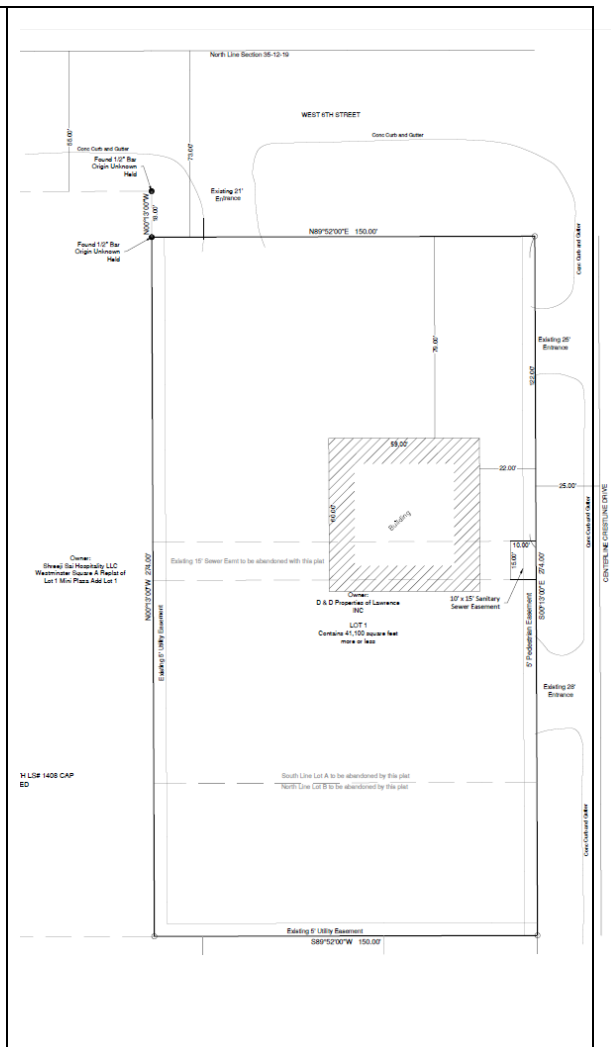


Figure 1b. Proposed replat.

Streets and Access

The subject property is bound by W 6th Street to the north and Crestline Drive to the east. Access to the property is currently provided via one curb cut on W 6th Street and two curb cuts on Crestline Drive. The Major Thoroughfare Map classifies W 6th Street as a principal arterial and Crestline Drive as a local street.

Section 20-915(e)(1) of the Land Development Code states that "Direct access to an arterial street is prohibited except in redevelopment or infill situations where the subject property has no other reasonable access to the street system and the City Engineer determines that access onto the arterial street, based on the street's ultimate design, can be safely accommodated."

A site plan application was submitted for a Major Development Project at 2515 W 6th Street. The proposed site plan included the existing access to W 6th Street. Staff interpreted the site plan application as a request to waive the access management standards for this access point.

Section 20-915(e)(3) states that waivers from these access standards may be approved by the City Engineer if the City Engineer determines that the requested waiver will not create a serious detriment to the safety or operation of traffic on the street or roadway and only for infill or redevelopment projects where no other feasible option exists.

The City Engineer denied the requested waiver based on the fact that the property has reasonable access to Crestline Drive.

Per Section 20-915(e)(3)(iv), the action of the City Engineer in granting or denying a waiver shall be reported on the agenda of the next meeting of the Planning Commission after the action. The Planning Commission received the access waiver determination report at their September 25, 2017 meeting. The determination may be appealed to the City Commission in writing within 14 days of the Planning Commission meeting. The waiver shall not become effective until the expiration of the 14 days appeal period or, in the case of an appeal, until the City Commission has acted on the appeal.

Easements and Rights of Way (dedication or vacation)

EASEMENTS

This site includes existing 5' utility easements located along the west and south property line. The following vacation and dedications are associated with this Minor Subdivision:

VACATION

- A 15' utility easement that runs the width of the property and is located under the existing structure.

DEDICATION

- A 5' pedestrian access easement along Crestline Drive to insure space is available for a public sidewalk, if the Crestline and W 6th Street intersection was altered in the future or space for the sidewalk was otherwise not available along Crestline Drive.
- A 10' X 15' utility easement for public sanitary sewer manhole on the east side of the property.

RIGHTS OF WAY

The table below shows the required and existing right-of-way for W 6th Street and Crestline Drive.

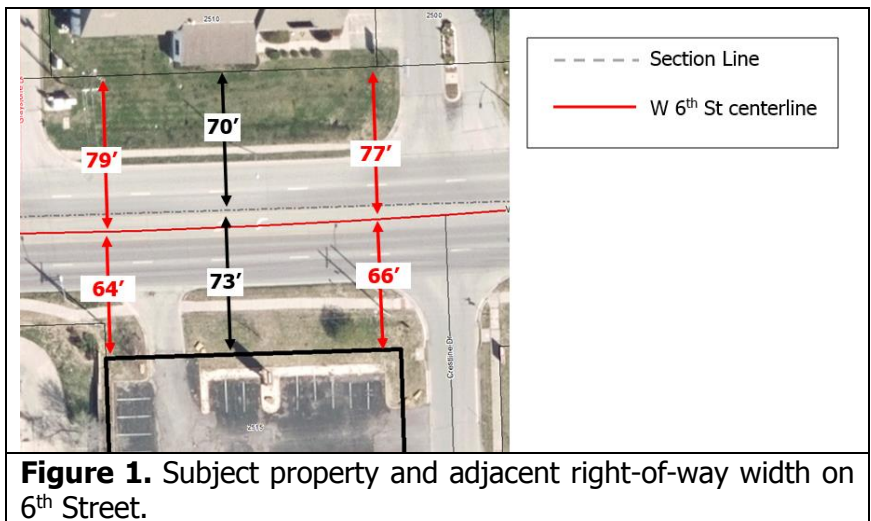
Street/Classification	Required	Existing
W 6 th Street/Hwy 40 Principal Arterial	150 ft total ROW 75 ft from centerline	143 ft total ROW <ul style="list-style-type: none"> 73 ft south of section line App. 64 to 66 ft south of centerline
Crestline Drive Local Street	60 ft total ROW 30 ft from centerline	50 ft total ROW <ul style="list-style-type: none"> 25 ft west of centerline

A variance request for the reduction of right-of-way width for W 6th Street from 150' to 144' and for Crestline Drive from 60' to 50' will be considered by the Planning Commission at their September 27, 2017 meeting. A description of the variance requests is provided below.

VARIANCE, 6TH STREET:

Reduction in the required width of right-of-way of 150 ft for a Principal Arterial Street (W 6th Street) per Section 20-810(e)(5) of the Subdivision Regulations to allow subdivision of the property with the existing right-of-way on the subject property side of the W 6th Street/Hwy 40 centerline.

The right-of-way width for W 6th Street/Hwy 40 varies in this area. As properties in the area developed, right-of-way was required based on the



regulations in place at the time, or planned road improvements. When the subject property was platted with the Sunset Hill Estates Addition in 1973, the plat showed 73 ft of right-of-way being provided south of the section line. However, W 6th Street was not built centered on the section line. Figure 1 shows the right-of-way width as measured from the section line and from the street centerline. The right-of-way width on the north side of the centerline varies from approximately 77 ft to 79 ft and the right-of-way on the south side of the centerline varies from approximately 64 ft to 66 ft. When possible, right-of-way is centered on the street centerline to provide adequate area for infrastructure and street trees on each side of the street (75 ft on each side). An additional 7 right-of-way would be required on the southern side of the centerline to provide the total required width of 150 ft. A variance was requested to allow the replatting of this property without the dedication of the additional right-of-way for W 6th Street/Hwy 40.

VARIANCE, CRESTLINE DRIVE:

Reduction in the required width of right-of-way of 60 ft for a Local Street (Crestline Drive) per Section 20-810(e)(5) of the Subdivision Regulations to allow subdivision of the property with the existing 50 ft of right-of-way width (25 ft on the subject property side of the centerline).

An additional 5 ft of right-of-way width would need to be dedicated on each side of the centerline to result in the required 60 ft of right-of-way width. A variance was requested to allow the

replatting of the property for redevelopment without the dedication of the additional right-of-way for Crestline Drive. In lieu of the right-of-way, a 5' wide pedestrian easement has been provided.

Floodplain

No part of the subject property is located within the designated regulatory floodplain.

CONCLUSION

The Minor Subdivision, as conditioned, conforms to the approval criteria in Section 20-808(d) of the Subdivision Regulations