

**MS-17-00554:** A Minor Subdivision/Replat for Casey's Subdivision, located at 1703 and 1711 W. 6<sup>th</sup> Street to consolidate two platted lots into a single lot for redevelopment. Submitted by Casey's Retail Company on behalf of Harold Shephard and Marla J. Webster and James and Brenda Vantuyl, property owners of record.

**ADMINISTRATIVE DETERMINATION:** The Planning Director approves the above-described Minor Subdivision subject to the City Commission approval of acceptance of vacation of a cross access easement as shown on the attached drawing subject to the following conditions:

1. Submission and approval of public improvement plans
2. Provision of a Master Street Tree Plan for recording with the Douglas County Register of Deeds Office.
  - a. Provision of a revised Minor Subdivision drawing to include General Note 8; note the date the Planning Commission approved the variance for the right-of-way width along W. 6<sup>th</sup> Street, October 25, 2017.

#### KEY POINTS

- This application is submitted concurrently with a site plan for redevelopment of two properties located at 1703 and 1711 W. 6<sup>th</sup> Street (SP-17-00501).
- This Minor Subdivision represents a consolidation of two lots into a single platted lot.
- Existing easements that currently provided shared access are proposed to be vacated with this Minor Subdivision.
- The property abuts W. 6<sup>th</sup> Street on the north and Wisconsin Street on the east.
- The redevelopment of the property includes consolidation of access along W. 6<sup>th</sup> Street and reduces the number of driveways to the arterial street.

#### 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. 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

- SP-17-00501; Casey's, demolition of existing structures and redevelopment of site.
- 1-17-01849; Building Permit application submitted 10/30/17.

## 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.
- Applicant has submitted for a building permit application. Existing structures will require demolition.

## GENERAL INFORMATION

Current Zoning and Land Use: CS (Commercial Strip) District and RSO (Single-Dwelling Residential- Office) District. Existing motel (1703 W. 6<sup>th</sup> Street) and automotive repair (1711 W. 6<sup>th</sup> Street).

Surrounding Zoning and Land Use: CS (Commercial Strip) District to the north and east.

- Existing *Vehicles Sales and Service* on the north side of W. 6<sup>th</sup> Street [1716 W. 6<sup>th</sup> Street/SP-16-00227] and existing *Agricultural Sales* [545 Wisconsin Street; Lawrence Feed & Farm Supply].
- Existing *Vehicles Sales and Service* on east side of Wisconsin Street. [1527 W. 6<sup>th</sup> Street].

CS (Commercial Strip) District and RSO (Single-Dwelling Residential-Office) District to the west.

- Existing *Payday Advance and Car Title Loan Business* to the west. [1717 W. 6<sup>th</sup> Street] and existing *Lodge, fraternal and Civic Assembly* [1803 W. 6<sup>th</sup> Street; Eagles Lodge].

RSO (Single-Dwelling Residential- Office) District to the south. Undeveloped land.

RMO (Single-Dwelling Residential-Office) District to the southeast on the east side of Wisconsin Street.

- Existing *Multi-Dwelling* and *Duplex* residential structures.

A portion of the subject property is zoned RSO (Single-Dwelling Residential-Office) District as noted in the summary. The proposed redevelopment will include a lot with the rear portion of the property zoned RSO and the majority of the lot zoned CS. The zoning boundary does not align with the platted lot lines. The proposed development exceeds all rear yard requirements. Rezoning of the rear 15' is not required for the proposed redevelopment of the property. The overlapping zoning is shown in figure 1 below.

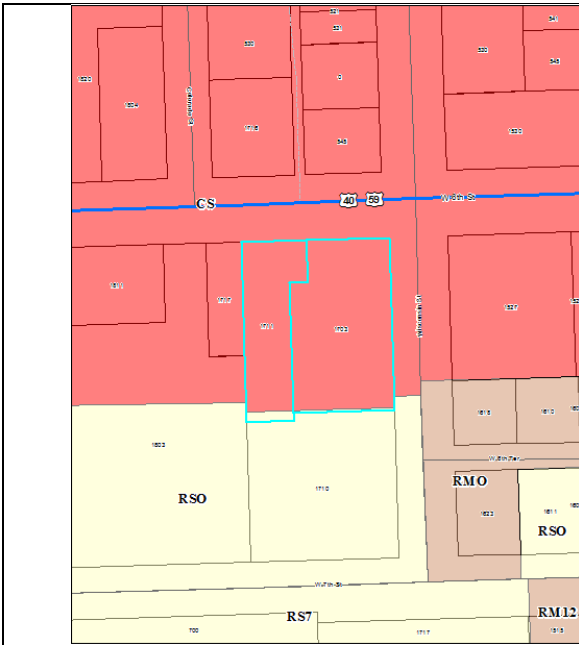


Figure 1: Existing Zoning

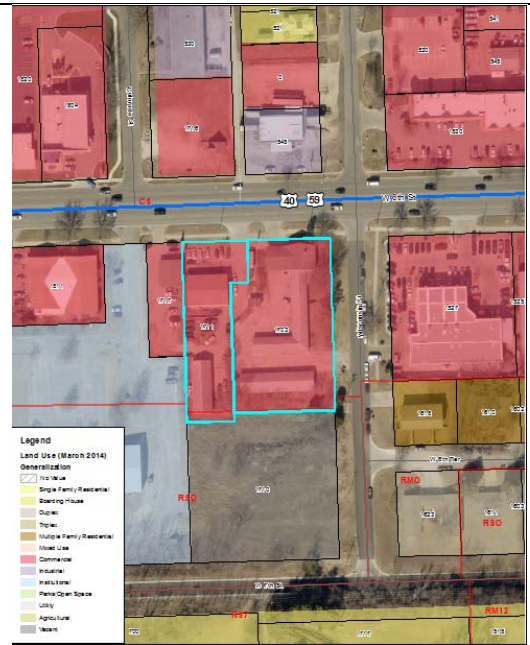


Figure 2: Existing Land Use

## PROJECT SUMMARY

This application includes two parcels located on the south side of W. 6<sup>th</sup> Street. The proposed application would consolidate them into a single lot for commercial redevelopment. The property abuts Wisconsin Street along the east property line. A separate site plan application has been submitted and is being reviewed by staff.

The property includes an existing shared access easement to W. 6<sup>th</sup> Street. As a part of the development request the applicant is seeking to vacate the shared access. The shared access is obsolete with the proposed site development and the lot combination.

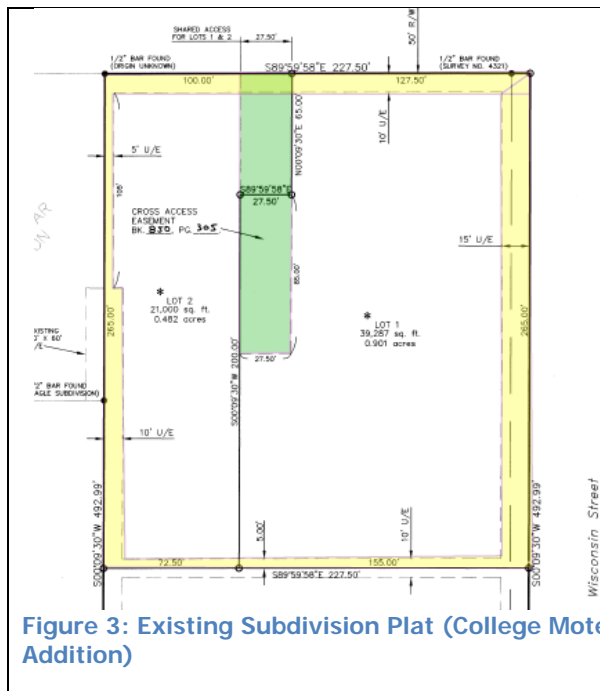


Figure 3: Existing Subdivision Plat (College Motel Addition)

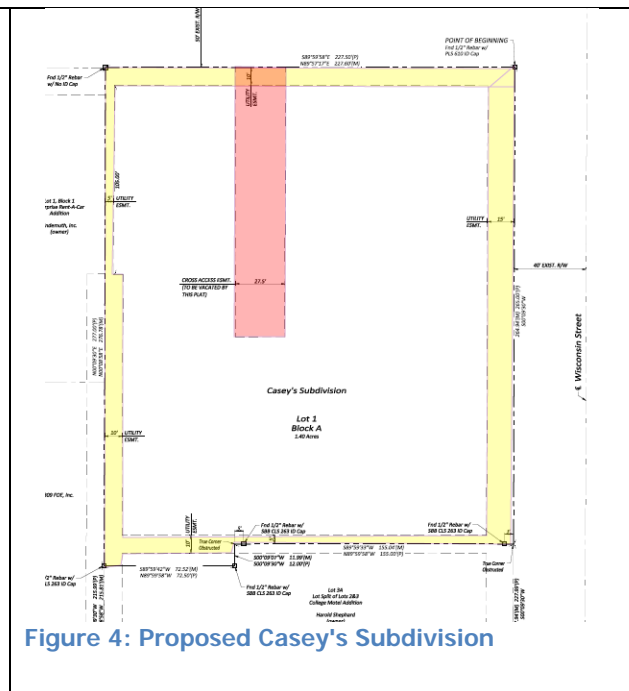


Figure 4: Proposed Casey's Subdivision

## RIGHT-OF-WAY

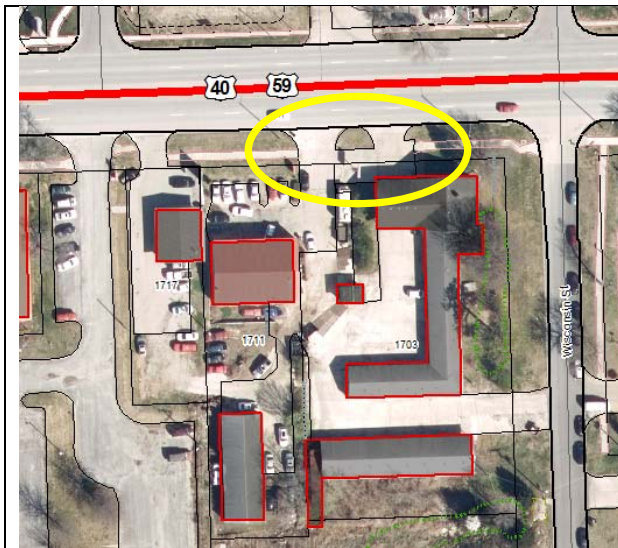
The property is bounded on the north by W. 6<sup>th</sup> Street on the east by Wisconsin Street. W. 6<sup>th</sup> Street is classified as a *Principal Arterial* on the *City Major Thoroughfares Map*. Wisconsin Street is a local street. Additional right-of-way is not proposed with this application.

Street/Classification	Required	Existing
W. 6 <sup>th</sup> Street / Principal Arterial	150' total ROW/ 75' from centerline	100'
Wisconsin Street	60' total ROW	100'

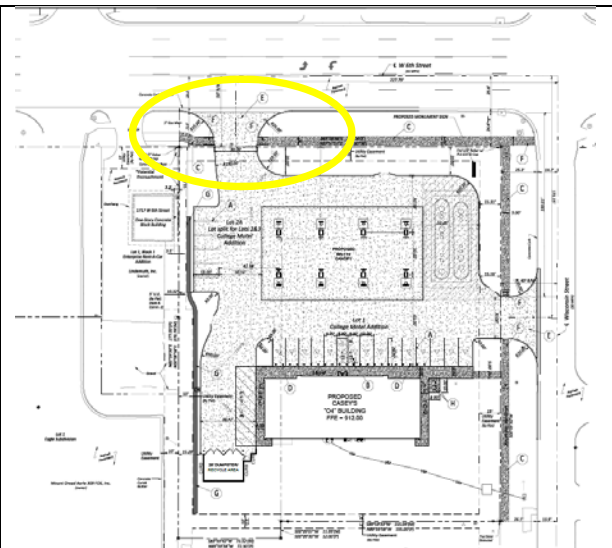
- The Planning Commission approved a variance for reduced right-of-way for W. 6<sup>th</sup> Street on October 25, 2017.

## ACCESS

**Interior Access and Circulation:** Access to the site is currently provided from both of the adjacent streets. Access is proposed to be revised by closing the two existing side by side driveways to W. 6<sup>th</sup> Street and constructing a new curb cut at the west end of the property farther away from the intersection. The access drive to Wisconsin Street would also be relocated farther to the north, closer to the intersection as shown on the proposed site plan. These access points reflect the operational needs of the proposed use (gas and convenience store) as well as a design to locate development closer to W. 6<sup>th</sup> Street providing the greatest buffer area between the commercial uses and the residential uses to the south.



**Figure 5: Existing 6<sup>th</sup> Street Access**



**Figure 6: Proposed 6<sup>th</sup> Street Access**

The traffic study noted specific improvement that must be provided for this development. Both a traffic signal and a turn lane are required. Both of these improvements can be constructed within the existing right-of-way. Development of the site will require public improvement plans. The Minor Subdivision cannot be recorded until public improvement plans have been submitted, reviewed and approved, and that a guarantee for their construction is provided.

Staff is continuing to work with the applicant regarding the final design of the necessary turn lanes for this development. The design and construction will not impact the lot configuration or right-of-way needs of this Minor Subdivision.

### **UTILITIES/EASEMENTS**

Sanitary sewer and water utilities were previously extended to serve these properties. The Minor Subdivision drawing shows perimeter easements that will be retained for this development.

The existing cross access easement provided with the original property subdivision shared access between the two lots for access to W. 6<sup>th</sup> Street. The consolidation of the property into a single lot and the intended redevelopment make this easement obsolete. The applicant proposes to vacate the easement as shown on the drawing. Vacation of this easement will facilitate the redevelopment of the site. City Commission approval of the proposed easement vacation is required. Approval of this Minor Subdivision is subject to consideration and action by the City Commission to vacate the shared access easement.

### **MASTER STREET TREE PLAN**

A Master Street Tree Plan showing compliance with Section 20-811(g) of the Subdivision Regulations is required for this application. A site plan has been submitted concurrently with this application. The landscape plan shows the site to be compliant. Street trees that overlap with the sight triangles for the access driveways will be trimmed in accordance with Section 20-1102 to maintain intersection visibility. Provision of the Master Street Tree Plan is reflected as a condition of approval.

### **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 combines existing platted lots into a single larger lot. The minimum lot size in the CS district is 5,000 Sf. The consolidated lots will exceed the minimum lot size at 60,984 SF (1.40 Acres).

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

The new lot will have direct access to a public street. Per the proposed site plan, access is accommodated on both W. 6<sup>th</sup> Street and Wisconsin Street. The access from W. 6<sup>th</sup> Street must be designed with adequate turn lanes per the City Engineer's approval and per the requirements for submission and approval of applicable public improvement plans.

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

New right-of-way dedication is not proposed with this Minor Subdivision. The Planning Commission approved a variance to allow a reduction in the required right-of-way width for W. 6<sup>th</sup> Street, a Principal Arterial Street, from 150' to 100' as shown on the drawing. Necessary geometric improvements will be constructed within the existing right-of-way.

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

This application is for the redevelopment of commercial property. The site includes existing utility easements along the perimeter of the site that are adequate to continue utility services to the planned development.

*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 patterns in this immediate area. 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.