



**MS-18-00243:** A Minor Subdivision/Replat for Casey's Subdivision, located at 1703, 1711, 1717 W. 6<sup>th</sup> Street, and 1710 W. 7<sup>th</sup> Street. Submitted by Casey's Retail Company on behalf of Lonnie J. and Geneva J. Blackburn, Harold Shephard, Marla J. Webster, and James W. Vantuyl and Brenda S. 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 and the vacation of certain existing and dedication of new utility easements as shown on the attached drawing.

#### KEY POINTS

- This application is submitted concurrently with a site plan for redevelopment of properties located on the southwest corner of W. 6<sup>th</sup> Street and Wisconsin Street (SP-18-00275).
- This minor subdivision represents a consolidation of multiple properties and the creation of three new development parcels.
- Existing easements that currently providing shared access between 1703 and 1711 W. 6<sup>th</sup> Street will be vacated with this minor subdivision and require City Commission action.
- New utility easements are proposed with this minor subdivision and require City Commission action.
- The property abuts W. 6<sup>th</sup> Street on the north and Wisconsin Street on the east and W. 7<sup>th</sup> Street on the south.
- 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.
- A new, off-site, shared access driveway, will be dedicated by separate instrument across 1803 W. 6<sup>th</sup> Street and provide access to proposed Lot 1.
- A new access is proposed off-site to provide emergency access to Lot 2 as needed. A corresponding cross access easement between property owners will be executed to accommodate the emergency access to Lot 3.
- This redevelopment application includes public improvements and a new traffic signal at W. 6<sup>th</sup> Street and Wisconsin Street.

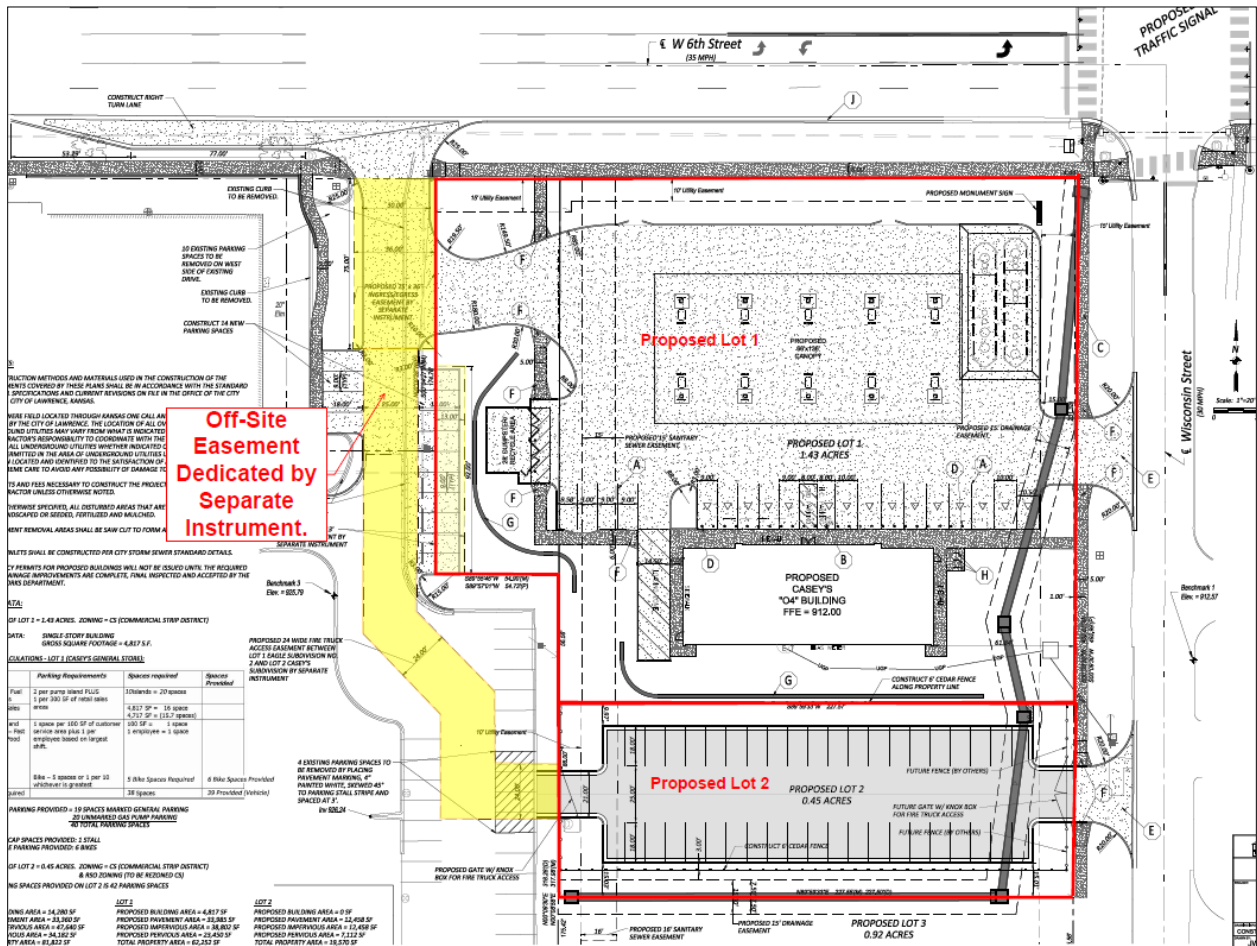


Figure 1: Off-Site easement dedication with proposed development shown.

### 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.
- Per Section 20-810 (e)(5) of the Subdivision Regulations, minimum right-of-way required for arterial streets is 150 feet.
- Per Section 20-813(g) an applicant may request a variance from design standards. The Planning Commission approved a variance for the right-of-way width on July 25, 2018.

### ASSOCIATED CASES

- SP-18-00275; Casey's, demolition of existing structures and redevelopment of site.
- MS-18-00113; Eagle Subdivision, 813 W. 6<sup>th</sup> Street.
- SP-18-00119; 1803 W. 6<sup>th</sup> Street PANDA medical office redevelopment.

### OTHER ACTION REQUIRED

- City Commission approval of easement vacation as shown on drawing.

- Provision of a final drawing 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 a building permit application. Existing structures will require demolition.
- Applicant has submitted public improvement plans for review.

**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). Buildings are vacant at this time.

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

CS (Commercial Strip) District and RSO (Single-Dwelling Residential-Office) District to the west. Property is being redeveloped as a *Healthcare Office* 1803 W. 6<sup>th</sup> Street.

RS7 (Single-Dwelling Residential) District to the south. Existing large lot *Detached Dwelling* residential uses along the south side of W. 7<sup>th</sup> Street.

CS (Commercial Strip) District and RMO (Single-Dwelling Residential-Office) District to the east on the east side of Wisconsin Street.

- Existing *Vehicles Sales and Service* 1527 W. 6<sup>th</sup> Street.
- Existing *Multi-Dwelling* and *Duplex* residential structures along W. 6<sup>th</sup> Terrace.

The revised zoning boundary (Ordinance No. 9561) aligns with the new lot lines. Lots 1 and 2 will be zoned CS (Commercial Strip) District and Lot 3 will be zoned RSO (Single-Dwelling Residential Office) District.

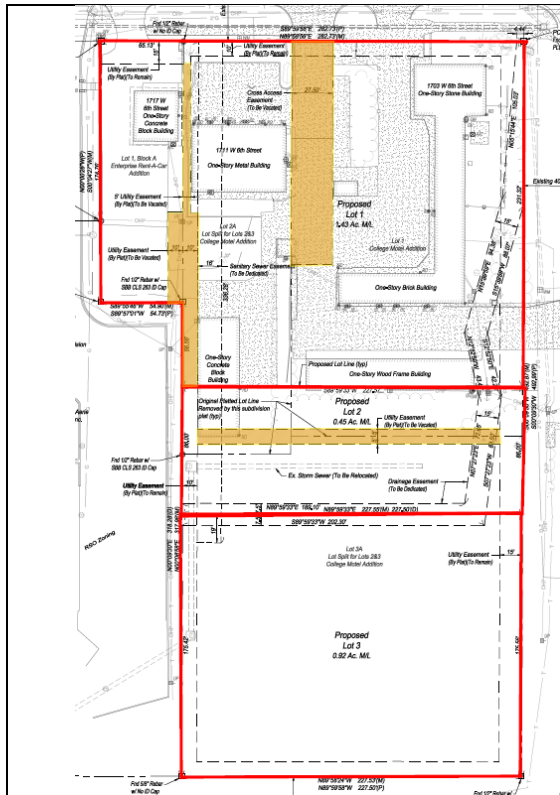


**Figure 2: Surrounding Land Use: Subject property outlined in blue**

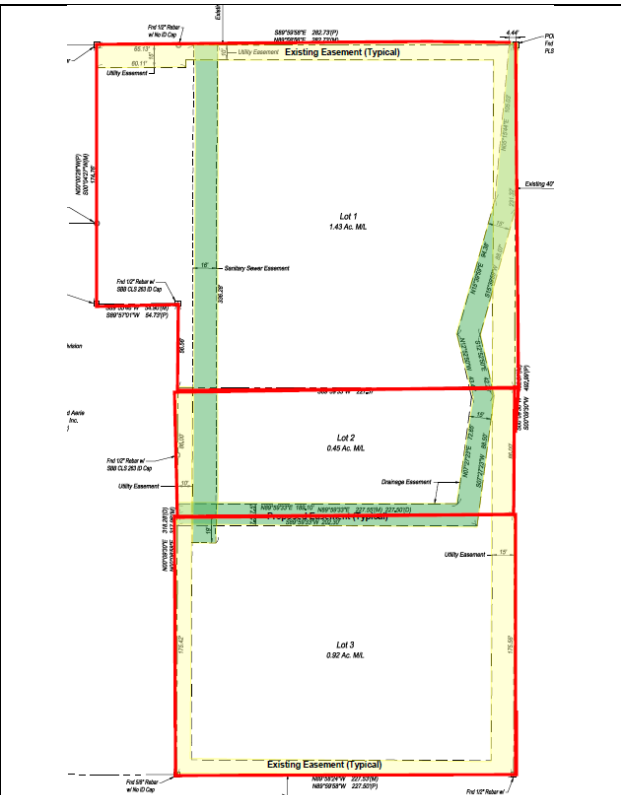
## PROJECT SUMMARY

This application includes multiple parcels located on the south side of W. 6<sup>th</sup> Street. The proposed application consolidates and reconfigures property into three new development parcels. The property abuts Wisconsin Street along the east property line and W. 7<sup>th</sup> Street along the south property line. A separate site plan application has been submitted and is being reviewed by staff that includes all of Lots 1 and 2. There is no development application for Lot 3 at this time.

Figures 3 and 4 show the easements to be vacated and those to be dedicated the attached minor subdivision.



**Figure 3: Existing easements being vacated - orange.**



**Figure 4: Proposed easements – green. Existing easements to remain - yellow**

## RIGHT-OF-WAY

The property is bounded on the north by W. 6<sup>th</sup> Street on the east by Wisconsin Street and on the south by W. 7<sup>th</sup> Street. W. 6 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.

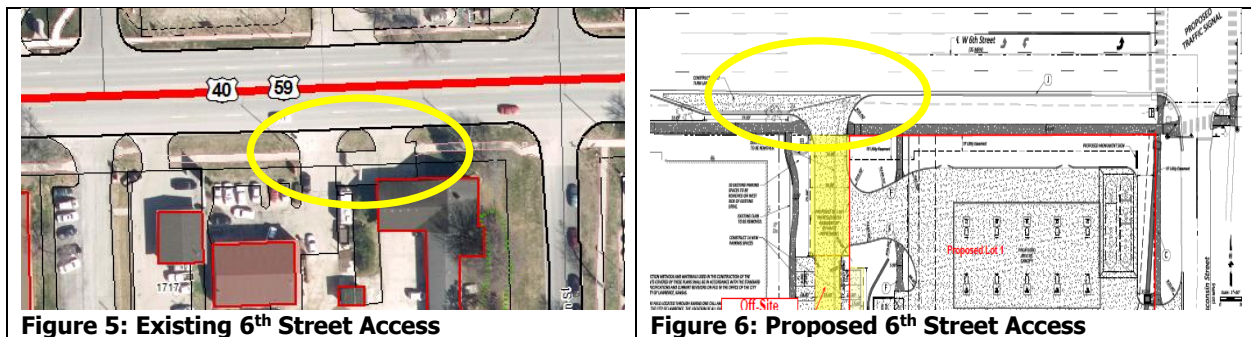
| Street/Classification                          | Required right-of-way                   | Existing                           |
|--|---|------------------------------------|
| W. 6 <sup>th</sup> Street / Principal Arterial | 150 feet total, 75 feet from centerline | 100 feet, 50 feet from center line |
| Wisconsin Street/ Local                        | 60 feet total, 30 feet from center line | Variable, 40 feet from center line |
| W. 7 <sup>th</sup> Street/ Local               | 60 feet total ,30 from center line      | Variable, 40 feet from center line |

- The Planning Commission approved a variance from 150 feet to 100 feet for reduced right-of-way for W. 6<sup>th</sup> Street on July 25, 2018.

## ACCESS

**Interior Access and Circulation:** Access to the site is currently provided from adjacent streets. Each lot has access to a public street. There are no existing driveways from W. 7<sup>th</sup> Street to the property.

This redevelopment will revise access along W. 6<sup>th</sup> Street. The existing driveways along W. 6<sup>th</sup> Street will be closed. The driveway along the west property line on the adjacent property will be slightly reconstructed to provide full access to Lot 1 and to the property located at 1803 W. 6<sup>th</sup> Street. 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 commercial 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.



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, approved, and that a guarantee for their construction is provided.

## 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 subdivision provided a shared access easement between the two lots for access to W. 6<sup>th</sup> Street. This would be vacated by this minor subdivision as shown on the drawing. Vacation of this easement would facilitate the redevelopment of the site. The drawing also shows new utility easement to be dedicated by the minor subdivision. City Commission approval of the proposed easement vacations and new dedications is required.

Approval of this minor subdivision is subject to consideration and action by the City Commission to vacate the existing 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 for Lots 1 and 2. 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.

**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.*

The proposed lots exceed the minimum lot area requirements for the applicable base-zoning districts as shown in the following table.

| <b>Lot</b> | <b>Zoning District</b>                   | <b>Minimum Lot Size</b>          | <b>Proposed Lot Size</b>           |
|------------|--|----------------------------------|------------------------------------|
| Lot 1      | CS (Commercial Strip)                    | 0.114 Acres<br>5,000 Square Feet | 1.43 Acre<br>62,290.8 Square Feet  |
| Lot 2      | CS (Commercial Strip)                    | 0.114 Acres<br>5,000 Square Feet | 0.45 Acres<br>19,602 Square Feet   |
| Lot 3      | RSO (Single-Dwelling Residential Office) | 0.114 Acres<br>5,000 Square Feet | 0.92 Acres<br>40,075.2 Square Feet |

**Table 1 Lot Area Summary**

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

All new lots will have direct access to a public street.

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 reducing the required right-of-way width for W. 6<sup>th</sup> Street, a Principal Arterial Street, from 150 feet to 100 feet 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 includes both the vacation and dedication of utility easements as shown on the minor subdivision drawing. Additionally, an off-site access easement will be dedicated by separate instrument along the west property line to facilitate access to W. 6<sup>th</sup> Street between the adjacent properties as discussed in the body of the staff report.

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.*

The property is not encumbered by any regulatory floodplain. This minor subdivision includes the dedication of new easement for stormwater infrastructure as shown in Figure 4.

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 conforms to the approval criteria in Section 20-808(d) of the Subdivision Regulations, subject to acceptance of easements by the City Commission as shown on the attached drawing.