



MS-18-00046: A Minor Subdivision/Replat for Sinclair's Addition No. 2, located at 929, 913, 931, 935 Michigan Street and 1000 Emery Road to consolidate lots, vacate right-of-way, and to create three new residential development lots. Submitted by BG Consultants, on behalf of DJC Holdings LLC, Kirsten & Robin Krug, property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Minor Subdivision for for Sinclair's Addition No. 2, located at 929, 913, 931, 935 Michigan Street and 1000 Emery Road subject to the City Commission acceptance of utility & access easements and vacation of right-of-way for Emery Road and Michigan Street as shown on the attached drawing.

KEY POINTS

- This project includes existing platted lots and rights-of-way. Application is submitted to facilitate infill/redevelopment.
- Property includes multiple zoning districts. Pending zoning request will realign and consolidate zoning districts.
- Existing Michigan Street terminates in a non-code complaint cul-de-sac south of 9th Street and serves the existing development.
- Application includes the termination of Michigan Street in a dead-end with dedication of an accesses easement in lieu of right-of-way approved by the Planning Commission on March 28, 2018.
- Application includes a request to vacate a portion of Michigan Street and Emery Road. City Commission action is required to accept dedication of new easements and right-of-way and/or to vacate existing easements and right-of-way.
- Portion of property included in request is located in the Oread Neighborhood and specifically, the Oread Low Density – UC1 district.
- Emery Road located along the west side of the property is not built to current City standards and required a technical variance approved by the Planning Commission on March 28, 2018.

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) 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.
- Per Section, 20-810 (e) streets must meet minimum design standards.
- Per Section 20-813 (c) the applicable Governing Bodies shall be responsible for accepting the dedication or approving the vacation of rights of way for public streets, roads, and public easements.
- Per 20-813 (g) the Planning Commission shall grant or deny variances to the design standards of the Subdivision Regulations. Variances approved by the Planning Commission on 3/28/18.

ASSOCIATED CASES

- Z-18-00024; RM12 and RM12UC to RM32; Ordinance No. 9459.
- SP-18-00091; 929 Arkansas Street and 931-935 Michigan Street. Multi-Dwelling Residential redevelopment.
- MS-18-00046; Variances approved by Planning Commission on March 28, 2018.

OTHER ACTION REQUIRED

- City Commission approval of changes utility easements including the vacation of existing easement and dedication of new easements as shown on drawing.
- City Commission approval of vacation of right-of-way for Michigan Street and Emery Road 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.
- Submission of public improvement plans for Emery Road sidewalk crossing and provision of guarantee per section 20-811 (h).
- Approval of the related site plan.
- Submittal of building permit application and construction plan, also the issuance of building permits prior to development activity.

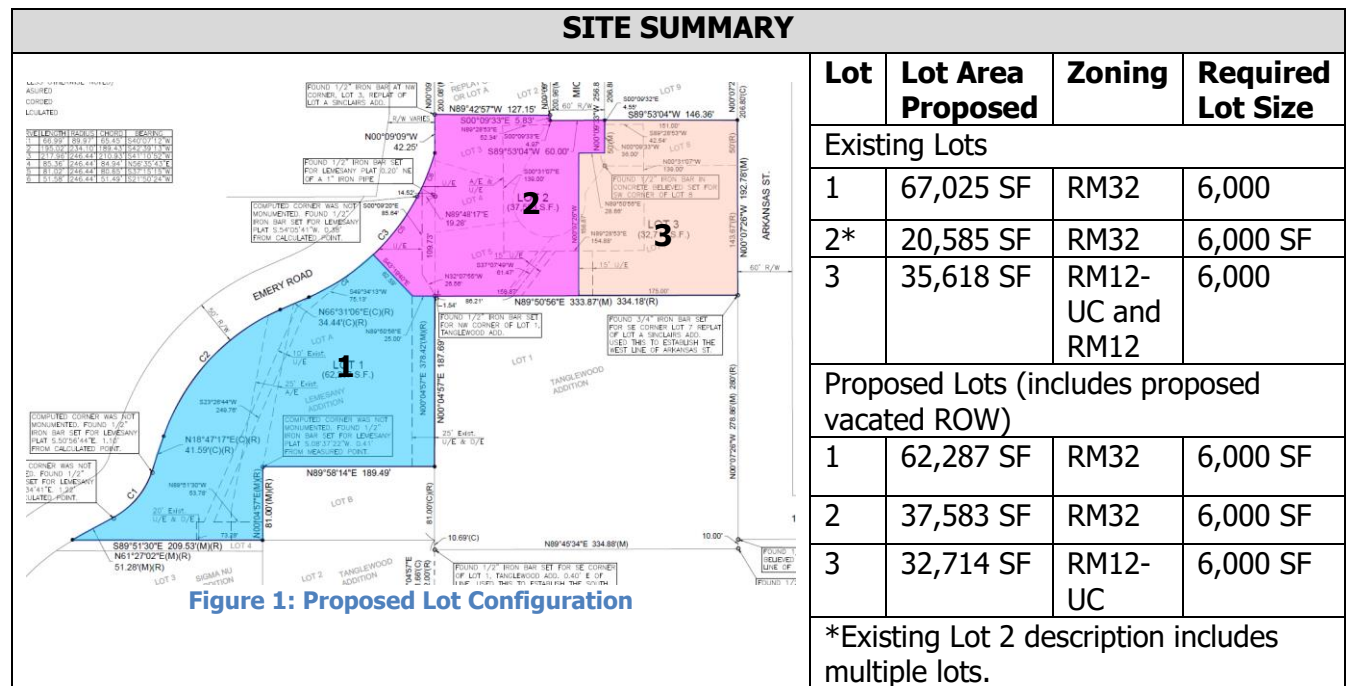


Figure 1: Proposed Lot Configuration

GENERAL INFORMATION	
This application include multiple developed properties zoned RM12-UC, RM12, and RM32. All are Multi-Dwelling Residential Districts. Zoning and land use is summarized by address below.	
Current Zoning and Land Use:	
929 Arkansas Street Street:	RM12-UC (Multi-Dwelling Residential - Urban Conservation Overlay) District and RM12 (Multi-Dwelling Residential) District; four <i>Duplex</i> building and one <i>Detached Dwelling</i> located on single parcel.

913, 931, 935 Michigan Street:	RM32 (Multi-Dwelling Residential) District. 913 Michigan Street is a <i>Multi-Dwelling Residential</i> use. 931 and 935 Michigan Street are <i>Duplexes</i> uses.
1000 Emery Road:	RM32 (Multi-Dwelling Residential) District. Existing <i>Multi-Dwelling Residential</i> use with multiple buildings.
Surrounding Zoning and Land Use:	
929 Arkansas Street:	RM12-UC (Multi-Dwelling Residential - Urban Conservation Overlay) District to the north and east. Existing detached dwelling residential uses. To the north and east, Multi-Dwelling Residential uses to the south. RM32-UC (Multi-Dwelling Residential - Urban Conservation Overlay) District to the south, <i>Multi-Dwelling Residential</i> uses to the south.
913, 931, 935 Michigan Street:	RM32 (Multi-Dwelling Residential) District to the north, between Michigan Street and Emery Road, south (951 Arkansas Street) and west along Emery Road. Existing <i>Multi-Dwelling Residential</i> uses.
1000 Emery Road:	RM32 (Multi-Dwelling Residential) District to the north, south and west. Existing Multi-Dwelling Residential uses. RM32 (Multi-Dwelling Residential) District and RMG (Multi-Dwelling Residential –Greek Housing) District to the west along the west side of Emery Road. Existing <i>Multi-Dwelling Residential</i> use and <i>Sorority House</i> use.

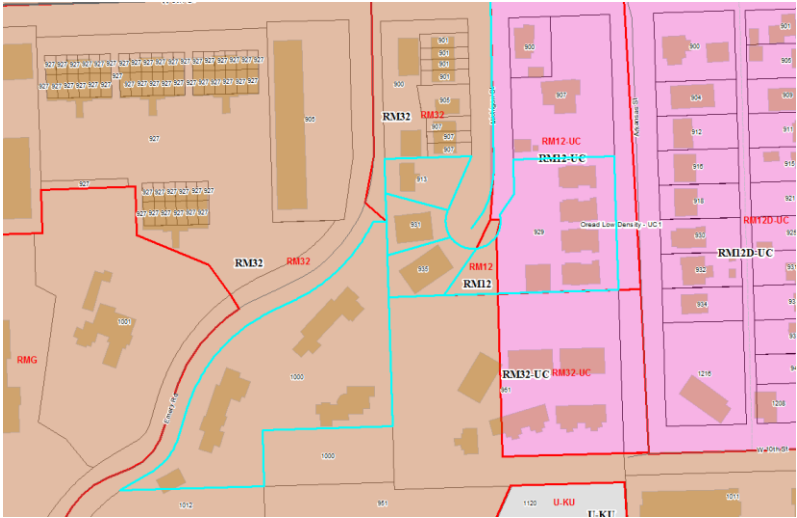


Figure 2: Zoning Map

PROJECT SUMMARY

This project includes multiple platted lots and proposes the vacation of a portion of Michigan Street and Emery Road to facilitate the redevelopment of property in the RM32 zoning district. The properties included in the application are located along Arkansas Street, Michigan Street and Emery Road all south of 9th Street. They are developed with existing *Duplex*, *Detached Dwelling* and *Multi-Dwelling Residential* uses. The *Duplex* structures, located at 931 and 935 Michigan Street will be demolished and redevelopment with new *Multi-Dwelling Residential* uses per site plan application SP-18-00091.

This project is concurrently submitted with a zoning application rezoning land from RM12 and RM12UC to RM32 (Z-18-00024). The combined applications align the district boundary and new lot lines. All of Lot 3 will remain in the RM12-UC district. Lots 2 and 3 are incorporated into the RM32 District.

RIGHT-OF-WAY

Lots are adjacent to Emery Road along the west, Arkansas Street on the east and Michigan Street on the north. All are designated local streets requiring a minimum of 60' of right-of-way. Emery Road does not meet the current right-of-way width design standard but was approved by the Planning Commission for a variance to retain the existing design width on March 28, 2018.

Table 1: ROW Summary		
Street/Classification	Required	Existing
Emery Road/ Local Street	60' ROW	50'
Michigan Street / Local Street	30' from centerline	60'
Arkansas Street / Local Street		60'

The proposed project includes vacating a portion of Michigan Street as shown on the drawing and the image below. A small portion of the vacated right-of-way will be absorbed into the new Lot 3. The majority of the vacated area will be consolidated into new Lot 2. The Planning Commission approved the Minor Subdivision design to allow Michigan Street to terminate in a turn-around with the dedication of an access easement to facilitate vehicular movements.

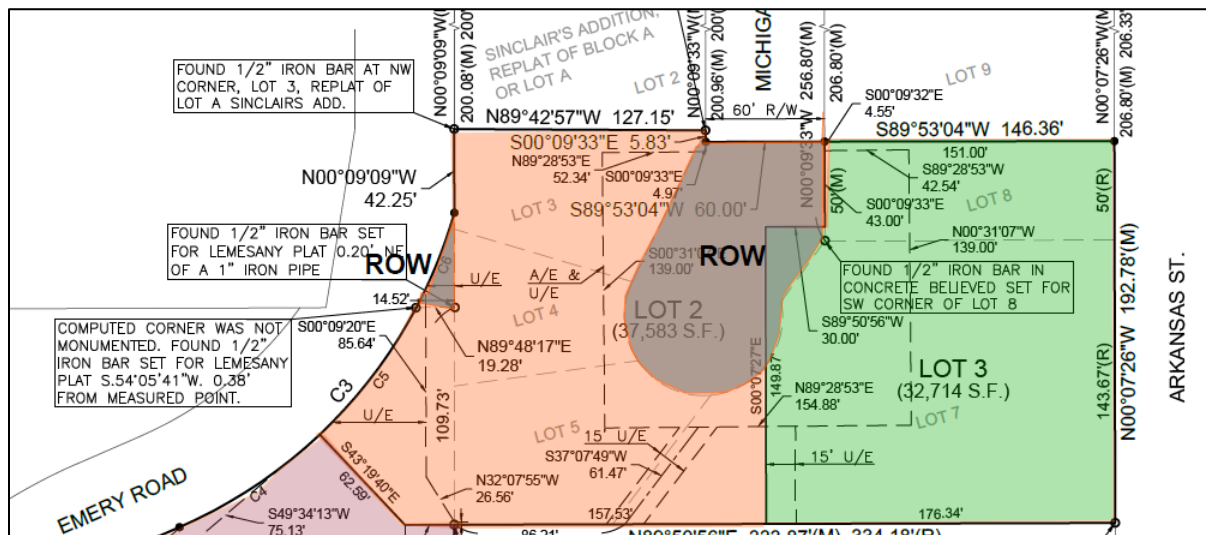


Figure 3: Vacated Michigan Street ROW

This Minor Subdivision also includes the vacation of a small portion of existing Emery Road. The requested vacation follows the curb line. The City Engineer reviewed the request and concurred with the applicants plan to vacate this area of Emery Road. The area is retained as a utility easement to cover any possible utilities that may be located parallel to the curb line in this area.

The action to dedicate or vacate right-of-way must be approved by the City Commission. Approval of the Minor Subdivision is therefore, conditioned on the assumption that the City Commission will accept the proposed right-of-way vacations as proposed.

ACCESS

Interior Access and Circulation: Each lot is adjacent to a public street. Access to the development located at 929 Arkansas Street is from Michigan Street. New access to Arkansas Street is not proposed with this redevelopment application. Access to 1000 Emery Road will not change with this proposed redevelopment. Existing lots 3, 4, and 5, Sinclair's Addition, are accessed from Michigan Street. These lots will be incorporated into new Lot 2. An area located in the east portion of Lot 3 and the west portion of Lot 3 is proposed as an access and utility easement to meet the intent of a traditional cul-de-sac that would terminate this street segment of Michigan Street. The Planning Commission approved this subdivision design with access easement in lieu of dedication of ROW to facilitate redevelopment/infill of this property.

This project includes a pedestrian crossing of Emery Road. A related public improvement plan will be required for this project. A public improvement plan along with the associated guarantee is required prior to the recording of the final documents with the Douglas County Register of Deeds Office.

UTILITIES/EASEMENTS

Sanitary sewer and water utilities were previously extended to serve this property and individual lots. Existing easements for municipal services is retained with this Minor subdivision. New easement is proposed at the end of Michigan Street and for that portion of Emery Road right-of-way being vacated by this Minor Subdivision. The following image shows the location of existing easements (yellow) and proposed new easements (orange) for this property. The acceptance of easements requires City Commission action.

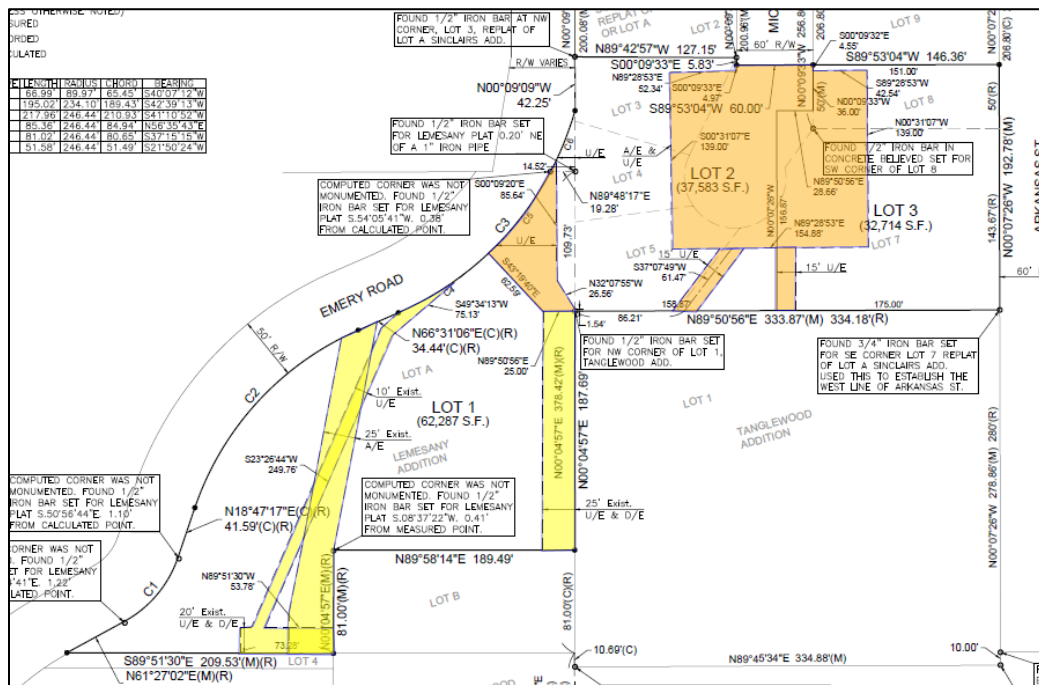


Figure 4: Existing and Proposed Utility Easements

MASTER STREET TREE PLAN

A Master Street Tree Plan has been submitted for this application. The site includes existing mature trees located along Arkansas Street. These trees will not be disturbed as part of this redevelopment project. Lots 2 and 3 include a narrow frontage along Michigan Street. The total combined frontage for the two lots is 60', the width of the right-of-way. Lot 2 extends the width of the right-of-way while Lot 3 touches the right-of-way at the corner point only. Street trees for

Lot 3 along Michigan Street are not required. Two street trees are required for Lot 2 along Michigan Street right-of-way.

Lot 2 abuts Emery Road on the rear side of the lot. This site includes numerous mature trees located back-of-curb. Any trees disturbed, damaged, or removed during the redevelopment of the site (SP-18-00091) will require installation of new street trees in accordance with the approved master street tree plan.



Figure 5: Street Trees along Emery Road

Redevelopment of the property will be reviewed for compliance with the Master Street Tree Plan as part of the site plan review.

Variance 20-813 (g)

This development application included two variances associated with public right-of-way. The Planning Commission approved the variances at their meeting on Marcy 28, 2018 to reduce the right-of-way width for Emery Road from 60' to 50' and to terminate Michigan Street in a dead-end rather than a cul-de-sac. A separate report related to the variances is attached to this report.

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 application is submitted with a concurrent rezoning application to vacate right-of-way, consolidate several smaller lots into a larger lot for redevelopment, and to adjust the interior lot lines of abutting lots along Arkansas Street and Emery Road. The property includes RM12-UC, RM12 and RM32 zoning districts. The proposed lot area for the new lots exceeds the minimum area requirements for the base zoning districts.
- 2. The lot will have direct access to an existing public street that meets current adopted access and public improvement standards.*

Each lot abuts a public street on one or more sides. Each lot is provided with direct access to a public street. Street improvements are not required with this project.
- 3. The required right-of-way for the adjacent streets is provided.*

New right-of-way dedication is not proposed with this Minor Subdivision. This application includes vacating some existing right-of-way. This vacated right-of-way will be incorporated into the new lots. The Planning Commission approved a variance for the reduced right-of-way width as it applies to this Minor Subdivision at their meeting on March 28, 2018. City Commission action is required to accept the vacation of right-of way as proposed.
- 4. No additional public easements are necessary to serve the property.*

This application includes the dedication of new easement for utilities and for access as shown on the Minor Subdivision drawing. City Commission action is required to accept these new easements as proposed.

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.