



MS-18-00113: A Minor Subdivision/Replat for Eagle Subdivision No. 2, located at 1803 W. 6th Street, to consolidate platted lots into a single lot for redevelopment. Submitted by Paul Werner Architects/BG Consultants Inc. on behalf of Mount Oread AERIE 309 FOE Inc., property owner 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. Applicant shall provide a revised drawing to include the following changes:
 - a. Show 15 foot wide by utility easement along the north 50 feet of the west property of original Lot 2 Eagle subdivision line at W. 6th Street.
 - b. Change the 10 foot wide utility easement to 15 foot wide utility easement located along the west side of original Lot 1, Eagle Subdivision, pending final determination by City Utility Department inspection if line is to be maintained.

KEY POINTS

- This application is submitted concurrently with a site plan for redevelopment/change of use for a medical office use (SP-18-00124).
- This Minor Subdivision would consolidate multiple platted lots and vacated California Street right-of-way (Book: 451 /Page: 226 in October 1990) into a single platted lot.
- The property abuts W. 6th Street, a designated principal arterial street. The existing street right-of-way width (100 feet) does not meet current design standard (150 feet). A variance from the Planning Commission was granted on April 23, 2018.
- The property is currently encumbered by a 20 feet access easement to W. 6th Street. This Minor Subdivision proposes to vacate that easement.
- The property includes multiple utility easements, some of which do not meet the minimum width requirements. Additional easements are required and are discussed in the body of the staff report.
- The property includes a 10 foot utility easement along the original west line of Lot 1 Eagle Subdivision. This easement covers an existing sanitary sewer line that is in poor condition. Pending an inspection by the Utility Department the line may be abandoned. If the line must be maintained then an additional 5 feet of easement is required.
- City Commission action is required to accept new easements and/or to vacate existing easements.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.
- Per Section, 20-810 (e) streets must meet minimum design standards.
- Per 20-813 (g), the Planning Commission shall grant or deny variances to the design standards of the Subdivision Regulations. Variance scheduled for 4/23/18.

- Per Section 20-813, the applicable governing body shall be responsible for accepting the dedication or approving the vacation of rights of way for public streets, roads, and public easements.

ASSOCIATED CASES

- SP-18-00124; Medical Office redevelopment.
- SP-17-00501; Casey’s, demolition of existing structures and redevelopment of site 1703 and 1711 W. 6th Street; pending.
- MS-17-00554; Casey’s replat; 1703 and 1711 W. 6th Street. Approved on November 21, 2017. Pending final recording.
- UPR-4-3-90 Eagles Lodge Building Addition.

OTHER ACTION REQUIRED

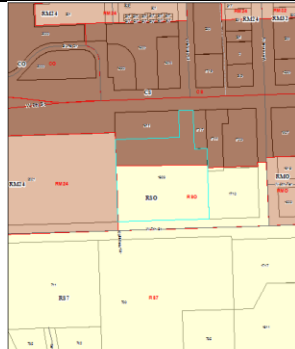

- City Commission approval of easement vacation and dedication as shown on drawing.
- Approval of the related site plan SP-18-00124.
- Submittal of building permit application, construction plans, and issuance of building permits prior to development activity.

Attachments

- Minor Subdivision Drawing
- Original Subdivision Plat
- Easement comparison exhibit
- Variance Memo

GENERAL INFORMATION

Current Zoning and Land Use:	CS (Commercial Strip) District and RSO (Single-Dwelling Residential - Office) District. Existing <i>Lodge, Fraternal and Civic Assembly</i> [1803 W. 6 th Street; Eagles Lodge].
Surrounding Zoning and Land Use:	CS (Commercial Strip) District to the north and east. <ul style="list-style-type: none"> • Existing commercial uses on the north side of W. 6th Street • Existing vacant commercial uses to the east, 1703 and 1711 W. 6th Street. Proposed redevelopment for Casey’s, <i>Fast Order Food, and Fuel Sales</i>; SP-17-00501.
	RSO (Single-Dwelling Residential - Office) District to the southeast. Undeveloped land.
	RS7 (Single-Dwelling Residential) District to the south along the south side of W. 7 th Street. Existing single-dwelling residential uses on large lots
	RM24 (Multi-Dwelling Residential) District to the west 2001 W. 6 th Street. Existing <i>Multi-Dwelling</i> residential structures.

	<p>Table 1: Zoning Summary</p> <table border="1"> <thead> <tr> <th colspan="3">Area Summary by Zoning for 1803 W. 6th Street</th> </tr> <tr> <th></th> <th>Acres</th> <th>Square Feet</th> </tr> </thead> <tbody> <tr> <td>CS</td> <td>1.27</td> <td>55,387.82</td> </tr> <tr> <td>RSO</td> <td>2.34</td> <td>102,002.74</td> </tr> </tbody> </table>	Area Summary by Zoning for 1803 W. 6 th Street				Acres	Square Feet	CS	1.27	55,387.82	RSO	2.34	102,002.74	
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PROJECT SUMMARY

This minor subdivision application includes multiple platted lots and a portion of the vacated California Street right-of-way. The City vacated the south portion of California Street right-of-way in 1990. The property is an irregular shaped parcel with a 65 foot wide leg that extends to W. 6th Street. This leg of the parcel provides access to W. 6th Street. The original subdivision plat included a 20 foot access easement within that "leg" of the parcel. The property also abuts W. 7th Street on the south but does not take access from W. 7th Street. This application is submitted concurrently with a site plan for a change of use from a *Lodge Use* to a *Health Care Office Use* via SP-18-00124. This property is west of the redevelopment site for Casey's (*Gas and Fuel Sales* and a convenience store -*Personal Convenience*) and included in development applications SP-17-00501 and MS-17-00554.

This property is developed with a 15,000 square foot building located on the south portion of the site and surface parking. The proposed use is a *Healthcare Office, Health Care Clinic*. The project will include significant interior remodeling and moderate exterior changes to the site. The intent is to reuse existing site improvements.

The property includes split zoning with the north portion zoned CS (Commercial Strip) and the south portion zoned RSO (Single-Dwelling Residential-Office) District. The building is located on the south portion of the property. A *Health Care Office, Health Care Clinic* is a permitted use in both zoning districts.

The purpose of the minor subdivision is to consolidate various parcels and lots into a single platted lot and to vacate the existing 20 foot access easement. The boundary of the property will not be altered by this application. The resulting development will be a single lot with frontage along W. 6th Street and W. 7th Street. Currently, access to this property is provided only from W. 6th Street. The property is presently encumbered by a 20 foot access easement that extends 120 feet from the north property line providing access to the original interior lots that would have fronted the now vacated California Street.

RIGHT-OF-WAY

The property includes 65 feet of frontage along W. 6th Street and 412 feet of frontage along W. 7th Street. W. 6th Street is classified as a *Principal Arterial* on the *City Major Thoroughfares Map*. W. 7th Street is designated as a local street. Additional right-of-way is not proposed with this application. The design of W. 6th Street does not meet the current minimum right-of-way width requirements. A variance was required for this minor subdivision. The justification for the variance is provided in a memo attached to this staff report provided to the Planning Commission for their consideration at their April 23, 2018 meeting.

Street/Classification	Required	Existing ROW
W. 6 th Street / Principal Arterial	150 feet total ROW/ 75 feet from centerline	100 feet
W. 7 th Street / Local Street	60 feet total ROW	70 feet

ACCESS

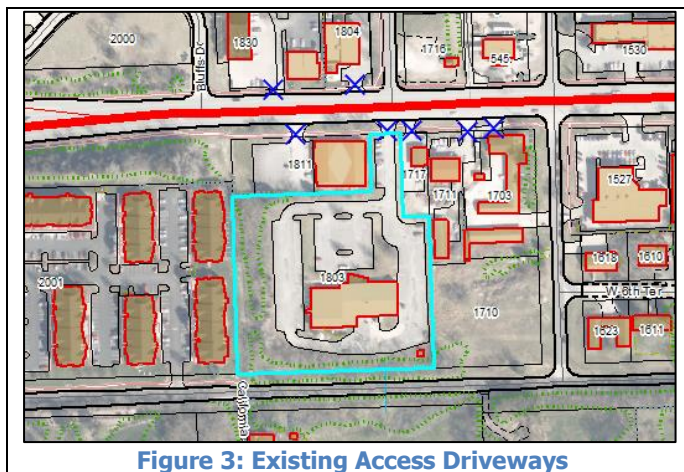
The property abuts both W. 6th Street and W. 7th Street. The access driveway extends from W. 6th Street south into the site. There is no access from W. 7th Street to the property at this time, and there is no proposed plan to add future access to W. 7th Street. The south property line

along W. 7th Street is heavily landscaped with natural vegetation providing a buffer between the single-dwelling residential uses to the south and W. 6th Street to the north.

This segment of W. 6th Street includes multiple driveways in close proximity. The redevelopment project for the Casey's fueling station to the east included a traffic study identifying the need for a traffic signal at the Wisconsin Street intersection. Staff is working with that applicant and the adjacent property owner exploring alternative access to manage the W. 6th Street corridor and provide improved internal vehicular circulation in the immediate area.

Direct access to an arterial street is prohibited per Section 20-915 (e) of the Land Development Code, except for infill and redevelopment and when the City Engineer determined that access onto the arterial street can be safely accommodated. The code requires a minimum spacing of 300' from non-signalized intersections. This driveway complies with that distance separation from Wisconsin Street. However, there are three other existing driveways located between the subject property and Wisconsin Street.

Below, Figure 3 shows the location of the existing driveways on the east and west sides of Colorado Street as they relate to this property. The subject property is outlined in light blue in the image below. Options being considered by staff and the property owners include; closing and consolidating existing driveways on the south side of W. 6th Street and relocating a shared driveway centered with Colorado Street. Staff is working with the applicant and the developer of the project to the east to establish cross access easements between the two properties. A full analysis of the options is still pending. This arrangement would not alter the boundary of the proposed minor subdivision.



The existing 20 foot wide access easement currently located on the property at 1803 W. 6th Street does not meet minimum dimensions to accommodate two-way traffic and may not be properly located depending on the final access solution. The applicant proposes vacating this existing easement. The removal of the existing access easement accommodates the timing of the current applicant given that the final resolution is currently undetermined. The minor subdivision, as proposed does not include cross access. As development plans are finalized, cross access easements would need to be established. If not included as part of this minor subdivision then cross access easements would be established through a separate instrument in the future.

UTILITIES/EASEMENTS

Sanitary sewer and water utilities were previously extended to serve this property. The minor subdivision drawing shows existing easements that will be retained for this development. The project includes the dedication of an additional 5 feet of utility easement along the north 120 feet to meet the current minimum required easement width.

The site includes an existing water line extended into the property from W. 6th Street serving an existing fire hydrant. The applicant proposes abandonment of this line as it does not meet current city design specifications. However, redevelopment of multiple properties along this corridor may necessitate the hydrant location. Staff recommend that a 15 feet utility easement be extended along the west side of the lot adjacent to W. 6th Street a distance of 50 feet.

The site includes an existing storm sewer crossing the southeast corner of the site. An easement is required to cover this utility. The minor subdivision drawing has been revised to show this utility easement.

The existing City sanitary sewer located on the west side of the building (between MH SW251219-180 and MH SW251219-181) is in poor condition and may be able to be abandoned. The Utilities Department is determining if any private service lines are connected to that sanitary sewer or manholes. If this sewer can be abandoned, the utility easement for this sanitary sewer will not be required. If the sewer must remain then the easement must be increased to be 15 feet wide. The applicant may choose to abandon the easement in the future when more information is known about the existing line.

City Commission action is required to accept the easement dedication shown on the drawing.

MASTER STREET TREE PLAN

The Horticulture/ Forestry division teamed with Westar to plant new Redbud trees on W. 7th Street several years ago at the request of the neighbors. These trees have matured and provide a significant buffer between the residential and commercial uses. The intent is to retain the existing vegetation along W. 7th Street.

A Master Street Tree Plan showing compliance with Section 20-811(g) of the Subdivision Regulations is required as part of this application. A site plan has been submitted concurrently with this development request. The landscape plan shows one tree located on the west side of the driveway. The existing driveway and utility locations limit the ability to provide two trees as required per Section 20-811 (g)(1)(ii). The number of street trees is occasional adjusted to accommodate area restrictions as applicable.

Street trees overlapping 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.*

This request combines existing platted lots and vacated right-of-way into a single larger lot. This property currently includes dual zoning. The north portion of the property is zoned CS (Commercial Strip). The south 25 feet is zoned RSO (Single-Dwelling Residential – Office) District.

The minimum lot size in CS District and the RSO District is 5,000 square feet. The consolidated lots will exceed the minimum lot size requirements of the underlying zoning districts.

- 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 continue to have direct access to a public street. This lot abuts W. 6th Street on the north and W. 7th Street on the south. Access to the property is provided via a driveway from W. 6th Street. New access from W. 7th Street is not proposed. There is no currently adopted access management plan for W. 6th Street to address driveway spacing.

- 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. 6th Street, a Principal Arterial Street, from 150' to 100' on April 23, 2018.

- 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. The project includes the dedication of new easement along the north 120' as shown on the drawing.

This project includes the vacation of an obsolete 20' access easement along a portion of the north side of the property. The easement originally provided access to the original southern lots located along W. 7th Street.

New/additional easement is required as described in the body of the staff report. Easements are subject to the acceptance of such by the City Commission per section 20-808 (d)(6)(ii). This determination assumes City Commission acceptance of the additional easements as shown on the Minor Subdivision drawing.

- 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.