



April 27, 2012

**MS-2-2-12:** Wal-Mart Addition No 4, a two-lot Minor Subdivision replat of Lot 1 Wal-Mart Addition No 3, located at 3300 Iowa Street. Submitted by Davidson Architecture and Engineering for Wal-Mart Real Estate Business Trust, property owner of record.

**ADMINISTRATIVE DETERMINATION:** The Planning Director approves the Minor Subdivision for Wal-Mart Addition No. 4, subject to the following conditions:

1. Provision of a revised Minor Subdivision plat with the following change:
  - a. Revision of General Note 5 to reflect the language provided in the Subdivision Regulations: *"Further division or consolidation of any lots contained in this Minor Subdivision/Replat is prohibited, and shall be processed as a major Subdivision, unless the action meets the exception noted in Section 20-808(c)(5)(i)."*
  - b. Addition of the following note: *"The Planning Commission approved a variance from the right-of-way requirement in Section 20-810(e)(5)(i) on April 23, 2012 to allow the dedication of additional right-of-way for Lot 1 to be deferred until such time as this property further subdivides."*
  - c. The total area of the site and the amount of right-of-way which is being dedicated should be noted on the face of the plat.
  - d. The heading 'LNA' may be removed from the 'no access' area as it is adequately identified; or the heading 'LNA' and meaning should be added to the plat legend.
  - e. The access restriction should be revised to include only the 300 ft from the signalized intersection at 3<sup>rd</sup> Street and Iowa Street and not all the property along 33<sup>rd</sup> Street.
  - f. The floating note on Lot 2 for a shared parking agreement shall be revised to refer to a general note on the plat and the Book and Page Number shall be provided in the general note for clarity, if the agreement is to be recorded prior to the recording of the Minor Subdivision. If the agreement is to be recorded with the site plan, this note may be removed from the plat.

#### **ADDITIONAL ACTION**

City Commission acceptance of dedication of additional right-of-way for Iowa Street on Lot 2 and acceptance of shared access easement along border of Lot 2 and Lot 1.

#### **KEY POINTS**

- Per Section 20-808(c)(5) of the Subdivision Regulations, only one lot combination or division may be approved through the minor subdivision process. One lot is being divided into two with this minor subdivision; therefore, any future lot combinations or divisions must be processed as major subdivisions unless the action meets one of the exceptions referenced in this section. The note on the plat should be revised with the wording in the Subdivision Regulations to include the reference to the exceptions.

**SUBDIVISION CITATIONS TO CONSIDER**

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.
- The Planning Commission approved a variance from the right-of-way requirement in Section 20-810(e)(5)(i) on April 23, 2012 to allow the dedication of additional right-of-way for Lot 1, Wal-Mart Addition No 4 to be deferred until such time as this property further subdivides. A note to this effect should be placed on the plat.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Provision of an executed Master Street Tree Plan.
- Certification that all taxes that are due and payable have been paid prior to the recording of the plat.
- Submittal of two paper copies and one signed/notarized mylar copy with recording fees for recording of Minor Subdivision at the Register of Deeds.
- Site Plan, SP-2-17-12, for commercial development of proposed lot has been submitted for administrative review.

**GENERAL INFORMATION**

Current Zoning and Land Use: CS (Commercial Strip) District; *Retail Sales, General*

Surrounding Zoning and Land Use: To the north: CS (Commercial Strip) and PCD (Planned Commercial Development) Districts; *Retail Sales, General.*

To the east: RS7 (Single-Dwelling Residential) District; stormwater detention.

To the south: PCD (Planned Commercial Development) District; *Light Equipment Sales/Rental;*

To the southeast: RM15 (Multi-Dwelling Residential) District; undeveloped.

To the west: PCD (Planned Commercial Development) District; *Retail Sales, General*

**SITE SUMMARY**

Area 1,032,372 sq ft (23.66 acres)  
Number of Existing Lots: 1  
Number of Proposed Lots: 2  
Proposed Lot 1 Area: 981,808.46 sq ft (22.54 acres)  
Proposed Lot 2 Area: 48,992.2 sq ft (1.11 acres)

**STAFF REVIEW**

This minor subdivision request was submitted in conjunction with a Site Plan (SP-2-17-12) for the construction of a retail building on this property.

Lot 1, Wal-Mart Addition No. 3 is being divided into two lots with this minor subdivision. Per Section 20-808(c)(5) of the Subdivision Regulations lots are eligible only one time for approval of a lot split or consolidation through the minor subdivision process. Any future land divisions or consolidations of the newly created lots must occur through the major subdivision process. This is noted on the plat but the note should be revised to reflect the language provided in the Subdivision Regulations: *"Further division or consolidation of any lots contained in this Minor Subdivision/Replat is prohibited, and shall be processed as a Major Subdivision, unless the action meets the exception noted in Section 20-808(c)(5)(i)."*

The CS District requires the following a minimum lot area of 5,000 sq ft and a minimum lot width of 100 ft. Both lots being created with this Minor Subdivision comply with these standards.

#### RIGHT-OF-WAY

Iowa Street is classified as a principal arterial in the Major Thoroughfares Map. Per Section 20-810(e)(5), a principal arterial requires 150 ft of right-of-way. The right-of-way for Iowa Street varies in this location and a portion of Iowa Street currently has only 130 ft of right-of-way. The required right-of-way for Lot 2 will be dedicated with this Minor Subdivision. The total area of the site and the area being dedicated as right-of-way should be noted on the plat. The Planning Commission approved a variance at their April 23, 2012 meeting deferring the dedication of additional right-of-way for Lot 1 until such time as the property further subdivides. This should be noted on the plat.

#### UTILITIES/EASEMENTS

The property contains various utility easements that were dedicated with previous plats including utility easements, a 50 ft side Williams Natural Gas Line Easement (now Southern Star), and a 44 ft wide access easement from 33<sup>rd</sup> Street through the property. These easements will remain and the following additional easements are being dedicated with this Minor Subdivision/Replat:

- An approximately 25 ft wide access easement for a shared drive aisle on the shared border between the south of Lot 2 and Lot 1 to allow the vehicles on both lots to utilize the drive aisle.
- A new 20 ft utility easement is being dedicated for the extension of the sanitary sewer main to service the development being proposed on Lot 2.

#### ACCESS

The subject property will take access from the interior shared access drive through the Wal-Mart parking lot. No direct access will be permitted to Iowa Street or 33<sup>rd</sup> Street from the subject property per the access restriction in Section 20-915(e) which prohibits driveway access to arterial or collector streets within 300 ft of the perpendicular curb face of an intersecting Arterial Street. The access restriction should be revised to include only the 300 ft from the signalized intersection at 33<sup>rd</sup> Street and Iowa Street. The Minor Subdivision shows the 'no access' area with hatch marks and also identifies it as 'LNA'. The heading 'LNA' may be removed from the no access area as it is adequately identified or the heading 'LNA' should be added to the legend with the meaning.

#### MASTER STREET TREE PLAN

A Master Street Tree Plan is required with this Minor Subdivision/Replat. The City Forestry/Horticulture Manager approved the species listed on the plan and the reduction in the number of trees provided.

#### SHARED PARKING AGREEMENT

The applicant indicated they would be entering into a shared parking agreement with Wal-Mart for parking on the busiest shopping days. The plat contains a floating note on Lot 2 with a Book and Page Number for this agreement. This note should be revised to refer to a general note on the plat and the Book and Page Number would be provided in the general note, if the agreement is to be recorded prior to the recording of the Minor Subdivision. If the agreement is to be recorded with the site plan, this note may be removed from the plat.

**Conclusion:** The Minor Subdivision, as conditioned, and with the variance granted by the Planning Commission, conforms to the approval criteria in Section 20-808(d) of the Subdivision Regulations.