

ITEM #: 16  
DATE: 12-17-24  
DEPT: P&H

**COUNCIL ACTION FORM**

**SUBJECT: WAIVER OF SUBDIVISION ACCESS STANDARDS AND APPROVAL OF PLAT OF SURVEY FOR 1420 SOUTH GRAND AVENUE AND 623 SOUTH 16TH STREET**

**BACKGROUND:**

Kwik Trip Inc. intends to purchase two lots and consolidate them for development of gas station at 623 S. 16th Street. The subject lots were part of a subdivision approved in 2014. With the boundary line adjustment to merge the parcels, the applicant is requesting a waiver of subdivision regulations that restricts access from a lot to an arterial street (see Attachment A).

Randall Corporation is the property owner and is selling the property to the Kwik Trip company. Randall Corporation was the original developer of the subdivision and at that time access was designated to be shared between multiple properties to manage access in this area. Shared access exists on the east side of the site and the north side of the site.

To facilitate circulation on the consolidated site, the applicant proposes to construct a right-in and right-out access directly onto S. Grand Avenue at the middle of the site. To allow for this access, a raised median approximately four feet wide will be constructed between the existing painted lines separating north-bound and south-bound traffic. The median will limit access to and from S. Grand Avenue to a right-in/right-out traffic movement. The width of the access will be twenty-four feet to meet SUDAS standards (see Attachment B). **The Public Works Department supports the right-in/right-out traffic circulation with the requirements for a raised traffic median between S. 16th Street and the access north of the proposed convenience store site as meeting SUDAS spacing requirements.** Full access to the site will be maintained through the two shared access drives to the north and the east.

A Plat of Survey application (see Attachment C) has been received that combines the two parcels through a boundary line adjustment into a single parcel for development of the site with a Kwik Star convenience store. The Plat of Survey and the related Site Development Plan cannot be administratively approved by staff without the approval of the waiver by the City Council. With Council approval of the waiver, staff will complete the review of the project and formally approve the Plat of Survey by the Planning and Housing Director.

**Subdivision Access and Waiver Standards**

The relevant subdivision standard regarding access is provided below:

*Section 23.403(9)(b). Lots created by subdivision shall not have direct access to any arterial street, except in the case where an existing platted lot had direct access to an arterial street prior to the adoption of these regulations and the owner of such lot now seeks to resubdivide. A frontage road separated from an arterial street by a planting or grass strip and having access to the arterial street at suitable points may be used as a means to provide access to lots created by subdivision.*

The standard for a subdivision regulation waiver by the City Council is below:

*Section 23.103(1). Where in the case of a particular subdivision, it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions, the City Council may modify or waive the requirements of the Regulations so that substantial justice may be done and the public interest secured provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations. In no case shall any modification or waiver be more than necessary to eliminate the hardship or conform to the purpose of the Regulations. In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so modified or waived.*

**In this particular case, the proposed access onto S. Grand Avenue allows for separation of customer vehicles from delivery truck traffic accessing the site from the north and the east to deliver fuel and provide other consumer items for consumer goods in the convenience store. The median provides added safety for motorists on Grand Avenue with the limitation of right-in/right-out traffic movements.**

**ALTERNATIVES:**

1. Approve the request for a waiver from the Subdivision regulations, in accordance with Section 23.103(1), of the restriction for access from a lot to an arterial street, as specified in in Section 23.403(9)(b) of the Municipal Code, and authorize the Planning & Housing Director to approve the Plat of Survey for the properties located at 1420 S. Grand Avenue and 623 S. 16th.
2. Deny the request for a waiver of the Subdivision Ordinance standards restricting access from a lot to an arterial street, as specified in Section 23.403(9)(b) based on the finding that the proposal does not meet City Subdivision Ordinance Standards for the granting of a waiver in Section 23.103(1) of the Municipal Code.
3. Refer this request back to staff and/or the owner for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

The request for a waiver from the Subdivision Ordinance standards restricting access from a lot to an arterial street can be supported by staff given the proposed access will be restricted to a right-in/right-out access with a raised median on S. Grand Avenue to provide an access for customers that is separate from the accesses to be used by delivery truck traffic for fuel and for consumer goods in the proposed convenience store. Waiver of the Subdivision standards restricting access to an arterial street would also enable the City Council to authorize approval of the Plat of Survey for the subject properties.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.

**ATTACHMENT(S):**

[Attachment A.pdf](#)  
[Attachment B.pdf](#)  
[Attachment C.pdf](#)