



ADMINISTRATIVE DETERMINATION & CERTIFICATION

FINAL PLAT

Prairie Wind Addition No. 3

June 27, 2012

PF-3-2-12: Final Plat for Prairie Wind Addition No. 3, a fifteen-lot subdivision of approximately 2.14 acres, located at 2504-2548 Ryan Court.-Submitted by Grob Engineering Services, LLC, for Tenants to Homeowners, Inc., property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the above-described Final Plat based upon the certification in the body of this report and subject to the following conditions:

- 1) Provision of a revised final plat with the following changes:
 - a) The PC endorsement on the plat should read: *"Associated Preliminary Plat approved by Lawrence-Douglas County Planning Commission, Douglas County, Kansas."*
 - b) Addition of a note indicating that street trees will be planted per the Master Street Tree Pla as recorded in Book___ and Page ___ is required, per Section 20-809(l)(2)(xiv)
- 2) Provision of an executed Master Street Tree Plan with the following changes:
 - a) Removal of Note D regarding the City's right of entry to plant trees.
 - b) Addition of the words 'and the City of Lawrence' to the end of the following sentence: "The master street tree plan is entered into as an agreement between the property owner _____"
 - c) Revision of the number of trees required on Haskell to 3, unless smaller species are being used to accommodate overhead wires. The plan shall note if this is the case.
- 3) The Final Development Plan for Prairie Wind PRD shall be revised to eliminate conflict between pedestrian and vehicle traffic on the access easement on Lot 3, Block One (see Figure 1).

KEY POINTS

- This property is part of the Prairie Wind Planned Residential District and was originally platted as one lot. Three developed lots were divided earlier through the administrative Minor Subdivision process to facilitate the transfer of ownership. One lot can be divided into a maximum of 4 lots through a Minor Subdivision; therefore, the remainder of the property is being subdivided through the Major Subdivision process (preliminary and final plat).
- The development pattern approved with the Final Development Plan is not being altered; but lot lines are being created to facilitate the transfer of home and land ownership.

SUBDIVISION CITATIONS TO CONSIDER

This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.

- Section 20-813 states that building permits will not be issued for unplatted property.
- Section 20-810(a)(2)(i) requires that lots be designed to comply with applicable zoning district regulations. On May 21, 2012 the Planning Commission approved a variance to allow lots to be created with less than the frontage required in the PD-Prairie Wind District subject to the condition that the minimum frontage not be reduced below that shown on the plat: Block One--Lot 2: 33.36 ft; Lot 3: 28.36 ft; and Lot 4: 30.26 ft.
- Section 20-810(a)(2)(i) requires that lots be designed to comply with the Zoning District Regulations. The Planning Commission approved a variance at their May 21, 2012 meeting from the PRD-District Regulations in Section 20-1007(e)(3) to allow the side yard setback to be reduced to 5 ft, subject to the exception noted in Section 20-602(e)(3)(ii) of the Development Code. If the separation between structures is reduced below 10 ft then the structures will be required to be built to Building Code standards for zero setback.
- Section 20-810(e)(5)(i) of the Subdivision Regulations requires 150 ft of right-of-way for principal arterials. The Planning Commission approved a variance at their May 21, 2012 meeting to allow the

right-of-way for Haskell Avenue to remain at 100 ft at this location.

ASSOCIATED CASES

- Z-5-12-06 rezoning to the PRD-1 District with conditions with Ordinance 8291 adopted on July 22, 2008.
- PF-8-22-06; Final plat for Prairie Wind Addition, a one-lot subdivision. Dedications accepted by City Commission on October 10, 2006, with subsequent extensions.
- FDP-8-5-06, Final Development Plan approved for 17 dwelling units. Approved by Planning Commission on September 25, 2006 with subsequent extensions.
- FDP-3-1-11, Revised Final Development Plan to increase dwelling units to 18. Approved by Planning Commission on May 23, 2011.
- MS-3-4-12; Minor Subdivision of Prairie Wind Addition No. 2 for 3 lots. The Planning Commission approved variances from the right-of-way requirement and the interior side yard setbacks at their April 23, 2012 meeting. The Planning Director administratively approved the Minor Subdivision on April 24, 2012 and it was recorded with the Register of Deeds on May 10, 2012.
- PP-3-3-12; Preliminary Plat for Prairie Wind Addition No. 3. Approved by the Planning Commission at their May 21, 2012 meeting.

OTHER ACTION REQUIRED

- Placement of final plat on City Commission agenda for acceptance of dedications.
- Submittal of one paper copy of the revised plat for the file and one mylar copy which is notarized for and signed by the owners, engineer, surveyor and County Surveyor to be recorded at the Douglas County Register of Deeds.
- Revision to the FDP-3-1-11, Prairie Wind Final Development Plan, to show the pedestrian access/driveway layout for Lots 2 and 3 in Block One.

PLANNING DIRECTOR CERTIFICATION (Section 20-809(m))

The final plat conforms to the content requirements of Section 20-809(l) of the Subdivision Regulations and is consistent with the Preliminary Plat (PP-3-3-12) approved by the Planning Commission on May 21, 2012.

The Planning Director hereby approves the final plat and certifies that the final plat:

a) Conforms to the Preliminary Plat previously approved by the Planning Commission.

The final plat conforms to the preliminary plat approved by the Planning Commission. The variances approved by the Planning Commission at their May 21, 2012 meeting are noted on the face of the plat.

b) Satisfies any conditions of approval imposed by the Planning Commission.

The Planning Commission approved the preliminary plat on May 21, 2012 subject to the condition that the preliminary plat be revised with the changes noted in the staff report and that the Prairie Wind PRD Final Development Plan be revised to eliminate conflict between pedestrian and vehicle traffic on the access easement on Lot 3, Block One. The applicant's proposed layout is shown in Figure 1. A revised preliminary plat meeting the conditions in the staff report was provided to the Planning Office. The final plat, as conditioned, is consistent with the preliminary plat and satisfies the conditions imposed by the Planning Commission.

c) Includes the same proposed dedications subject to minor technical adjustments as

described in Section 20-809(m)(2)(k)(a through d).

The final plat includes the same dedication as shown on the approved preliminary plat. The plat will be placed on the City Commission's agenda for acceptance of dedication.

d) Represents a plat for which all required public improvements have been completed or for which adequate guarantee of improvements has been provided.

Public improvements have been completed for this development.

e) Is otherwise consistent with the requirements of the Subdivision Regulations for a final plat.

With variances approved by the Planning Commission, the final plat is consistent with the requirements of the Subdivision Regulations.

STAFF REVIEW

The subject property is being platted into lots to accommodate land division by the property owner, Tenants to Home Owners. Tenants to Home Owners is a non-profit group which develops affordable housing in Lawrence. They maintain the property in a permanent trust and execute long-term leases with their owners/tenants. The KS Townhouse Act does not apply to this type of land division; therefore the property is being platted to create individual lots to accompany each residence. The only significant change to the layout of the Final Development Plan will be the realignment of the driveways for Lot 3 and Lot 2, Block One to remove the conflict potential between vehicles and pedestrians on the pedestrian access to the common open space on Tract B.

A nearby property owner questioned the functioning of the detention pond in Tract A. The City Stormwater Engineer forwarded these concerns on to the property owner and builder.

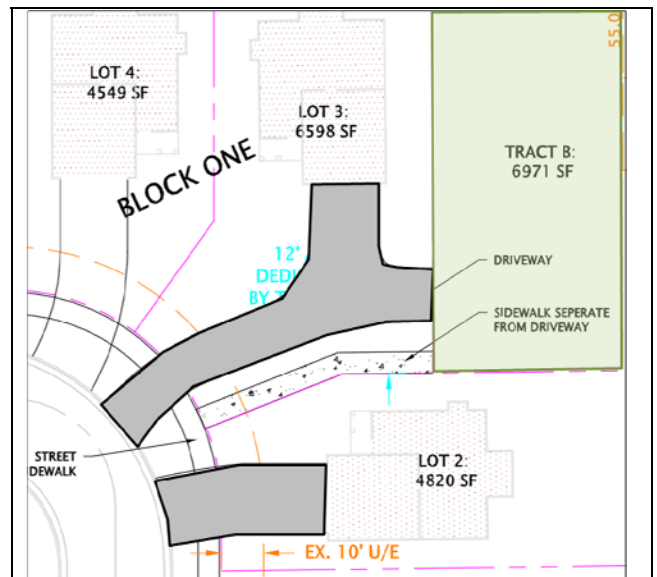


Figure 1. Applicant's proposed layout to reduce pedestrian/vehicular conflict on pedestrian access easement on Lot 3 Block One. FDP shall be revised to reflect this layout.

The Final Plat contains the following minor content errors: The PC endorsement on the plat should read: "Associated Preliminary Plat approved by Lawrence-Douglas County Planning Commission, Douglas County, Kansas." and a note indicating that street trees will be planted per the Master Street Tree Plan as recorded in Book ___ and Page ___ is required, per Section 20-809(l)(2)(xiv). These changes should be made to the final plat.

The Master Street Tree Plan will need to be revised prior to the recording of the final plat. Three trees are required along Haskell based on the requirement of 1 street tree per 40 ft of street frontage. The plan notes that 6 trees are being provided. The plan should be revised to reflect that 3 trees will be provided along Haskell unless additional trees are being provided because smaller trees are being used to accommodate overhead wires. If that is the case, this should be noted on the plan. Note D indicates that the property owner is granting the City a temporary right-of-entry to plant the trees. As this is a

planned development, the property owner is responsible for planting the trees and this note should be removed. The signature page notes that the plan is an agreement between the property owner, but omits 'and the City of Lawrence'. This should be added to the plan.

The plat, as conditioned, meets the approval criteria listed in Section 20-809(l) of the Subdivision Regulations and is approved.