

# Memorandum

## City of Lawrence

### Planning and Development Services

**TO:** David L. Corliss, City Manager

**FROM:** Mary Miller, AICP, Planner II

**CC:** Scott McCullough, Planning and Development Services Director  
Sheila Stogsdill, Assistant Planning Director

**Date:** For December 17, 2013 meeting

**RE:** Dedication and vacation associated with PF-13-00442, Final Plat of Yankee Tank Estates Final Plat

**ATTACHMENTS:**

Attachment A: Administrative Determination Report

Attachment B: Yankee Tanks Estates Final Plat

The final plat for Yankee Tanks Estates was administratively approved by the Planning Director on December 12, 2013. As the plat includes the dedication of easements and rights-of-way it has been placed on the City Commission agenda for acceptance of dedications and vacations.

**Action Requested**

- Accept the dedication of easements and rights-of-way as shown on the Yankee Tank Estates Final Plat.



# ADMINISTRATIVE DETERMINATION & CERTIFICATION

## FINAL PLAT

Yankee Tanks Estates

December 12, 2013

**PF-13-00442:** Yankee Tanks Estates, a 56 lot subdivision of approximately 7.45 acres, located at the southeast corner of the intersection of W 31<sup>st</sup> Street and E 1200 Road. Submitted by Grob Engineering Services for Kansas District of the Wesleyan Church, 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. Public Improvement Plans must be approved and means of assurance of completion provided to the City prior to the recording of the Final Plat.
  - a. Public Improvement Plans shall include a dedicated westbound left-turn lane with 50 ft of storage on W 31<sup>st</sup> Street at the Atchison Avenue intersection and traffic calming on Atchison Avenue.
2. Provision of an executed Agreement Not to Protest the Formation of a Benefit District for future intersection improvements and signalization of West 31<sup>st</sup> Street and Kasold Drive prior to the recording of the Final Plat. Per the pre-annexation agreement, the property shall not be assessed for any portion of the costs for such intersection improvements and signalization.
3. Pins for all lot corners and all corners of the subdivision shall be set and the completion of the setting certified by the responsible land surveyor before the plat is recorded or certification shall be provided to the Planning Director that the corners of the subdivision have been pinned and there is a contract with a licensed surveyor to pin the lots after completion of street and public improvements.
4. Provision of a revised Master Street Tree Plan per City Forestry Manager's approval.
5. Provision of a revised plat with the following changes:
  - a. Addition of a note that indicates that street trees along Tract A shall be installed by the property owner with the development of Lot 1, Block 2.
  - a. Addition of notes identifying the purpose of Tract A, similar to Notes 12 and 14 on the preliminary plat.

**ATTACHMENT:** Annexation Agreement

### KEY POINTS:

- The property is partly encumbered with the Wakarusa River regulatory floodway and floodway fringe. A Floodplain Development Permit has been approved with this plat. Floodplain development permits will be required for any development activity on a lot which contains floodplain.
- An annexation agreement was executed with the annexation in 2009. This agreement outlined the road improvements which would be required with the development of this property. Improvements to E 1200 Road were limited to construction of a two-lane non-curbed street section from the terminus of improvements to the north to a point 50 ft south of the any new street or driveway intersection with E 1200 Road. Sidewalk improvements on E 1200 Road are therefore deferred to the time the church property (Lot 1, Block 2) is developed.

### SUBDIVISION CITATIONS TO CONSIDER

This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.

**ASSOCIATED CASES**

- Z-13-00199: Rezoning of approximately .06 acres of subject property from the OS-FP District to the RM12-FP District to revise the condition limiting density from 6 dwelling units per acre to 9 dwelling units per acre. Ordinance No. 8888 adopted by City Commission on August 13, 2013.
- Z-13-00249: Rezoning of approximately 16.06 acres from RM12 to the RM12 District to revise the condition limiting density to 9 dwelling units per acre. Ordinance No. 8889 adopted by City Commission on August 13, 2013.
- Z-13-00250: Rezoning of approximately 6.39 acres from RM12-FP to the RM12-FP District to revise the condition limiting density from 6 dwelling units per acre to 9 dwelling units per acre. Ordinance No. 8888 adopted by City Commission on August 13, 2013.
- Z-13-00249: Rezoning of approximately 16.06 acres from RM12 to the RM12 District to revise the condition limiting density from 6 dwelling units per acre to 9 dwelling units per acre. Ordinance No. 8888 adopted by City Commission on August 13, 2013.
- Z-13-00249: Rezoning of approximately 16.06 acres from RM12 to the RM12 District to revise the condition limiting density to 9 dwelling units per acre. Ordinance No. 8890 adopted by City Commission on August 13, 2013.
- PP-13-00195: Preliminary Plat of Yankee Tank Estates Subdivision. Approved by Planning Commission with variance from requirement to dedicate additional right-of-way for W 31<sup>st</sup> Street at their July 22, 2013 meeting.
- SP-13-00462: Site Plan for multi-dwelling units on Lot 1, Block One is being processed administratively. Site plan approval will be contingent upon recording of the Final Plat.

**OTHER ACTION REQUIRED**

- City Commission acceptance of vacations and dedications of easements and rights-of-way.
- Approval of Public Improvement Plans and provision of means of assurance of completion prior to the recording of the Final Plat.
- Submittal of one paper copy of the Final 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.
- Administrative approval of site plan for multi-dwelling units to be located on Lot 1, Block One.
- Application and release of building permits prior to development.
- Application and release of Floodplain Development Permits for any development activity in the Floodplain.

**PLANNING DIRECTOR CERTIFICATION (Section 20-812(b))**

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-13-00195) approved by the Planning Commission on July 22, 2013.

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 approved Preliminary Plat.

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

The Planning Commission approved the Preliminary Plat subject to conditions of approval which included minor revisions to the Preliminary Plat; the Preliminary Plat approval was contingent upon approval of the rezoning requests Z-13-00199, Z-13-00249, and Z-13-00250; and the conditions noted that a dedicated westbound left-turn lane with 50 ft of storage on W 31<sup>st</sup> Street at the Atchison Avenue intersection shall be provided as part of the public improvements. The minor revisions to the Preliminary Plat have been made, the rezoning requests have been approved, and the rezoning ordinances adopted. Public Improvement Plans are required at the Final Plat stage, so this condition has been carried over to the Final Plat. The Final Plat, as conditioned, satisfies the conditions of approval 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 contains the same dedications as the Preliminary Plat.

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

Public Improvement Plans will be provided to the City for approval and means of assurance of completion of these improvements will be provided and accepted prior to the recording of the Final Plat.

**e) Is otherwise consistent with the requirements of the Subdivision Regulations for a Final Plat.**

The Final Plat, as conditioned, and with the variance from the right-of-way width requirement for W 31<sup>st</sup> Street granted by the Planning Commission at their July 22, 2013 meeting, is consistent with the requirements of the Subdivision Regulations.

## **STAFF REVIEW**

The property is being platted so that building permits may be obtained for the development of a church, duplex, and multi-dwelling residences. Per Section 20-801(c)(2) of the Subdivision Regulations, building permits may be issued only for platted lots.

## **ACCESS**

The property is located in the southeast corner of the intersection of W 31<sup>st</sup> Street and E 1200 Road (Kasold Drive). The church will take direct access to E 1200 Road. All other access will be provided from the interior streets which are being provided with this subdivision: Atchison Avenue, W 32<sup>nd</sup> Street, Charlotte Lane, Yankee Tank Lane, and W 31<sup>st</sup> Terrace. Access to the major street network will be provided by W 32<sup>nd</sup> Street which will connect to E 1200 Road to the west and Atchison Avenue which will connect to W 31<sup>st</sup> Street on the north.

## **EASEMENTS AND RIGHTS-OF-WAY**

The Planning Commission granted a variance from Section 20-810(e)(5)(i) to allow the property to be platted without the dedication of additional right-of-way for W 31<sup>st</sup> Street. E 1200 Road is classified as a minor arterial road. 100 ft of right-of-way is required for minor arterials. The plat shows 50 ft of right-of-way being dedicated for the east half of E 1200 Road with this plat. 60 ft of right-of-way is being dedicated for all interior streets (local streets).

A utility easement for the sanitary sewer lines runs along the rear residential property lines in Blocks One, Three and Four. The sanitary sewer line is in front of the residences in Block Five. Electric, cable and phone lines will be located in the rear easement on Block Five.

Utility easements are located in the following locations: 1) Block One: around the north, west, and south sides of Lot 1, and around the perimeter of the other lots in the block. 2) Block Two: around the perimeter of the block. 3) Blocks Three and Four: on the north perimeter of the block and centered on the rear property lines of the lots in the block. 4) Block Five: around the perimeter of the block. A 100 ft Utility Easement for electric transmission lines is located across Tract A and an access easement is located along the southwest corner of Tract A to accommodate a City shared use path in the area. The easements on Tract A were dedicated earlier, but are shown on the plat. Drainage easements are provided on the south side of Lot 6, Block Three and between Lots 12 & 13 and Lots 15 & 16 of Block Five. Minimum Elevations of Building Openings (MEBO) are required on the lots adjacent to these drainage easements and these are provided on the plat.

#### UTILITIES AND INFRASTRUCTURE

Utilities are present in the area. The developer will be responsible for constructing the local streets and extending the water and sanitary sewer mains to serve this development. Waterlines will be located within the right-of-way and sanitary sewer lines will be located along the rear property lines except for Block Five where they will be located along the front property line. This is necessitated by the fill requirements for the area and the slope requirements for the sanitary sewer. Public Improvement Plans and provision of the means of assurance of completion of the public improvements are required prior to the recording of the final plat.

A pre-annexation agreement executed between the property owners and the City of Lawrence prior to the annexation of this property established the responsibility for infrastructure improvements. The agreement is recorded with the Douglas County Register of Deeds in Book 1058 Page 5202. A copy of this agreement is included with this report as an attachment. Section 4(c) of the agreement reads:

*"Owner shall agree to submit an agreement not to protest the formation of a benefit district for future intersection improvements and signalization of West 31<sup>st</sup> Street and Kasold Drive, provided, however, that the Property shall not be assessed for any portion of the costs for such intersection improvements and signalization."*

An Agreement Not to Protest the Formation of a Benefit District for intersection and signalization of W 31<sup>st</sup> Street and Kasold Drive shall be provided to the Planning Office for recording with the Final Plat.

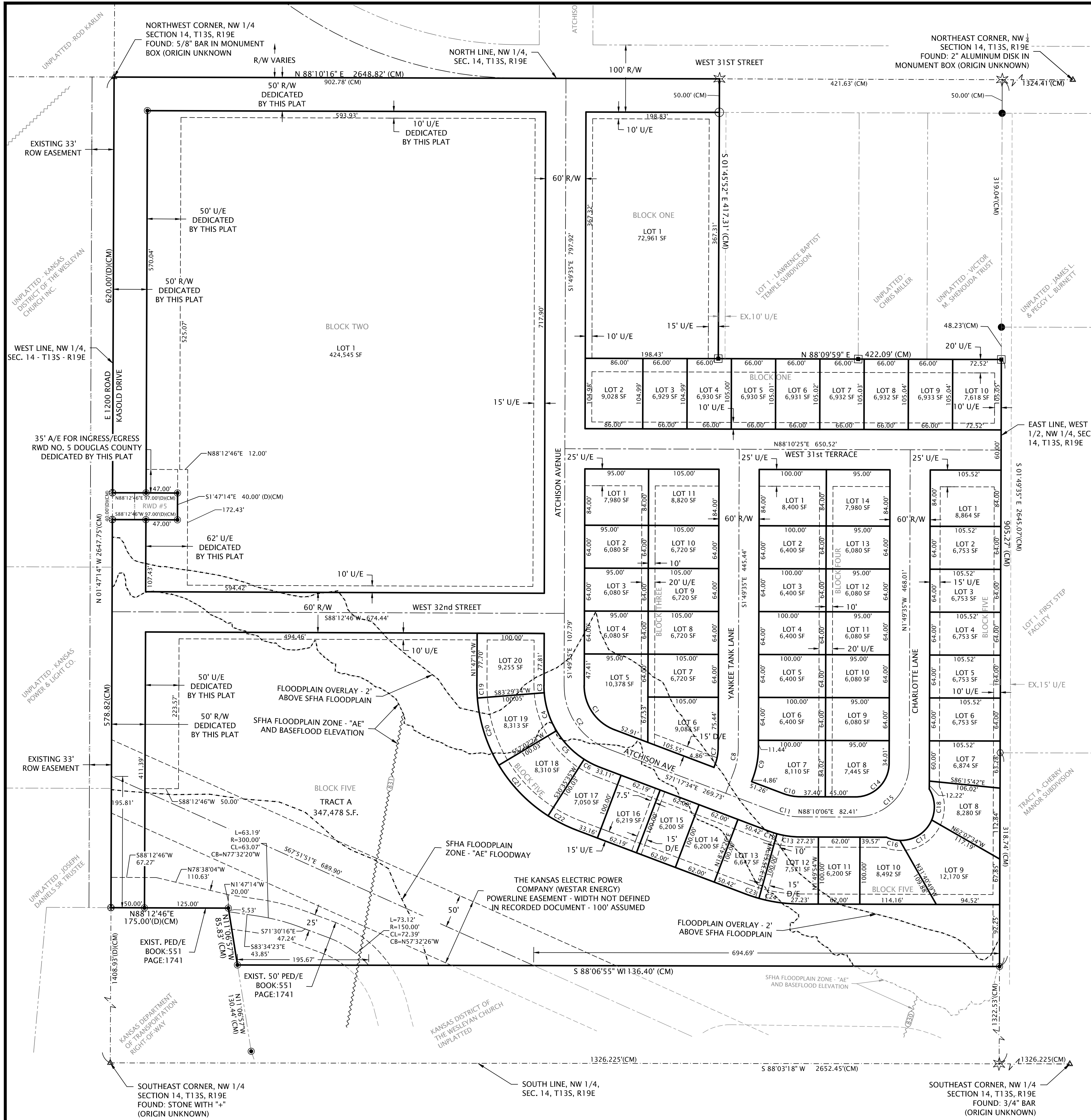
#### MASTER STREET TREE PLAN

Street trees are required along all street frontages at a ratio of 1 tree per 40 ft of street frontage. Both W 31<sup>st</sup> Street and E 1200 Road (Kasold Road) have overhead power lines. Where overhead lines are present medium height species must be used if the trees are within 40 ft of the lines and smaller species used if the trees are within 25 ft of the line. The trees are being located behind the easements along the streets. The road frontage of Tract A should be included in the Master Street Tree Plan and the plan should note the smaller species which will be planted on W 31<sup>st</sup> Street and E 1200 Road.

The plat should also include a note that indicates that street trees along Tract A shall be installed by the property owner with the development of Lot 1, Block 2.

SUMMARY

Approval of the Final Plat is required so that building permits may be obtained for construction of a church and duplex residences. The plat, as conditioned, meets the approval criteria listed in Section 20-809(I) of the Subdivision Regulations and is approved.



LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 88° 10' 16" EAST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 902.78 FEET; THENCE SOUTH 01° 45' 52" EAST, 417.31 FEET; THENCE NORTH 88° 09' 59" EAST, 422.09 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF OF SAID QUARTER SECTION; THENCE SOUTH 01° 49' 35" EAST, ALONG THE EAST LINE OF THE WEST HALF OF SAID QUARTER SECTION, 905.27 FEET; THENCE SOUTH 88° 06' 55" WEST, 1136.40 FEET, TO A POINT ON THE RIGHT-OF-WAY LINE OF STATE HIGHWAY 10; THENCE NORTH 11° 06' 57" WEST, ALONG THE RIGHT-OF-WAY LINE OF STATE HIGHWAY 10, 85.83 FEET; THENCE SOUTH 88° 12' 46" WEST, ALONG THE RIGHT-OF-WAY LINE OF STATE HIGHWAY 10, 175.00 FEET, TO A POINT ON THE WEST LINE OF SAID QUARTER SECTION; THENCE NORTH 01° 47' 14" WEST, ALONG THE WEST LINE OF SAID QUARTER SECTION, 578.82 FEET; THENCE NORTH 88° 12' 46" EAST, 97.00 FEET; THENCE NORTH 01° 47' 14" WEST, 40.00 FEET; THENCE SOUTH 88° 12' 46" WEST, 97.00 FEET; THENCE NORTH 01° 47' 14" WEST, ALONG THE WEST LINE OF SAID QUARTER SECTION 620.00 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 35.760 ACRES, MORE OR LESS.

DEDICATION

Be it known to all men that I (we), the undersigned owner(s) of the above described tract of land, have had cause for the same to be surveyed and platted under the name of "Yankee Tank Estates" and have caused the same to be subdivided into lots and streets as shown and fully defined on this plat. All streets, drives, roads, etc. shown on this plat and not heretofore dedicated to public use are hereby so dedicated. An easement is hereby granted to the City of Lawrence and Public Utility Companies to enter upon, construct and maintain "utility easement" or "u/e", "drainage easement" or "d/e", and "pedestrian and right-of-way easement" or "r/w".

Nate Roventine  
Kansas District of the Wesleyan Church

ACKNOWLEDGEMENT

State of Kansas  
County of Douglas

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, the undersigned, a notary public, in and for said county and state, came Nate Roventine, who is (are) personally known to me to be the same person(s) who executed the foregoing instrument of writing and duly acknowledge the execution of the same.

In witness whereof, I have heretofore set my hand and affixed my seal on the day and year last written above.

Notary Public \_\_\_\_\_ My commission expires \_\_\_\_\_

NOTES

- Basis for bearings for this plat is State Plane Coordinates - Kansas North Zone.
- Street trees shall be provided in accordance with the Master Street Tree Plan filed with the register of deeds. Book \_\_\_\_\_, Page \_\_\_\_\_.
- Adjacent property owners are required to maintain all drainage easements not owned by the City. Structures, fences, and cut/fill operations are prohibited within drainage easements.
- Lot pinning shall be completed in accordance with Article 8, Section 20-811(k).
- A portion of this plat is encumbered by a designated "Special Flood Hazard Area" (SFHA) per FEMA Map Number: 20045C0167D, Map Revised: August 5, 2010.
- Minimum Elevations of Building Openings (MEBO's) have been specified for lots adjacent to the SFHA and drainage easements. If a basement is built on a Lot where a MEBO has been established, the building design is encouraged to incorporate a sump pump.
- Additional information is provided on the associated Preliminary Plat.

**MEBO TABLE**

LOT NO.	BLOCK NO.	MEBO
12	FIVE	847.60
13	FIVE	847.60
14	FIVE	833.00
15	FIVE	845.90
16	FIVE	845.90
17	FIVE	833.00
18	FIVE	833.00
19	FIVE	833.00
6	THREE	845.90

**CURVE TABLE**

CURVE #	LENGTH	RADIUS	CHORD	BEARING
C1	84.87	70	79.77	S36°33'34"E
C2	121.24	100	113.95	S36°33'34"E
C3	10.60	130	10.60	S04°09'40"E
C4	60.00	130	59.47	S19°43'13"E
C5	60.00	130	59.46	S46°09'51"E
C6	27.02	130	26.97	S65°20'20"E
C7	25.09	70	24.95	N08°26'26"E
C8	35.84	100	35.65	N08°26'26"E
C9	46.59	130	46.34	N08°26'26"E
C10	25.09	70	24.96	S81°33'44"E
C11	35.85	100	35.66	S81°33'44"E
C12	11.59	130	11.59	S73°50'48"E
C13	35.01	130	34.91	S84°06'58"E
C14	78.54	50	70.71	N43°10'16"E
C15	62.83	80	61.23	N65°40'11"E
C16	20.59	50	20.45	S78°32'14"E
C17	60.00	50	56.46	N55°17'10"E
C18	47.78	50	45.99	N06°28'11"W
C19	18.95	230	18.94	S04°08'50"E
C20	106.19	230	105.25	S19°44'01"E
C21	106.16	230	105.22	S46°11'01"E
C22	47.71	230	47.62	S65°20'58"E
C23	20.51	230	20.51	S73°50'50"E
C24	61.95	230	61.76	S84°07'00"E

**LEGEND**

- OFFSITE PROPERTY LINE
- CENTER LINE
- PROPERTY LINE
- EASEMENT
- SECTION LINE
- R/W
- R/W EASEMENT
- FEMA BOUNDARIES

R/W RIGHT-OF-WAY  
 A/E ACCESS EASEMENT  
 D/E DRAINAGE EASEMENT  
 U/E UTILITY EASEMENT  
 PED/E PEDESTRIAN EASEMENT

(P) PLATTED  
 (M) MEASURED  
 (CM) CALCULATED FROM MEASUREMENTS  
 ○ FOUND: 3/4" REBAR - ORIGIN UNKNOWN  
 ● FOUND: 5/8" REBAR - ORIGIN UNKNOWN  
 ■ FOUND: 1" SQUARE BAR - ORIGIN UNKNOWN  
 ⊙ FOUND: 1/2" BAR W/CAP "KANSAS 1252"  
 \* CALCULATED POSITION (NOT SET)  
 ☆ SET: 1/2" X 24" REBAR W/CAP "APSI 1391"  
 ⊗ SET: MAG NAIL

ENDORSEMENTS

Approved by City of Lawrence Planning Commission Douglas County, Kansas

Rights-of-Way and Easements Accepted by City Commission Lawrence, Kansas

Chairperson Date  
Bryan Culver

Mayor Date  
Michael Dever

Reviewed In Compliance With K.S.A. 58-2005.

City Clerk Date  
Diane M. Trybom

Michael D. Kelly, P.L.S. #869  
Douglas County Surveyor

FILING RECORD

State of Kansas  
County of Douglas

This is to certify that this instrument was filed for record in the office of the Douglas County Register of Deeds on this \_\_\_\_\_ day of \_\_\_\_\_, 2013, and is duly recorded at \_\_\_\_\_ AM/PM, in plat book \_\_\_\_\_ page \_\_\_\_\_.

REGISTER OF DEEDS

Kay Pesnell

SURVEYOR'S CERTIFICATION

I hereby certify that the platted area shown hereon is the true and accurate result of a field survey performed under my direct supervision in November, 2013, and that the plat is a closed traverse. This survey conforms to the Kansas Minimum Standards for Boundary Surveys.

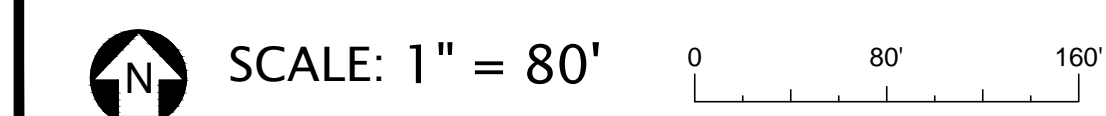
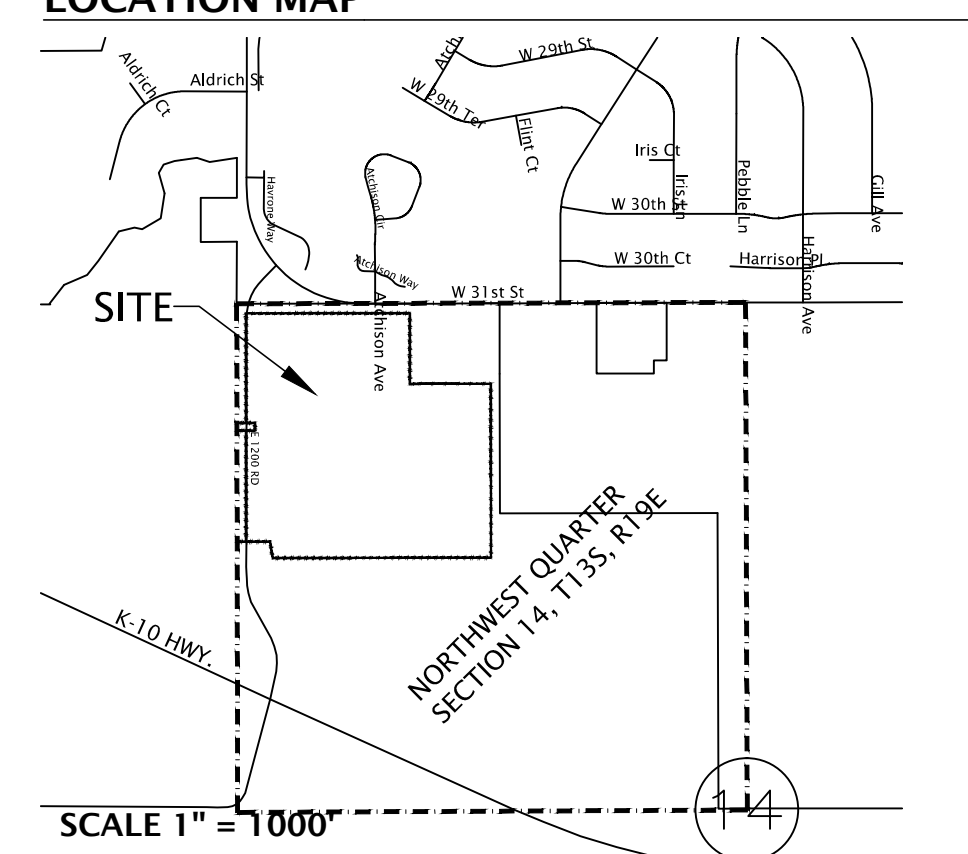
Steven D. Williams, P.L.S. #1391  
P.O. Box 4444  
Lawrence, KS 66046  
(785)832-2121

ENGINEER'S CERTIFICATION

I hereby certify that the information and area map shown hereon are true and accurate to the best of my knowledge. Plat prepared November, 2013.

John Dean Grob  
Professional Engineer #12769  
P.O. Box 502  
Lawrence, KS 66044  
(785)856-1900

LOCATION MAP



YANKEE TANK ESTATES

a final plat of

A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS  
NW 1/4, SEC. 14-T13S-R19E  
Prepared November 21 2013