

Memorandum

City of Lawrence

Planning & Development Services

TO: David Corliss, City Manager

FROM: Mary Miller, Planning Staff

CC: Diane Stoddard, Assistant City Manager
Cynthia Boecker, Assistant City Manager
Scott McCullough, Planning and Development Services Director

Date: June 18, 2009

RE: PP-4-1-08; Preliminary Plat of Fifth Street Bluffs Subdivision and associated appeal from the Planning Commission's decision on the plat.

The Planning Commission voted 7 to 0 to approve PP-4-1-08, a Preliminary Plat of Fifth Street Bluffs Subdivision, at their May 18, 2009 meeting and forwarded it to the City Commission for acceptance of dedications of easements and rights-of-way.

Per Section 20-813(f)(3) of the Subdivision Regulations, a person aggrieved by a decision of the Planning Commission under these Subdivision Regulations may appeal the decision to the City Commission. Such appeal shall be filed within 30 days of the date of the meeting of the Planning Commission at which the action appealed from was taken. An appeal from the Planning Commission's decision was filed with the Planning Office on June 17, 2009; which was within the time frame for an appeal.

The supporting materials for the appeal consist of a letter and an addendum from Jerry Wells, who is representing the neighbors in the appeal, and a memo from Chris Caldwell and Jacqueline Schafer, a neighboring property owner.

BG Consultants notified the Planning Office that a surveying error had occurred and provided a marked up plat with the correct dimensions. The revisions were relatively minor and the lot is still compliant with the provisions of the Subdivision Regulations and the Development Code. This revised plat is included in the agenda items.

The findings in the staff report show that the preliminary plat is in compliance with the provisions of the Subdivision Regulations and the engineered sight distance study indicates that the driveway may be safely located in this area. Therefore, Staff recommends that the City Commission uphold the Planning Commission's approval of the Preliminary Plat for Fifth Street Bluffs Subdivision [PP-4-1-08] and accept the dedication of easements and rights-of-way.