

PLANNING COMMISSION REPORT
Consent Agenda - Non-Public Hearing Item

PC Staff Report
11/16/09

**ITEM NO. 1A FINAL PLAT FOR BAUER FARM; 1.19 ACRES; 4700 OVERLAND DR
(SLD)**

PF-9-7-09: Consider a one lot Final Plat for Bauer Farm, Phase 3, containing approximately 1.19 acres, located at 4700 Block #2, Overland Drive. Submitted by Landplan Engineering for Free State Group, LLC, property owner of record.

PF-9-7-09: Final Plat for Bauer Farm Third Plat. Submitted by Landplan Engineering for Michael Treanor, Manager, Free State Group LLC.

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) Submittal of a mylar notarized for and signed by the owners, engineer, surveyor and County Surveyor to be recorded at the Douglas County Register of Deeds.
- 2) Submittal of recording fees, made payable to the Douglas County Register of Deeds.
- 3) Submittal of a Master Street Tree Plan to be recorded with the Final Plat.
- 4) Submittal of the necessary guarantee for completion of public improvements.
- 5) Submittal of a revised drawing that amends the Legend to rename A/E Access Easement to A/E Public Access Easement.

KEY POINTS

- The subject property is being platted to allow for commercial development.

SUBDIVISION CITATIONS TO CONSIDER

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

ASSOCIATED CASES

- FDP-9-8-09; Bauer Farm car wash

OTHER ACTION REQUIRED

- Recording of the final plat at the Douglas County Register of Deeds.
- Submittal of Public Improvement Plans for the necessary revisions to the infrastructure.

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

The final plat conforms to the content requirements of Section 20-812(b) of the Subdivision Regulations and is consistent with the Preliminary Development Plan (PDP-6-1-09) approved by the Planning Commission.

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 development plan which acts as the preliminary plat.

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

The Planning Commission approved the preliminary development plan subject to two conditions related

to notes and landscaping. These items are applicable to the development plan and not the plat elements of the document.

c) Includes the same dedications accepted by the Governing Body, subject to only minor technical adjustments.

The final plat includes the same dedication accepted by the City Commission on September 8, 2009 with the consideration of the preliminary development plan.

d) Satisfies any conditions of acceptance of dedications imposed by the Governing Body.

No conditions of acceptance of dedications were imposed by the City Commission during their consideration of the preliminary development plan.

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

There are various public improvements associated with the proposed development. As a condition of approval the applicant will need to provide the necessary guarantee for completion.

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

The final plat as submitted is consistent with the requirements of the subdivision regulations.

STAFF REVIEW

The preliminary development plan (PDP-9-1-09) also functions as the preliminary plat for the property. A Storm Water Pollution Prevention Plan is not required with this final plat. There is an associated action, the Final Development Plan, where the provision of this documentation will be addressed (FDP-9-8-09). The final plat is a single lot intended for commercial development.

A condition of the final development plan is that the final plat be recorded prior to the release of the Final Development Plan for issuance of building permits. Approval of the final plat allows the completion of the Final Development Plan of the property.

Several types of easement are proposed with this redevelopment. *Utility easements* are dedicated locations for all types of public and private utilities. Combined *access easement* and utility easements are shown along the south and east property lines. Access easements are for public use across the property from the public right-of-way to and from the property and throughout the development. As such staff recommends that the term "access easement" be replaced with the term "public access easement" to clarify the intent of the use.