

**PLANNING COMMISSION REPORT
REGULAR AGENDA**

PC Staff Report
08/25/10

ITEM NO 7A: PRELIMINARY PLAT; GEORGE SUBDIVISION NO. 4 (NORTHWINDS APARTMENTS); 1.31 ACRES; 200 NORTH MICHIGAN ST (SLD)

PP-6-4-10: Consider a Preliminary Plat for George Subdivision No. 4 (Northwinds Apartments), a one lot residential subdivision containing approximately 1.31 acres, located at 200 North Michigan Street. Submitted by Bartlett & West, Inc., for Northwinds L.L.C., property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of the George Subdivision No. 4 (Northwinds Apartments) and forwarding it to the City Commission for consideration of acceptance of easements and rights-of-way, subject to the following conditions:

1. Provision of a revised Preliminary Plat to show the following details of the Environmentally Sensitive Lands to be protected:
 - a. Label area as Tract A and show boundaries with dimensions,
 - b. Specify that the ownership shall be private,
 - c. Specify that the maintenance responsibility for the tract is that of the property owner,
 - d. List specific protection measures to be implemented during construction such as fencing and signage,
 - e. List specific protection measures to be implemented for long term uses and improvements such as walking trails to include the following specific notes:
 1. Timber. Cutting of trees and woody shrubs may be accomplished to maintain the character of the protected property, to maintain fences, and to prevent invasion of woody plants on the native vegetation; as long as the same does not adversely affect the conservation values of the protected property. Trees cut for authorized purposes may be utilized for personal use and shall not be sold commercially.
 2. Recreational Use. Property Owner, and its licensees and invitees, may make normal and customary non-commercial recreational uses of the of the Protected Property, such as hiking or unimproved walking trails, as long as the same does not adversely affect the conservation values of the Protected Property.
 3. Fences. Property Owner may construct, repair, replace maintain, improve or remove any additional fencing as deemed necessary to secure the Protected Property, as long as done so in compliance with state and local laws including site planning.
 4. Structures. Structures are prohibited within the sensitive lands area. A structure is defined as: A building or anything constructed that requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to fences, signs, billboards, and Mobile Homes per section 20-1701 of the Development Code. Except, fences may be provided as stated in Note. 3.
2. Update note 7 regarding floodplain to reference August 5, 2010 date and include the FEMA panel number.

Applicant's Reason for Request: Subdivision requirement prior to construction.

KEY POINTS

- Subject property is developed with a detached single-dwelling residence.
- Property is encumbered by regulatory floodplain.
- Property includes more than 500 SF of Environmentally Sensitive Lands.
- The project proposes to preserve more than 20% of the Environmentally Sensitive Lands.

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 (i) Resource Preservation in the City of Lawrence

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-6-10-10: RS10 to RM12 included on this same agenda.
- City Commission acceptance of easements and right-of-way as shown on the Preliminary Plat.
- Final Plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Site Plan approval for the proposed development.
- Building permits prior to construction activity.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required with the preliminary plat.
- *Downstream Sanitary Sewer Analysis* – The City Utility Engineer indicated that a DSSA shall be required with submission of a site plan for the property.
- *Drainage Study* – A drainage study is not required for this project because downstream flooding is confined to the regulatory floodplain. [Stormwater Management Criteria Section 1.6.E.2.a]
- *Retail Market Study* – Not applicable to residential project.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

ATTACHMENTS

- Preliminary Plat
- Sensitive Areas Site Plan

Site Summary

Gross Area:	1.49 acres
Number of Lots:	1
Area of Lot 1:	1.31 acres
Existing ROW:	.15 acre
Additional ROW:	.03 acre

GENERAL INFORMATION

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; existing single dwelling residence.

Surrounding Zoning and Land Use: RS10 (Single-Dwelling Residential) District to the west; Children's Learning Center preschool, childcare center.

A (Agricultural) and VC (Valley Channel) District to the north, existing rural residence located outside city limits.

RM12 (Multi-Dwelling Residential) District to the east and south; existing apartment development.

STAFF REVIEW

The property is being considered for redevelopment from a single-dwelling detached to multi-dwelling residential development. The property requires rezoning, platting and site plan approval prior to development.

Zoning and Land Use

The proposed zoning is the RM-12 (Multi-Dwelling Residential) District which allows a variety of Household Living Uses including attached dwellings, cluster housing, duplex and multi-dwelling structures.

Environmentally Sensitive Lands: The property is fully encumbered by floodplain. The eastern portion is located within the 100 year floodplain. The western portion of the property is located within the 500 year floodplain which is not subject to local regulations. This boundary is shown on the face of the Preliminary Plat. Likewise the property is covered with a substantial amount of mature trees.

The property is subject to the standards for Environmentally Sensitive Lands set out in Section 20-810 (i). A "Sensitive Areas Site Plan" is provided to show the boundary of the floodplain, tree line, general slope of the property, and the general makeup of the wooded area with regard to species.

The Development Code sets a maximum protection area of 20% of the total land area. Incentives for the protection of additional land area are included in section 20-1101 (f). The Sensitive Areas Site Plan indicates that 25% of the site will be protected. A boundary line is shown on the face of the exhibit denoting the "limits of construction." Development within this area is prohibited. The area may be used toward density calculations.

The recent amendment (TA-12-20-07) includes a requirement to ensure the protection of environmentally sensitive lands through the dedication of an easement or establishment of a non-buildable tract. The Preliminary Plat should be revised to clearly delineate the boundary of the sensitive lands to be protected and designate the area as a tract.

There is no intention for public access or public maintenance for the area to be protected. Section 20-11-1 (d)(3) also requires the Preliminary Plat to include information regarding ownership and maintenance of the tract. A tract is recommended in this instance. A tract created in this manner will not be eligible for issuance of a building permit.

Streets and Access

The property abuts N. Michigan Street, a collector street. The plat includes the dedication of an additional 7' of right-of-way. The property may be accessed either from N. Michigan or from the abutting property to the south. The development intent is to incorporate this 1.31 acre parcel with the existing multi-dwelling project to the south. Development of the subject property will provide a second access to the existing development.

Utilities and Infrastructure

The property currently has access to water and sanitary sewer lines. It was noted in the review that the sanitary sewer line will be required to be extended for proper connection. Easements are provided around the perimeter of the site for utility needs. Appropriate public improvements and guarantees are required with the final plat.

Easements and Rights-of-way

This proposed plat includes dedication of both right-of-way for N. Michigan Street and perimeter utility easements. The rear property line is not covered with a utility easement. This area is within the floodplain and utilities would not likely need to be extended in this area. Exclusion of the rear property line easement will protect the existing root systems of the mature trees at the rear of the property since trenching would have been required for utility installation.

Conformance

The preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code subject to the condition related to the designation of the environmentally sensitive lands, ownership, and maintenance responsibility for the tract.