

**PLANNING COMMISSION REPORT
Non-Public Hearing Item**

PC Staff Report
02/29/2012

**ITEM NO. 6: FINAL PLAT FOR BAUER FARM FIFTH PLAT FOR THEATRE
LAWRENCE; 4700 BAUER FARM DR (MKM)**

PF-12-7-11: Consider a Final Plat for Bauer Farm Fifth Plat for Theatre Lawrence, a one-lot subdivision consisting of approximately 4 acres located at 4700 Bauer Farm Drive. Submitted by Landplan Engineering, for Free State Group, LLC, property owner of record.

STAFF RECOMMENDATION: Planning staff recommends approval of the Final Plat for the Bauer Farm 5th Plat Subdivision and forwarding it to the City Commission for acceptance of easements and rights-of-way, subject to the following conditions:

1. Provision of executed Master Street Tree Plan for recording.
2. Pinning of lots in accordance with Section 20-811(k) of the Subdivision Regulations.

ATTACHMENTS

Attachment A—list of associated cases for the Bauer Farm Development.

Applicant's Reason for Request: Subdivision necessary prior to development.

KEY POINTS

- The Bauer Farm Planned Commercial Development is being developed in phases. This plat will provide one lot for the development of the Lawrence Community Theater.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007. The new Subdivision Regulations included an administrative approval process for final plats; however, as the Bauer Farm development was preliminary platted in 2005 with Preliminary Development Plan PDP-03-02-05, the final plat requires Planning Commission approval.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

See Attachment A

Other Action Required

- City Commission acceptance of dedication of easements and rights-of-way as shown on the final plat.
- Recordation of final plat at the Douglas County Register of Deeds.
- Prior to development, a Final Development Plan must be approved. As this property is being processed under the Planned Unit Development processes in the pre-2006 Code, the Final Development Plan will require approval of the Planning Commission.

GENERAL INFORMATION

Current Zoning and Land Use: PCD-Bauer Farm (Planned Commercial Development) District. Property is currently undeveloped but does contain a stormwater detention pond.

Surrounding Zoning and Land Use: To the west and south:
PCD-Bauer Farm (Planned Commercial Development) District. The property is bounded on the west and south by additional property within the Bauer Farm Commercial Development. A *Fast Order Food Food* restaurant to the south, and a detention pond to the west.

To the north:
GPI (General Public and Institutional Uses) District across Overland Drive; *School*, public high school and *Participant Sports & Recreation, Indoor*, aquatic center.

To the east:
PRD-Bauer Farm (Planned Residential Development) District; preliminary development plans approved for residential development to the east; the majority of the property is undeveloped but an *Multi Dwelling Structure*, an independent living facility, is located in the northeast corner of the Bauer Farm development.

(Figure 1)

Site Summary

Site Area:	178,378 sq ft (4.095 acres)
Number of lots proposed:	1 Lot, 1 Tract
Lot area:	128,124 sq ft (2.942 acres)
Tract area:	50,236 sq ft (1.153 acres)
Drainage easements:	50,236 sq ft

STAFF REVIEW

The Bauer Farm Addition, 5th Plat proposes a one-lot subdivision for development of a community theater within the commercial portion of the Bauer Farm Planned Development. A tract is also proposed to house an existing detention pond and drainage easement. The subject property is bounded on the north by Overland Drive, and the south by Bauer Farm Drive. It is adjacent to Champion Lane for approximately 150 ft north of the Champion Lane/Bauer Farm Drive intersection. (Figure 1)

The Bauer Farm Preliminary Development Plan, which also serves as the preliminary plat, was originally submitted prior to the adoption of the 2006 Development Code. Prior to the 2006 Development Code and Subdivision Regulations, the City Commission did not accept dedications with the preliminary plat. The final plat will be forwarded to the City Commission for acceptance of dedication of easements and rights-of-way. The Subdivision Regulations were recently revised in January of 2012 so that dedications are again accepted with the

final rather than the preliminary plats so this final plat is following the same process as plats submitted after January 10, 2012.

Street and Access

The development will have frontage on Overland Drive, Champion Drive and Bauer Farm Drive. Access is available on all adjoining streets and will be determined with the Final Development Plan. Access restrictions are shown on Overland Drive adjacent to the tract, but access is permitted for the 45 ft wide frontage of the proposed lot. This is in compliance with the development shown on the preliminary development plan.

Master Street Trees

The Master Street Tree Plan and graphic provided with the plat lists required street trees for Bauer Farm Drive, Champion Lane, and Overland Drive. The City Horticulture Manager approved the Master Street Tree Plan. Street Trees must be planted a minimum of 8 ft from any underground utilities.

Utilities and Infrastructure

The utilities and infrastructure being provided with the final plat coincide with the preliminary development plan. The stormwater drainage study and the stormwater features on the final plat have been approved by the City Stormwater Engineer.

Public improvements

Public improvements include the installation of a commercial driveway approach in the Bauer Farm Drive right-of-way, sewer and water taps, connection to existing storm sewer curb inlet in Bauer Farm Drive right-of-way and outfalls in existing detention ponds. The City Engineer indicated that Public Improvement Plans are not required for these improvements.

Easements and Rights-of-Way

Easements are being dedicated as shown on the preliminary development plan with some minor revisions.

The preliminary development plan shows the right-of-way for Champion Drive extending straight north and south; while the drive was actually curved to the northwest outside of this right-of-way. The unused right-of-way for Champion Drive is being vacated with this plat. The vacation of the right-of-way reconfigured the shape of Tract A somewhat and this has been revised on the plat. The drainage easement which was dedicated earlier no longer conforms to Tract A; therefore, the earlier drainage easement is being vacated with this plat and a new easement which matches Tract A boundary is being dedicated.

The lot adjacent to the drainage easement has a Minimum Elevation of Building Opening (MEBO) of 997.73 designated on the plat.

Compliance with preliminary plat

The final plat conforms to the approved preliminary development plan [PDP-12-4-10] with the minor revisions to easements and rights-of-way noted above.

Summary

The proposed subdivision is in conformance with the minimum lot area and dimension requirements for the Planned Commercial Development in the 1966 Zoning Ordinance with the waivers approved by the Planning Commission on December 12, 2005. The final plat, as submitted, is consistent with the requirements of the subdivision regulations.

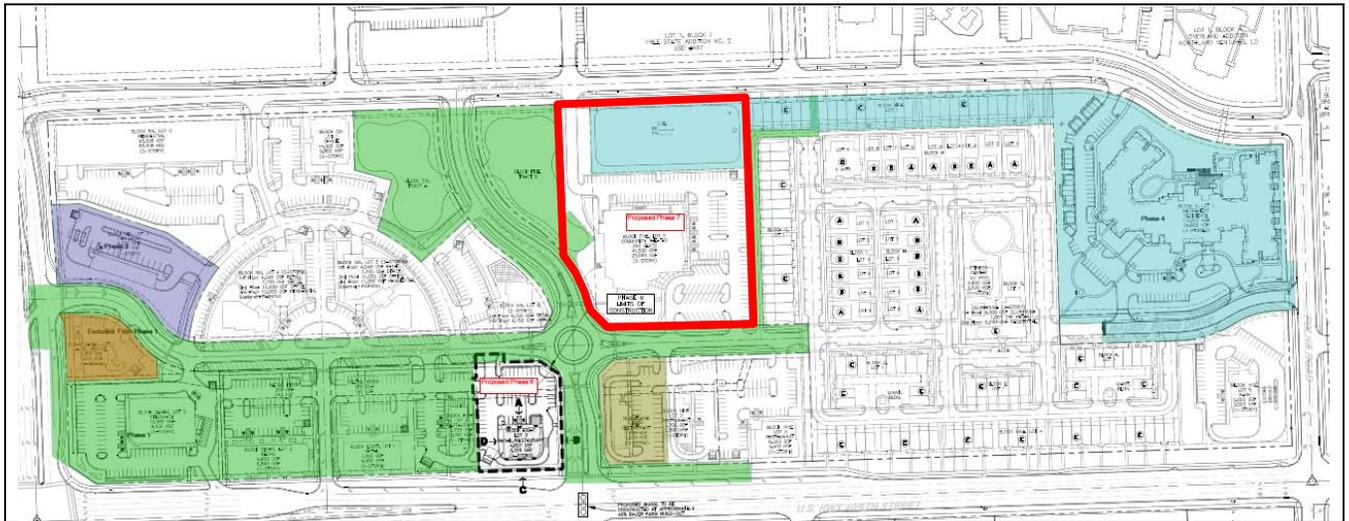


Figure 1. Approved and existing development at Bauer Farm, shown as colored.

- A Final Development Plan for a fast food restaurant has been submitted and is under review for the area outlined in dashed lines.
- The subject property, Bauer Farm 5th Plat, is outlined in a solid red line.

Bauer Farm Development Associated Cases

Zoning Summary

(COMMERCIAL--West portion of project)

- **Z-3-14-95;** A to PCD-2; 22.254 acres Bauer Property
- **Z-4-15-99;** A to PCD-2; 30.57 ac.; Bauer property
- **Z-6-19-03;** 18.93 acres; A to PCD-2; Ord. 7756 [original request]. Includes list of restricted uses.
- **Z-6-07-07;** PCD-2 to PCD-2; 31 acres; Ord. 8359

(OFFICE--Southeast portion of project)

- **Z-3-16-05;** 2.59 acres, PRD-2 to POD-1 [southeast portion of project; unpublished].
On October 24, 2005, the Planning Commission on a 5-4 vote recommended an approval of the above rezoning, subject to conditions. The zoning ordinance has not yet been published.

(RESIDENTIAL--East portion of project)

- **Z-6-20-03;** 25.214 acres, A to PRD-2; Ord. 7757
- **Z-6-08-07;** 16.53 acres PRD-2 to PRD-3; CC approved on 8/28/11 subject to conditions. [The rezoning ordinance will be placed on City Commission agenda shortly for adoption as all conditions have been met, with the exception of the requirement to plat due to changes in Planning Office policies.]

Preliminary Development Plans (Serve as a preliminary plat as well as preliminary development plan)

- **PDP-03-02-05 (PCD);** Bauer Farms – Phase 1 CC 3.4.08 (revision 1.18.08) note: document also functions as preliminary plat. Original Approval of Phase I commercial approved by CC on 3/4/08
- **PDP-06-01-09 (PRD);** Bauer Farms – Revised Phase 3 (tunnel car wash amended Block 6, Lots 1 & 2) Approved by City Commission on September 8, 2009
- **PDP-01-01-10 (PRD);** Bauer Farms – Revised Phase 2 Harvest Development – Retirement 4430 Bauer Farm Dr. Approved by City Commission on April 6, 2010
- **PDP-12-04-10 (PCD);** Bauer Farms – Revision to Phase 1C (Burger King and Adjacent lot reconfigured drive-thru orientation and changes lot sizes). City Commission approved on February 15, 2010.

Final Plats

- **PF-05-04-08;** Final Plat Bauer Farms First Plat; (Portion of PCD Tracts A & B; 4851, 4841, 4801, 4741, 4721, 4701 and 4651 Bauer Farm Drive). City Commission accepted dedications on August 5, 2008.
- **PF-09-07-09;** Bauer Farm Third Plat (Portion of PCD – carwash 4850 Bauer Farm Drive). City Commission accepted dedications on December 1, 2009.
- **PF-04-03-10;** Bauer Farm 4th Plat (1 lot PRD portion – retirement housing; 4430 Bauer Farm Drive). City Commission accepted dedications on July 6, 2010.
- **MS-12-10-10;** Champion Addition (two lots east of Champion Lane 4671 and 4661 Bauer Farm Drive); Administratively approved February 15, 2011

Final Development Plans

- **FPD-05-07-08 (PCD);** Bauer Farms – Phase 1 (CVS, Taco Bell, Spec Building) PC on 7/21/08 recorded 10/20/08.
- **FDP-09-08-09 (PCD);** Bauer Farms – Phase 3 (carwash lot only) 4850 Bauer Farm Dr. Minor changes approved 12/08/09, Recorded February 16, 2010.
- **FDP-01-01-10 (PCD);** Bauer Farms – Revised Phase 1 (Smash Burger includes: CVS, Taco Bell, Spec Building) Admin: (Portion of PCD Tracts A & B; 4851, 4841, 4801, 4741, 4721, 4701 and 4651 Bauer Farm Dr.); minor change. Recorded February 3, 2010
- **FDP-04-06-10 (PRD);** Bauer Farms – Phase 2 (Harvest Development – Retirement) Recorded September 3, 2010
- **FDP-05-02-11 (PCD);** Bauer Farms – Phase 1C (Burger King lot only). Approved by Planning Commission on June 20, 2011