



ADMINISTRATIVE DETERMINATION & CERTIFICATION

FINAL PLAT

Burrough's Creek 2nd Addition

9/23/2015

PF-15-00347: Final Plat for Burrough's Creek 2nd Addition, a 9 lot residential subdivision of approximately 4.57 acres, located at 1000 Block, E 12th Street. Submitted by Landplan Engineering, P.A., for BK Rental LLC, 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 for the construction of curbs, gutter, and sidewalk for the north side of E 12th Street, storm drainage system, and for the sanitary sewer and waterline extensions must be approved and the means of assurance of completion provided per City approval prior to recording of the Final Plat with the Register of Deeds.
2. The applicant shall verify that the lots have been pinned prior to the recording of the Final Plat with the Register of Deeds.
3. Provision of a revised Final Plat with the following change:
 - a. Extension of 30 ft pedestrian/utility easement to the east boundary of the property

KEY POINTS

- The property is encumbered with the regulatory floodway fringe and floodway. The Preliminary Plat noted that a Hydraulic and Hydrologic (H & H) Study would be required with the final plat. This study was provided and accepted.
- The area containing floodway was rezoned to the OS (Open Space) District and is being platted as Tract A.

SUBDIVISION CITATIONS TO CONSIDER

This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007 as amended Jan 10, 2012.

ASSOCIATED CASES

- PP-13-00352: Burrough's Creek Addition Preliminary Plat and associated variance from right-of-way width requirement; approved by the Planning Commission on October 21, 2013.
- PF-13-00494: Burrough's Creek Addition Final Plat for industrial portion of the Preliminary Plat at the intersection of Haskell and E 12th Street; easements accepted by City Commission on January 7, 2014.
- Z-13-00350: Rezoning of approximately 2.186 acres from RS10 (Single Dwelling Residential/ minimum lot area of 10,000 sq ft) to RS7 (Single Dwelling Residential/ minimum lot area of 7,000 sq ft) District, approved by City Commission with adoption of Ordinance No. 8932 on November 19, 2013.
- Z-13-00408: Rezoning of approximately 2.384 acres from RS10 (Single Dwelling Residential/ minimum lot area of 10,000 sq ft) to OS (Open Space) District, approved by City Commission with adoption of Ordinance No. 8933 on November 19, 2013.

OTHER ACTION REQUIRED

- Placement of Final Plat on City Commission agenda for acceptance of dedications.
- Submittal and approval of Public Improvement Plans prior to recording of the Final Plat.

- Recording of Final Plat with the Douglas County Register of Deeds Office.
- Application and release of Floodplain Development Permits for the residential lots prior to any development activity, including grading, fill and new construction.
- Application and release of Building Permits prior to development.

PLANNING DIRECTOR CERTIFICATION (Section 20-809(m))

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-13-00352) approved by the Planning Commission on October 21, 2013.

The Planning Director hereby approves the Final Plat and certifies that the Final Plat:

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

The Planning Commission approved the Preliminary Plat for Burrough's Creek Addition subject to conditions on October 21, 2013. The conditions were addressed with the Preliminary Plat and none carried over to the Final Plat.

b) 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 Development Plan with the exception of minor revisions to the widths of certain utility easements to match the Public Improvement Plans and the removal of the pedestrian access easement on the east side of Lot 9. As the plans to develop a shared use trail/park in Tract A have not materialized, the pedestrian access is not being provided. Access to Tract A is provided through a drainage easement on the east side of Lot 9. The City Utilities Engineer requested that the 30 ft utility easement be extended to the east of the lot, to accommodate the extension of the sanitary sewer to the east in the future. This should be shown on the plat. These minor changes are compliant with Section 20-809(m)(2)(i)(d) of the Subdivision Regulations: *Modifications to easements when the general form of the approved preliminary plat with regard to overall layout, vehicular and pedestrian connection, area set aside for public or open space and required utility corridors is maintained.*

c) 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 for construction of curbs, gutters, and sidewalks on the north side of E 12th Street, sanitary sewer and water line improvements, and storm drainage improvements must be approved and the means of assurance of completion provided per City approval prior to recording of the Final Plat.

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

The Final Plat is consistent with the requirements of the Subdivision Regulations.

STAFF REVIEW

Platting of the property is one step in the development process for detached dwellings on the RS7 zoned portion of the subject property. The plat contains nine lots and approximately 4.67 acres. The residential portion contains approximately 2.2 acres which will be divided with this plat into 9 lots for development with detached dwellings. The remainder is a tract zoned OS (Open Space) that is totally encumbered with regulatory floodway and floodway fringe.

ACCESS

The RS7 zoned property is adjacent to E 12th Street and each lot will have an access on E 12th Street. The Open Space tract to the north has no street access but will be accessed through a drainage easement. There have been discussions of donating the tract to the City for parkland so the shared use path could be extended through the area; however, this has not been finalized at this time.

EASEMENTS AND RIGHTS-OF-WAY

A 15 ft wide utility easement is located along the north property line of Lots 1-8. The utility easement does not extend along the north property line of Lot 9 as a landscape easement is in that location, but a connecting 10 ft wide utility easement is centered on the dividing property line between Lots 8 and 9. A 7.5 ft wide utility easement is located on the west side of Lot 1.

A 30 ft pedestrian and utility easement is located along the E 12th Street frontage on Lots 1-9. While adequate right-of-way is available for E 12th Street, the street is not located within the center of the right-of-way. Therefore, the sidewalk will be installed within the pedestrian easement along the south of the lots for the sidewalk. Street trees will also be located within the pedestrian easement.

E 12th Street is classified as a Local street in the Major Thoroughfares Map. Per Section 20-810(e)(5)(i), 60 ft of right-of-way is required for a Local street. The right-of-way width for E 12th varies from 60 ft on the west to 70 ft on the east. Adequate right-of-way is currently available for E 12th Street.

UTILITIES

A sanitary sewer main and a water main will be extended to serve the new residential properties. The water main extensions will be located within the E 12th Street right-of-way and the sanitary sewer will be located within the 30 ft pedestrian and utility easement along the 12th Street frontage. The storm drainage system will also require public improvements to the site. Public Improvement Plans for these improvements have been submitted and are under review. The plans must be approved and the means of assurance of completion accepted prior to the recording of the final plat.

FLOODPLAIN DEVELOPMENT PERMITS

A requirement of the Preliminary Plat was that Floodplain Development Permits for the residential lots would be obtained prior to the recording of the Final Plat. This condition was originally intended to prevent any development activity from occurring without approval of a Floodplain Development Permit. Therefore, this condition is being modified to instead require a Floodplain Development Permit before for any development activity occurs, including grading, fill and new construction.

MASTER STREET TREE PLAN

The Master Street Tree Plan provides the required 14 street trees along the E 12th Street frontage. It is not possible to locate the trees in the 12th Street right-of-way due to the fact that the street is not centered within the right-of-way. The north edge of the street is within 5 ft of the property line. The trees will be planted within the pedestrian easement and will maintain the required 8 ft separation from underground utilities.

CONCLUSION

The Final Plat substantially complies with the approved Preliminary Plat with minor technical changes to easements and with the removal of the pedestrian access easement on the east side of Lot 9, as plans have not moved forward for the construction of a shared use path in Tract A.