

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

PC Staff Report  
09/21/2015

**ITEM NO. 2B: FINAL PLAT FOR MORGAN ADDITION; 800 MONTEREY WAY (MKM)**

**PF-15-00380:** Consider a Final Plat for Morgan Addition, a 2 lot subdivision on approximately 2.5 acres located at 800 Monterey Way. Submitted by Landplan Engineering, for Robert J. and Beverly G. Morgan, property owners of record.

**STAFF RECOMMENDATION:** Planning staff recommends approval of the Final Plat for the Morgan Addition and forwarding it to the City Commission for acceptance of easements and rights-of-way, subject to the following conditions:

1. Provision of revised, executed Master Street Tree Plan with revised species and minor technical changes for recording.
2. Pinning of lots in accordance with Section 20-811(k) of the Subdivision Regulations.
3. Provision of a revised Final Plat with the following change:
  - a. Endorsements revised to reflect that the Planning Commission approved the Final Plat and the signature blank revised to 'Clay Britton, Planning Chair'.
  - b. Signature blanks for mayor and city clerk updated.
  - c. Easements revised, if necessary, to reflect those shown on the approved Preliminary Development Plan.

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

**KEY POINTS**

- The property is part of a Planned Commercial Development (6<sup>th</sup> and Monterey Way PCD). The Preliminary Development Plan, PDP-15-000378 serves as the Preliminary Plat.
- This application was submitted concurrently with a Preliminary Development Plan for a mixed use development consisting of a *Multi-Dwelling Structure* development on proposed Lot 2, and a *Detached Dwelling* and *Construction Sales and Services* use on proposed Lot 1.

**SUBDIVISION CITATIONS TO CONSIDER**

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007 but requires Planning Commission approval. The 2007 Subdivision Regulations include an administrative approval process for final plats; however, the 6<sup>th</sup> and Monterey Planned Development is following the process laid out in the 1966 Subdivision Regulations as it was partially developed prior to the adoption of the 2007 Subdivision Regulations.

**ASSOCIATED CASES**

- PDP-15-00378, Preliminary Development Plan for the subject property, Phase A-2 of the 6<sup>th</sup> and Monterey Planned Commercial Development. This plan is also on the September 21, 2015 Planning Commission agenda for consideration.

### OTHER ACTION REQUIRED

- City Commission acceptance of dedication of easements as shown on the final plat.
- Submittal and approval of Public Improvement Plans and provision and acceptance of means of assurance of completion prior to the recording of the final plat at the Douglas County Register of Deeds.
- Recordation of final plat at the Douglas County Register of Deeds.
- Final Development Plans must be approved prior to development. As applications for this property are processed under the Planned Unit Development processes in the pre-2006 Code, the Final Development Plan will require approval of the Planning Commission.
- Recordation of the Final Development Plan with the Douglas County Register of Deeds.
- Building Permits must be obtained prior to construction activity.

### GENERAL INFORMATION

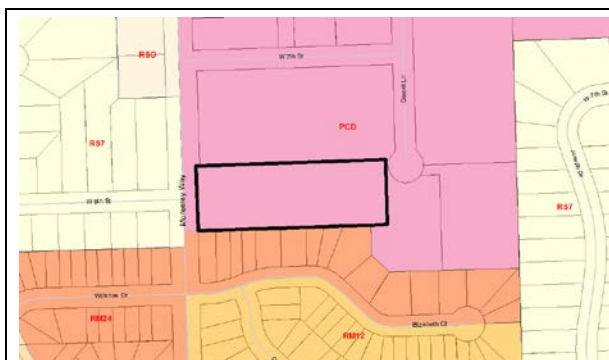
Current Zoning and Land Use: PCD-[6<sup>th</sup> and Monterey Way] (Planned Commercial Development) District; *Detached Dwelling, Construction Sales and Services, and Undeveloped.*

Surrounding Zoning and Land Use: To the west: RS7 (Single-Dwelling Residential) District; *Detached Dwellings.*

To the north: PCD-[6<sup>th</sup> and Monterey Way] (Planned Commercial Development) District; *Multi-Dwelling Structures.*

To the east: PCD-[6<sup>th</sup> and Monterey Way] (Planned Commercial Development) District; *Construction Sales and Services.*

To the south: RM24 (Multi-Dwelling Residential) District; *Duplexes.*  
 (Figure 1)



**Figure 1a** Zoning in the area. Subject property is outlined.



**Figure 1b.** Land use in the area.

### Site Summary

Site Area:	107,375 sq ft	(2.47 acres)
Number of lots proposed:	2	
Lot 1:	25,900 sq ft	(.59 acres)
Lot 2:	74,081 sq ft	(1.70 acres)
Right-of Way:	none	

## STAFF REVIEW

The Morgan Addition Final Plat will complete the platting of the 6<sup>th</sup> & Monterey Way Planned Commercial Development. (Figure 2) This property was shown as one lot on the previously approved Preliminary Development Plans, but is divided into two lots with the Preliminary Development Plan that was submitted concurrently with this Final Plat, PDP-15-00378.



**Figure 2.** 6<sup>th</sup> & Monterey Way Planned Commercial Development outlined. The highlighted areas are properties that have approved Final Plats. The subject property is marked with an X.

The 6<sup>th</sup> and Monterey Way Preliminary Development Plan, which also serves as the preliminary plat, was originally submitted prior to the adoption of the 2006 Development Code. The Final Plat has been placed on the Planning Commission's agenda for approval, per the process in the pre-2006 Code and will be forwarded to the City Commission for acceptance of dedication of easements and rights-of-way.

## Street and Access

The property has frontage on Monterey Way, a public street, and Morgan Avenue, a private street on the north side of the property. The property abuts right-of-way for Comet Lane to the east. No access is proposed on Monterey Way. Direct access will be taken to the private street to the north, Morgan Avenue. The City Engineer recommends connection to Comet Lane; however, the City Commission prohibited this connection when they approved the Benefit District in 2000. Staff is requesting that this restriction be removed so Morgan

Avenue can connect with Comet Lane to provide traffic circulation and connectivity through the area as well as provide an additional access for emergency vehicles.

### **Master Street Tree Plan**

The Master Street Tree Plan and graphic includes the required number of trees along Monterey Way and shows them being located outside the utility easement. The Master Street Tree Plan should be revised with smaller species to accommodate the overhead power lines and to make minor technical changes.

### **Utilities and Infrastructure**

The utilities and infrastructure being provided with the final plat coincide with the Preliminary Development Plan. The Preliminary Development Plan will be revised to meet the City Utilities specifications and the Final Plat will be revised to match, if necessary.

### **Public Improvements**

Public improvements necessary for this project include the extension of sanitary sewer and water mains to serve the development. If the City Commission allows Morgan Avenue to connect to Comet Lane, the extension of Comet Lane and the associated sidewalk will also be a public improvement. Public Improvement Plans for these improvements must be submitted and approved and the means of assurance of completion of improvements (letter of credit, funds in escrow, etc.) prior to the recording of the final plat with the Register of Deeds.

### **Easements and Rights-of-Way**

Easements are being dedicated as shown on the Preliminary Development Plan with the exception of the 20 ft utility easement adjacent to the Access Easement on the north side of the property. A 7.5 ft utility easement is shown on the Preliminary Development Plan. The Preliminary Development Plan will be revised to provide easements per the City Utilities Department's approval and the easements on the final plat will be revised to match, if necessary.

### **Compliance with Preliminary Plat**

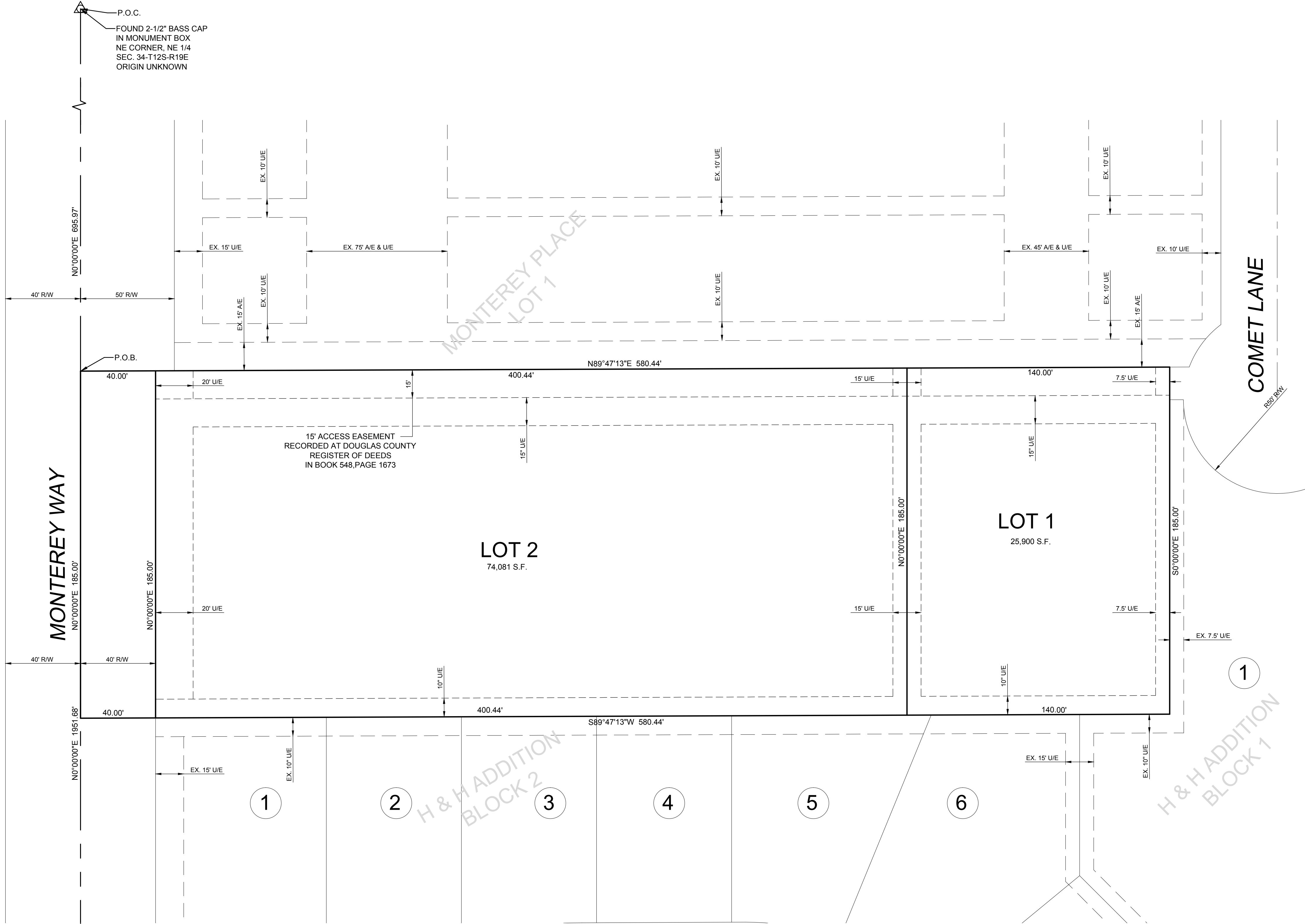
The final plat conforms to the Preliminary Development Plan [PDP-15-00378] with the revisions to easements noted above.

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



FILE NAME: Z:\20153008\CAD\Planning\FP\_53008\_FP.dwg LAST SAVED BY: Mitch Walther SAVED DATE: 7/20/2015 10:05 AM PLOTTED: 7/20/2015 10:06 AM



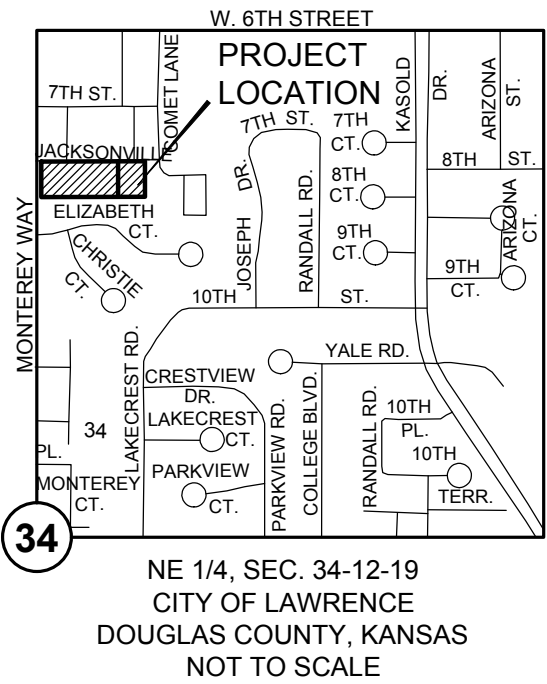
MONUMENTATION:

- SECTION CORNER
- SET 1/2" x 24" REBAR W / "PLS 889" CAP
- FOUND IRON BAR AS NOTED

LEGEND:

- R/W RIGHT-OF-WAY
- U/E UTILITY EASEMENT
- A/E ACCESS EASEMENT

LOCATION MAP:



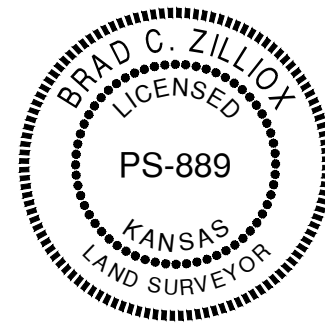
A FINAL PLAT OF  
MORGAN ADDITION

A SUBDIVISION IN THE CITY OF LAWRENCE,  
DOUGLAS COUNTY, KANSAS

SE 1/4, SEC. 28-T12S-R19E

CERTIFICATION:

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN  
HEREON ARE THE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECT  
SUPERVISION JULY 15, 2015. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM  
STANDARDS FOR BOUNDARY SURVEYS.



BRAD C. ZILLOX, P.S. #889  
1310 WAKARUSA DRIVE, SUITE 100  
LAWRENCE, KS 66049  
785.843.7530

LEGAL DESCRIPTION:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE  
CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00-00-00 WEST ON AN ASSUMED BEARING ALONG THE  
WEST LINE OF SAID NORTHEAST QUARTER, 695.97 FEET TO THE POINT OF BEGINING; THENCE NORTH 89-47-13 EAST, 580.44 FEET AND ALONG THE  
SOUTH LINE OF MONTEREY PLACE, A SUBDIVISION OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS; THENCE SOUTH 00-00-00 WEST, 185.00  
FEET AND ALONG THE WEST LINE OF LOT ONE, BLOCK ONE, H & H ADDITION, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS;  
THENCE SOUTH 89-47-13 WEST, 580.44 FEET ALONG THE NORTH LINE OF SAID H & H ADDITION TO THE WEST LINE OF SAID NORTHEAST QUARTER;  
THENCE NORTH 00-00-00 EAST, 185.00 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER TO THE POINT OF THE BEGINNING. CONTAINS  
2.465 ACRES MORE OR LESS.

DEDICATION:

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME  
TO BE SURVEYED AND PLATTED UNDER THE NAME OF "MORGAN ADDITION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND  
STREETS AS SHOWN AND FULLY DEFINED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ETC. SHOWN ON THIS PLAT AND NOT HERETOFORE  
DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED. AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY  
COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER, AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY  
EASEMENT" OR "U/E".

ROBERT J MORGAN, OWNER

BEVERLY G MORGAN, OWNER

ACKNOWLEDGEMENT:ED

STATE OF KANSAS  
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY  
AND STATE, CAME ROBERT J MORGAN, OWNER, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE  
FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES

ACKNOWLEDGEMENT:

STATE OF KANSAS  
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY  
AND STATE, CAME BEVERLY G MORGAN, OWNER, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE  
FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES

ENDORSEMENTS:

APPROVED AS A MAJOR SUBDIVISION UNDER THE  
SUBDIVISION REGULATIONS OF THE CITY OF  
LAWRENCE & THE UNINCORPORATED AREAS OF  
DOUGLAS COUNTY

ASSOCIATED PRELIMINARY PLAT APPROVED BY  
THE LAWRENCE-DOUGLAS COUNTY PLANNING  
COMMISSION, DOUGLAS COUNTY, KANSAS

SCOTT McCULLOUGH DATE  
DIRECTOR, PLANNING & DEVELOPMENT SERVICES

~~BRUCE LIESE~~ DATE  
CHAIR

RIGHTS-OF-WAY AND EASEMENTS ACCEPTED BY  
CITY COMMISSION, LAWRENCE, KANSAS

~~JEREMY FARMER~~ DATE  
MAYOR

DIANE BUCIA DATE  
~~ACTING~~ CITY CLERK

REVIEWED IN COMPLIANCE  
WITH K.S.A.58-2005

MICHAEL D. KELLY, P.S. #869 DATE  
DOUGLAS COUNTY SURVEYOR

FILING RECORD:

STATE OF KANSAS  
COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS  
DAY OF \_\_\_\_\_, 2015, AND IS DULY RECORDED AT \_\_\_\_\_ AM/PM, IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

REGISTER OF DEEDS  
KAY PESNELL

NOTES:

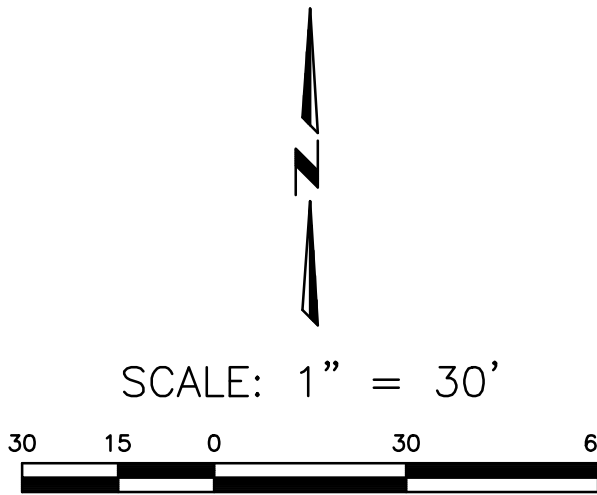
ERROR OF CLOSURE = 1: 3,328.536

BASIS OF BEARINGS: RECORDED PLAT OF H & H ADDITION AND MONTEREY PLACE SUBDIVISION.

STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE

PLAN FILED WITH THE REGISTER OF DEEDS IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_

THE LOTS WILL BE PINNED PRIOR TO THE RECORDATION OF THE FINAL PLAT AT THE REGISTER  
OF DEEDS OFFICE, PER SECTION 20-811(K).



**From:** [Chad Simpson](#)  
**To:** [Mary Miller](#)  
**Subject:** PDP-15-00378 / PF-15-00380 Morgan Addition  
**Date:** Saturday, September 19, 2015 11:40:24 PM

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Mary

I have concerns about the development of this property and how it impacts my neighbors and my property values and our quality of living and comfort in each of our own homes. All of us bordering the southern property line have bedrooms with large glass doors opening into our back yards and my primary concern is that as much of a buffer as possible is established between the new Apartment buildings and the existing homes so that we can continue to enjoy the outdoor space in our back yards and ensure that rows of windows are not starring directly into our bedrooms each evening. If we could be ensured that mature trees, (possibly evergreen) could be established along the South Property line. I suggested flipping the layout so that the apartments are further north and the parking lot be closer to the property line but most people feel that this layout would bring more noise and lights and people directly into the space adjacent to our back fence. Since it appears that having the buildings directly there would block the majority of the noise of people outside I just want to be assured that as much as possible can be done to eliminate line of sight views into our bedrooms. I do greatly appreciate that the plan has been altered to only have 2 stories instead of the earlier plan of having 3 story buildings to contend with.

I am also very concerned with the increase in potential for crime with so many new non-homeowner neighbors 30 feet from my back fence I would like to know if there can be a fence on that side of the utility easement that will make it more difficult for people to access my property. I for one have a gate that opens into the utility easement and cannot afford to have someone come over and let my dogs out of my back yard and / or break into my home.

Although I am concerned about the potential for increased crime, I would like to be assured that there are no tall bright lights going to be set up that are visible from my back yard or bedroom. Once again we all have large windows facing that direction and bright lights at night would be unbearable.

I am also wondering if the drive on the North of the new parking lot is going to be finished that would allow these additional residence to Access Comet Ln. on the East of the property and ease some of the congestion on Monterey Way at rush hour times or is all of this additional traffic going to be forced to get onto Monterey Way and further back up the traffic at the 6th Street and Monterey Way intersection? It would make a lot of sense to finish the last 10 feet of this road so that these cars can directly access Comet Ln. to the east please.

Sincerely,

Chad Simpson  
3820 Elizabeth Ct.  
Lawrence, KS. 66049