

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Non-Public Hearing Item**

PC Staff Report  
PP-15-00067

**ITEM NO. 4:      PRELIMINARY PLAT FOR DREAM HAVEN; 2910 PETERSON RD (MKM)**

**PP-15-00067:** Consider a Preliminary Plat for Dream Haven, a 7 lot residential subdivision containing approximately 9.3 acres, located at 2910 Peterson Road and adjacent parcels, and associated variances from the lot design and right-of-way width requirements in Section 20-810 of the Subdivision Regulations. Submitted by Treanor Architects, for David A. and Anne K. Gnojek and Dream Haven II LLC, property owners of record.

**STAFF RECOMMENDATION:**

**VARIANCE FROM RIGHT-OF-WAY WIDTH:**

Staff recommends approval of the variance requested from Section 20-810(e)(5)(i) subject to the following condition:

The plat shall be revised to note that a variance from the right-of-way width required in Section 20-810(e)(5) of the Subdivision Regulations was granted by the Planning Commission to allow the right-of-way on the subject property side of the center line to remain at 50 ft and list the date of approval.

**VARIANCE FROM LOT DESIGN REQUIREMENT:**

Staff recommends approval of the variance requested from Section 20-810(a)(2)(i) subject to the following condition:

The plat shall be revised to note that a variance from the Lot design requirement in Section 20-810(a)(2)(i) of the Subdivision Regulations was granted by the Planning Commission to allow the creation of 2 lots with 30 ft of frontage on Durham Court provided the lots utilize a shared access.

**PRELIMINARY PLAT**

Staff recommends approval of the Preliminary Plat of Dream Haven II subject to the following conditions:

1. Provision of a drainage study/dam rehab plan and Downstream Sanitary Sewer Analysis per City approval.
2. Applicant shall provide a revised preliminary plat with the following changes:
  - a. Addition of notes reflecting any variances that are approved.
  - b. Addition of a note designating maintenance responsibility for the prairie grass reserve area.

**Reason for Request:**      Subdivision is required prior to development of property with several Detached Dwellings on individual lots.

**KEY POINTS**

- This Preliminary Plat was approved by the Planning Commission at their April 20, 2015 meeting. A notification error was discovered and the Preliminary Plat is returned to the Planning Commission for a public hearing and action following renotification. No changes have been made to the proposed plat; however, there has been some public comments provided following

renotification. This staff report has minor changes from the one provided at the April meeting to reflect these comments.

- The Preliminary Plat was revised following the April Planning Commission meeting. One of the changes was the addition of notes indicating that the variances were approved. These notes will be revised or removed depending on the Planning Commission's action on the variance.
- This land division must be processed as a Major Subdivision as the criteria for a Minor Subdivision/Replat are not met. The property was divided through a Minor Subdivision in 2013 and lots are eligible only one time for approval of a division through the Minor Subdivision/Replat process. (Section 20-808(c)(5) of the Development Code)
- The Minor Subdivision was approved with a note requiring that access to Peterson Road be reviewed in the event the lots are ever further subdivided. New access points must be reviewed and approved by the City Engineer.
- This subdivision proposes to divide and reconfigure the existing 3 lots into 7 lots and 1 tract.

#### **SUBDIVISION CITATIONS TO CONSIDER**

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 10, 2012.
- Variances are being requested from Section 20-810(a)(2)(i) which requires that lots be laid-out and designed to comply with all applicable zoning district regulations to allow the creation of 2 lots with less than the required lot frontage, and from Section 20-810(e)(5)(i) which requires 150 ft of right-of-way width for Principal Arterial streets to allow the right-of-way for Peterson road to remain as shown on the plat in this location.

#### **ASSOCIATED CASES**

- MS-12-00195: Dream Haven, a Minor Subdivision/Replat of Lot 1, Edwards Subdivision was administratively approved on February 15, 2013 and recorded at the Douglas County Register of Deeds Office on February 25, 2013.

#### **OTHER ACTION REQUIRED**

- Submittal and Administrative Approval of Final Plat.
- City Commission acceptance of dedications of easements shown on the Final Plat.
- Submittal and approval of Public Improvement Plans.
- Recording of the Final Plat with the Douglas County Register of Deeds.
- Application and release of Building Permits prior to development. (The building permits will require review by the Fire Code Official to insure the driveways are constructed to accommodate Fire Protection vehicles and adequate turnaround points are provided.)

#### **PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Not required. Per Section 20-916 of the Development Code, a Traffic Impact Study is not required for residential developments with ten or fewer lots or dwelling units.
- *Downstream Sanitary Sewer Analysis* – A DSSA is required but has not yet been submitted. The applicant is working with Utilities Department staff to prepare a DSSA.
- *Drainage Study* – A drainage study is required prior to development. The drainage study will be provided prior to the final approval of the Preliminary Plat.
- *Retail Market Study* – Not applicable to project.

## PUBLIC COMMENT

Property owners in the area called to inquire about the proposed development after the new notification letters were mailed. Principal concerns raised were in regards to the preservation of trees that are located near the adjacent properties. The property owner at 501 Durham Court expressed concern that two lots would be taking access from Durham Court. The public comments were forwarded to the applicant who contacted the property owners and scheduled a meeting to discuss their concerns.

## Site Summary

Gross Area:	9.27 acres
Number of Existing Lots:	3 lots
Number of Proposed Lots:	7 lots and 1 tract
Minimum Lot Area:	.80 acres (34,760.85 sq ft)
Maximum Lot Area:	1.45 acres (63,534.34 sq ft)
Proposed Density:	7 dwelling units / 9.27 acres: 0.75 dwelling units per acre
Maximum Density Allowed:	7,000 sq ft per unit: 6.22 dwelling units per acre

## GENERAL INFORMATION

Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; *Detached Dwelling* and *Undeveloped*

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

To the south:  
RS10 and RS7 (Single-Dwelling Residential) Districts;  
*Detached Dwellings* south of Peterson Road

To the west:  
PRD-[Peterson Acres] (Planned Residential Development) District; *Duplexes*  
(Figure 1)



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



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

This property is located on the north side of Peterson Road, a designated principal arterial. It is not encumbered by the regulatory floodplain and is not within the environs of a registered historic property. Lot 1 is developed with a residence and this plat will accommodate 6 additional residences.

As the property was divided in 2013 into 3 lots with a Minor Subdivision, the further division of the lots must be accomplished through the Major Subdivision Process with approval of a Preliminary and a Final Plat. The intent is to create a very low density residential district; the 7 residences on 9.27 acres will result in a net density of approximately .75 dwelling units per acre. The plat includes building envelopes to prevent intrusion into the area along Peterson Road where native prairie grasses will be established. (Figure 2) The building envelopes include a larger setback from Peterson Road than is required with the RS7 Zoning: a 25 ft front setback is required and the applicant is providing an extraordinary setback between approximately 100 ft to 310 ft. This open space area will be planted with native prairie grasses and excluding it from the building envelope will insure it is not developed, with the exception of the access drives.



**Figure 2.** Plat graphic showing lot layout, existing buildings in brown and proposed protected open space in green.

### **Compliance with Zoning Regulations for the RS7 District**

Per Section 20-809(d)(2) of the Development Code, each lot resulting from the division will conform with the minimum lot size and other dimensional requirements applicable to the property through the Zoning District regulations. Lots created in the RS7 District must have a minimum area of 7,000 sq ft, a minimum lot width of 60 ft and a minimum lot frontage of 40 ft, per the Dimensional Standards in Section 20-601(b) of the Development Code. The proposed lots meet these requirements with the exception of Lots 2 and 3 in the northwest corner of the site. These 2 lots propose to take access from the cul-de-sac at the terminus of Durham Court. There is 60 ft of frontage available along the cul-de-sac so each lot will have approximately 30 ft of frontage. The Planning Commission has the authority to grant variances from Design Standards of the Subdivision Regulations and this variance request will be discussed later in this report.

With the exception of the frontage for Lots 2 and 3, the proposed lots comply with the Dimensional Standards in Section 20-601(b).

As noted earlier, the plat includes building envelopes with extraordinary setbacks to prevent intrusion into the area along Peterson Road where native prairie grasses will be established. (Figure 2) The building envelopes include a larger setback from Peterson Road than the 25 ft setback that is required with the RS7 Zoning. This open space area will be planted with native prairie grasses and excluding it from the building envelope will insure it is not developed, with the exception of the access drives. The maintenance responsibility for the area labeled 'Native Prairie Grass Reserve' should be noted on the plat.

### **Streets and Access**

Access to arterial streets, such as Peterson Road, is prohibited except in redevelopment or infill situations where the subject property has no other reasonable access to the street system and the City Engineer determines that access onto the arterial street, based on the street's ultimate design, can be safely accommodated. The plat shows each lot on Peterson Road having an individual access point and Lot 1 has 2 existing access points. The use of individual access points and the general locations have been approved by the City Engineer but the specific location of each access drive will be determined with the processing of the driveway permits.

An important aspect of subdivision design is insuring adequate access for Fire/Medical vehicles to the structures. In order to establish and maintain prairie grasses along Peterson Road, the number of access points have been minimized and the houses have been set back from the road. This results in long access drives, which may exceed Fire Code distance requirements. Fire equipment turnarounds and appropriate fire access will be established with the review of building permits for each structure. This is noted on the plat.

### **Utilities and Infrastructure**

A sewer main will be extended from the east and will follow the north sides of the lots from Lot 7 to Lot 3 to serve the residences on these lots. Lot 2 will take service from the existing main at the northwest corner of the site. Lot 1 will maintain its connection to the sanitary sewer in Peterson Road. A water main is located on the south side of Peterson Road and service lines will be extended north to serve lots 4 through 7. Lots 2 and 3 will take service from the water main in the Durham Court right-of-way.

The property contains a pond which will be used for stormwater management. The City Stormwater Engineer indicated that the dam was in need of repair and that a rehabilitation plan should be included with the drainage study.



## Easements and Rights-of-way

The following utility easements are provided on the plat:

- Sanitary Sewer Easement, 15 ft wide for the extension of the sanitary sewer main west through the site.
- Utility easement along the boundary of the property, with the exception of the north boundary of Tract A. 10 ft on north, south, and west, and 15 ft on east boundary of the plat.
- 20 ft Drainage easement along the east side of Lot 7 and Tract A.
- Drainage easement located over a portion of the pond.
- 20 ft Rural Water District No. 1 easement is located along the south property line. The applicant indicated that this easement is still required by the Water District.

Peterson Road right-of-way width is 100 ft along the subject property frontage, except for an area where the property to the south has not yet been platted. In this location it is 90 ft wide. The additional 10 ft of right-of-way will be dedicated when the property south of Peterson Road is platted to obtain a consistent right-of-way width. The City Engineer indicated he would support the variance request from the requirement to dedicate additional right-of-way for Peterson Road with this plat as the existing right-of-way is consistent with Peterson Road, as developed.

## VARIANCES

Per Section 20-813(g) of the Development Code, the Planning Commission may grant a variance from the Design Standards of the Subdivision Regulations in cases where there is hardship in carrying out the literal provisions of the standards. This section also lists the criteria which must be met in order for a variance to be approved. The variances requested with this Preliminary Plat are reviewed with these criteria in the following section.

## RIGHT-OF-WAY WIDTH VARIANCE REQUEST

Variance from the 150 ft right-of-way width requirement in Section 20-810(e)(5)(i) for a Principal Arterial to allow the right-of-way for Peterson Road to remain at 100 ft (50 ft from centerline) for that portion of Peterson Road adjacent to the subject property.

**Criteria 1.** Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

The right-of-way width is consistent at 100 ft from Kasold Drive on the west to N. Iowa Street on the east. This area has been platted and developed with the exception of the subject property and the property just to the south of the subject property. (Figure 3) When this property is platted, it will be required to provide the additional right-of-way to match the existing right-of-way in the area.



**Figure 3.** Right-of-way for Peterson Rd is consistent at 100 ft from Kasold Drive to N Iowa Street, with exception of unplatted property south of subject property (highlighted).

The 150 ft right-of-way standard is intended primarily for green field development, rather than infill; however, additional right-of-way is often required to accommodate future street improvements. Peterson Road was recently improved and the City Engineer indicated there were no plans to widen it in the future. Dedicating the additional right-of-way would remove property from the developable area and would reduce the area the applicant has designated as open space.

**Staff Finding:** As the right-of-way is not needed for future street improvements, requiring the dedication for the subject property would be an unnecessary hardship on the applicant.

**Criteria 2.** The proposed variance is in harmony with the intended purpose of these regulations. Right-of-way dedication is required when properties are platted to insure adequate right-of-way is available to accommodate improvements to the street, including infrastructure and sidewalks. Peterson Road was recently improved and has sidewalks on both sides of the street.

Figure 2 illustrates that the right-of-way currently provided adjacent to the subject property is consistent with the pattern of the area. The City Engineer indicated there are no plans for improvements within the Peterson Road right-of-way and that the right-of-way currently dedicated for Peterson Road in this area is adequate.

**Staff Finding:** The proposed request is consistent with the pattern of the area. The amount of right-of-way currently provided for Peterson Road, 100 ft, is adequate and there are no plans to widen the street in the future. The variance is in harmony with the purpose of the regulations.

**Criteria 3:** The public health, safety, and welfare will be protected.

**Staff Finding:** As there are no plans to improve Peterson Road in this area and sidewalks are provided on both sides of the street, the variance will not affect the public health, safety, or welfare.

**Staff Recommendation:**

Approve the variance requested from Section 20-810(e)(5)(i) from the requirement to dedicate additional right-of-way for Peterson Road adjacent to this subdivision subject to the following condition:

The plat shall be revised to note that a variance from the right-of-way width required in Section 20-810(e)(5) of the Subdivision Regulations was granted by the Planning Commission to allow the right-of-way on the subject property side of the center line to remain at 50 ft and list the date of approval.

**FRONTAGE VARIANCE REQUEST**

Variance from the requirement in Section 20-810(a)(2)(i) of the Development Code that all lots comply with the dimensional requirements of the zoning district to allow the creation of 2 lots, Lots 2 and 3, with less than the 40 ft lot frontage required in the RS7 Zoning District. Lots 2 and 3 will divide the 60 ft of frontage available for Durham Court and will have 30 ft of frontage each. (Figure 4)

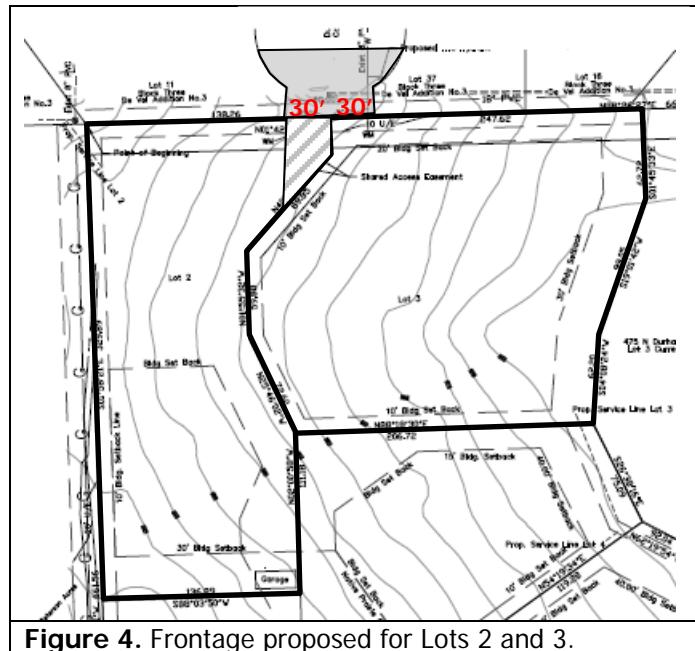
**Criteria 1.** Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

Durham Court terminates in a cul-de-sac with a stub that extends to the subject property's north boundary. It would not be possible to extend Durham Court to the south to provide each lot with

the required frontage due to the code restrictions on the lengths of cul-de-sac. The Durham Court cul-de-sac is currently approximately 786 ft long. Per Section 20-810(e)(8)(1) of the Development Code a cul-de-sac may have a maximum length of 1,000 ft or 10 times the required minimum lot width of the zoning district, whichever is less. The RS7 District requires a minimum lot width of 60 ft so the maximum cul-de-sac length permitted would be 600 ft. Extending the street would require either a variance from the maximum cul-de-sac length or the continuing the extension to the south to connect with Peterson Road. The extension to Peterson Road would require the construction of approximately 640 ft of street and would alter the character of the subject property and would most likely result in the property being developed in a more conventional pattern rather than the very low density pattern that is proposed.

40 ft of frontage is required on a cul-de-sac to insure adequate width for a driveway. The two lots being proposed will utilize a shared access so one driveway will be provided on the 60 ft of frontage.

**Staff Finding:** While Lots 2 and 3 will have less than the required 40 ft of frontage per lot, they will have a combined frontage of 60 ft and will utilize a shared driveway. Lots 2 and 3 could have the required 40 ft of frontage only if Durham Court were extended. However, due to the length restrictions on cul-de-sacs, Durham Court would need to be extended to connect to Peterson Road which would alter the large lot/open space character of the development. This would be an unnecessary hardship upon the subdivider.



**Figure 4.** Frontage proposed for Lots 2 and 3.

**Criteria 2.** The proposed variance is in harmony with the intended purpose of these regulations.

Section 20-801(a)(1) of the Subdivision Regulations lists the following as the purpose of the regulations: *“...to ensure that the division of land, which, in many instances, is an initial step in urbanization, will serve the public interest and general welfare. ....these regulations are intended to:*

- i) Provide for the harmonious and orderly development of land within the City and Unincorporated Area of Douglas County by making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related easements, light and air, and other public needs;*
- ii) Contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity, and efficiency; and*
- iii) Provide for the conservation and protection of human and natural resources.”*

The variance will not alter the existing street layout, so the continuity of the transportation network will remain unchanged. The variance will allow the development of the property with larger lots than exist in nearby subdivisions and will include open space with a pond and grassed areas. Granting the variance will allow this large lot development to occur and provide open space as an aesthetic amenity to the area.



**Staff Finding:** The variance will allow 2 lots to take access from Durham Court rather than requiring the extension of Durham Court to Peterson Road. The variance would result in a large lot development with lots of approximately 1 acre in area and approximately 3.5 acres of protected open space. The variance is in harmony with the purpose of these regulations.

**Criteria 3:** The public health, safety, and welfare will be protected.

The Fire Inspector indicated that the access point on Durham Court would be adequate for their equipment, provided the drives were constructed to accommodate their equipment and vehicles and appropriate turnarounds were constructed. This would be determined through the building permit review of each property. As a shared access will be utilized the variance will result in one driveway in 60 ft of frontage at the end of Durham Court which should be adequate to maintain safe traffic on the street.

**Staff Finding:** With the provisions for fire prevention access and the use of a shared access easement, the granting of the variance should have no adverse impact on the public health, safety, and welfare.

**Staff Recommendation:**

Approve the variance requested from Section 20-810(a)(2)(i) of the Subdivision Regulations to allow the creation of Lots 2 and 3 with 30 ft of frontage, rather than the 40 ft required by Code subject to the following conditions:

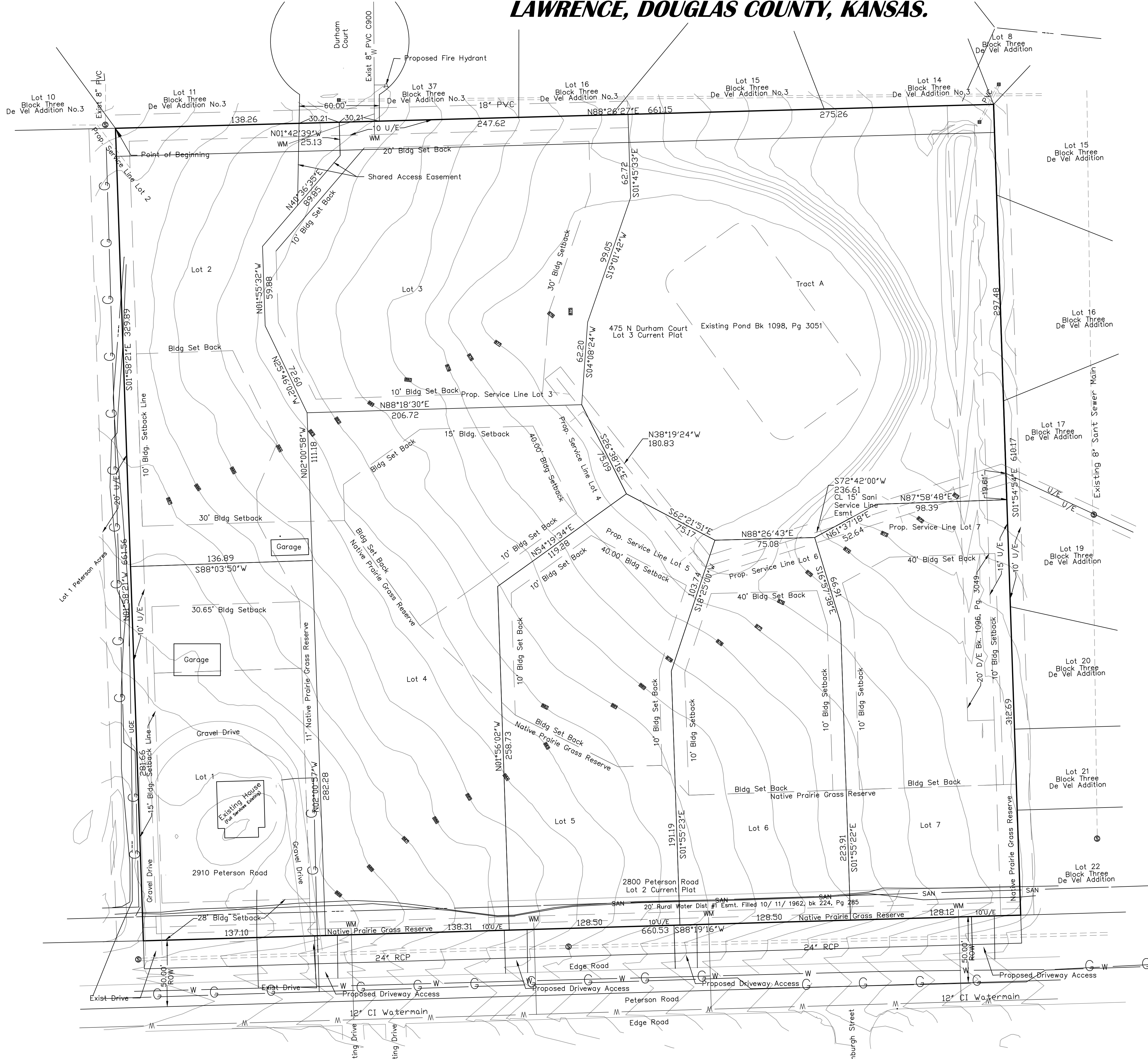
The plat shall be revised to note that a variance from the Lot design requirement in Section 20-810(a)(2)(i) of the Subdivision Regulations was granted by the Planning Commission to allow the creation of 2 lots with 30 ft of frontage on Durham Court provided the lots utilize a shared access.

**Preliminary Plat Conformance**

The preliminary plat will divide and reconfigure the existing 3 lots into 7 lots to allow for the development of 6 new *Detached Dwellings*. With the variances and noted conditions, the preliminary plat is in conformance with the standards and requirements of the Subdivision Regulations and the Development Code.



***PRELIMINARY PLAT***  
***DREAM HAVEN II***



LOCATION MAP

SECTION 23-12-19  
NOT TO SCALE

DESCRIPTION:

ALL OF LOTS 1, 2, AND 3 "DREAM HAVEN" A MINOR SUBDIVISION OF LAND IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS:

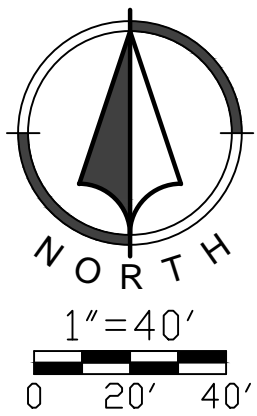
BEGINNING AT THE SOUTHWEST CORNER OF "LOT 11, BLOCK 3 DE VEL ADDITION NO. 3" THENCE; NORTH 88 DEGREES 26 MINUTES 27 SECONDS EAST, TO THE NORTHWEST CORNER OF "LOT 15 BLOCK 3 DE VEL ADDITION NO.3", A DISTANCE OF 66115 FEET; THENCE SOUTH 01 DEGREES 54 MINUTES 54 SECONDS EAST, LONG THE WEST LINE OF "BLOCK 3 DE VEL ADDITION", A DISTANCE OF 61017 FEET; THENCE SOUTH 88 DEGREES 19 MINUTES 55 SECONDS WEST, ALONG THE SOUTHWEST CORNER OF "LOT 15, PETERSON ROAD, A DISTANCE OF 66053 FEET; THENCE NORTH 01 DEGREE 58 MINUTES 20 SECONDS WEST, ALONG THE EAST LINE OF "LOT 1 PETERSON ACRES", A DISTANCE OF 66156 FEET, TO THE POINT OF BEGINNING.

Lot #	Total Square Feet	Acres
Lot 1	38622.96	0.89 +/-
Lot 2	43222.41	0.99 +/-
Lot 3	51942.29	1.19 +/-
Lot 4	63534.34	1.46 +/-
Lot 5	40389.91	0.93 +/-
Lot 6	34760.85	0.80 +/-
Lot 7	40343.49	0.93 +/-
Tract A	90762.85	2.08 +/-
Overall Site	403675.32	9.27 +/-

Notes:

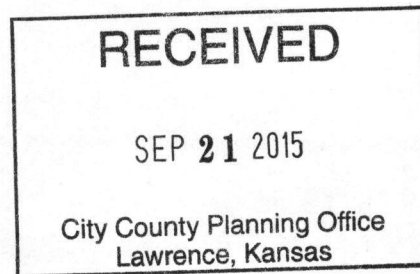
1. All new telephone, cable television, and electrical lines must be located underground.
2. Developer: Dream Haven II, LLC  
Surveyor- Roger B Dill, P.S. 1408  
Property Address: Currently Platted as Lot 2 'Dream Haven' 2800 Peterson Road  
Owner: Dream Haven II, LLC  
Currently Platted as Lot 3 'Dream Haven' 475 N. Durham Court  
Owner: Dream Haven II, LLC  
Currently Platted as Lot 1 'Dream Haven' 2910 Peterson Rd  
Owner: David A. & Anne K. Gnojek
3. Soil Types: Western Portion of site-Woodson silt loam  
Eastern Portion of site-Pawnee clay loam  
Source: USDA Douglas County Soil Survey
4. Topographic Information provided by Treanor Architects
5. Zoning of this property is RS7
6. Lot 1 is developed, all necessary services are established.
7. Subdivision will have no new public or private streets
8. All lots have available water connection along Peterson Road and Durham Court. Lots will be individually metered.
9. Subdivision will provide connection to existing sanitary sewer for lots 3-7 via a proposed main extension from the existing main along the Eastern property boundary and for lot 2 at the Southeast corner Lot 10 Block 3 Del Addition No.3
10. Proposed on-site sanitary improvements will be provided by private financing and will not depend on any way by vote, petition or any other collective action by property owner or subdivision.
11. Private driveway design and layout, including fire department access to fire hydrants, shall be submitted in conjunction with residential building permit application for review and approval. All proposed driveways shall conform to current City codes and ordinances, as amended.

12. The pond will be privately-owned. The property owner is responsible for the maintenance of the pond. The property owner is responsible for establishing ownership and maintenance of same via individual owner maintenance. The pond will remain free of any natural or non-natural structures or vegetative barriers (including but not limited to trees, shrubbery, berms, fences, and walls).
13. Tract A shall be owned and maintained by Dream Haven II, LLC.
14. Variance from right-of-way width required in section 20-810(e)(5) of the subdivision regulations was granted by the planning commission to allow the right-of-way on the subject property side of the center line of Peterson road to remain at 50 ft on 20 April 2015.
15. Variance from the lot design requirement in section 20-810(a)(2)(i) of the subdivision regulations was granted by the planning commission to allow the creation of two (2) lots with 30 ft of frontage on Durham court provided the lots utilize a shared access drive on 20 April 2015.





City of Lawrence  
City Commission  
City Hall, PO Box 708  
Lawrence, KS 66044



Dr. M. Paonessa  
501 Durham Ct  
Lawrence, Ks  
66049

Dear Sirs,

I write in response to the issue concerning the PP-15-00067 issue for the plat for Dream Haven II. As the owner of the 501 Durham ct. property I must of course strongly oppose this unethical land grab at the expense of myself and the owners of the other adjacent properties. This whole process was done in an entirely inappropriate fashion and is entirely unethical in that it both takes and destroys the property of others for the trivial whims of a private concern. It is the responsibility of the city and its organizations to prevent such actions, not be complicit in the crime.

There is absolutely no doubt that the consequences for me, the neighbor across the street, and even those in these new developments are **ALL significantly detrimental**. For me this involves

- Taking my private land
- Destroying a number of mature trees which are decades old and destroying the treeline
- The front yard sprinkler system has a head near where this path is indicated which could be destroyed
- Destroying the whole cul-de-sac privacy of the location
- Undermining property values and adversely affecting tax assessments of the property

Against this list of detriments there is not a single positive to the existing property owners on Durham ct. There are also detriments to the proposed new property owners as they will have to exit all the way about the cul-de-sac, and any emergency services to them will also have to take this route.

As this proposed path does not continue on through that property to Peterson road, the proposal is not a traffic shortcut, so there is **no benefit to any other residents - only those proposing this inconsiderate crap !!!** No argument can be made that this action somehow works towards some larger or collective public good. It is a narrow selfish proposal which seeks to take from others entirely for self-interest.

Let us review the course of events:

1. The architects – obviously made a plan to suit only themselves and the owner who hired them, being fully aware they were screwing over existing property owners by trying to take their land - simply to make a private driveway !! Only when others who were adversely affected found out did they consider the consequences. As they are a private business whose only concern is profit this is hardly a surprise. Their position is easily understood, especially in this state.
2. The city planning services – failed dismally to perform their proper tasks. It is part of their job to keep private interests from stealing and/or destroying the property of others, though obviously

they are do not understand or are unaware of this responsibility. They failed to notify the property owners concerned of the initial notification and only did so when caught in the attempt to sneak this by. Below is the response (text below is verbatim from an email dated 9/4 ) :

Mark,

The Preliminary Plat for Dream Haven II was approved by the Planning Commission at their April 20th meeting. After receiving inquiries from several property owners in the area we reviewed the property owner list for the Preliminary Plat and found that it was incomplete. You and other property owners in the area should have been provided written notice for the Preliminary Plat similar to that you received for the Final Plat.

Due to this error, the Preliminary Plat will be returned to the Planning Commission for consideration and a public hearing at their September 21st/23rd meeting. You will receive mailed notification of the meeting date when the agenda has been set as the items are divided between the two meetings. The mailed notification is sent out at least 20 days prior to the Commission meeting.

Please note, that the property to the south is currently platted with one access from the right-of-way for Durham Court. I've attached the recorded plat for the property to the south.

Thank you for getting in touch with me regarding the plat. Please feel free to contact me again if you have any other questions.

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Error ???!! Not likely. The group failed to do the basic first steps of their job !! This is more disappointing as this is a position of public trust and responsibility. The architect clearly has the planning group in their pocket, again all too common.

Let us review the basics, and this time include what is obviously not understood and omitted previously:

- This is a fully private venture, so any and all consequences of adding new features fall on THOSE benefiting from this, not upon others. Destroying the property and land values of others is not an option for a private venture, PERIOD. Any plans made up are required to follow this rule FIRST and ABOVE ALL. If access to some to some of these residences can come from Peterson road, then certainly access to the remaining two can also be made, without all the detrimental effects on others.
- The city commission and planning groups have the responsibility to protect the rights of existing property owners, not to serve the private interests of their 'buddies'.

The lack of respect for the property of others displayed by this so called 'neighbor' and his architect minion is appalling, especially when the proper course is so easy.

There is no way the city should approve such outrageously selfish behavior when a simple and proper course is easily available which puts the responsibility where it squarely belongs, on those seeking to make the profit from this totally private scheme. Any five year-old

with the big crayon could make a proper plan which provides access to any and all new lots from Peterson road and which does not require taking and trashing the property of others. It seems someone has missed the ethical lesson of the kindergarden 'stay within the lines' exercise. All of the accesses can be done from the South side Peterson road and any plan considered should do just that.

We expect the commission to have the good sense to understand this, and the integrity to take the proper action by disallowing this.

Dr. Mark Paonessa

9/12/2015