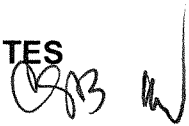


**CITY OF DERBY
PLANNING COMMISSION MINUTES
July 21, 2011 6:30 PM**



MEMBERS PRESENT: Sue Wright, Doug Chambers, Eric Tauer, Keith Volz, Pat Baer, Jack Hezlep,

MEMBERS ABSENT: Tasha Brackeen, Gunter Hansen, Shawn Riley, Kelly Farber

CITY STAFF PRESENT: Bud Newberry, City Planner; Stephanie Cox, Recording Secretary

CONSIDERATION OF MINUTES:

Minutes of July 7, 2011 Planning Commission Meeting.

MOTION: Doug Chambers motioned to approve the minutes.

SECOND: Pat Baer

VOTE: 6-0, unanimous

PUBLIC FORUM

Keith Volz asked for clarification on the requirement for businesses to replace dead or dying landscaping.

Bud Newberry stated that the Zoning Ordinance requires businesses to replace dead or diseased landscaping if it was planted to meet requirements.

Sue Wright asked about the requirements for removal of dead trees out of residential areas.

Bud Newberry stated those issues are handled through code enforcement and there is a requirement to remove dead trees. It's hard to enforce sometimes.

Eric Tauer asked Bud to check into the Cornejo Conditional Use permit. I believe it should be expired by now and the site is still active.

AGENDA ITEM NO: 1

DESCRIPTION: Preliminary Plat – First Christian Church Addition

GENERAL LOCATION: East of Tiara Pines Addition and north of 87th Street South

APPLICANT: First Christian Church of Derby

AGENT: MKEC Engineering Consultants, Inc.

REASON FOR REQUEST: Development of church and related facilities
BACKGROUND INFORMATION:

- This property is approximately 39.3 acres in size and is located east of Rock Road and north of 87th Street South (Chet Smith Avenue).
- This I-1 "Institutional" zoning for this property was approved by the Derby Planning Commission on September 24, 2010, and the City Council on January 11, 2011.
- Residential properties lie to the east and west of this parcel. North of this site is another piece of property owned by the applicant which has not been platted or zoned at this time but is expected to be developed for residential uses at some point in the future. The property located south across 87th is the site of the recently announced Walmart Neighborhood Market and is currently being proposed for re-zoning to the B-3 "General Business District" and platting.
- Annexation of the subject property must be completed prior to or concurrently with Final Plat approval by the City Council.

STAFF COMMENTS:

1. Lots. This plat creates 3 new lots, all of which exceed the minimum size for the I-1 "Institutional" District.
2. Streets. This site will be served by both Rock Road and 87th Street South. Rock Road is constructed to a 4 lane, curb and gutter urban section and is considered to be a major arterial roadway which provides one of the major transportation links to Wichita and McConnell Air Force Base. 87th Street South is a well traveled County section line road that will eventually be upgraded to an arterial roadway in accordance with the requirements of the Derby Subdivision Regulations.
3. Easements. An easement for the placement of utilities is shown located adjacent to the line that separates Lots 1 and 2 from Lot 3. Staff is requesting that an additional easement be included with the plat documents extending this easement through the un-platted property to the north all the way to connection with the Southeast Interceptor line which will be built in the fall and winter of 2011/12. Staff is also requesting that a utility easement be shown between the Rock Road right-of-way and the Southern Star pipeline easement to accommodate the placement of a water main line. The applicant shall insure that all easement locations and sizes are coordinated with the Utility Plan and the Drainage Plan.

Additional easements may be required by the various utility companies who have been advised of this Preliminary Plat.

4. Setbacks. All lots are shown with appropriate front yard building setbacks, which meet the minimum requirements.

5. Access Control. The Preliminary Plat indicates three street connections to Rock Road and two to 87th Street South, with Complete Access Control across the remaining frontage to these streets. The City Engineer is requesting the following revisions to the access control to be shown on the Final Plat:
 1. The first opening north of 87th on Rock Road needs to be moved to a distance 300' north of the intersection and can be a full movement opening at that location.
 2. The second opening on Rock needs to be deleted.
 3. The third opening can be full movement for access to Lot 2.
 4. The first opening east of Rock on 87th needs to be moved far enough east so it doesn't interfere with the decel lane at the intersection. The developer should coordinate the location of this opening with the developers of the Walmart Neighborhood Market to insure that both entrances are located directly across from each other to eliminate turning conflicts.
 5. The second opening on 87th is fine where shown but should also be coordinated with a second entrance to the Walmart facility.
6. Drainage. A Drainage Plan will be required with submittal of the Final Plat. Storm water detention will be provided in Reserve "A".

There are no lots included in the plat area that are located within the 100 year FEMA "Floodplain or Floodway" of Spring Creek.

7. Public Improvements. Sanitary sewer to this site will be provided by the Phase 3 Southeast Interceptor project scheduled for construction in 2011/12. Internal sanitary sewer service shall be provided to each lot. The applicant shall meet with engineering staff to review proper pipe sizes and locations for those sanitary sewers that may be extended into adjacent properties.

Water will need to be extended to the site with the construction of a new 16" main line placed adjacent to Rock Road. This new line will be connected to an existing 16" line at the intersection of Kay Street and Rock Road and the existing 16" line at the southwest corner of Chet Smith Avenue and Rock. The applicant will also be required to provide a petition covering the extension of this 16" water line to the easternmost boundary of this plat. Internal lines will be required to provide water service to each lot. The applicant shall meet with Engineering staff and Fire Chief to appropriately locate all valves and hydrants, and to review all pipe sizes which are shown on the Utility Plan.

87th Street South is currently a county gravel road with open ditches and is being maintained by the township. This road will eventually become an arterial route and will be improved to the standards shown in the Subdivision Regulations for an arterial. Although the city's current CIP does not have these improvements shown, it is possible that a street improvement project could be added in the near future if development continues to take place in this area. In the meantime, the city will

require the developer to provide a petition covering the cost of the installation of a temporary asphalt street to the east boundary of the plat. The City-At-Large will pay for the permanent arterial roadway improvements when they are constructed in the future.

The applicant is encouraged to meet with the Walmart developer to discuss the possibility of sharing costs for the installation of these improvements.

The City Engineer is also asking that an additional 10' of right-of-way be dedicated along the west side of this plat to accommodate the expansion of Rock Road for the addition of a dedicated left turn lane into the entrances into Lots 1 and 2 for traffic coming from the north. A petition will also be required to cover the cost of this improvement.

Sidewalks 8 feet in width are required along both Rock Road and 87th Street South. Construction of these sidewalks will have to be guaranteed with the submittal of petitions with the Final Plat, all in accordance with the City's Public Improvement Finance Policy.

8. Infrastructure Petitions. All public improvements for sanitary sewer, drainage, water lines, sidewalks, and streets must be covered by petitions submitted with the Final Plat.
9. Plat Binder. A Plat Binder addressing property interests and encumbrances has been submitted but seems to be missing one street right-of-way dedication along the east side of Rock Road adjacent to this site. The applicant has been advised of this possible omission and is in the process of checking with Sedgwick County and the title company to locate it. When found, the developer needs to insure that all correct right-of-way dedications are shown on the final plat.
10. Developers Agreement A Developers Agreement is required with the Final Plat for review by the city's legal department.
11. Annexation. A request for "Annexation by Consent" has been received from the developer that includes both the area being platted and the church's property not being platted and will be approved concurrently with Final Plat approval by the City Council.
12. Reserves. One large area adjacent to the north boundary of this plat has been indicated as a Reserve for use as a drainage detention pond. City staff has requested that the applicant submit an easement from this drainage reserve north to the northernmost boundary of the church's property to allow for this drainage to be taken into Spring Creek. A restrictive covenant must be submitted which addresses ownership and maintenance of these reserves.

RECOMMENDATION:

Approve the Preliminary Plat of First Christian Church Addition to Derby, Sedgwick County, Kansas subject to staff comments and authorize the applicant to proceed with preparation of the Final Plat.

DISCUSSION:

Pat Baer asked for clarification on the 8' sidewalk requirement.

Bud Newberry there is a sidewalk already in place along Rock Road so that requirement is taken care of. On 87th, the applicant pays for 5' and the city pays for over sizing, if required.

Keith Volz asked which easement the sidewalk and street lights are currently located?

Bud Newberry replied that we believe property was dedicated at some point to the county for right of way but was never recorded. It's not in the records but it is shown on some old construction plans from when Rock was upgraded. It's also shown in the GIS software. This plat does not show them in any easement.

Keith Volz stated Kay Street needs to go through here somewhere and I don't see it on the drawings.

Bud Newberry replied that staff has made this request and when the final plat is submitted, it will be shown.

Keith Volz asked for clarification on the statement that the city at large will pay for arterial roadway improvements. Is this correct?

Bud Newberry replied yes it is, the city at large does pay for the construction of arterial streets.

Keith Volz asked if the applicant will have to pay for an asphalt overlay for the short term.

Bud Newberry replied yes, for temporary access.

Jack Hezlep you stated in your staff report that the city engineer wants to keep the first entrance off of Rock Road, eliminate the second and keep the third?

Bud Newberry replied we asked for the applicant to move the first (south) entrance 300' from the intersection so it wouldn't interfere with the accel lane. The second entrance would be eliminated and the third will be a shared entrance.

Pat Baer stated the first entrance will also be changed to full access?

Bud Newberry replied yes, since we are asking to omit the second entrance, we would allow the first to be full access instead of right in – right out.

Gary Renberger stated I'm the chairman of the new facilities team at the First Christian Church of Derby. Thank you for letting us speak. Derby First Christian Church has been an entity since the mid 50's. At this point we have about 800 members on Sunday morning. About 10 years ago we built the Powerhouse on Georgie Street and it will seat about 400 members. We have 2 services so we have issues with traffic coming in and out. We also have 2 buildings, one at 201 N. Derby, which is where our facilities for children and babies are located, and another one across the parking lot for our Sunday morning worship. We have outgrown these buildings so in 2000 we purchased the 75 acres at Rock and 87th. The building we are proposing is about 31,000 square feet and will seat approximately 800 in the worship center. We have plans in the works for 3 additions to this building so it will be constructed to be added on to. At this point we are

showing additional needs for parking in anticipation of growing in the coming years. So what we are trying to do is plan for what we need for the future and that is why tonight I would like for you to consider another access point for us for future use. What we have found during this process is that building costs are several hundred thousand dollars higher than what they were a year and a half ago. We are in the process of fundraising and we are talking to Verus Bank about funding for the construction phase and then long term debt that we will have to take in order to complete a project like this. One of the things that the bank has suggested, and that we are considering, is selling some of this acreage in order to fund this project. That's one of the reasons we have added Lot 2, and what we anticipate is that with additional parking needs and building expansion, we would require 2 entrances off of Rock Road. Please also remember that this is Sunday morning traffic when typically Rock Road isn't the major thoroughfare that sometimes we deal with. What we would like to be able to do is show any potential buyers that we have plans and that there will be an access to Lot 2. We also have several acres remaining to the north and at some point all that could be for sale. We are trying to plan for the future. We bought this knowing that we would grow into it and we anticipate being able to continue to grow and we think that the one access point really restricts our ability to get people in and out and we would like to have approval for the 3 entrances. As far as any future uses of this property, we now have a program called Upward Soccer and we have some little league baseball teams that use these fields for practice. We would like to add concessions and bathroom facilities on this property and we would like to be able to keep the Powerhouse and not sell it unless we absolutely have to so we can maintain middle school and high school events in that building. At some point what we would like is to have all of that on the same campus and so we anticipate adding another building on this site for youth. This is all conceptual. Howard and Helmer is our architect and Eby Construction has been picked as our construction managers. At this point we are trying to work out the details and get through fundraising and some of the issues with water lines, easements and everything else. Is there anything else I can answer for you?

Chairman Tauer asked why are lots 1 and 3 split?

Brian Lindebak with MKEC replied we thought it might be better to have an additional lot in case it needed to be put into a trust or some other organization managed the ball fields. And for liability purposes.

Chairman Tauer asked is there a reason why you wouldn't show Kay St. extending to the east along the north side of lot 2?

Brian Lindebak replied in our discussion yesterday with the city staff we had decided to show the southerly right of way line and establish the right of way for Kay street.

Chairman Tauer stated the reason I ask is that I also have concerns about the number of openings along Rock Road. I think it's going to be an ongoing concern, not just in this area but along all of Rock Road. My initial thought would be to put a shared access between lots 1 and 2 and have a dedicated access on the north end of lot 2 to Kay Street.

Brian Lindebak replied the timeline for the other properties getting developed is still up in the air. Primarily what we want to emphasize is that we want this lot to have its own access. From the church's standpoint, having the parking lots connected and sharing an access with someone else is not ideal. We don't want it to be considered as a

development. We want the church to have its own access and all the lots be self sustaining.

Pat Baer stated looking at their future development, a shared access might not work due to future building construction in the same area and the fact that most joint access is located in shopping centers.

Brian Lindebak stated church staff would like to have 2 access points. If we come off the intersection 300 ft., and have a second access on Rock Road, we feel this would be consistent with other developments in Derby. We are making concessions by moving the building to accommodate moving the first entrance, and that should be pointed out as well. We are trying to work with city staff.

Keith Volz stated I agree with the staff report to eliminate the second drive. They are looking at it from a traffic standpoint. Development is starting south of 87th and this is going to be a major intersection down the road.

Pat Baer asked are you shifting the building to provide a drop off area?

Gary Renberger replied we are moving the building for better traffic flow in order to get several hundred cars in and out.

Pat Baer stated I agree with the idea that limiting access points to Rock Road would be prudent. It may not be the ideal situation for the church but I think it's the best idea.

Brian Lindebak stated I think it's very important for the church, accessibility wise, to have 2 access points on Rock Road.

Keith Volz stated your second access is on 87th Street. We have guidelines and traffic studies we have to adhere to.

Brian Lindebak stated I would like to also point out that there aren't any access points on the west side of Rock Road south of Kay so there won't be any conflicting traffic there.

Keith Volz replied that isn't the concern. People trying to turn left out of a second entrance will create a traffic hazard with the people turning right out of the first entrance.

Brian Lindebak asked what if we moved the drives further apart?

Keith Volz replied that won't make much difference because the second entrance will just get closer to Kay Street.

Brian Lindebak stated if you take the access away it will affect the bottom dollar for the church.

Keith Volz stated I would like to see the right of way for Kay Street identified on the drawings.

Bud Newberry replied the City Engineer had the same concerns initially, but ultimately is ok with the plat as it is.

Sue Wright stated if the church is not going to be the ultimate occupant of lot 2, it seems to me that having that right of way identified on the plat would make more sense and a potential buyer will realize that it is part of the property.

Brian Lindebak stated the church would retain access across this property for Kay Street. The biggest thing right now is that we don't specifically know where Kay Street is going to be.

Keith Volz asked if the north property gets sold how is that person going to know that there is a right of way?

Bud Newberry stated that piece of property still needs to be platted. At that time the city would require the dedication be made.

Keith Volz commented the city is asking for an easement for Reserve A pond. Do you know what direction the drainage might go?

Brian Lindebak replied once we engineer a structure for this pond we will design a channel outlet for it. At that point in time we will dedicate by separate instrument, if it isn't platted by that time, a drainage way for that. The same goes for the sewer. At the time of final platting we will provide some sort of guarantee that this line will get built and as part of that guarantee the plans will actually dedicate the right of way.

Sue Wright asked what is your timeline for this project?

Gary Renberger replied we had hoped to start at the end of August until we got the building price from Eby Construction. At this point, there have been a lot of costs added to this project that we didn't anticipate. So we have had to back off our schedule and take the information back to the congregation. Ideally it would be less than 5 years.

Chairman Tauer asked is there going to be access for the church to cross lot 2 to get to Kay Street?

Brian Lindebak replied that since they are the recorded owner there isn't a need to do that at this time. In the event that there would be a contract with a potential buyer it would be disclosed in the contract.

Keith Volz stated that there is a playground missing from the drawings. Do you intend for that to stay? There is also a shed and tree line shown on the aerial photo but not reflected on the drawings.

Brian Lindebak replied that the playground would be included in lot 3 and since this is a preliminary plat and it's not a habitable structure, it wasn't included. We surveyed the fence line and the trees and our surveyor may not have picked up everything. The shed was part of the property when it was purchased and may be relocated or removed.

Sue Wright asked do your plans include keeping these trees?

Gary Renberger replied since these trees are located in lot 2 we don't have a plan for them at this time.

Chairman Tauer asked if there were any more questions or concerns at this time. The major issue that has to be resolved tonight is the access along Rock Road. Keith is in favor of allowing 2 entrances. What are the other commissioner's thoughts?

Pat Baer stated I understand the church's desire for the 3 entrances but at this time I have to agree with city staff and recommend two entrances along Rock Road and one on Chet Smith for lot 1 and another for Lot 3.

Jack Hezlep commented I would like to see the accel lane extended further and would agree with city staff about the 2 entrances on Rock.

Doug Chambers commented I agree with the other commissioners. I think it will create traffic problems with 3 entrances along Rock Road. One entrance for Lot 1 on Rock Road and one on Chet Smith for Lot 1.

Sue Wright commented I understand their desire for the additional access but I would have to go along with the recommendations from city staff.

Chairman Tauer asked Bud if there was anything else staff needed clarification on for the final plat? I would expect to see something on the final plat showing the contour lines for Kay Street.

Bud Newberry replied the only remaining issue is the road right of way for Kay Street, and we will just have to work that out and you can look at it with the final plat.

MOTION: Pat Baer motioned to approve the preliminary plat based on staff recommendations expressly the access control to Rock Road and Chet Smith.

SECOND: Jack Hezlep

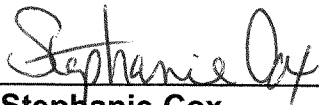
VOTE: 6-0, unanimous

MOTION TO ADJOURN: Chairman Tauer

SECOND: Keith Volz

VOTE: 6-0, unanimous

Meeting adjourned at 7:45 PM.



Stephanie Cox
Recording Secretary



Eric Tauer
Chairman