

**CITY OF DERBY  
PLANNING COMMISSION MINUTES  
March 17, 2011 6:30 PM**

*Handwritten initials: JKB, LW*

**MEMBERS PRESENT:** Anne Nelson, Randy White, Kelly Farber, Patrick Baer, Shawn Riley, Keith Volz, Tasha Brackeen and Brad Ward

**MEMBERS ABSENT:** Eric Tauer, Justin Smith

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

**CONSIDERATION OF MINUTES:**

Minutes of March 3, 2011 Planning Commission Meeting.

MOTION: Randy White motioned to approve the minutes as written.

SECOND: Anne Nelson

VOTE: 5-0-3; Shawn Riley, Tasha Brackeen and Kelly Farber abstained.

**PUBLIC FORUM**

Randy White stated at the last City Council meeting the proposed changes to the parking requirements generated a lot of discussion. They made an amendment to change our recommendation to 5 seats per parking space instead of four. They needed 6 votes in order to pass that, however, 2 members were absent and 2 voted against it so they didn't get enough to pass the amendment and the item was tabled. Bud will present the item to City Council again next week.

**AGENDA ITEM NO:** 1

**CASE DESCRIPTION:** Final Plat – Sander Addition

**GENERAL LOCATION:** Approximately 600' North of Derby Industrial Park 2<sup>nd</sup> Addition on the East side of McIntosh Road

**APPLICANT:** Edna N. Sander Living Trust c/o George Sander

**AGENT:** Baughman Company, P.A.

**REASON FOR REQUEST:** Construct new home and greenhouse

**BACKGROUND INFORMATION:**

- This property is approximately 2.7 acres in size and is located between the BNSF Railroad right-of-way and McIntosh Road.
- Easton Sod Farms, Inc. is located on the property north of this site and the Woodland Valley Addition lies across McIntosh Road to the west. South of this site is a single family residence on another large residentially zoned lot and the BNSF right-of-way runs the entire length of the east property line.
- Presently, this site is in the Derby city limits and is zoned R-1 "Single Family Residential" but is in the process of having the zoning changed to a PUD "Residential Planned Unit Development".
- Mr. Sander, the owner of the subject property, requested the change of zoning to allow for the construction of a greenhouse on this property in addition to the residential use.
- This property must be platted within one year of City Council approval of the PUD zoning for it to become permanent.
- The Preliminary Plat for this addition was approved by the Planning Commission on March 3, 2011, by a vote of 6-0.

#### **STAFF COMMENTS:**

1. Lots. This plat creates one lot. There is no minimum or maximum lot size requirement in the PUD district.
2. Streets/Rights-of-Way. This site is adjacent to McIntosh Road, a local residential access street built to rural design standards without curb and gutter and with open ditches for drainage. A project to rebuild McIntosh from K-15 to Madison Avenue to urban standards with curb and gutter is identified in the CIP for future construction, although no date has been assigned for this project yet. Staff has been able to determine that additional right-of-way will not be required to accommodate this improvement.
3. Easements. A twenty foot wide utility easement is shown platted across this site from east to west near the middle of the lot to accommodate existing water and sanitary sewer lines. There is also a fifteen foot wide utility easement platted along the west property line from the southwest corner of the lot going north approximately 270 feet containing a 12" water main line providing service to the west and north. A drainage easement approximately 110 feet in width occupies most of the south one-fourth of the site. No additional easements are being requested by staff and none have been requested by the utility companies.

There is a plat note which indicates that this property is covered by a blanket easement in favor of RWD #3. Since Derby Subdivision Regulations do not allow the platting of blanket easements, this easement will have to be released by the Rural Water District and a new easement established which defines the exact limits of the easement where the pipeline is located. The developer has requested that the Planning Commission approve this plat with the requirement that this action be completed prior to the plat being presented to the City Council for final approval.

No additional easements are being requested by staff and none have been requested by the utility companies.

4. Setbacks. A twenty-five foot building setback line is shown along McIntosh Road, which meets the requirement. Additional side and rear yard requirements are established by the PUD.
5. Access. Access control is shown adjacent to McIntosh Road with three access points allowed. This arrangement has been approved by the City Engineer.
6. Drainage. A Drainage Plan has been submitted and approved by the City Engineer without on-site detention required.
7. Public Improvements. Since all public improvements except for sidewalks are already located either on or adjacent to this site, it was not necessary for the applicant to provide a utility plan or petitions for the construction of new utilities.
8. Sidewalks. There are no sidewalks located along McIntosh at this time but will be placed when the street is rebuilt in the future. The Planning Commission decided during review of the preliminary plat that they would recommend to the council that it waive the requirement for the developer to provide a petition to cover the cost of placement of sidewalk on this property.
9. Developers Agreement. A Developers Agreement containing the required language pertaining to the maintenance of reserves and easements has been requested and will need to be received prior to the plat being presented to the City Council.
10. Plat Binder. A Plat Binder was submitted and reviewed by city staff to insure all property interests and encumbrances are addressed.

#### **RECOMMENDATION:**

Approve the Final Plat of Sander Addition subject to staff comments and authorize the applicant to proceed with the preparation of Final Plat tracing.

#### **DISCUSSION:**

Randy White asked for the location of the rural water district's line.

Bud Newberry replied that it was located in the northern part of the right-of-way that runs along McIntosh Road and only serves this property.

MOTION: Kelly Farber motioned to approve the final plat subject to staff comments.

SECOND: Brad Ward

VOTE: 7-0-1, Pat Baer abstained

**AGENDA ITEM NO:** 2

**DESCRIPTION:** Final Plat – Dry Creek Town Homes Addition

**GENERAL LOCATION:** Approximately 120' South of Tall Tree Road on the east side of Woodlawn Boulevard

**APPLICANT:** Patrick F. Egan Jr. Revocable Trust

**AGENT:** Young & Associates, P.A.

**REASON FOR REQUEST:** Multiple Family Development

**BACKGROUND INFORMATION:**

- This property is approximately 1.71 acres in size and is located along the east side of Woodland Boulevard approximately 120' south of Tall Tree Road.
- The proposed plat is a replat of the north 324' of Lot 1, Third Replat of North Village Addition.
- This parcel of land abuts the Derby Golf and Country Club on the east, the Replat of Part of North Village Addition to the west and the remainder of the Third Replat of Part of North Village Addition to the north and south.
- The R-3 "Multiple-Family Residential" zoning for this location was approved by the City Council on March 3, 1981.
- Section 418 of the Derby Subdivision Regulations allows for properties that are less than five acres in size and will have no more than five lots to be given Final Plat approval without submitting a preliminary plat. However, this rule only applies if the property was previously platted within the past twenty-four months. Since this request meets the requirements of Section 418 in all other respects, the developer is asking the commission to waive the 24 month rule in this case and give approval for this Final Plat.

**STAFF COMMENTS:**

1. Lots. This plat creates two lots, both 37,260 square feet in size. Minimum lot size for the R-3 district is determined by the number of housing units that will occupy the lot with each unit requiring at least 3,000 square feet. Each of these lots will eventually have eight units constructed on them requiring 24,000 square feet per lot. Consequently, these lots will exceed the requirement.
2. Setbacks. A required 25' Building Setback line is shown adjacent to Woodlawn.

3. Easements. There is a 10' wide sanitary sewer easement shown along the north line of Lot 1, a large drainage easement running the entire length of the east property line of both lots and numerous overlapping utility easements running north and south near the middle of the site. The city nor the utility companies are requesting any additional easements.
4. Drainage. The Drainage Plan submitted has been reviewed by the City Engineer and has been approved without onsite detention.
5. Public Improvements. All city services (water, sewer and streets) are in place, except for sidewalks.
6. Infrastructure Petitions. A petition to cover the cost of construction of a new 8' wide bike path was submitted with the Final Plat and has been reviewed and approved. This section of path is considered part of the city's Phase 6 Bike Path.
7. Developers Agreement and Plat Binder. We also received both a Developers Agreement and Plat Binder. Both have been reviewed and approved.

**RECOMMENDATION:**

Approve the Final Plat of Dry Creek Town Homes Addition subject to staff comments and authorize the applicant to proceed with the preparation of Final Plat tracing.

**DISCUSSION:**

Randy White asked if this was the entire vacant lot or a portion of it.

Bud Newberry replied it's the entire lot.

Randy White asked if the state would pay for 75% of the sidewalk and it looks like it would be advantageous to hook into that and cut the cost of the sidewalk.

Bud Newberry replied the state is participating in the cost of the sidewalk project from the DRC up to Woodlawn Park but not the section from there to Tall Tree Road. The city wanted the path to connect with Tall Tree so we extended the project to that point with the city paying for that portion. The state won't be paying anything on that section.

MOTION: Pat Baer motioned to approve the final plat subject to staff comments.

SECOND: Shawn Riley

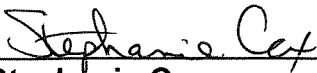
VOTE: 8-0, unanimous


MOTION TO ADJOURN: Kelly Farber

SECOND: Anne Nelson

VOTE: 8-0, unanimous

Meeting adjourned at 7:00 PM.

  
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**Stephanie Cox**  
**Recording Secretary**

  
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**Eric Tauer**  
**Chairman**