

**CITY OF DERBY
PLANNING COMMISSION MINUTES
November 3, 2011 6:30 PM**



MEMBERS PRESENT: Sue Wright, Kelly Farber, Doug Chambers, Eric Tauer, Keith Volz, Pat Baer, Tasha Brackeen, Gunter Hansen

MEMBERS ABSENT: Jack Hezlep, Shawn Riley

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

CONSIDERATION OF MINUTES:

Minutes of September 15, 2011 Planning Commission Meeting.

MOTION: Gunter Hansen motioned to approve the minutes as written.

SECOND: Pat Baer

VOTE: 6-0-2 (Farber and Chambers abstained.)

PUBLIC FORUM

Sue Wright: I attended the City Council meeting last week where they talked about the park plans. I have had discussions with several family members, friends and neighbors and I'm getting a lot of the same comments and I thought it would be worth putting them on the record. People are talking about the economy and the situation in Derby, particularly the state of the schools. Project Success talks about the schools needing work and updating done and the need for another middle school. We have lots of parks in Derby and we admire the community spirit that would entertain the notion of spending \$10 million dollars on a couple of new parks. However, the people that I have been speaking with think there are other areas that can benefit from spending this kind of money.

Chairman Tauer stated good point.

AGENDA ITEM NO: 1

DESCRIPTION: Final 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 43.68 acres in size and is located east of Rock Road and north of 87th Street South (Chet Smith Avenue).
- The 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. It is expected that this property will be developed for residential uses at some point in the future. The property located south across 87th is the site where a new Walmart Neighborhood Market will be constructed and has been re-zoned to the B-3 "General Business District" and platted.
- Annexation of the subject property is by consent and will be completed concurrently with Final Plat approval by the City Council.
- The Preliminary Plat for this addition was approved by the Planning Commission on July 21, 2011, by a vote of 6-0.
- The Final Plat will be recorded with Sedgwick County upon approval by the Derby City Council.
- The Final Plat is in compliance with the requirements of the Subdivision Regulations.

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 requested, but as yet has not received an additional easement 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. This easement must be received prior to this plat being presented to the City Council for final approval.

No additional easements have been required by the utility companies.

4. Setbacks. A Building Setback of appropriate width is shown along the south line of Lots 1 and 3 adjacent to 87th Street and also on Lots 1 and 2 where they abut Rock

Road. There needs to be a Building Setback added to the north line of Lots 2 and 3 where they are abutting the right of way for a future extension of Kay Street.

5. Access Control. The Final Plat indicates two street connections to Rock Road and three to 87th Street with Complete Access Control across the remaining frontage as requested by city staff. The City Engineer has reviewed this new plan and has given his approval.
6. Drainage. A Drainage Plan has been received, reviewed and approved by the City Engineer.

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. The Drainage and Utility Plan submitted with the final plat shows a new sanitary sewer line connecting to the Southeast Interceptor and extending to a point just south of the north line of Lot 1. This line needs to be shown extended south to the point where it passes through the southernmost limits of this plat for extension across 87th to the Wal-Mart site.

A new 16" water line is also shown on the Utility Plan connecting to the existing city main on the southwest corner of the intersection of Rock and 87th Street. The plan also needs to show this new 16" line extended north to a connection point located at Kay Street and Rock Road.

The City Engineer asked 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. The appropriate right-of-way is now shown on the plat and a petition has been received covering the cost of this improvement.

There is a requirement for a sidewalk 8 feet in width to be constructed along 87th Street South. Construction of this sidewalk has been guaranteed with the submittal of a petition in accordance with the City's Public Improvement Finance Policy.

8. Infrastructure Petitions. All public improvements for drainage, sidewalks, a left turn lane on Rock Road and paving of 87th Street have been covered by petitions submitted with the Final Plat.
9. Plat Binder. A Plat Binder addressing property interests and encumbrances was received and the plat has been checked to insure all dedications have been shown. It was noted that an easement in favor of Rural Water District #3 is not shown and needs to be added to the plat.
10. Developers Agreement. A Developers Agreement has been received and has been reviewed and approved 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. The applicant needs to 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. This easement must also be received prior to City Council approval.

A restrictive covenant has been submitted which addresses ownership and maintenance of this reserve.

RECOMMENDATION:

Approve the Final 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 Tracing.

DISCUSSION:

Chairman Tauer asked on the building setback there is language stating "inhabitable structures". Can you clarify that language for us?

Bud Newberry replied that is the language used in the agreement with the pipeline company that means there won't be any inhabitable structures allowed within that 50' building setback.

Pat Baer what other differences are reflected in the final plat drawing that was given to us prior to the meeting?

Bud Newberry replied the utility easement extension to the east side of the property along 87th Street is the other item.

Sue Wright asked do you know when we might see a site plan for this property.

Bud Newberry replied we haven't received a site plan application yet and I have not been told when to expect one. The reason they went ahead with this final plat right now is that time was running out on their rezoning approval.

MOTION: Gunter Hansen motioned to approve.

SECOND: Sue Wright

VOTE: 8-0, unanimous

AGENDA ITEM NO: 2

Dan Squires, Derby City Engineer gave a brief overview of the West End Open House.

DISCUSSION:

No discussion was held.

MOTION: Chairman Tauer motioned to receive and file the report.

SECOND: Doug Chambers

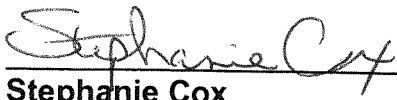
VOTE: 8-0, unanimous

MOTION TO ADJOURN: Chairman Tauer


SECOND: Keith Volz

VOTE: 8-0, unanimous

Meeting adjourned at 7:00 PM.



Stephanie Cox
Recording Secretary



Eric Tauer
Chairman

