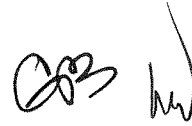


**CITY OF DERBY
PLANNING COMMISSION MINUTES
September 1, 2011 6:30 PM**



MEMBERS PRESENT: Shawn Riley, Sue Wright, Kelly Farber, Doug Chambers, Keith Volz, Jack Hezlep, Tasha Brackeen, Gunter Hansen

MEMBERS ABSENT: Eric Tauer, Pat Baer

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

CONSIDERATION OF MINUTES:

Minutes of August 18, 2011 Planning Commission Meeting.

MOTION: Gunter Hansen moved to approve the minutes

SECOND: Sue Wright

VOTE: 7-0-1, Farber abstained

PUBLIC FORUM

Sue Wright asked about the vacant Charlie's Chicken property and if there were any plans to sell, remodel or tear down the building.

Bud Newberry replied that the owner has been approached several times over the years and is not interested in doing anything with the property at this point.

AGENDA ITEM NO: 1

DESCRIPTION: Final Plat – 87th and Rock Commercial Addition

GENERAL LOCATION: South of 87th Street South and East of Rock Road

APPLICANT: Shirley K. Hukle

AGENT: Baughman Company, P.A.

REASON FOR REQUEST: Allow for general business development

BACKGROUND INFORMATION:

- This property is approximately 9.03 acres in size and is located east of Rock Road and south of 87th Street South (Chet Smith Avenue).
- The subject parcel currently has county zoning for residential usage but has received approval from the Planning Commission to be re-zoned to the B-3

"General Business District". This zoning change will be taken to the City Council for final approval on September 13, 2011.

- Agricultural properties lie to the east and south of this parcel. North of this site is a large piece of property owned by the First Christian Church of Derby which has already been zoned I-1 "Institutional" and is also in the process of being platted. The properties located west across Rock Road are occupied by a mix of church and large lot residential uses.
- Annexation of the subject property has been requested and will be completed prior to or concurrently with Final Plat approval by the City Council.
- The Preliminary Plat for this addition was approved by the Planning Commission on August 18, 2011, by a vote of 8-0-1.

STAFF COMMENTS:

1. Lots. This plat creates 1 new lot which exceeds the minimum size for the B-3 "General Business" 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. There are three new utility easements created with this plat. The first is a 10' easement for the placement of utilities and is shown located adjacent to the south property line. There is also a 20' utility easement centered on the lot line common to Lot 1 and Reserve A. The third new easement is located adjacent to the west lot line and is dedicated to Southern Star. This private easement is 66' wide. One existing 60' utility easement containing buried electrical lines owned by Westar will remain in its current location adjacent to the north lot line.

An existing 66' wide easement dedicated to Cities Service and located near the center of this site running north and south will be released and the pipeline will be re-located to the new Southern Star easement. The 50' No Build Line adjacent to this easement is now shown being relocated next to the new Southern Star easement.

The applicant shall insure that all easement locations and sizes are coordinated with the Utility Plan and the Drainage Plan.

No additional requests for easements have been received from the various utility companies who have been advised of this plat.

4. Setbacks. This lot is shown with appropriate front yard building setback lines adjacent to both Rock Road and 87th Street South that meet the minimum requirements.
5. Access Control. The Final Plat indicates one access opening to Rock Road and two to 87th Street South, with Complete Access Control across the remaining frontage to these streets. The City Engineer has approved the number of openings, their sizes and locations.
6. Drainage. A Drainage Plan has been received indicating storm water detention being provided in Reserve "A" and discharged into the 87th Street right-of-way. This plan has been reviewed by the City Engineer and approved with the requirement that the ditch be graded and any culverts located downstream of this site be checked to insure they are sized to handle the anticipated drainage volume. Maintenance responsibility and ownership of this reserve have been outlined in a Restrictive Covenant that was submitted with the Final Plat.

The proposed plat area is located in Zone "X" (unshaded), outside the FEMA 500-year floodplain.

7. Public Improvements. A new sanitary sewer will be extended to this site from the proposed Southeast Interceptor located north of the First Christian Church property on the north side of 87th. This line needs to be shown on a corrected utility plan and submitted to the city prior to the plat being presented to the City Council for final approval. Internal sanitary sewer service for use on this lot will be determined during site plan review. 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 service must be provided 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 need to extend this line to the easternmost boundary of this plat along 87th. These lines should also be shown on the utility plan. Internal lines will be required to provide water service to this lot and will need to be shown at site plan review. 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.

The city has received permission from Rural Water District No. 3 to provide water service to this property.

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. The city's current CIP does not have these improvements shown and it is

probable that this road improvement project will not be constructed in the foreseeable future. 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 met with representatives of the First Christian Church and has reached an agreement to share the costs for the installation of the sewer and water lines. Staff is writing this report with the understanding that this agreement is subject to a vote for approval by the church membership.

Sidewalks 8 feet in width are required along both Rock Road and 87th Street South.

8. Infrastructure Petitions. Construction of sidewalks, water and sewer lines, drainage structures and streets have been guaranteed with the submittal of petitions with the Final Plat, all in accordance with the City's Public Improvement Finance Policy. These petitions will be checked for accuracy and completeness prior to presentation of the Final Plat to the City Council.
9. Plat Binder. A Plat Binder addressing property interests and encumbrances has been submitted and reviewed.
10. Developers Agreement A Developers Agreement was provided with the Final Plat and is being reviewed by the city's legal department.
11. Annexation. A request for "Annexation by Consent" has been received from the developer and will be approved concurrently with Final Plat approval by the City Council.
12. Reserves. One large area labeled as Reserve A is shown adjacent to the east boundary of this plat and will be used for the construction of drainage structures. A restrictive covenant has been submitted which addresses ownership and maintenance of this reserve.

RECOMMENDATION:

Approve the Final Plat of 87th and Rock Commercial Addition to Derby, Sedgwick County, Kansas subject to staff comments and authorize the applicant to proceed with preparation of the Final Plat Tracing.

DISCUSSION:

Sue Wright asked for clarification that the water line was to be extended from Kay Street south to 87th Street (Chet Smith).

Bud Newberry confirmed it was in the agreement.

Acting Chairman Keith Volz asked if Baughman Company had any comments.

Phil Meyer stated they had no comments and agreed with staff comments.

MOTION: Doug Chambers motioned to approve.

SECOND: Jack Hezlep

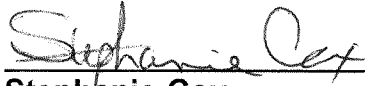
VOTE: 8-0, unanimous

MOTION TO ADJOURN: Keith Volz

SECOND: Shawn Riley

VOTE: 8-0, unanimous

Meeting adjourned at 7:15 PM.



Stephanie Cox
Recording Secretary



Eric Tauer
Chairman