

Shawnee Planning Commission

August 5, 1996

MINUTES

The Shawnee Planning Commission meeting was called to order by Bob Mazza, Chairman, at 7:30 p.m. Present at the meeting were: Commissioners Bedora, Blanner, Duckworth, Land, Mazza, O'Connor, Roche, Rose and Sheridan. Absent were: Commissioners Jenkins and Sawyer. Also present were Paul Chaffee, Director of Planning, and Brendan Griesemer, Associate Planner.

The Pledge of Allegiance was recited.

Item No. 1

Consider July 15, 1996, Planning Commission Minutes.

PLANNING COMMISSION ACTION

Commissioner Roche, seconded by Commissioner Bedora, moved that the July 15, 1996, Planning Commission Minutes be approved as written. Motion was carried 8-0-1, with Commissioner Rose abstaining.

CONSENT ITEMS (# 2, 3, 4, 5, 6, 7)

Items listed under the Consent Items have been distributed to each member of the Planning Commission for review and study. The items conform to City requirements and staff has discussed conditions of approval with the applicant who is in agreement. These items are considered to be routine and will be enacted by one motion of the Commission with no separate discussion. If separate discussion is requested on an item, from either the Planning Commission or from the public, that item may be removed from the Consent Items and discussed immediately following the Consent Items.

Chairman Mazza explained the "Consent Item" format as described above, then asked if there was a request for additional discussion on any of the consent items.

Commissioner Sheridan asked what Consent Item No. 4 to Deffenbaugh was issued for. Mr. Chaffee responded it was for the expansion of the landfill area, which includes the area that is planned to be expanded both on the east and west. Right now one of the conditions of approval is that the Commission take a look at on a yearly basis to make sure they are still doing work in preparation for that. Commissioner Sheridan asked if they were using that for landfill, to which Mr. Chaffee responded they are preparing the berms at this point. The future landfill will be on the inside of those berms. Commissioner Sheridan asked if

that was on the same scheduled it was in 1994, to which Mr. Chaffee responded yes, it was still moving along, adding that the berm along I-435 is nearing completion and they are getting ready to swing around on the Johnson Drive side. They have done some work to the storm drainage improvements on Johnson Drive where Hayes Creek falls under so they seem to be proceeding on schedule. Chairman Mazza asked if that answered Commissioner Sheridan's questions or did she want to pull it off the consent agenda. Commissioner Sheridan responded that answered her questions.

There was no request from the public or the Commission to pull anything off the consent agenda, so the Chairman asked for a motion.

PLANNING COMMISSION ACTION

Noting there were no other comments and no deletions, Commissioner Bedora, seconded by Commissioner Sheridan, moved that Consent Items 2, 3, 4, 5, 6 and 7 be approved subject to staff recommendations. Motion was carried 8-0-1, with Commissioner Roche abstaining.

Item No. 2

SUP-6-89-5: review of the special use permit previously issued to **FAMILY TREE NURSERY** to allow accessory retail sales at 7036 Nieman Road. Last reviewed July 1992.

EXPLANATION OF ITEM

This was a consent item.

This is the scheduled review of a special use permit for accessory retail sales at the Family Tree Nursery located at 7036 Nieman Road.

RECOMMENDATION

Staff recommends extension of SUP-6-89-5, a special use permit for Family Tree Nursery, located at 7036 Nieman Road, for accessory retail sales for four (4) years, subject to the following conditions:

1. Outside display materials be contained in the approved area north of the parking lot; and
2. Review of the special use permit in four (4) years.

SUP REVIEW

The special use permit was originally issued in May of 1989, and was last reviewed in July 1992. The special use permit is to allow the outdoor display of materials for sale in an area north of the parking lot. Staff has received no complaints and public safety officials report no problems with this facility.

PLANNING COMMISSION ACTION

Item No. 2, SUP-6-89-5, special use permit for Family Tree Nursery, was approved as a Consent Agenda item, on page two.

REPEAT OF CONSENT AGENDA MOTION:

Noting there were no other comments and no deletions, Commissioner Bedora, seconded by Commissioner Sheridan, moved that Consent Items 2, 3, 4, 5, 6 and 7 be approved subject to staff recommendations. Motion was carried 8-0-1, with Commissioner Roche abstaining.

Item No. 3

SUP-3-95-5: review of the special use permit previously issued to **SHELLY HOOG** to operate Shelly's Hair Salon as a home occupation at 22110 West 64th Place. First review since approved June 1995.

EXPLANATION OF ITEM

This was a consent item.

This is the scheduled review of a special use permit issued to Shelly Hoog to operate a one chair in-home beauty salon at 22110 West 64th Place.

RECOMMENDATION

Staff recommends extension of SUP-3-95-5, a special use permit issued to Shelly Hoog for the operation of Shelly's Hair Salon, a one-chair in-home beauty salon at 22110 West 64th Place, for four (4) years, subject to the following conditions:

1. The shop be limited to one chair and no outside persons be employed;
2. All parking related to the beauty shop shall be off-street on the driveway;
3. Submission of a copy of the beautician's license from the State Board of Cosmetology on an annual basis;
4. No signage be allowed; and
5. Review of the special use permit in four (4) years.

SUP REVIEW

The special use permit was originally issued in June 1996, and this is the first review of the special use permit. Staff and public safety officials have received

no complaints regarding the facility. The applicant has a valid occupational license with the City, and has submitted a copy of her most recent State license.

PLANNING COMMISSION ACTION

Item No. 3, SUP-3-95-5, special use permit for Shelly Hoog, was approved as a Consent Agenda item, on page two.

REPEAT OF CONSENT AGENDA MOTION:

Noting there were no other comments and no deletions, Commissioner Bedora, seconded by Commissioner Sheridan, moved that Consent Items 2, 3, 4, 5, 6 and 7 be approved subject to staff recommendations. Motion was carried 8-0-1, with Commissioner Roche abstaining.

Item No. 4

SUP-4-94-6: review of the special use permit previously issued to **DEFFENBAUGH INDUSTRIES** to allow landfilling operations in the Planned Industrial zoning district in the 17700 block of 53rd Street and the 5300 block of Locust. Last reviewed July 1995.

EXPLANATION OF ITEM

This was a consent item.

This is the scheduled review of the special use permit issued to Deffenbaugh Industries for the expansion of the Johnson County Landfill in the 17700 block of 53rd Street and the 5300 block of Locust. The special use permit was issued in 1994.

RECOMMENDATION

In accordance with the special use permit, rezoning and site plan approval, annual reviews of the special use permit are required until such time as the berms are constructed. After that time, periodic reviews will be held as determined by the Planning Commission and Governing Body. Since work on the entire project is progressing on schedule, staff recommends SUP-4-94-6 be extended for a period of one (1) year, with review at that time.

SPECIAL USE PERMIT REVIEW

The applicant has begun the required permitting procedures for the landfill expansion and to construct the berms required by the City of Shawnee to be constructed prior to the use of the areas for landfilling. To date, the applicant has completed work on drainage pipelines along I-435, and has received a permit for the construction of the berm along I-435. Berm construction in this area should be completed by mid-1997, with work then beginning on the Johnson Drive side.

Engineering plans for the Johnson Drive berms have been submitted to the City of Shawnee for review and approval. It is anticipated that construction of the Johnson Drive berm will take 12 to 18 months.

PLANNING COMMISSION ACTION

Item No. 4, SUP-4-94-6, special use permit for Deffenbaugh Industries, was approved as a Consent Agenda item, on page two.

REPEAT OF CONSENT AGENDA MOTION:

Noting there were no other comments and no deletions, Commissioner Bedora, seconded by Commissioner Sheridan, moved that Consent Items 2, 3, 4, 5, 6 and 7 be approved subject to staff recommendations. Motion was carried 8-0-1, with Commissioner Roche abstaining.

Item No. 5

SP-32-96-8: consider request for revised site plan approval to construct a second pick-up window at the **WENDY'S RESTAURANT** at 11450 Shawnee Mission Parkway. Request submitted by Marvin Barden for Wendy's International.

EXPLANATION OF ITEM

This was a consent item.

The applicant requests revised site plan approval for construction of a 39 square foot building addition for a second pick-up window at the Wendy's Restaurant located at 11450 Shawnee Mission Parkway. The application is filed by Marvin Barden for Wendy's International.

RECOMMENDATION

Staff recommends approval of SP-32-96-8, revised site plan for Wendy's Restaurant located at 11450 Shawnee Mission Parkway, subject to the following condition:

1. Subject to City Council review until 5:00 P.M., Thursday, August 8, 1996.

SITE PLAN REVIEW

1. The property is zoned CH (Commercial Highway). Surrounding zoning is R-10 (Single Family Residential) to the north and CH in all remaining directions.

2. Surrounding land uses include single family residential to the north, Hale's Office building to the east, Pizza Hut to the south across Shawnee Mission Parkway, and Applebee's to the west.
3. The Land Use Guide of the Comprehensive Plan anticipates Commercial land uses for this area, thus the request is in compliance with the plan.
4. The applicant requests site plan approval to construct a 39 square foot building addition for a pick-up window on the northwest corner of the existing 2,777 square foot Wendy's building and replace the existing pick-up window with a new pick-up window. Building materials feature Salmon Red brick to match the existing restaurant and aluminum framed pick-up windows.
5. Parking meets code requirements. Thirty-two parking stalls exist on the site. This addition does not increase the occupancy load of the building, therefore no additional parking stalls will be required.
6. Landscaping meets code requirements. The applicant fulfilled landscaping code requirements with their previous site plan.
7. All bulk requirements have been satisfied. The pick-up window is set back 28' from the side property line. All utilities are required to be placed underground.
8. The proposed addition is less than 10 percent of the total square footage of the existing building, therefore, the site is not subject to the current provisions of SMC Chapter 12.28, which pertains to the improvement of peripheral streets.
9. The site plan appears to show that no additional impervious area will be created by this project. Therefore, it is not subject to the provisions of SMC Chapter 12.24, which pertains to the construction and maintenance of on-site stormwater detention facilities.
10. The area disturbed within the site will be less than five acres, therefore, the applicant is not required to apply for an Environmental Protection Agency National Pollutant Discharge Elimination System Permit (Construction Activity Form 1) from the Kansas Department of Health and Environment. Also, due to the nature of this site and the development proposed, it is not envisioned that erosion control measures will be required.
11. No other site improvements are indicated other than to the pick-up windows.

PLANNING COMMISSION ACTION

Item No. 5, SP-32-96-8, site plan for Wendy's Restaurant, was approved as a Consent Agenda item, on page two.

REPEAT OF CONSENT AGENDA MOTION:

Noting there were no other comments and no deletions, Commissioner Bedora, seconded by Commissioner Sheridan, moved that Consent Items 2, 3, 4, 5, 6 and 7 be approved subject to staff recommendations. Motion was carried 8-0-1, with Commissioner Roche abstaining.

Item No. 6

SP-34-96-8: consider request for revised site plan approval to construct a storage building addition at 12800 Shawnee Mission Parkway. Request submitted by Donald Fuhr of FUHR'S FURNITURE, INC.

EXPLANATION OF ITEM

This was a consent item.

The applicant requests revised site plan approval for construction of a 4,000 square foot storage building addition for Fuhr's Furniture located at 12800 Shawnee Mission Parkway. The application is filed by Donald Fuhr of Fuhr's Furniture.

RECOMMENDATION

Staff recommends approval of SP-34-96-8, revised site plan for a storage building addition for Fuhr's Furniture, located at 12800 Shawnee Mission Parkway, subject to the following conditions:

1. Erosion control measures be indicated on the grading plans to be approved by the Engineering Division and be in place during construction;
2. City Council grant a waiver of the Peripheral Street fund fee for 61st Street since minor collectors are now improved by developers;
3. The applicant satisfy stormwater detention requirements as outlined in the staff report;
4. Approval of all watermain and fire hydrant locations by the Fire Chief and installation prior to issuance of any building permits;
5. The site plan shall be revised and two (2) copies submitted to the Planning Department prior to issuance of a building permit indicating the technical

item listed in the staff report. This change shall be included on the plans submitted for a building permit;

6. All disturbed areas be sodded prior to issuance of an Occupancy Permit; and
7. Subject to City Council review until 5:00 P.M., Thursday, August 8, 1996.

SITE PLAN REVIEW

1. The property is zoned CH (Commercial Highway). Surrounding zoning is PSF (Planned Single Family) to the north and CH to the east, west and south.
2. Surrounding land uses include single family residential to the north, a public storage business to the east, Bayer to the south across Shawnee Mission Parkway, and Reynolds Lawn and Leisure to the west. A proposed cellular communication monopole is being constructed on the north side of the Reynolds Lawn and Leisure property.
3. The Land Use Guide of the Comprehensive Plan anticipates Commercial land uses for this area thus the request is in compliance with the plan.
4. The applicant requests site plan approval to construct a 4,000 square foot storage building addition on the west side of the existing storage building. The existing storage building is located to the north of the Fuhr's Furniture store. Building materials feature 26 gauge white steel ribbed wall panels to match the existing building. Twenty-six gauge Galvalume roof panels will also match the existing storage building.
5. Fifty-seven existing parking stalls are located on site. This addition does not increase the occupancy load of the building, therefore no additional parking stalls will be required.
6. Landscaping meets code requirements. The applicant fulfilled landscaping code requirements with their previous site plan. The proposed addition will be screened from Shawnee Mission Parkway by an existing row of trees. All disturbed areas shall be sodded.
7. All bulk requirements have been satisfied. The building addition is set back over 44' from the west property line and over 25' from the north property line. All utilities are required to be placed underground.
8. This site lies within one quarter mile of Shawnee Mission Parkway, a designated major arterial, and 61st Street, a designated minor collector. Shawnee Mission Parkway has been improved to at least collector standards. The City's Comprehensive Plan states that minor

collector streets are intended to be improved when adjacent properties are developed; as such, 61st Street would no longer be considered a peripheral street. Therefore, although the site is still technically subject to the current provisions of SMC Chapter 12.28, which pertains to the improvement of peripheral streets, waiving the required fee payment for this project would be appropriate.

9. The site is subject to the provisions of SMC Chapter 12.24, which pertains to the construction and maintenance of on-site stormwater detention facilities. Prior to the issuance of a building permit, the applicant should comply with these regulations by either: (1) submitting a letter report prepared by a registered engineer that provides calculations showing that no drainage inadequacies exist within 1,000 feet downstream of the site, and paying a detention fee calculated based on \$5,000 per impervious acre; or (2) correcting those existing drainage inadequacies within 1,000 feet downstream of the site and paying the prescribed detention fee; or (3) providing on-site detention facilities.

The site plan shows that an additional 4,256 square feet of impervious surface will be created by this project. If no downstream inadequacies exist, the applicant can comply with these regulations by paying a stormwater detention fee of \$488.52 prior to the issuance of a building permit.

10. The area disturbed within the site will be less than five acres, therefore, the applicant is not required to apply for an Environmental Protection Agency National Pollutant Discharge Elimination System Permit (Construction Activity Form 1) from the Kansas Department of Health and Environment. However, the applicant will need to provide adequate erosion control measures during construction. Such measures should be shown on the site (grading) plan submitted for a building permit and should be approved by the City Engineer prior to the issuance of said permit.
11. All water main and fire hydrant locations shall be approved by the Fire Chief and installed prior to issuance of any building permits.
12. The following technical item shall be completed and two (2) revised copies of the site plan shall be submitted to the Planning Department prior to issuance of a building permit. This change shall be included on the plans submitted for a building permit:
 - (a) Revise the floodplain notation to indicate the correct city and date.

PLANNING COMMISSION ACTION

Item No. 6, SP-34-96-8, revised site plan for Fuhr's Furniture, Inc., was approved as a Consent Agenda item, on page two.

REPEAT OF CONSENT AGENDA MOTION:

Noting there were no other comments and no deletions, Commissioner Bedora, seconded by Commissioner Sheridan, moved that Consent Items 2, 3, 4, 5, 6 and 7 be approved subject to staff recommendations. Motion was carried 8-0-1, with Commissioner Roche abstaining.

Item No. 7

FP-43-96-8: consider final plat for **HEARTLAND HILLS**, for 85 lots at 58th Street and Meadow Height Drive. Request submitted by Phelps Engineering for Barney Ashner, Developer.

EXPLANATION OF ITEM

This was a consent item.

The applicant requests final plat approval for Heartland Hills subdivision, located at 58th Street and Meadow Height Drive. The application is filed by Harold Phelps of Phelps Engineering for Barney Ashner, developer.

RECOMMENDATION

Staff recommends approval of FP-43-96-8, final plat for Heartland Hills, to be located at 58th Street and Meadow Height Drive, subject to the following conditions of approval:

1. Recording of the plat prior to issuance of any building permits;
2. Payment of the \$17,000 open space fee in a lump sum prior to recording of the plat or \$200 per lot prior to issuance of building permits;
3. The applicant submit two (2) copies of the Homes Association and Deed Restriction documents, along with the necessary recording fee, for recording with the final plat;
4. The \$27,169.83 Peripheral Street Fund fee shall be paid prior to commencing construction work on any public improvements;
5. The proposed streets shall be designed to local residential street standards, as discussed in the staff report;

6. The applicant shall be responsible for construction costs related to extending both Meadowsweet Lane and Meadow Height Drive beyond the limits of the subdivision to the end of the existing streets;
7. The proposed street lighting and stormwater drainage systems shall be designed to City standards, as discussed in the staff report;
8. All improvements associated with the stormwater detention facilities shall be designed in accordance with City standards;
9. Individual preliminary street and stormwater drainage plans and an overall conceptual street lighting plan shall be submitted to the City Engineer for approval prior to making the recording copies of the final plat;
10. Individual final sets of street, stormwater drainage, and street lighting plans shall be submitted to the City Engineer for approval prior to construction. All public improvements shall be designed and constructed in accordance with the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council;
11. The applicant apply for an Environmental Protection Agency National Pollutant Discharge Elimination System Permit (Construction Activity Form 1) from the Kansas Department of Health and Environment. A copy of the application shall be submitted to the City Engineer prior to the issuance of a grading permit. A copy of the permit shall be submitted upon approval by the State;
12. Erosion control measures shall be shown on the grading plans. Such measures shall be in place prior to commencing any construction;
13. All public utilities shall be fully bonded and constructed prior to the issuance of any building permits.

Payment of all appropriate bonds and inspection fees to the Engineering Division and obtain all appropriate work permits, prior to any construction. The developer be responsible for the cost of City installed street signs;

14. All water main and fire hydrant locations shall be approved by the Fire Chief and installed prior to issuance of any building permits;
15. A computation plat shall be provided showing the coordinates of all points, the bearings and lengths of all lines, and the individual area, in square feet, of all lots, open space tracts, and right-of-ways. Also, shown on this plat shall be the centerline miles of all newly dedicated streets.

The computation plat shall be submitted with the recording copies of the final plat; and

16. Two (2) revised plats shall be submitted to the Planning Department with technical items corrected prior to consideration by the City Council.

FINAL PLAT REVIEW

1. The 26.1 acre property is located at 58th Street and Meadow Height Drive and is currently zoned R-9 (Single Family Residential). Surrounding zoning includes R-10 (Single Family Residential) and R-9 to the north, and AG (Agricultural) in all remaining directions.
2. Surrounding land uses include single family residences in the Monticello Meadows subdivision to the north, and single family residences in City View Farms to the northwest. Vacant ground is located to the east, south, and west.
3. The Land Use Guide of the Comprehensive Plan anticipates low density residential uses for this area, thus the request is in compliance with the plan. Additionally, the plat conforms with the preliminary plat recently approved for the site.
4. The first phase of development includes 85 lots, with a gross density of 3.26 dwelling units per acre. Lot sizes range from 9,000 square feet up to 13,000 square feet, with a minimum lot width of 75 feet at the street or at the building line on curves and in cul-de-sacs.
5. Bulk requirements have been satisfied. Front yard setbacks are platted at thirty (30') feet, side yards shall total at least twenty percent (20%) of the lot width with no less than seven (7') feet per side, and rear yards are required to be thirty (30') feet.
6. Open space requirements are applicable. The \$17,000 fee shall be paid in a lump sum prior to recording of the plat or \$200 per lot prior to issuance of building permits.

The developer has provided common open space (Tracts A, B, and C) for use by subdivision residents. Tracts B and C shall include stormwater detention facilities.
7. The applicant shall submit two (2) copies of the Homes Association and Deed Restriction documents, along with the necessary recording fee, for recording with the final plat.
8. The site lies within one-quarter mile of two proposed peripheral streets: Belmont/Gleason Road and Clear Creek/Lakepointe Parkway (59th Street), both designated major collectors. Therefore, the site is subject to Peripheral

Street Fund requirements. The fee for this plat is \$10,867.93 for Belmont/Gleason Road and \$16,301.90 for Clear Creek/Lakepointe Parkway. The \$27,169.83 fee shall be paid prior to commencing construction work on any public improvements.

9. The proposed streets shall be designed in accordance with City standards for local residential streets and in accordance with the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council. The applicant shall be responsible for construction costs related to extending both Meadowsweet Lane and Meadow Height Drive beyond the limits of the subdivision to the end of the existing streets.

Sidewalks at the top of T-intersections shall be extended to the curb and sidewalk ramps installed to ADA standards.

10. All utilities shall be placed underground, with junction boxes located within rear and side yards as required.
11. The stormwater drainage and street lighting systems shall be designed in accordance with the minimum design criteria as set forth in the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council.

All discharge points for an enclosed system shall be extended to a defined open channel (whether natural or improved). Off-site drainage easements shall be required from the boundary of the subdivision to the nearest point of a natural open channel or existing improved open channel. This issue shall be addressed for the proposed discharge points at the south and east sides of the subdivision. It is believed that an off-site easement may also be required on Lot 15, City View Farms, to connect with the existing area inlet.

12. The site is subject to stormwater detention requirements, with on-site detention required because the site is larger than 20 acres. All improvements associated with the detention facilities shall be designed in accordance with City standards.
13. Individual preliminary street and stormwater drainage plans and an overall conceptual street lighting plan shall be submitted to the City Engineer for approval prior to making the recording copies of the final plat. Individual final sets of street, stormwater drainage, and street lighting plans shall be submitted to the City Engineer for approval prior to construction. All public improvements shall be designed and constructed in accordance with the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council.

14. The area disturbed within the subdivision exceeds five acres, therefore, the applicant is required to apply for an Environmental Protection Agency National Pollutant Discharge Elimination System Permit (Construction Activity Form 1) from the Kansas Department of Health and Environment. A copy of the application shall be submitted to the City Engineer prior to the issuance of a grading permit. A copy of the permit shall be submitted upon approval by the State.
15. Erosion control measures shall be shown on the grading plans. Such measures shall be in place prior to commencing any construction.
16. The inspection fees shall be 2 percent of the construction cost of the public improvements. A performance bond and a two-year maintenance bond shall be required in the amount of 100 percent of the construction cost of the public improvements. All necessary permits, bonds, fees, and approvals from the City shall be obtained prior to any construction. The applicant shall pay for City-installed street name signs.
17. All water main and fire hydrant locations shall be approved by the Fire Chief and installed prior to issuance of any building permits.
18. A computation plat shall be provided showing the coordinates of all points, the bearings and lengths of all lines, and the individual area, in square feet, of all lots, open space tracts, and rights-of-way. Also, shown on this plat shall be the centerline miles of all newly dedicated streets. The computation plat shall be submitted with the recording copies of the final plat.
19. The applicant has been provided with a list of technical items, which will not affect the layout or design, that need to be completed on the plat. Two (2) revised plats shall be submitted to the Planning Department prior to consideration by the City Council.

PLANNING COMMISSION ACTION

Item No. 7, FP-43-96-8, final plat for Heartland Hills, was approved as a Consent Agenda item, on page two.

REPEAT OF CONSENT AGENDA MOTION:

Noting there were no other comments and no deletions, Commissioner Bedora, seconded by Commissioner Sheridan, moved that Consent Items 2, 3, 4, 5, 6 and 7 be approved subject to staff recommendations. Motion was carried 8-0-1, with Commissioner Roche abstaining.

NEW BUSINESS

Item No. 8

SUP-5-95-5: consider withdrawal of special use permit previously issued to **DISCOVERY ZONE** as they are no longer in operation at 10400 Shawnee Mission Parkway.

EXPLANATION OF ITEM

Planning Director Paul Chaffee explained that this is the scheduled review of the special use permit issued to Discovery Zone to operate in excess of 20 automatic amusement devices at 10400 Shawnee Mission Parkway. The special use permit was first issued in May 1996. The business has closed at this location, therefore the special use permit is not required.

RECOMMENDATION

Staff recommends withdrawal of SUP-5-95-5, a special use permit to allow in excess of twenty (20) automatic amusement devices at Discovery Zone, 10400 Shawnee Mission Parkway, since the business has closed.

PLANNING COMMISSION ACTION

Commissioner Sheridan, seconded by Commissioner Land, moved that SUP-5-95-5, special use permit for Discovery Zone, be withdrawn as they are no longer in operation. Motion to withdraw was carried unanimously 9-0.

Item No. 9

THE FOLLOWING TO BE WITHDRAWN AT APPLICANT'S REQUEST:

Z-12-96-8; PrePlat-38-96-8: consider request to rezone from AG to R-9 and preliminary plat for Woodedge for 92 single family lots at the northwest corner of 55th & K-7 Highway. Request submitted by Randall Davis.

EXPLANATION OF ITEM

Planning Director Paul Chaffee explained that the applicant requests rezoning from AG (Agricultural) to R-9 (Single Family Residential) and preliminary plat approval for Woodedge subdivision, located at the northwest corner of Johnson Drive and K-7 Highway. The application is filed by Randall Davis, developer.

The applicant has requested this item be withdrawn. The applicant has resubmitted a rezoning application which more closely resembles the Land Use Guide with a mixture of medium density and low density residential development.

RECOMMENDATION

Staff recommends rezoning Z-12-96-8 be withdrawn per the applicant's request.

PLANNING COMMISSION ACTION

Commissioner Bedora, seconded by Commissioner Roche, moved that Z-12-96-8 be withdrawn per applicant's request. Motion to withdraw was carried unanimously 9-0.

Item No. 10

THE FOLLOWING ITEM TO BE TABLED TO AUGUST 19, 1996, AT APPLICANT'S REQUEST: Z-13-96-8; Pre-Plat-42-96-8: consider request to rezone from AG (Agricultural) to R-9 (Single Family Residential) and preliminary plat for WEST RIDGE for 104 single family lots in the 5000-5200 block of Old K-7 Highway. Request submitted by Pete Oppermann and Max DaMetz of Payne and Brockway for Paul Zimmer.

EXPLANATION OF ITEM

Planning Director Paul Chaffee explained that the applicant requests rezoning from AG (Agricultural) to R-9 (Single Family Residential) and preliminary plat approval for West Ridge subdivision, located at the 5000-5200 blocks of Old K-7 Highway. The application is filed by Roger Obodich of D.R. Horton Development.

The applicant has requested this item be tabled to the August 19, 1996, Planning Commission meeting. The applicant is continuing discussion with the owner of Belle Meade Farms regarding the acquisition of a small tract of unplatted land on the east side of Gleason Road, or in lieu of acquiring that property, moving 51st Street further to the north.

RECOMMENDATION

Staff recommends Z-13-96-8 and PrePlat 42-96-8 be tabled to the August 19, 1996, meeting at the applicant's request.

PLANNING COMMISSION ACTION

Commissioner Rose, seconded by Commissioner Bedora, moved that Z-13-96-8 and Pre-Plat-42-96-8 be tabled to August 19, 1996, meeting. Motion to table was carried unanimously 9-0.

Item No. 11

PUD-4-96-8: consider preliminary development plan for **CRIMSON RIDGE**, for 307 single family lots in the 22300-23100 blocks of 47th Street. Approval of the request would result in a **change of zoning from AG (Agricultural) to PSF (Planned Single Family)**. Request submitted by Andrew Schlager for **Rodrock Development**.

EXPLANATION OF ITEM

Associate Planner Brendan Griesemer explained that the applicant requests rezoning from AG (Agricultural) to PSF (Planned Single Family) Planned Unit Development and preliminary development plan approval for Crimson Ridge, a 307-lot single family residential development to be located in the 22300 - 23100 blocks of W. 47th Street. The application is filed by Andrew Schlager for Rodrock Development.

REZONING FACTORS AND PRELIMINARY DEVELOPMENT PLAN REVIEW

1. **The 137-acre tract is currently zoned AG (Agricultural) and is located at the 22300-23100 blocks of W. 47th Street. Rezoning to PSF (Planned Single Family) Planned Unit Development is requested.** Surrounding zoning is PSF to the west and AG in all remaining directions.
2. Surrounding land uses include railroad right-of-way to the north and open space/agricultural uses and a single family residence to east. To the south are single family residences on large lots and to the southeast is Frenchmen's Creek subdivision. Greenview Ridge subdivision, currently under construction, is situated to the west of this site.
3. The Land Use Guide of the Comprehensive Plan anticipates low density land uses for this area, thus the request is in compliance with the plan.
4. The developer intends to create two, and possibly three, integrated communities within the subdivision, separated by the drainage tributaries which run generally north to south across the property. Construction of the subdivision is anticipated to begin in 1997, typically in increments of 50 lots per phase starting at 47th Street and working north. It is expected the development will take three years to complete.
5. Gross density for the development is indicated as 2.24 dwelling units per acre, well within the range for low density development. Lot widths vary throughout, with all of the lots providing at least seventy feet (70') at the building line. Lot sizes range from a minimum of 8,400 square feet to over 27,000 square feet. Lot sizes are similar to those in Parkview of Wedgewood.

6. Professional staff has been retained to prepare the plan. The developer has been successful with other developments currently underway in Shawnee. Staff feels this project will be successful and completed by the developer.
7. The applicant has submitted a narrative statement, attached for review, outlining the items required by ordinance. Housing sizes are indicated to range from a minimum of 1,800 square feet up to 3,000 square feet, not including garages and basements. Housing prices are anticipated to be in the \$170,000 to \$230,000 range.
8. Development of this subdivision should have little or no detrimental effect upon surrounding properties. Low density development is intended for this area and the development density is compatible with adjoining development.
9. Front yard setbacks are platted at thirty feet (30'), side yards are a minimum of six feet (6'), except on corner lots where they are platted at twenty feet (20'), and rear yards are a minimum of thirty feet (30'). The peripheral boundary thirty foot (30') setback has been provided.
10. The site is heavily wooded, especially around the tributary areas. The applicant will be required to submit a tree preservation plan for the site, along with the submittal of the first final plat. The plat indicates that no trees will be removed except as necessary for home construction and public improvements.
11. Tracts B and C, consisting of 40.39 acres (29% of the site), are proposed as City park ground/open space. Parks and Recreation staff, as well as the Parks Advisory Board, do not recommend acceptance of the proposed park tract as its location does not further the goals established in the Comprehensive Plan for park land development. Therefore, as noted on the plat, Tracts B and C shall be maintained by the Homes Association as open space.

A subdivision pool with cabana area and parking are proposed on Tract A, and will be built in the first phase of development. Other anticipated amenities include the development of a jogging trail and installation of a wrought iron fence with stone columns along 47th Street. The applicant shall submit a site plan for the proposed subdivision amenities to the Planning Department for review prior to submittal of the first final plat;

Should the City determine not to accept the parkland dedication, the Open Space fee, totaling \$61,400, will be required in a lump sum per plat or \$200 per lot prior to issuance of building permits.

12. A landscape easement is provided along 47th Street, to be owned and maintained by the individual lot owners. The applicant has provided a statement on the plat indicating that no building structures except the fence style approved by the developer may be installed in the easement. Any fencing at the rear of the lots abutting the landscape easement will be placed on the house side of the landscape easement.

Tracts D and E, located at the entrances to the subdivision at Aminda and Anderson, shall include an entrance monument and landscaping, and will be owned and maintained by the Homes Association.

A sample landscaping plan for the easements and entry islands shall be submitted for Planning Department review along with the first final plat. All landscaping shall be installed prior to issuance of building permits for each individual phase.

13. Two copies of the Homes Association and Deed Restriction documents shall be submitted with the final plats for recording at the applicant's expense.
14. Building elevations for six (6) styles of homes have been provided. The elevations include a variety of exterior treatments, including stucco, wood, stone and brick frontages. Structures are indicated as two-story or split-level style homes, with the possibility of a few ranches being constructed. All units will have double or triple car garages. Roofs will be "Timberline" grade asphalt shingles with side and rear elevations finished with lap siding. The elevations are attached for review. No more than twenty percent (20%) of the homes in the entire subdivision may be constructed with the same elevation.
15. The proposed subdivision adjoins 47th Street, a designated minor arterial, and lies within one-quarter mile of 43rd Street, a designated major collector. Neither of these streets have been improved to at least collector standards. Therefore, the site is subject to Peripheral Street Fund requirements.

In 1995, the City Council waived the Peripheral Street Fund fee for Greenview Ridge to the west and any other project which does not have access to 43rd Street. Therefore, this site is exempt from any fees for 43rd Street.

After viewing the site, the City Engineer has determined that improving just the north half of 47th Street would not be practical since the existing vertical curves do not comply with the current standard for a minor arterial. Therefore, a Peripheral Street Fund fee of \$291,401.00 will be required for 47th Street, with the fee to be paid prior to commencing work on any public improvements.

Besides the fee payment, Engineering staff has determined that temporary improvements are needed for that portion of 47th Street adjoining the site. Such improvements will consist of not less than a three-inch overlay of hot mix asphaltic concrete over the entire existing street surface or a minimum of twenty-two feet (22'), whichever is greater. The widening of the pavement may also require that the length of the existing culverts under the street be increased.

16. The proposed streets shall be designed in accordance with minimum design criteria as set forth in the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council.

Right-of-way for 47th Street is shown at fifty feet (50'), as measured from the centerline, and is adequate to provide enough space for grading and filling when 47th Street is reconstructed. All internal streets will be designed and built to local residential street standards.

Lots adjoining 47th Street shall have limited access, as indicated on the plat.

Sidewalks will be provided on one side of the street, as well as on the north side of 47th Street. The applicant has indicated that pedestrian access to the swimming pool will be from a wide sidewalk along 47th Street. In the event street improvements have not been completed to 47th Street prior to issuance of building permits for the eastern section of the subdivision, the developer shall install a temporary (or permanent) pedestrian trail providing access to the swimming pool.

17. Telephone, electric and cable service facilities shall be placed within rear and side yards as required by City policy, with the exception of Lots 10-67, 130-180, and 191-306. The applicant intends to request a variance from the City Council to allow placement of utility junction boxes in the front yard areas for these lots in order to preserve existing trees.
18. Street lights shall be required for all streets. The proposed street lighting system shall be designed in accordance with the minimum design criteria as set forth in Policy Statement PS-18 and in the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council.
19. Portions of this site lie within the 100-year FEMA designated floodplain. The applicant has indicated that a Letter of Map Revision will be applied for in order to more accurately depict the floodplain boundaries at the site. A copy of the Letter of Map Revision shall be filed with the Planning Department prior to issuance of any building permits for the development. The final plats submitted for the development will include

notations regarding the lowest floor elevation on those lots adjoining the floodplain or within the 500-year floodplain.

20. The proposed stormwater drainage system shall be designed in accordance with the minimum design criteria as set forth in the City's current Manual of Technical Specifications and Design Criteria.
 - a. The applicant shall be responsible for identifying the extent of the 100-year floodplain for the Kaw River Tributaries, the routing of the base flood across 44th Terrace, and the lowest allowable opening for all lots adjacent to the floodplain.
 - b. The stormwater drainage system for this development shall be designed to convey a 10-year storm for the enclosed portions of the system and to convey a 25-year storm for the open portions of the system. Overflow swales of adequate capacity to convey a 50-year storm shall be provided along side and rear lot lines over a storm sewer.
 - c. The stormwater drainage system shall be enclosed at all locations within a public street right-of-way, where the design peak discharge from a 10-year storm equals at least 8 c.f.s. and does not exceed the capacity of a 72-inch diameter round pipe, and within 60 feet of any existing or proposed habitable building. Special attention will need to be given on the layout of those lots adjacent to the two natural channels to insure compliance with the regulation. In conjunction with each final plat, the applicant shall submit for review by the Engineering Division documentation indicating the distance from the edge of the channel to the property line.
 - d. All discharge points for an enclosed system shall be extended to a defined open channel. Off-site drainage easements shall be required from the boundary of the subdivision to the nearest point of a natural open channel or existing improved open channel.
 - e. Drainage easements shall be provided per APWA standards. The minimum easement width for an enclosed system shall usually be 15 feet; however, wider easements are required for large diameter pipes. The easement width for an open channel (whether natural or improved) shall extend a minimum of 10 feet beyond the top of the bank on both sides of the channel.
21. On-site stormwater detention is not required since stormwater from the property discharges directly into a 100-year floodplain. Compliance with stormwater detention regulations shall be satisfied through payment of a detention fee of \$76,750.00, based on \$250 for 307 lots. The fee shall be paid prior to commencing construction on any public improvements.

22. Individual preliminary street and stormwater drainage plans and an overall conceptual street lighting plan shall be submitted to the City Engineer for approval prior to making the recording copies of the final plat. Individual final sets of street, stormwater drainage, and street lighting plans shall be submitted to the City Engineer for approval prior to construction. All public improvements shall be designed and constructed in accordance with the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council.
23. Prior to any grading on the site, the applicant shall apply for an Environmental Protection Agency National Pollutant Discharge Elimination System permit (Construction Activity Form 1) from the Kansas Department of Health. A copy of the application shall be filed with the Engineering Division, prior to issuance of a grading permit. The permit shall be filed with the Engineering Division upon approval.
24. Erosion control measures shall be shown on the grading plans and in place prior to beginning construction.
25. All water main and fire hydrant locations shall be approved by the Fire Chief and installed prior to issuance of any building permits.
26. All public improvements shall be fully bonded and constructed prior to the issuance of any building permits. Prior to construction of the proposed public improvements, a Performance Bond shall be provided for 100% cost of the project, as well as a 2-year Maintenance Bond for 100% cost of the improvements. A 2% Inspection Fee shall be paid to the Engineering Division and a Certificate of Insurance shall also be provided. Work-within-the-right-of-way permits shall be obtained prior to any construction. The applicant is responsible for the cost of City installed street signs.

RECOMMENDATION

Staff recommends approval of PUD-4-96-8, resulting in a rezoning from AG (Agricultural) to PSF (Planned Single Family) Planned Unit Development and approval of the preliminary development plan for Crimson Ridge, to be located in the 22300-23100 blocks of W. 47th Street, subject to the following conditions:

1. Approval of, and recording of, final plats prior to issuance of any building permits;
2. No greater than 307 total lots be indicated on the final plats submitted for the development;

3. The minimum house size allowed is 1,800 square feet as indicated by the applicant;
4. The applicant submit a tree preservation plan along with the submittal for the first final plat;
5. The applicant submit a site plan for the proposed subdivision amenities to the Planning Department for review prior to submittal of the first final plat. These amenities shall be constructed no later than construction of public improvements in any second phase of development;
6. The staff and the Parks and Recreation Advisory Board have recommended the open space proposed for dedication to the City not be accepted. If this recommendation is accepted by the City Council, the \$200 Open Space fees will be paid per lot prior to issuance of a building permit. If the Council accepts the proposed dedication, the Open Space fee will be waived;
7. A sample landscaping plan for the landscape easements and entry islands shall be submitted to the Planning Department for review along with the first final plat submittal;
8. All landscaping within the designated landscape easements shall be installed prior to building permits for each individual phase;
9. Two (2) copies of the Homes Association and Covenant documents be submitted with the final plats for recording at the applicant's expense;
10. No more than twenty percent (20%) of the structures in the subdivision be built with the same elevations;
11. Payment of the required \$291,401.00 Peripheral Street Fund fee prior to commencing construction on any public improvements;
12. The developer be responsible for making temporary improvements to 47th Street, as indicated in the staff report;
13. The proposed streets shall be designed in accordance with the minimum design criteria as set forth in the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council;
14. The applicant shall install a temporary (or permanent) pedestrian trail from the eastern portion of the subdivision to the swimming pool in the event 47th Street has not been improved prior to issuance of any building permit in the eastern portion of the subdivision;

15. The City Council grant a waiver to allow utility junction boxes to be located in the front yard areas for Lots 10-67, 130-180, and 191-306. All remaining boxes shall be located in side and rear yard areas;
16. The proposed street lighting and stormwater drainage systems shall be designed in accordance with the minimum design criteria as set forth in the City's current Manual of Technical Specifications and Design Criteria;
17. In conjunction with each final plat, the applicant shall submit for review by the Engineering Division documentation indicating the distance from the edge of the channel to the property line;
18. A Letter of Map Revision for changes to the 100-year floodplain at the site shall be submitted to the Planning Department prior to issuance of any building permits. The final plats shall include notation regarding lowest floor elevations as mentioned in the staff report;
19. All improvements associated with the stormwater detention facilities shall be designed in accordance with SMC Chapter 12.24 and the City's current Manual of Technical Specifications and Design Criteria;
20. Individual preliminary street and stormwater drainage plans and an overall conceptual street lighting plan shall be submitted to the City Engineer for approval prior to making the recording copies of the final plat. Individual final sets of street, stormwater drainage, and street lighting plans shall be submitted to the City Engineer for approval prior to construction;
21. All public improvements shall be designed and constructed in accordance with the City's current Manual of Technical Specifications and Design Criteria, except as specifically varied or waived by action of the City Council;
22. The applicant shall apply for an Environmental Protection Agency National Pollutant Discharge Elimination System permit (Construction Activity Form 1) from the Kansas Department of Health. A copy of the application shall be filed with the Engineering Division prior to issuance of a grading permit. Upon approval of the permit, a copy shall be filed with the Engineering Division;
23. An erosion control plan, to be approved by the City Engineer, shall be approved prior to the issuance of a grading permit;
24. Approval of all water main and fire hydrant locations by the Fire Chief and installation prior to issuance of any building permits;
25. All public utilities shall be fully bonded and constructed prior to the issuance of any building permits.

Payment of all appropriate bonds and inspection fees to the Engineering Division and obtain all appropriate work permits, prior to any construction. The developer be responsible for the cost of City installed street signs; and

26. Payment of the required \$76,750 stormwater detention fee prior to commencing construction on any public improvements.

QUESTIONS FROM COMMISSION

Commissioner O'Connor noted the staff report stated the lot sizes go from 8400 to 27,000 sq.ft. Mr. Griesemer responded that was correct that some of the larger lots are 27,000 sq.ft.

Commissioner Bedora asked why there was such a great amount of consideration being given to the waiver of the utility junction boxes being put in the rear for over 2/3 of the lots in this development. Mr. Griesemer responded that part of it was to preserve the existing tree lines that are along the back of those lots where the open space will be. There are a substantial amount of trees to be preserved and not taken out. Commissioner Bedora asked if staff feels comfortable that reasonable efforts have been made to get these to the rear and sides to avoid that appearance on the front. Mr. Chaffee responded that we have done that in cases where there are heavily wooded areas so the utility companies don't tear down the trees, adding that the junction boxes in the front have to be landscaped.

PUBLIC DISCUSSION

Representing the applicant, Rodrock Development, was Pete Heaven, 6021 Earnshaw, who was present to answer any questions. Chairman Mazza asked if the applicant had any problems with the staff's recommendations. Mr. Heaven responded no, conceptionally not, adding that he had two items that he will be taking to the City Council, one of which is 47th Street, which is like a roller coaster. They are currently working with Engineering staff to recommend to the Council that a benefit district be created to improve 47th Street from K-7 Highway to Monticello. They are willing to carry the water and getting the petition signed so that this issue can be behind them for once and for all, as opposed to using a band-aide approach of putting an overlay on what is already out there, which may or may not work. They would rather just improve it permanently for the benefit of everyone along that stretch. That is one of their recommendations. The other recommendation they have is a little less orthodox, but he thought would be interesting. They are working with the County Parks and Recreation Department to try to utilize some of their green area for either a County park or a City park. He knows the staff is not inclined to recommend an acceptance of a dedication; however, they are working on a plan to tie Frenchmen's Creek's existing public park to their property with a 9-foot jogging trail and appropriate pedestrian crossings which would then give the people of

this area the benefit of about a 45-acre park which has to be among the largest in the City. So they are working with staff. Conceptionally, they have no problem with the recommendations, but they are going to try to fine-tune them a little bit and hopefully benefit some of the people in the area.

Commissioner Bedora asked if this was the reason for the comment relating to a walking or running trail, that it is going to exist because of that, or if that happens. Mr. Heaven responded that will happen either way. One of the hallmarks of Rodrock Development is on-site amenities, so they are going to have the jogging trail, probably a bridal path, and other amenities for the 307 families who live here. As a parenthetical statement, over 50% of the lots either face or back up to park area in this subdivision. So it is going to be a very natural area and they are going to have those amenities whether it is a City park or not.

Commissioner Bedora noted he had asked because the staff report only states kind of an iffy standpoint, not that we will do this. He assumes that will come out in the final plat. Mr. Heaven responded that they intend to do that either way.

Commissioner Bedora added that would likewise be true with respect to the pool area. Mr. Heaven pointed out where the pool was going to be. Commissioner Bedora asked if there would be direct access for safety equipment if necessary, to which Mr. Heaven responded absolutely, adding that there would be some on-site parking as well for people who live in the northern outskirts of the subdivision. He agreed that it would be adjacent to 47th, adding that they will use stone pillars and wrought iron fencing to separate it from the street right-of-way.

Don Durham, 4621 Mill Brook Court, advised that overall he was supportive of this development. Rodrock is coming in; he is using the Planned Single Family development zoning for the right reasons. His gross density is reasonable. One reason, he has the terrain that is hard to develop, his park land is that terrain that he cannot develop. He recommended to the Commission that they not accept it as a City park, take the money. But there are some considerations that the surrounding land owners have about the plat as it is. One is the location of the pool. Putting a pool in is a good idea as part of a planned single family development. Right now, on the plat, it sits directly across from the Ventura's house, and that, they feel, will be somewhat of a disturbance. They would like to see the pool relocated further back in the interior of the development, where they have better access to everybody in the development at the time by being further back and it wouldn't be at that one public area that is sitting right across from a very substantial house at this time.

Mr. Durham's other concern was that right now there is no interior connection between the two parts of the subdivision. Everyone in the eastern section, their only access in onto 47th Street. He mentioned 45th Street that comes up into Mr. Mize's cow pasture which is the only other access on the plat itself. Right now that is not an access and Mr. Mize is not planning on selling that land for a long

time, so it is not really an access. He thought that should be a concern of the Police Department and Fire Department. He knows why the connection is not there, because a bridge has to be built. Most people will have to drive to the pool, even if it is built further into the subdivision, they will have to come out to 47th Street with their carpools of kids and then come back in. There should be a connector between the two sections.

Mr. Durham had another concern on the eastern boundary where Mr. Mize has a substantial house and property. There is a tree preservation plan. There is a concern about leaving those trees in there and some kind of screening. Mr. Durham thought that Mr. Mize would like to talk to the developer later on about that to make sure that as those lots are developed, there is some protection on those trees and some screening. He said Mr. Mize also needed to talk to the Commission about the fact that he has cattle in there and make sure he doesn't get hurt on the type of fencing he has in there now. Something needs to be grandfathered to make sure that he doesn't get hurt if the cows go wandering into somebody's land. Don't make him build some real substantial fence. That is an issue.

Mr. Durham continued that 47th Street is an issue. Part of it is the placement of the main entrance. It appears to be coming out exactly at the end of the Ventura driveway. That may be a logical place to put it, but right now, as it is, the Venturas have trouble getting in and out of their driveway with one car. That could be a safety issue there. 47th Street is narrow and not advocating a benefit district to make the Zardas, the Venturas, and the Camerons pay \$241,000 to help a road for Rodrock's development here and for the other developments that come along because 47th Street is narrow and at least half of the road should be improved if you are going to put that many houses in.

Mr. Durham again said that overall, they think this is a good development. He thought the minimum lot size of 8400 is reasonable. They really need to move the pool area, and take a hard look at egress and the width of 47th Street. He didn't think that we need to have two families pay \$240,000 to do that.

Commissioner Rose asked Mr. Durham where he lived in relationship to this development. Mr. Durham responded that he lived in Quivira Woods which is not on the plat, but if you keep going down 47th Street and hit Woodland, you will find Quivira Woods. He is interested in anything out in that part of town because it all ties together.

George Ventura said his land is directly across from the proposed pool. He felt his house is larger than the proposed lots. He thought the pool is a detriment to his property and for them to help widen that road when there are two houses, his and Mr. Zarda's, to absorb that cost so they can put a development in and put in these houses, he couldn't see it. Development is great. What they are doing with the land is a wonderful thing, but it needs to be thought out a little bit. A pool is a natural thing that attracts children. Anytime it is that close to the street, children want to see what is in that pool. He had a fire truck that couldn't turn

around on 47th Street and knocked his mailbox down and the City has a claim for it. The pool would almost be in his front yard. With the amount of land that is being developed and the number of houses, he thought the pool should be more centrally located which would make it more a community pool. He also thought safety should be brought to 47th Street. He invited the Commission to sit in his front yard and watch the amount of traffic on the street and the speed that goes down the street. There is nowhere to put a stop sign in the 47th Street area to slow people down, and no way for emergency vehicles to make it.

Commissioner Rose asked Mr. Ventura how far back from the road was his house. Mr. Ventura responded that it is probably 200 feet.

Chairman Mazza asked Mr. Chaffee about 47th Street. Mr. Chaffee responded that the City Engineer, in their review of the plat, determined that just an improvement to the north side of the road was not practical. Some of the reasons was because of the topography. If you improve one side and not the other, you may create more hazards than currently exist because of cut and fill. The Engineering Division has recommended at this time that the applicant provide a cap and widening the entire street 22 feet on both the north and south sides. The developer will also be required to pay \$241,000 into the Peripheral Street Fund for future improvements to 47th Street. He didn't believe anywhere has Rodrock Development suggested that Ventura and Zarda be totally responsible for payment on their side of the street up front. There have been some other benefit districts in the City and that is up to the Council to create one way or another, two examples being Pflumm Road benefit district and Lackman Road benefit district. In those districts, there are existing single family homes on a piece of property that once the benefit district is created, the project is completed, and then the cost goes on the tax rolls that remain exempt until they are split or at the time that property itself be platted. That is something that the Council, when they consider the request from Rodrock Development to create a benefit district, will need to determine some of those items as to who pays what and when. Whatever precedences there are for exempting properties that are developed with a single family home from payments throughout a period or for a portion of a period of time or until some other development were to happen on those lots will probably be considered. He didn't think Rodrock Development, in their presentation, by saying they were going to pursue the creation of a benefit district, ever made the comment that they would expect the Ventura property and the Zarda property from Day One to make payments for those street improvements. That is going to be up to the Council to decide if they want to create the benefit district, and up to the Council to decide whether or not the proposal made by Rodrock is indeed better than the requirements that the City Engineer is requiring at this time. Also, in conjunction with the Greenview Ridge plat, there will be some improvements made to the hill into the area in front of Greenview Ridge subdivision.

Paul Mies, 22310 W. 47th Street, the property to the east of the development. He has a number of concerns. There is a natural tree line that runs just west of his property, which would be the east boundary of the applicant's property. He is

all for preserving as much of that as possible, and apparently the applicant is also. Second, he runs cattle over the 40 acres to the east of this property and he has just recently built a brand new fence along the west end of that property and it is an electric fence. He is sure that is less than ideal for a development. He wanted to make sure that he is protected as far as still being able to run cattle on that property. Also, on the plan, there is a road exiting out of the east side of the property, right into his pasture. It is 45th Street on the plan. He doesn't know what its purpose is. Just keep as much of the traffic as possible off of 47th Street. Most importantly, the fence that runs the boundary of his property and the applicant's property.

Chairman Mazza asked if the applicant had any comments about the fence situation.

Pete Heaven responded that they would make certain that the property is tight and cattle can't escape, both during the construction and after the homes are built. That should not be an issue. Mr. Mies responded that he had assumed not, but he wanted to mention it.

PLANNING COMMISSION DISCUSSION

Commissioner Bedora questioned the positioning of the pool, noting there was probably justification for putting it in that particular area, but wondering if there was any possibility of an adjustment.

Pete Oppermann responded that where the pools are is generally the way the developers do amenity packages today so that everybody knows that the subdivision has a pool. They are generally always at the entrance of the subdivision. It is kind of Rodrock's signature, to have a big entrance and the pool right there where everybody can see it. Commissioner Bedora asked if the applicant had found problems with that in terms of late night escapades at the pool or things along that line, particularly if they aren't on a busy street. Mr. Heaven responded no, adding that the pools are secured with locking gates. Only those who live in the subdivision have the combination to the gates. In his experience with Rodrock for the last 18 years, he knows of no accidents or vandalism in any of his pools. Mr. Oppermann added that by City Code, there is a requirement to have a 6-foot fence around the pool. Commissioner Bedora commented that generally younger persons with a desire to approach somewhere have an ability to get over a six-foot fence pretty easily. Mr. Oppermann commented that located where it is at, you are less likely to have that kind of stuff happen where people are trying to sneak into the pool, since the pool was at an entrance to the subdivision where cars would be regularly traveling.

Commissioner O'Connor asked the elevation of the pool deck compared to 47th Street. Mr. Oppermann responded that is about level with the street, adding that there is plenty of room in there for earth berms along the street, lots of landscaping between the pool and the street, and the berms for buffering also.

Commissioner Duckworth commented that circumstances are different between this and the other subdivisions that Rodrock has built. It wouldn't be the same as this one because Mr. Ventura doesn't have a house in those and this is coming right onto his. She wondered if there was any way that could be changed so it wouldn't be right in front of his house. Mr. Oppermann responded that they could certainly talk to Rodrock about it and tell him it is a concern. Commissioner Duckworth commented that Ventura has a beautiful home and she knew if it was her house, it would definitely be a concern the pool coming right out across the street.

Commissioner Rose commented that he is a Rodrock fan, is familiar with all of his subdivisions. Rodrock does an outstanding job. Commissioner Rose stated that he would request that Darol Rodrock and his staff consider another spot for the pool, not for site purposes, but for noise purposes. He knows what kind of sounds can be generated from a pool. The question hasn't been answered as to whether the pool is available at night for parties or other things, and whether there is a 9:00 p.m. cut-off time for those events. That would bother him terribly. Pete Heaven responded that generally the pools are unlighted, so as night falls, the pool closes, depending on the time of the year. They don't have lights or the ability to have evening parties.

Commissioner Bedora asked if the Association chose to put lighting in, they could do so. Mr. Heaven responded they could, if they could get a building permit from the City of Shawnee. Commissioner Bedora asked if there would be electrical power out there, to which Mr. Heaven responded yes, there would be, but lights for the pool would have to be run by City staff.

Commissioner Bedora asked about the connection of the two phases together. Pete Oppermann responded that they looked at having another connection and for the most part, it comes down to that it would be very expensive to do because you basically have to build a bridge over the creek, and it could actually cause floodplain problems and an additional bridge could pose additional maintenance problems for the City. They felt, as did City staff, both Engineering and Planning, that it really isn't a problem because they have a loop road system within there and also showing the future access from the east as another entrance when the Mies property ever develops.

Planning Director Paul Chaffee commented regarding the bridge, Engineering staff looked at that with Rodrock, and the situation in this case is that these two creeks are basically tributaries to the Kansas River. In a lot of situations, it may just be a creek or even Mill Creek where it is not a designated 100-year floodplain in the area. In case of this, the creeks are in FEMA designated floodplains, which makes the requirements for the size of the boxes, the length of what those boxes are going to be, given the terrain in this situation, it makes it very difficult to create a stormwater system using a bridge that allows water to flow through this site at 100-year floodplain. In this situation, the bridge may even do more damage than just having it left open and have the stormwaters go on through

given the grades and having to try and get the street and the width of the box you would need and the height of the box that you may need. It makes it difficult to try to connect the two and it was something that staff had initially taken a look at. It would be preferable to do that, but in this situation, you are talking about a public improvement that is equal to, if not more expensive than even what the peripheral street payment would be for an improvement to that portion of 47th Street adjacent to the site, and may cause more harm than good. It is a huge undertaking that you don't see in a lot of subdivisions that have floodplains that run through them.

Commissioner Bedora expanded on the floodplain issue. We talk about the 100-year floodplain and based on statistical information, but he thought over the last several years, we have seen significant amount of rain and a significant amount of flooding activity going on that certainly exceeded those limits. He asked what was being done here to avoid that potential disaster.

Mr. Chaffee responded that in this case, what we found is the limits of the floodplain don't even follow, in some cases, the creek bed itself. In a couple of cases the 100-year floodplains are on top of the hill, so we know they are wrong. One of the conditions of approval is that this developer will have to hire an engineer to run a 100-year flood calculation and submit to FEMA a Letter of Map Revision to adequately show what the area floodplain is. In addition, each lot that is adjacent to the 100-year floodplain, two things have to happen: (1) The base flood elevation that is established for each lot adjacent to that 100-year floodplain, for which the lowest elevation cannot be lower than the base flood elevation. That elevation is at least one foot above the base flood elevation at any given point on the creek. (2) No building can be constructed within 60 feet of the edge of the creek bed itself. So in some cases, the 100-year floodplain may only go 20 feet past the edge of the creek bed, but for the City stormwater requirement, no structure can be within 60 feet.

Commissioner Bedora commented that looking into the future, if somebody else would choose to rid themselves of their property and it becomes developed and again we have less capability of handling water and its going to go down the floodplain area, its going to create an even greater amount of water.

Mr. Chaffee responded that one thing we have today that wasn't in place even ten years ago is other subdivisions that may develop in that area will have to put in some stormwater detention features, will have to make stormwater improvements where the rate of flow coming off those subdivisions into this area, since it is flowing to the north, does not exceed that for prescribed storms. We hope the potential for flooding decreases because we are requiring on-site detention on some of these sites rather than everybody just paving everything and it goes into a stormwater system and dumps into the creek. The system under 47th Street was improved by J. C. Nichols with Woodsonia to relieve a known obstruction.

Commissioner Bedora commented that we have taken a little bit more effort, as a City, to focus on these particular issues and certainly in consideration of what happened in 1993.

Commissioner Blanner asked if there was an answer to whether or not that pool could be moved. Mr. Oppermann responded that they would talk to Mr. Rodrock about it and tell him it is a concern of the Planning Commission to see if they can do something about it.

Mr. Chaffee advised that the Commission can make it an additional condition that the pool be moved to a site not adjacent to 47th Street, or leave the location open to Rodrock as to where within the subdivision it is placed.

Chairman Mazza commented that one of the concerns was putting it in the center of the subdivision, it virtually is up there because of the street locations and cul-de-sacs. If it was put anywhere farther up into the subdivision, it is going to be farther and farther away from one of the two sections. He thought right there was the most plausible for the distance from the homes, not only Rodrock's subdivisions, but you drive by just about any of them, their swimming pools are the focal point of their subdivisions as you are pulling in. There is one house that sits right across the street from it, but it is not a 35-foot footage from the road. It is over 200 feet away and it sits up high. He feels that is the place for the pool.

Pete Oppermann said they could not say for sure but they will put sufficient buffering, earth berms, evergreen trees and shade trees between the pool and the street to buffer it. They want to cut the noise down from the street to the pool.

Chairman Mazza commented that 47th Street is a problem right now. But along with the City and the applicants, with the applicant agreeing to do more than the City requires, he was sure that it will be the situation where the people across the street are not going to have to participate in a benefit district until the ground would be sold for development in its situation same as this then they would owe in it then. But single houses just see where they would be touched in the meantime. Those two factors being the problems that have been brought up, he thought they were overstated. He thought they were situations that would take care of themselves through the actions of the developer.

Commissioner Blanner commented that she thought that it is going to be beautiful and she was happy to see a nice housing addition go in there.

Commissioner O'Connor noted that the drawing shows 8 parking stalls in the parking lot of the pool and asked the applicant if that was accurate. Pete Oppermann responded that is standard, that not very many people drive to the pool. Commissioner O'Connor asked the size of the pool. Mr. Oppermann responded that it would probably be about 30 foot across by 50 foot long. Commissioner O'Connor asked if those were restrooms on the east side. Mr. Oppermann responded it is a bathhouse and verified that there is an arbor, but there was no clubhouse to have a party for outsiders to come in and use.

Perhaps the case if there were walking trails connecting.

Mr. Oppermann commented that one that looks like this will look is at Heatherstone on 119th Street, west of Pflumm, south side. That is one of Rodrock's projects, the pool is right by the entrance, and has a small bathhouse like this.

Chairman Mazza noted that the motion would be made to consider the screening, berming and fencing along there and would be looked at doubly with the applicant and consider the thoughts of the people this evening, along with helping out the noise factor from the 47th Street.

Commissioner Duckworth commented that she is still concerned where the pool is. They have a pool, also, and they swim a lot of times without it being lighted, and this is 307 families.

Mr. Chaffee responded that one of the things that may have gotten lost in some of the discussion and not regarding moving the pool, but one of the requirements is that if 47th Street is not improved with a sidewalk and the subdivision has begun to develop, and a swimming pool was developed and put in, the developer is required to put in a pedestrian walk from the eastern portion to the swimming pool regardless if 47th Street is not completed. And probably upon the completion of 47th Street, when you have the sidewalk, the developer can either leave the pedestrian walkway in place as part of the subdivision or perhaps tear it out. Just because 47th Street isn't improved, perhaps at the time the swimming pool is in, the developer is still required to provide a pedestrian way from the eastern portion into that western portion of the subdivision so people can walk from the east side to the swimming pool and don't necessarily have to drive out to get there. That was one of the conditions of approval.

Chairman Mazza asked if it was City or possibly the Homeowners who would place time restrictions on the pool. He was sure that the pool wouldn't be able to be used all through the night. Isn't there some kind of hour. Pete Oppermann responded that where he lives the pool closes at 9:30 p.m., right when it gets dark. Commissioner Bedora added that it would be a Homes Association issue. Chairman Mazza commented that has been addressed in the Homes Association plan.

Commissioner Sheridan asked about 45th Street, wondering how the Commission decided on the eastern 45th Street, that it is just standard to carry it from the western site. Mr. Chaffee responded that part of it is to provide access should property owners ever sell their homes and want to develop their property. In this case, Engineering requested that this developer move 45th Street even a little further to the north than they had so in the event the current property owner wanted to keep his house but could create a double row of houses along 45th Street if they wanted to continue that and eventually make other connections to 47th Street. It opens up the street network and doesn't close something off so that later on down the line you wished you had that connection but you can't have it now because there are homes generally located in that area.

In some cases, if the property to the east were to be developed further and a subdivision came in where there was no need for that connecting street to be done and that developer did not wish to use that connecting street, they would eliminate that and half of the street would go to the property owner to the South and half would go to the property owner to the north. It provides a means for a connection if one is needed in the future. It is not unusual for entire subdivisions to have one entrance for a period of time. To provide future access, that is why streets are stubbed out.

Don Durham wanted to clarify their concerns. 45th Street is not an access at this time. The pool should be moved.

Mr. Chaffee commented that Police and Fire Departments review all plats and make their comments and recommendations as to whether they think it is appropriate or not for public safety. In this case, they felt the way that the subdivision was laid out was appropriate and they could respond to the residents' needs. The loop on the east side is fairly large.

PLANNING COMMISSION ACTION

Commissioner Rose, seconded by Commissioner Bedora, moved for approval of PUD-4-96-8 preliminary development plan rezoning from AG to PSF for Crimson Ridge subdivision subject to staff recommendations to include a note to the City Council that several members of the Planning Commission have a concern about the location of the pool and some thought be given to relocation or additional berming to protect not only the people in the pool, but also the people across the street and other people surrounding, from the noise. Motion was carried unanimously 9-0.

Item No. 12 - OTHER BUSINESS

- (1) Paul Chaffee advised that Saturday, September 7th, the Council would like to do another bus tour for commercial sites. It will probably start around 8:30 a.m. or 9:00 a.m. and run for a couple of hours. They will only be in Shawnee.
- (2) Mr. Chaffee advised that in front of the Commission was a copy of a draft of some proposed revisions to the zoning ordinance. This will be discussed at the next Planning Commission meeting.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Roche, seconded by Commissioner Land, moved for adjournment. The motion was carried unanimously and the meeting adjourned at 8:50 p.m.

Pat Sullivan
Recording Secretary
(Not Present at Meeting)