



MEMORANDUM

November 28, 2007

TO: Aubry Township Zoning Board
FR: Diane Wicklund, AICP, Principal Planner
RE: **AU-FP-2799 – Final Plat and AU-PDP/FDP-2800, 7404 W. 199th Street**

Taylor Design Group, PA, applicant, and Peoples Bank, owner, are requesting 1) final plat approval for 3 lots on approximately 2.3 acres, currently zoned PRB2, Planned Residential Neighborhood Retail Business District, to be known as Peoples Bank Addition, and 2) Preliminary and Final Development Plan approval for a 4,800 sq. ft. bank building with drive-up lanes and parking lot.

Note: This memorandum is supplementary to the August 29, 2007 Staff Report. It does not replace it. Please review this memorandum in conjunction with the aforementioned Staff Report.

At the request of the applicant, on November 7, 2007, the Aubry Township Zoning Board continued this application without discussion.

On September 5, 2007, the Aubry Township Zoning Board (TZB) continued this application for further consideration. The following were the significant issues to be readdressed by the applicant:

1. Reconsider direct access (driveway entrance) to 199th Street.
2. Reconsider locating the stormwater detention basin inside the Foster Street right-of-way.
3. Address exterior building lighting.
4. Address the existing parking lot (which is located in the 199th St. right-of-way) in front of the existing bank building.
5. Address the water line connection on Foster Street.
6. Address the extent (length) of street improvements to Foster St.

Based upon the issues and comments received at the public hearing, the applicant has submitted revised plans with the following changes (in the same order as above). See applicant's narrative:

1. The plan continues to show two access points; one driveway off of Foster St. and one driveway off of 199th St.
2. The stormwater detention basin continues to be located in the Foster Street right-of-way.
3. See attached Lighting Plan.
4. The parking lot in front of the existing bank building has been relocated to the west side of that facility. The relocated parking lot shows 5 spaces.
5. According to WaterOne District, construction will begin mid-November 2007 on the water line along Foster Street. *See attached memo.*

6. The revised plans show the Foster St. improvements to extend north from 199th St. to the north side of the driveway entrance.

STAFF ANALYSIS OF THE APPLICANT'S REVISED PLANS

Staff supports some of the changes to the revised plans as mentioned above. However, Staff continues to have concerns with the revised Plans as follows and for the same reasons as stated in the original staff report:

1. Direct access to 199th St.,
2. Stormwater detention facilities located within the public street (Foster St.) right-of-way. In addition, the plan shows detention for the single lot (Lot 1) and Public Works would prefer a single detention basin for the entire three lots;
3. The parking requirement for the existing bank building is 10 spaces. The revised plans shall show the relocated parking lot (on the west side of the bank) with a total of 10 parking spaces.
4. The revised plans show the Foster St. improvements to extend north from 199th St. to the north side of the driveway entrance. At the zoning board meeting, there was discussion about extending the Foster St. improvements to the north property line instead of to the driveway entrance. Public Works and Planning staff would support Foster St. improvements to the north property line.

Public Works: See attached revised comments (dated October 25, 2007).

WaterOne District: See attached memo.

RECOMMENDATION

Planning staff recommends **denial** of the applications because the plan shows direct driveway access to 199th St. and shows the stormwater detention basin within public road right-of-way.

If the Township Zoning Board elects to recommend approval of the proposed Preliminary and Final Development Plans and the Final Plat as submitted, then one waiver and three plat exceptions, may also need to be approved, and the Board shall state its reasons for doing so, for the record.

In addition, though they are not meant to imply staff support for the development, the following stipulations are provided:

PRELIMINARY AND FINAL DEVELOPMENT PLAN STIPULATIONS

1. Revised Development Plans. The owners shall submit a revised Preliminary and Final Development Plan (PDP and FDP) which shall address the stipulations below, prior to recording the final plat and prior to requesting a building permit.
2. Minimum Infrastructure Requirements. The owners shall meet all Minimum Infrastructure Requirements applicable to the proposed development as required by the *Johnson County Zoning and Subdivision Regulations (Regulations)*, including, but not limited to, the following Categories:
 - a. Water and Fireflow (Category 2/ Factor 2). The owners shall provide water from a public water source and in sufficient supply to meet the fire protection water flow rate and volume requirements of the then applicable County Fire and Building Codes and standards.
 - b. Roads (Category 5). Approval of the PDP/FDP requires the applicant to make improvements to Foster Street (it shall be constructed to a Type A Residential street standard **if** the waiver for this infrastructure requirement is approved) and a deceleration lane along 199th St. (if the driveway access to 199th St. is approved). The improvements to Foster Street shall extend north from 199th St. to the north property line. Prior to commencing construction of the required public street improvements, the owners shall provide plans for construction of said street improvements, and shall also enter into a development agreement with the County that includes, among other things, a bonding requirement, to ensure satisfactory and timely completion of said street improvements.
 - c. Storm Drainage. The owners shall design and construct storm drainage systems and facilities to comply with the then applicable County design criteria, construction standards, policies and regulations for storm drainage systems and facilities.
 - d. Grading. The plans shall be revised to match the 199th Street construction plans, including grades, curb locations, and storm sewer.
3. Development of Site. The site shall be developed in accordance with the approved preliminary and final development plans (PDP and FDP), attached hereto as Exhibit A, as amended by these stipulations.
4. Building Elevations. The north and south elevations on the drawings are reversed. The south elevation shall be labeled “north elevation” and the north elevation shall be labeled “south elevation.”
5. Building Setback Requirements. A revised PDP and FDP shall show the building setback lines at 35 feet along Foster (west property line) and Cherry streets (north property line).
6. Signage. Signage shall comply with Article 20 of the *Regulations*.
7. Landscaping. Landscaping shall be installed in accordance with the attached Landscape Plan. Required landscaping shall not be placed on the road right-of-way or utility easements.
8. Trash Enclosures. Enclosures shall be constructed as required per Article 16, Section 3(A) of the *Regulations*.
9. Interior Landscaping for Parking Lots. Landscaping for parking lots shall be installed as required as per Article 16, Section 3(B) of the *Regulations*.

10. Detention Basin. The PDP and FDP shall be revised to show the detention basin outside of the public road right-of-way.
12. Off-Street Parking. The off-street parking shall be installed in accordance with Article 19 of the *Regulations*.
13. Mechanical Equipment Screening. Mechanical equipment, whether roof-top or ground mounted, shall be screened with a decorative fence or wall constructed of materials similar to those used on the exterior front of the building or shall be screened with dense landscape plantings.
14. Entrance. A commercial driveway entrance permit(s) issued by Public Works shall be obtained prior to issuance of the building permit.
15. Exterior Lighting. Exterior lighting shall be installed in accordance with the attached Lighting Plan. The lighting design shall have an illumination cutoff type of fixture designed to direct the light down onto the pedestrian, parking and loading areas and not onto the surrounding properties. No glare or light spillage shall occur on adjacent property.
16. Sewer District Agreement. Prior to recording the final plat, the owners shall sign a Sewer District Agreement prepared by the County, thereby agreeing to participate in a sewer benefit district that includes the subject property.
17. Environmental Sanitary Code Compliance. The development shall meet and be in continuous compliance with the requirements of the County Environmental Sanitary Code. This will require a Variance/Rule Exception from the Johnson County Environmental Department. In addition, the holding tank shall be at least 25 feet from the public water line and at least 10 feet from the private water line.
18. Holding Tank Agreement. A holding tank agreement shall be prepared by the County and executed by the owner prior to recording the final plat.
19. Turning Maneuvers. The Final Development Plan shall be examined and the applicant's engineer shall provide a statement on the Final Development Plan that the parking area, loading areas and internal drives have been designed to accommodate maneuvers of large trucks. The Public Works Department shall review and approve the applicants engineer's calculations prior to a recommendation of approval from the Zoning Board for this application.
20. Construction Stormwater Permits: A permit for construction work exceeding 1 acre of disturbed area shall be obtained from the Kansas Department of Health and Environment. After December 31, 2007, a County erosion and sediment control permit may also be required.
21. Fire Code Provisions. Development of the site shall meet the requirements of the then current adopted County Building and Fire Codes relative to fire flow and fire protection. Exact fire hydrant locations shall be shown on the Final Development Plan. The PDP and FDP shall be revised to show a fire apparatus lane according to the then current adopted Johnson County Fire Code.

FINAL PLAT STIPULATIONS

1. Show both east/west and the north/south cross access easements on the revised final plat.

2. Show access control on the revised final plat along 199th and Foster in all areas except for the location of the driveways as approved by the Board of County Commissioners.
3. There is a 50 ft. wide strip of county right-of-way shown to be vacated by this plat. The County shall release the right-of-way. The vacation of this right-of-way is a separate process that shall be completed prior to recording of the final plat.
4. The owners shall dedicate as part of the plat, 40-feet of right-of-way for Foster Street, measured from the west property line of the subject property.
5. The final plat shall be revised to show proposed right-of-way and easements.
6. If the final plat and PDP and FDP are approved with driveway access off of 199th St., then the driveway access point shall be limited to right-in/right-out access and a note to that affect shall be placed on the final plat.
7. A revised final plat shall be submitted to staff addressing the above-mentioned stipulations prior to recording the final plat.
8. No building permit shall be issued until the final plat is recorded.

WAIVER FROM MINIMUM INFRASTRUCUTRE REQUIREMENTS

The following waiver would need to be granted in order to approve the application as submitted:

1. To allow Foster Street to be improved to the Type A Residential street standard instead of the required Type B Collector street standard. ***Per Public Works comments in their attached Memo, Staff would not be opposed to a waiver regarding the street standard requirements for improvements to Foster Street.***

Staff Reasons for Waiver:

The Type A Residential street is a 36 ft. wide curb and gutter street system that will better integrate with the 199th Street Improvement Project and future residential street adjacent to the north. Therefore, due to the nature of the development, the occupants of the proposed subdivision will not be endangered and the proposed subdivision will not pose a threat to the health, safety or general welfare of nearby properties or the community at large.

PLAT EXCEPTIONS

The following plat exceptions would need to be granted in order to approve the application as submitted:

1. To allow street frontage of 332 ft. along 199th Street instead of the require 660 ft. (for right-in and right-out only driveway access) of street frontage for a business driveway.

2. To allow direct access to 199th Street instead of limiting access to the minor route (which in this case would be Foster St. instead of direct access to 199th St.).
3. To allow dedication of right-of-way of 50 ft. along 199th St. (for the frontage of the subject property) instead of the required 60 feet.

Staff Reasons for Plat Exceptions:

Staff does not recommend granting the first two plat exceptions listed above because 199th St. is a Type III CARNP designated route and limiting access is important for traffic flow and safety reasons. In addition, the subject site is a corner lot and does have access off of Foster St.

Staff recommends approval of the plat exception regarding right-of-way dedication because the County has acquired the right-of-way necessary for the 199th St. Improvement Project.

Enclosures: Applicant's Letter and Revised Plans
August 29, 2007 Staff Report
WaterOne District Memo
Public Works Comments (memo dated 10-25-07)