



STAFF REPORT

January 12, 2006

To: Oxford Township Zoning Board

Fr: Diane Wicklund, AICP, Planner

Re: Application No. OX-PDP-2659

APPLICATION INFORMATION

Landowner: Bill Southerland

Applicant: Polsinelli, Shalton, Welte, and Suelthaus

Application Type: Preliminary Development Plan (Plat)

Requested Action: Preliminary Development Plan (Plat) approval to divide approximately 27 acres into 57 residential lots which is known as River Ridge Farms West * NOTE: This plat shows two phases (I and II) that replace Phase 5, 6, and 7 of the expired preliminary development plan (plat).

Purpose: To renew an expired Preliminary Development Plan (Plat)

Site Address: 162nd St. and Kenneth Road

Legal Description: Section 15, Township 14, Range 25 –
NE Quarter

Existing Land Use and Zoning: Vacant– PRU-1B, Planned Residential Urban Single Family District

Existing Improvements: Vacant

Site Size: 27 acres

Project Description: *The applicant has formally withdrawn their last application and has submitted this new application and plat drawing which eliminates “Phase 1B.”* Phase 1B contained 4 lots on about 3 acres and was accessed from a new local street off of 160th Terrace. This application is to plat approximately 27 acres of River Ridge Farms West into 57 residential

lots. This will be an extension of the River Ridge Farms Subdivision, which is to the north and east. The applicant is requesting approval to renew a preliminary development plan (plat) because the original preliminary development plan (plat) has expired (see “Subdivision History”). The original preliminary development plan (plat) does not comply with the current regulations, which is why the applicant has to resubmit a new plan (plat). The new plan (plat) that has been submitted for review is different from the original plan (plat) because it has a different lot layout and street configuration. The project is proposed to be constructed in two phases, as shown on a timeline on the preliminary development plan (plat). The applicant anticipates Phase 1 (27 lots) and Phase II (30 lots) to receive occupancy permits for individual houses by spring 2007 and 2008, respectively.

* Phases 1 – 4 of the River Ridge Farms West preliminary plat approved in 1978 have been final platted and are not subject to the preliminary plat expiration regulation. This application is for the remaining 27 acres of the River Ridge Farms West subdivision that is not developed (final platted).

Zoning History: The property was zoned PRU-1B, Planned Residential Urban Single Family District, as part of the county wide rezoning in 1994. Prior to that, the property was zoned R-1B, Single Family Residential.

Subdivision History: A 138 lot preliminary plat, and a 53 lot 1st phase final plat, for River Ridge Farms West residential subdivision was approved by the Oxford Township Zoning Board on October 19, 1978. The final plat for the 1st phase was approved by the Board of County Commissioners on December 4, 1978. Phases two and three were approved by the BOCC in 1998 with 23 and 8 lots respectively. A replat of two lots into one lot constituted Phase 4 of River Ridge Farms West and was recorded on December 21, 2004. In 1999, the County adopted an amendment to the Subdivision Regulations which stated that “all preliminary plats shall expire 2 years after BOCC approval unless the Board determines that the plat is in conformance with all current county subdivision plat criteria and standards.” Staff determined that Phase 4 (approved in 2004) of this subdivision was found to be in conformance with all current county subdivision plat criteria and standards. The applicant has submitted this new preliminary development plan (plat) because staff has determined that the original preliminary plan (plat), approved in 1978, is not in conformance with all current county subdivision plat criteria and standards.



Aerial View of Subject Property

Zoning Regulations - Minimum Infrastructure Requirements

The Johnson County Zoning and Subdivision Regulations, Article 12, Section 5.H. recommends that all Minimum Infrastructure Requirements specified in Article 31 of the regulations be met prior to rezoning, final development plan, or final platting of any site. While this application is for preliminary development plan (plat) approval, Planning staff feels that is important to identify the Minimum Infrastructure Requirements and any deficiencies with respect to these requirements at this time. The infrastructure categories for PRU-1B zoning are reviewed below:

A. Fire Station Service Area:

Required: Tracts zoned PRU-1B District must be located within five (5) miles of an existing fire station.

Fire protection is provided by the Johnson County Fire District with nearest fire station located at 150th St. and Mission Road (approximately 2 miles to the north). ***This proposal meets this requirement.***

Police protection is provided by the Johnson County Sheriff's Office.

B. Roads:

This development will have access from 162nd St. and 162nd Terrace, which connect to Kenneth Road. Kenneth Road is a section line road and is a Type I road designated in the CARNP Plan. *Please note that funding for Kenneth Road improvements have been approved. Public Works anticipates to begin work on the Kenneth Road improvements some time in 2006. Completion of the project is likely to occur in 2007.*

Category 4. External Roads Serving Planned Residential Urban District Subdivisions:

- **Required:** A minimum of one road, constructed to at least the Type “B” Local Street Standard in accordance with the then-applicable Street Construction and Storm Drainage Standards for New Subdivisions, as adopted by the County, shall provide continuous access from the subdivision or development tract:
 - i) to the nearest highway, or
 - ii) to the nearest CARNP designated Parkway or CARNP designated Arterial Street that has been constructed to at least the Type "B" Local Street Standard in accordance with the then-applicable Street Construction and Storm Drainage Standards for New Subdivisions, as adopted by the County.

Request: The development will take access to Kenneth Road via 162nd St. and a new street extension of 162nd Terrace/Canterbury Road. Kenneth Road is a paved 22 ft. wide county-maintained, section line roadway.

Conclusion: Kenneth Road will provide continuous access from the subdivision. Kenneth Road does not meet the Type “B” Local street standard. A Type “B” Local Street is 24 ft. of pavement with 4 ft. rock shoulders. ***This request does not meet this requirement.***

- **Required:** All section line and 1/2-section line roads abutting the subdivision or development tract shall be constructed to at least the Type "B" Collector Street Standard in accordance with the then-applicable Street Construction and Storm Drainage Standards for New Subdivisions, as adopted by the County.

Request: Kenneth Road abuts the River Ridge Farms West subdivision.

Conclusion: Kenneth Road abuts the subdivision and is a paved 22 ft. wide county-maintained roadway. Kenneth Road does not meet the Type “B” Collector Street standard which is 24 ft. of pavement with 8 ft. rock shoulders. ***This request does not meet this requirement.***

Category 6. Interior Subdivision Roads.

- **Required:** All roads in any subdivision shall be designed and constructed to meet the then applicable Street Design Standards adopted by the County.

Request: The applicant plans to extend 162nd Terrace/Canterbury Road and construct four new cul de sac streets within the proposed subdivision. The applicant has stated that all

new roads shall be constructed to the Type A Local street standard, which will meet the county regulations.

Conclusion: The proposal meets this requirement.

C. Stormwater:

Required: Storm Drainage systems and facilities shall be available or designed and constructed to comply with the then applicable County design criteria, construction standards, policies and regulations for storm drainage systems and facilities. The development shall also comply with the then applicable County floodplain regulations.

There is no floodplain on the property (which now excludes Phase 1B).

A drainage plan will need to be submitted to Public Works. Public Works will provide comments regarding this application after the new/revised drainage plan has been reviewed. The drainage plan shall be approved prior to the Oxford Township Zoning Board recommending approval this application. *If the drainage plan is approved, this request will meet this requirement.*

D. Wastewater (Category 2):

Required: Wastewater collection and treatment shall be available via sanitary sewers and in accordance with the then applicable County policies, regulations and standards.

The property will be served by Johnson County Wastewater Districts and public sanitary sewer lines shall be extended to this property. *This application meets this requirement.*

E. Water Supply (Category 2):

Required: Potable water supply shall be available or provided from a public water source and meet fireflow requirements.

Johnson County Water District No. 1 will provide/extend water service to this subdivision and WaterOne has stated that they anticipate that the new waterline extension will meet fireflow requirements. Subject to the applicant extending the water lines and installing fire hydrants, *this application will meet this requirement. See attached memo from WaterOne District.*

F. Schools (Category 2):

Required: Residential Subdivisions with any lot smaller than one acre and ten lots or more shall be within three miles of an elementary school.

There are three elementary schools within 3 miles of the proposed subdivision: west of Nall Ave. on 159th St., east of Nall Ave. on 163rd Terrace, and the other is on 143rd St., east of Mission Rd. *This application meets this requirement.*

G. Parks (Category 2):

Required: Residential Subdivisions with any lot smaller than one acre and twenty lots or more shall be within five miles of a developed park with at least ten acres.

According to the Parks and Recreation District, Stanley Park, which is about 2 miles to the west of the proposed subdivision, meets this requirement. Stanley Park is a developed park on 40 acres.

This application meets this requirement.

Summary of Infrastructure Issues: The regulations state that minimum infrastructure requirements be met prior to rezoning, final development plan, or final platting of any site. While this application is for preliminary development plan (plat) approval only, Planning staff feels that is important to identify the Minimum Infrastructure Requirements and any deficiencies with respect to these requirements at this time. At the time of final platting, the applicant shall resolve the infrastructure deficiencies or request a waiver.

Staff Review

The preliminary development plan (plat) for River Ridge Farms West has expired, based on Article 27, Section 3 of the Zoning Regulations which states that “all preliminary plats shall expire 2 years after BOCC approval unless the Board determines that the plat is in conformance with all current county subdivision plat criteria and standards.” It is staff’s opinion that the 1978 preliminary plat does not meet current county standards. The applicant has submitted a new preliminary development plan (plat) which is slightly different from the expired preliminary development plan (plat). The differences are lot layout, street configuration and reduced area. About 4 acres (formerly known as Phase 1B) at the northwest corner of the applicant’s ownership parcel has been removed from the plat, and according to the applicant’s representatives’, will be preliminary and final platted before development of that area is proposed. This request proposes to create 57 residential lots on 27 acres. The lot sizes and area regulations, as proposed, are allowed in the PRU-1B, Planned Residential Urban Single Family District.

The revised preliminary development plan (plat) has been reviewed with respect to the *Zoning and Subdivision Regulations* and the *Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County*. The following is a listing of the review criteria and staff comments, if any, with respect to each:

A. Protection from Undue Water Pollution:

The primary water pollution concerns associated with this application involve soil erosion and wastewater disposal. These topics are addressed under the respective headings below.

B. Availability of Water:

The property is located within Water District No. 1 and water lines will be extended from the adjacent existing subdivision to serve the new, proposed subdivision.

C. Soil Erosion:

Erosion shall be avoided by minimizing the destruction of vegetative land cover prior to and during all construction related to the subdivision or individual lot development (grading, buildings, streets, etc). The use of structural erosion control devices such as silt fences and basins, etc, shall occur as each type of construction is being made. Replanting of erosion control vegetation shall occur within 90 days of completion of the various types of construction. For purposes of this requirement, "completion of the various types of construction" shall mean the issuance of a letter from the County Engineer accepting the subdivision improvements and construction (i.e. mass grading, street construction, etc.) and shall also mean a final inspection or Certificate of Occupancy from the County Building Code Official for buildings on each lot. A note to this effect shall be added to the preliminary and final plat.

A new/revised drainage study will need to be submitted for review to Public Works. The drainage study shall be approved by Public Works prior to a recommendation of approval of this application by the Oxford Township Zoning Board.

D. Highway or Public Road Congestion:

Please see the attached Public Works memo. Both Planning and Public Works staff believes that the proposed development will contribute to increased traffic on Kenneth Road. Kenneth Road does not meet the current infrastructure requirements for urban density development. The County is currently in the design stage of a project for improvements to Kenneth Road. At the earliest, Kenneth Road is scheduled for improvements in 2006. Staff believes that actual construction of any homes in this area shall occur after Kenneth Road is improved. Staff has recommended approval of this application with a stipulation that no final development plans (plats) be submitted or approved until Kenneth Road is improved.

E. Wastewater Disposal:

According to the applicant, wastewater collection and treatment will continue to be provided by Johnson County Wastewater District. Public sanitary sewers will be extended to the subject property.

F. Scenic, aesthetic, historic, rare or irreplaceable features:

The property under consideration is currently vacant, however there are phases of River Ridge Farms subdivision which have been built to the north and east of the subject property. There do not appear to be rare or irreplaceable features associated with the site. A review of aerial photographs does not reveal any rare or irreplaceable features associated with the site. A review of the Historic Sites Map of the Johnson County Comprehensive Plan reveals that the site is not an historic site and is not traversed by any portion of the Santa Fe or Oregon-California Trails.

G. Water Quality:

Proposed sanitary sewers and storm sewers should prevent diminution of water quality.

H. Groundwater:

The primary groundwater concern is wastewater disposal, as discussed above (in Subsection E).

I. Stormwater Controls:

A new/revised drainage study shall be submitted to Public Works and shall be approved prior to a recommendation of approval of this application by the Oxford Township Zoning Board. Curbed and gutter streets are proposed as the major component of the stormwater collection system.

J. Mineral Resources

The applicant has indicated (as Preliminary Plat Note #4) that rights, with respect to any mineral deposits on the property, will be sold with the land.

K. Preservation of Public Open Space

This Plat is considered to be a Development Project, and therefore is subject to a parkland dedication fee at the time of final platting, in accordance with the requirements of Johnson County Resolution No. 046-94.

L. The Comprehensive Plan

The Rural Comprehensive Plan identifies the property in the Blue Valley Area Plan which calls for Low Density Residential uses. The proposed use is in keeping with that element of the Plan.

M. Uses and Character Of Nearby Properties

The predominate use in this area is residential with some agricultural and vacant land inter-mixed.

N. Additional Notes on the Plat Regarding Footing/Foundation Plans

A note has been added to the preliminary development plan (plat) which states that there will be deed restrictions on Lots 32-34 and Lots 40-46 which requires certification from a soils engineer, prior to excavating footings/foundations for a home or building, that the proposed footing/foundation plan can be safely constructed on said soil.

O. Front Yard Setback Requirements

Article 11 and 12 of the Zoning Regulations state that planned zoning districts can “provide for a great flexibility in the design of buildings, yards, courts, recreation areas, circulation and other like features than would otherwise be possible through the strict application of these regulations.” The applicant has shown proposed Lots 43-52 to have a front yard setback of 30 ft. instead of the required 35 ft. The applicant is requesting this change because of the natural gas line that runs through the south and west sides of the property in order to create more distance between a house on the lot and the gas line.

Staff feels that this request is appropriate for the following reasons:

- the Zoning Regulations allow for flexibility in subdivision design when in a planned residential zoning district;
- surrounding subdivisions have been granted the same request for a 30 ft. front yard setback;
- the request is being made for only 10 out of the 57 lots proposed;
- because of the topography of the land and the curvature of the street, the variation of the 30 ft. front setback line will be less visually detectable; and
- the request is being made in order to address safety concerns regarding the natural gas pipeline.

Public Works Department: See attached memo.

WaterOne District: See attached memo.

RECOMMENDATION

Planning staff recommends **approval** of the Preliminary Development Plan (Plat) for River Ridge Farms West, subject to the following stipulations:

1. The landowner shall implement the drainage study approved by Public Works simultaneous to the street and stormwater construction of each final phase of the development.
2. Building permits shall not be issued for any lot shown on this preliminary development plan (plat) or Final development plans (plat) for any phase of this subdivision, until the completion of the County's Kenneth Road improvement project from the south end of the bridge at 159th St. to about 162nd Terrace.
3. Sanitary sewer connection shall occur for each lot in accordance with the appropriate wastewater permitting authority prior to issuance of an occupancy permit for individual houses on these lots.
4. This subdivision has new streets to be constructed by the landowner. Prior to recording a Final Development Plan (Plat) for any phase of this development, plans for the street and storm drainage improvements and bonds guaranteeing the work shall be provided by the landowner and approved by the County. The landowner shall enter into an improvement agreement prepared by the County prior to recording the Final Development Plan (Plat).
5. Sidewalks shall be completed in accordance with Article 30, Section 2.G. of the Johnson County Zoning and Subdivision Regulations and shall be clearly shown on the revised preliminary development plan (plat). To ensure that sidewalks are installed, prior to recording the final development plan (plat), the subdivider shall enter into a development agreement or provide other assurance acceptable to the County.
6. The landowner shall provide to the Planning Department a copy of the restrictive covenant for slope stability that is referenced in Note #9 on the preliminary development plan (plat), prior to recording the relevant final development plan (plat) phase. The landowner shall record the restrictive covenant against the property immediately after the approval of each applicable phase of the final development plan.
7. The drainage plans show the landowner acquiring an easement (from Parcel ID # 7F251415-4002) and constructing a storm sewer to the natural drainage channel on property adjacent to the south end of the subject property. The landowner shall obtain this easement prior to the approval by the Board of County Commissioners for the final development plan (plat) for Phase II shown on the proposed preliminary development plan (plat). NOTE: In the event that the landowner is not able to acquire the easement, the landowner/developer may be required to reconfigure Phase II to

allow for on-site detention, which may require submittal of a new preliminary development plan (plat).

8. The development of this property will cause a need to improve an existing 7 ft. x 5 ft. crossroad culvert on Kranker Drive. The landowner has therefore agreed to contribute and pay \$7,782 towards the cost of improvements to the crossroad culvert. The payment shall be made by the landowner to the county prior to the approval by the Board of County Commissioners of the final plat of Phase II as shown on the proposed preliminary development plan (plat) or, alternatively, in the event that the crossroad culvert is to be improved prior to the approval of Phase II, then the landowner shall make payment to the county of \$7,782 within 10 days of receipt of the county's written request of payment.
9. Pursuant to Article 4, Section 2.A.6 of the Zoning and Subdivision Regulations, whenever an application for a development plan or subdivision plat is pending, the subject property shall not be cleared of trees or ground cover vegetation or the property graded without the prior written approval by the Zoning Administrator. Therefore, the subject property shall not be cleared of trees or ground cover vegetation or the property graded without the prior written approval by the Zoning Administrator or approval of the final development plan (plat).
10. A street, built to county standards, shall be stubbed out to the south property line. An obvious location for this stub street is between proposed Lots 46 and 47. The Preliminary Development Plan (Plat) shall be amended to show this stub street. The stub street shall be shown on the street construction plans approved by the County.
11. This plat is considered to be a development project, and therefore, is subject to a parkland dedication fee at the time of phase final platting, in accordance with the requirements of Johnson County Resolution No. 046-94.
12. A revised preliminary development plan (plat) shall be provided to the County prior to submitting the final development plan (plat). The revised plat shall show the number of proposed lots as 57, not 58.

STAFF REASONS FOR APPROVAL OF THIS APPLICATION

Given minimum infrastructure requirements are met (or a waiver granted) at the time of final platting, this preliminary plat complies with the Regulations.

MINIMUM INFRASTRUCTURE REQUIREMENTS

As discussed on pages 3-6 of this staff report, this proposed preliminary development plan (plat) has deficiencies regarding minimum infrastructure requirements. These deficiencies shall either be resolved before submittal of a final development plan (plat) application or the applicant will have to request a waiver at that time.

Enclosures: Vicinity Map, Preliminary Development Plan (Plat)
Preliminary Plat Analysis Report & Letter from Applicant
Public Works Memo, WaterOne District Memo

