



MEMORANDUM

June 17, 2009

TO: Southwest Consolidated Zoning Board

FR: Diane Wicklund, AICP, Principal Planner

RE: **RECONSIDERATION OF Application No. SW-PP-2904 (MC) – Preliminary Plat – 183rd Street and Edgerton Road**

Donald R. and Sandra K. Eidemiller, applicant/landowner, are requesting preliminary plat (Edgewater Estates) approval for 8 residential lots on approximately 100 acres, on property zoned RUR, Rural District, in Section 25, Township 14, Range 21, Johnson County, Kansas.

Note: This memorandum is supplementary to the April 15, 2009, Staff Report. It does not replace it. Please review this memorandum in conjunction with the Staff Report.

BOCC ITEMS FOR RECONSIDERATION and ADDITIONAL STAFF ANALYSIS

On May 28, 2009, the Board of County Commissioners (BOCC) remanded the above listed application to the Southwest Consolidated Zoning Board (ZB) for reconsideration.

The following are the items that the BOCC raised and desires the Zoning Board to reconsider. The items are in bold italics, with each item followed by staff comments and analysis in normal type face:

- 1. Consider and discuss the history of any driveway entrance rule exceptions granted in the area of this development.***
See attached Public Works and Planning Memo.
- 2. Consider and discuss the process for obtaining a permit for a stream crossing.***
See attached Public Works and Planning Memo.
- 3. Consider and discuss the drawing that shows the floodplain and riparian boundaries.***
See attached Floodplain Map from the Applicant.
- 4. Consider and discuss cost estimates for a potential stream crossing.***
A Memo is pending from the Applicant regarding this information.

RECOMMENDATION

Planning Staff recommends **denial** for the reasons stated in the April 15, 2009 Staff Report.

The Zoning Board recommended **approval** of the preliminary plat on April 22, 2009, subject to the following stipulations:

1. Add the following notes to the preliminary and final plats:
 - a. This proposed 8-lot subdivision is considered to be a Development Project, and therefore is subject to a fee in lieu of park dedication in accordance with the requirements of Johnson County Resolution No. 046-94. The parkland fees will be assessed at the time of final platting.
 - b. No driveways are allowed in areas marked Access Control.
 - c. Driveways to 183rd St. or Edgerton Road, shall be constructed with a surfaced turn around so that no vehicles will be required to back onto the adjacent street.
 - d. The County is not required to provide road dust control.
 - e. Basement drains and daylight basements shall not be drained by grading into the natural drainage areas or flood plain.
 - f. The developer did not pay into an escrow account for future road improvements, so lots may be included in a benefit district if 183rd St. or Edgerton Road is improved.
 - g. No construction or disturbance of any type including clearing, grubbing, stripping, fill, excavation, linear grading, paving, or building is allowed in the "Stream Buffer Zone" except by permission from the County Engineer. Dense stands of native vegetation shall be maintained in the 25 feet closest to the top of the bank.
 - h. Septic systems shall not be installed in floodplain areas.
 - i. The Official Street Line indicates the area that may be needed when Edgerton Road is widened. Improvements constructed in this area will be removed when the road is widened. The front setback line is measured from the Official Street Line.
2. The preliminary plat shall be revised to show the following:
 - a. 60 feet of right-of-way shall be dedicated along the entire frontage of the development for both 183rd Street and Edgerton Road.
 - b. The Official Street Line shall be shown at 75 feet from the centerline of Edgerton Road.
 - c. Access control shall be shown along the entire frontage of the development for both 183rd Street and Edgerton Road, except for the location of the new shared driveway off of 183rd St. serving Lots 1 and 2 and one driveway off of Edgerton Road serving Lot 3.
3. All appropriate wastewater permits shall be obtained prior to issuance of any building permits.
4. Septic systems shall not be installed in floodplain areas.
5. A land disturbance permit shall be obtained from the County prior to any construction or land disturbance activities.
6. A revised preliminary plat shall be submitted prior to submitting the final plat application.
7. This subdivision has one new street (one cul-de-sac street in Phase 2) to be constructed by the developer. The streets will need to be designed per the current Street Construction and Storm Drainage Standards for Subdivisions. Prior to filing the final plat, approved street plans, performance and maintenance bonds, and an improvement agreement must be furnished to the County.

8. The owner shall construct water lines, or submit a letter indicating they will construct water lines and will provide potable water from a public water source (installation of new water lines) and 1,000 gpm fireflow, prior to recording the final plat.
9. Lot 1 and Lot 2 shall utilize a shared driveway.
10. Lot 3 shall only have one driveway. Said driveway shall be identified on the plat and sight distance shall be verified prior to final plat approval. The location for the driveway shall be shown on a revised plat and access control shall be shown along the entire frontage of Lot 3, except for the driveway.
11. Under the Easements section on the plat, add the following note: The Shared Access Easement shown for Lot 1 and Lot 2 shall be for the purpose of a shared driveway only.
12. A fire hydrant location plan shall be submitted and approved by the Building Official at the time of a final plat application.

Zoning Board Reasons for Recommendation of Approval

Except for the waiver from the Minimum Infrastructure Requirements, the proposed preliminary plat complies with the County's Subdivision Regulations.

Waiver

The Zoning Board recommends approval of the waiver from the Minimum Infrastructure Requirement that lots not be allowed direct access, and instead allow direct access onto CARNP designated arterial streets (183rd St. and Edgerton Road).

The Zoning Board finds that due to the nature of the development, the occupants of the facility will not be endangered and the use would not pose a threat to the health, safety or general welfare of nearby properties or the community at large for the following reasons:

1. The floodplain and natural drainage areas that exist on site, make it difficult to design lots that would have local street access (from 183rd St.), specifically for the northeast corner of the subject property. Protecting the floodplain areas and the streamways is more critical than direct access to Edgerton Road, which is a Type III (Parkway) CARNP designated arterial street.
2. The proposed subdivision design/layout is efficient and best utilizes the property.
3. The floodplain areas and streamways will be preserved.
4. Driveways are a reasonable method of access for these three lots (Lots 1-3, Phase I) and a shared driveway minimizes the access points along 183rd Street for Lots 1 and 2.

Attachments: Applicant's Floodplain Map, Preliminary Plat, Joint Staff Memo from Planning and Public Works, Staff Report, April 15, 2009