

**ITEM NO. 1 PRELIMINARY PLAT; FIFTH STREET BLUFF SUBDIVISION; .29 ACRES; 427 COUNTRY CLUB CT (MKM)**

**PP-04-01-08:** Consider the Preliminary Plat for Fifth Street Bluff Subdivision, a 0.29 acre subdivision consisting of one lot, located at 427 Country Club Court. Submitted by JMC Construction, Inc., property owner of record.

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

Commissioner Dominguez asked if the City Engineer gave any indication that safety would improve for all the properties located within the curve.

Ms. Miller said the City Engineer reviewed the applicant's consultant study by Taylor Design Group and determined that a driveway could be safely located but recommended the vegetation be removed.

Commissioner Finkeldei inquired about the 40' frontage that was mentioned in a few letters.

Ms. Miller said originally the applicant asked for a waiver for the 40' frontage. When staff reviewed the plat, the additional 5' of ROW that is required to be dedicated showed the arc farther back which gave more than 40' of frontage so the waiver was not necessary.

**APPLICANT PRESENTATION**

Mr. John Chaney was present for questioning.

**PUBLIC COMMENTS TAKEN (*the item was not a public hearing item*)**

Mr. Chris Caldwell, said the City has no additional plans for the ROW and there was no foreseeable use for the ROW. He felt the shape of the arc was problematic. He wondered about the policy and practice of acceptance of additional ROW. He inquired about the definition of frontage. He appreciated the courtesy of the public comments.

Mr. McCullough said the Code requires an exaction of ROW when property is platted and sometimes that is not always square lines but it is important for future road projects. In terms of the frontage staff are complying with the Subdivision Regulation definition on how frontage is measured.

**COMMISSION DISCUSSION**

Commissioner Dominguez inquired about the site study.

Mr. Shoeb Uddin, City Engineer, said the removal of the vegetation within the site triangle was his recommendation because it would obstruct the view.

Commissioner Dominguez asked if the speed limit is 10 mph.

Mr. Uddin said that was correct, posted speed limit is 10 mph for both directions. The study showed the sight distance is adequate for 15 mph. Generally speaking the posted speed is 5 miles below the design speed, so in this case it is in compliance.

Commissioner Dominguez inquired if the removal of the vegetation increased the safety of the street.

Mr. Uddin said he could not state that it improved the overall safety of the whole segment but by removing the vegetation it improved the safety of the driveway in question.

Commissioner Dominguez asked about accidents or injuries.

Mr. Uddin said staff did not look into the accident report but the city recently did a citywide study of high accident prone locations and compiled a list of top 20 and this site is not within that top 20.

### **APPLICANT CLOSING COMMENTS**

None.

Commissioner Harris inquired if they could require adding speed humps to the development plan.

Mr. McCullough said not in a specific property request, but could within a bigger development plan with higher traffic impacts.

Mr. Uddin said typically, with the procedure in place today, the neighborhood would make a request and then it would go to the Traffic Safety Commission and City Commission. He stated that 70% of the residents would have to sign off on the measure.

Commissioner Dominguez inquired about lighting on the corner.

Mr. Uddin said that lighting was not addressed. He said typically it would be requested by the residents and the request would go to Westar through the City.

Commissioner Finkeldei said he drove the site and did not see any lights.

Mr. Tom Boxberger said that the street may not fall into the top 20 sites of accidents that Mr. Uddin referred to, but neighbors are constantly helping people out of the ditch and these accidents never get reported. He asked if removal of vegetation meant that it could be removed as far back as possible to allow safer side lines even on private property. He said he thought there was one street light.

Mr. Uddin said the City has no way of keeping track of unreported accidents. He stated the site distance study done by Taylor Design Group shows that most of the vegetation within the site triangle are within the city ROW. He said his recommendation would be that if there is vegetation or other obstructions within the site triangle but not in the city ROW he would still recommend to remove them.

Commissioner Finkeldei asked if some of the vegetation is in the City ROW but in front of someone else's property.

Mr. Uddin said the City has the right to remove the vegetation within the ROW.

Commissioner Finkeldei asked if discussions would take place with the neighbors before vegetation is cut.

Mr. McCullough said there is no ability for the applicant to remove vegetation from neighboring property. The applicant will have to satisfy any site distance issues from their property and public ROW.

Mr. Uddin said the City has a procedure in place where the applicant can obtain a permit to remove trees from the City ROW. He said the neighbors could talk to the City first if they are concerned about certain trees being removed. They can stake the ROW in the field by hiring a land surveyor to verify if a certain tree is in the public ROW.

Commissioner Dominguez inquired about the amount of traffic on this road.

Mr. Uddin said it is a local road so traffic volume data was not collected.

Commissioner Hird said it seems like the street is a lightly traveled street and he did not think the addition of one driveway which goes to a single family residence would increase traffic substantially. He felt that Mr. Caldwell's questions about the use of ROW and frontage definition were well taken. He understood the confusion about someone using a dictionary definition. The definitions in the Code are very specific and have specific meanings. He said he hoped Mr. Boxberger's questions about vegetation were answered. He said he would support the Preliminary Plat.

Commissioner Blaser said speed bumps might be more dangerous than good because someone would come over the hill and hit a speed bump. He inquired about drainage issues.

Mr. McCullough said the permitting of a single family home will be taken up at the building permit stage. There is no trigger such as size and use for a stormwater drainage study to be done for this particular subdivision.

Mr. Uddin said a certain level of development triggers a traffic impact study and this development does not meet the criteria for a traffic impact study to be required.

Commissioner Harris asked if it was possible to get to the site planning stage and find that they cannot build a structure because of drainage.

Mr. McCullough said the ability to construct a single family home and any accessory structures is the same process, so it would be reviewed similar to a 2-3 car garage on an existing lot would be reviewed. It is incumbent upon the owner to make sure that the drainage substantially leaves the site before it did before the construction of the structure. He said there is nothing unique about this plat that would make staff look at it differently than any other neighboring property.

Commissioner Harris asked if it was possible for the applicant find out they cannot build there because of drainage issues. She asked if there were ways to make it happen that will protect the property and the properties around it from drainage issues.

Mr. Uddin said he has not looked at the drainage pattern of this site in great detail, but generally speaking, measures could be taken to address the drainage issues to not increase the runoff that is happening today.

## **ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the Preliminary Plat of the Fifth Street Bluff Subdivision and referring it to the City Commission for consideration of dedication of easements and rights-of-way subject to the following conditions of approval:

- 1) The preliminary plat shall be revised with the following changes:
  - a. The following note shall be added to the preliminary plat and included on the final plat: "The driveway shall be located as far to the northeast as possible and the property owner shall remove all obstructions within the sight triangle of the driveway."
  - b. The plat shall be revised to show the sight distance triangle for the driveway.

Commissioner Harris said she would vote in favor of the motion but felt the neighbors brought up good concerns. She believed the traffic issues could be addressed by vegetation clearing and perhaps traffic calming if necessary. She said the regulations allow this development and there is not a reason to say no.

Motion carried 7-0-1, with Commissioner Chaney abstaining.