



Agenda Item 7C

Brook West Preliminary Plat Condition Waiver Request

Report To the
City of De Soto Planning Commission
January 19, 2007

Agenda Item:	Consider removing 2003 approval condition for the Brook West Subdivision, generally located Northwest of Penner Avenue and 87th Street.
Owner / Applicant:	Nathan Harding 8285 Primrose Street De Soto, Kansas 66018
Meeting Date:	January 23 rd , 2007
Report Prepared By:	Mike Brungardt, P.E., City Engineer
Associated Materials:	Exhibit A: Conditions for 2003 Approval of Brook West Exhibit B: Agreement between City, Nathan Harding, and JoAnn Thompson Exhibit C: Letter from Nathan Harding requesting extension Exhibit D: Letter from Pat Guilfoyle to Harding regarding agreement.

I. General

A. On November 25th, 2003, the Planning Commission granted approval of the Preliminary Plat for the Brook West subdivision subject to several conditions listed in the staff recommendations. These approval conditions are attached as Exhibit A. Since that time, the Planning Commission has granted three extensions on the validity period for this plat. In each case, the extensions were needed because Primrose Street has not been completed, which was one of the approval conditions. The uncompleted portion of Primrose Street is across property owned by JoAnn Thompson, (preliminary platted as Cherokee Woods).

B. Throughout the fall of 2006, the City worked with Nate Harding and JoAnn Thompson to reach an agreement to facilitate the construction of Primrose. Attached as Exhibit B is a copy of the executed agreement that was signed in December. In short, the agreement spells out a timeline for Mrs. Thompson to proceed with the development of Cherokee Woods and guarantees that the City will receive the right-of-way for this portion of Primrose by the end of 2007, regardless of what happens, (or does not happen), with the development this year.

C. In light of this recent agreement, Mr. Harding is now asking that the Planning Commission consider removing the condition relating to Primrose Street from the approval of Brook West. This will enable him to proceed with his development. Mr. Harding has provided the letter attached as Exhibit C that outlines his request.

D. During the agreement negotiations, it became the consensus of the Council and City Staff that we could support Mr. Harding's request, providing that this agreement is in place. This support is



memorialized in Paragraph 3 of the agreement, and in the letter dated January 4th, 2007 from Pat Guilfoyle to Mr. Harding attached as Exhibit D.

II. Primrose Street Condition

A. As you might recall, the primary reason for the Primrose Street condition being attached to the Brook West preliminary plat approval related to the City's standards for minimum infrastructure requirements. Without the Primrose Street connection to 87th Street, all the traffic generated by the Brook West development will access 87th via Timber Trails Drive, as will the traffic from the Timber Lake and Timber Trails subdivisions. As outlined in previous staff reports, this will generate approximately 1,780 vehicle trips per day on Timber Trails Drive. According to the Comprehensive Plan, the upper recommended limit for traffic volumes on local access streets is 1,500.

A map of the area is shown below:





B. Another reason for the Primrose approval condition related to emergency access. In the view of the City Council, not having Primrose Street connected presented an undesirable access condition for emergency responders.

C. With the current agreement in place, the City will have the ability to construct the road if the Cherokee Woods development does not occur. The main goal of the agreement is to facilitate the development of both Cherokee Woods and Brook West. If all goes well, Cherokee Woods will develop this year and Primrose will be complete by this summer. If that does not happen, the City will control the right-of-way necessary complete the road. The Council can then choose to initiate the project, potentially using funding mechanisms that place the costs back on the property when and if it develops.

D. Ultimately, this agreement gives control of this issue to the City. If this approval condition is lifted by the Planning Commission, construction of the Brook West subdivision might occur this summer with the first building permits issued in the fall. With the guarantee of the right-of-way dedication by the end of 2007, the City could initiate the construction of the road in the spring of 2008 should the Council choose to do so. It would therefore appear that the access and minimum infrastructure issues that are the basis for the approval condition can be mitigated by the City, particularly considering the fact that the Council is in support of this arrangement.

III. Recommendation

Staff and the City Council are in support of Mr. Harding's request to remove the Primrose Street condition from the approval of the Brook West preliminary plat. All other previously-outlined conditions for approval should remain.

End of Report
Exhibits to Follow