

ACKNOWLEDGEMENTS

City of Derby
611 Mulberry Road
Derby, KS 67037-3533
316-788-1519
316-788-6067 (fax)
www.derbyweb.com

Adopted by:
Mayor & City Council

Dion Avello, Mayor

Ward I
Jim Craig
Jim Meidinger

Ward III
Cheryl Bannon
Charlie Schwarz

Ward II
Chuck Warren
Loren Johnson

Ward IV
Ken Mulanax
Lori Payne

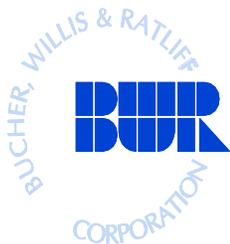
Planning Commission

Jack Pulley-Chairman	Dolan Pelley
Larry Gould-Vice Chairman	Kent Schwieger
Kelly Farber	Justin Smith
Carla Lewallen	Eric Tauer
Vaughn Nun	Keith Volz

City Staff

Kathy Sexton City Manager	Charles Brown Director of Community Development
Don Losew City Planner	Don Squires City Engineer

Assisted By:
Project Consultant



Bucher, Willis & Ratliff Corporation
903 East 104th Street, Suite 900
Kansas City, Missouri 64131-3451
Phone: (816) 363-2696
Fax: (816) 363-0027

www.bwrcorp.com

Executive Summary

The Comprehensive Plan Vision expresses the hopes and dreams for the future of Derby and is a statement of where the community sees itself in 2030 – and the years beyond. Further detail to achieve the community's Vision is provided throughout the Comprehensive Plan.

Vision

The core principle embedded in the Derby Comprehensive Plan is to maintain and enhance the health, safety and welfare of our community during times of change, and to promote our ideals and values as changes occur. The Comprehensive Plan is specific to Derby and it recognizes the features that make our community distinctive. The Plan therefore is a combination of common sense and vision, and provides principles for sustaining the health, vitality, and rich quality of life that characterizes our community.

Quality of Life

Neighborhoods and a family atmosphere are two of Derby's greatest strengths, and their conservation is fundamental to the Comprehensive Plan. The Derby community has easy access to parks, hike and bike trails, recreational opportunities, sculptures, library services, and schools which are truly major assets that enhance the quality of life for all residents. Providing a strong, vibrant cultural and arts environment will take citizens beyond everyday concerns, add to their quality of life and support the city's economic base. The Plan acknowledges these elements and commits us to use access to quality of life assets as a decision-making criterion.

"Even if you are on the right track, you'll get run over if you just set there."

Will Rogers

Community Form and Identity

Excellent planning systems create a framework for sustainable development. Excellent planning and urban design create a unique city that is physically unified and beautiful. A "healthy" Derby community of the future will consist of a well designed realm of vibrant neighborhoods, parks, and schools within walking distance of shops, civic services, jobs, and transportation. Our healthy community characteristics will include an interconnected mix of land uses, ample greenspace, and building designs that reflect Derby's local culture and harmonize with the natural environment. Future development will be guided by the central goal of building a "community".

Neighborhood Livability

Derby is a community of neighborhoods. The preservation of Derby's existing older neighborhoods is a high priority to maintain a vibrant healthy community in the future. Well-planned new neighborhoods will create an identifiable community in which to attain a sense of belonging, forge common goals and work together. The measures that will make our neighborhoods and our city a more livable city include:

- *Neighborhood identity:* Residents of our neighborhoods will identify with one another and will be proud of working together and doing their share in making Derby a better place.
- *Housing choice:* A variety of housing types, offering many choices to citizens will be provided in neighborhoods throughout Derby.
- *Neighborhood preservation:* Our existing neighborhoods will be preserved and maintained for future generations.

- *Neighborhood connections*: Our neighborhoods will be designed to be livable and to help make physical and social connections between people.

Environmental Stewardship

Open space, clean air and water, natural resources, and energy are valuable assets of our community which we will use judiciously and manage wisely for the benefit of present and future generations. Conservation areas, floodplains, green spaces, and parks define our community's urban landscape and help to create linkages between our neighborhoods, schools, and nearby business and employment centers. The Comprehensive Plan recognizes the importance of these elements for Derby's future and endorses creative integration of natural systems into developments.

Economic Opportunity

Derby must have a sustainable tax base to provide quality services to residents and will target financial investments where they will be most effective and where they will achieve the city's Vision. The Comprehensive Plan recognizes that local and global economic forces have a direct impact on local employment and quality of life. We will challenge ourselves to identify our competitive role and provide employment opportunities for our citizens.

Well-Connected Community

The design and maintenance of the city's transportation and infrastructure systems create a framework for sustainable development. The community has a shared responsibility to design and maintain a quality public realm, including a balanced transportation system and public spaces. Improved access for residents, employees, and customers; reduced congestion on major roadways; choice among modes of travel include vehicles, bicycles, and pedestrians; and environmental protection are objectives of a balanced transportation system.

Strong Partnerships and Leadership

Our community governance will be responsive and creative to connect and stimulate cooperation between governments, citizens, businesses, and community organizations. We will join with other communities in the metropolitan area to address the challenges of building on the region's strengths and addressing its challenges through a collective response.

TABLE OF CONTENTS

Executive Summary.....	1
Vision	1
Chapter 1 - The Plan and Its Role	1-1
Introduction.....	1-1
1.1 History of Derby	1-1
1.2 Comprehensive Plan Purpose.....	1-4
1.3 Authority.....	1-5
1.4 Vicinity and Planning Area.....	1-6
1.5 Current Planning Process and Public Benefits.....	1-7
1.6 Plan Implementation.....	1-8
Chapter 2 - Demographics.....	2-1
Introduction	2-1
2.1 Current Population.....	2-2
2.2 Population Estimate and Projection.....	2-3
2.3 Racial and Ethnic Diversity.....	2-4
2.4 Household Type and Size.....	2-5
2.5 Employment and Unemployment.....	2-5
2.6 Income	2-6
2.7 Age Distribution.....	2-9
2.8 Housing.....	2-10
2.9 Education	2-12
2.10 Derby Retail Market Analysis.....	2-12
Chapter 3 - Existing Conditions	3-1
3.1 Existing Land Use	3-1
3.2 Physical Features	3-3
3.3 Stormwater Drainage.....	3-5
3.4 Wastewater Treatment	3-5
3.5 Water Services.....	3-9
3.6 Public Works.....	3-10
3.7 Emergency Services.....	3-11
3.8 Parks, Open Space, and Recreation	3-12
3.9 McConnell Air Force Base	3-17
Chapter 4 - Goals and Policies.....	4-1
Introduction	4-1
4.1 Community Form & Identity	4-2
4.2 Future Land Use and Growth	4-3
4.3 Residential	4-5
4.4 Business	4-7

4.5 Parks, Open Space, and Recreation	4-9
4.6 Public Facilities and Services	4-11
Chapter 5 - Future Land Use	5-1
Introduction	5-1
Focus Session	5-1
5.1 McConnell Air Force Base Environs	5-3
5.2 Future Land Use Expectations	5-4
5.3 Future Land Use Plan.....	5-9
Future Land Use Plan Map Legend.....	5-10
5.4 Annexation	5-13
5.5 Public Facilities Plan.....	5-13
5.6 Key Future Land Use Recommendations.....	5-14
Chapter 6 - Planning Principles and Design Guidelines.....	6-1
Introduction	6-1
6.1 Land Planning Principles	6-1
<u>Primary Gateways</u>	6-3
<u>Secondary Gateways</u>	6-3
Public and Semi-Public Uses/Spaces	6-12
6.2 Streetscape Standards	6-13
6.3 Rock Road Corridor Design Guidelines.....	6-16
Chapter 7 - Major Thoroughfare Plan.....	7-1
Introduction	7-1
7.1 Traffic Volumes	7-1
High Accident Rate Intersections	7-2
7.2 Access Management	7-2
7.3 Functional Street Classifications.....	7-3
Expressway	7-4
Urban Arterial.....	7-4
Rural Arterial.....	7-5
Collector.....	7-5
Local Streets.....	7-5
7.4 Metropolitan Area Transportation Plan.....	7-6
7.5 Transportation Recommendations.....	7-10
Chapter 8 - Implementation	8-1
Appendix A - Focus Session	A
Workshop Overview.....	1
Quality Of Life Issues & Opportunities.....	2
Economic Development Issues & Opportunities	3
Future Land Use and Infrastructure Issues & Opportunities	4
Appendix B - Planning Policy Charrette	B

Introduction	1
Summary.....	2
Appendix C - McConnell Air Force Base	C
Joint Land Use Study.....	1
Table 2.A: Census Population Trends (1990-2000)	2-2
Table 2.B: Population Projection (2000-2030)	2-3
Table 2.C: Derby Population Projection in 5-year increments (2010-2030).....	2-4
Table 2.D: Racial and Ethnic Trends (Census (2000)).....	2-5
Table 2.E: Household Type and Size (Census 2000)	2-5
Table 2.F: Employment by Industry (Census (2000)).....	2-6
Table 2.G: Income Distribution (Census 2000)	2-6
Table 2.H: Age Distribution (Census 2000)	2-9
Table 2.I: Major Housing Characteristics (Census 2000).....	2-10
Table 2.J: Housing Tenure (Census 2000).....	2-11
Table 2.K: Education Characteristics (Census 2000).....	2-12
Table 3.A: Existing Land Uses, June 2005*	3-1
Table 3.B: City of Derby 2030 Parks and Open Space Needs	3-16
Table 5.A Future Growth Area Needs Scenario 2	5-8
Table 5.B: Future Land Use Map Acreages (Unincorporated Portion of Planning Area).....	5-10
Figure 1.1: Vicinity and Planning Area	1-7
Figure 1.2: Current Zoning Area of Influence and Subdivision Jurisdiction	1-11
Figure 2.1: Population by Census Block Group (2000)	2-2
Figure 2.2: Projected Sedgwick County Growth Areas and Estimated Population Changes by 2030	2-4
Figure 2.3: Industry Employment Distribution.....	2-5
Figure 2.4: City of Derby Age Distribution (2000).....	2-9
Figure 2.5: Median Age by Census Block Group (2000).....	2-10
Figure 2.6: New Single-Family Home Construction Building Permits	2-11
Figure 2.7: Derby Retail Trade Areas.....	2-13
Figure 3.1: Existing Wastewater Interceptor Lines	3-7
Figure 3.2: Existing Park Sites (Developed and Undeveloped)	3-13
Figure 3.3: Accident Potential Zones and AICUZ Noise Contours.....	3-18
Figure 5.1: Sewer Capacity Analysis.....	5-5
Figure 5.2: Future Growth Area (2030)	5-6
Figure 7.1: Metropolitan Planning Organization Transportation Planning Area.....	7-6
Figure 7.2: 2030 Transportation Improvements – 2030 Transportation Plan.....	7-7
Figure 7.3: Corridor Protection – 2030 Transportation Plan.....	7-8
Figure 7.4: Public Transportation Concept– 2030 Transportation Plan (1999 Update)	7-10

Chapter

1

COMPREHENSIVE PLAN

City of Derby, Kansas



The Plan & Its Role

Chapter 1 - The Plan and Its Role

The Comprehensive Plan is intended to provide policy recommendations for future actions involving land development and land preservation.

Introduction



Derby Rodeo
(1939)

The Comprehensive Plan is an official public document adopted by the Planning Commission and City Council for the physical development of the community within the City of Derby, Kansas and its “Planning Area” (see Figure 1.1).

The Plan indicates, in general, how the citizens of the community want the City to improve in the next 10 to 25 years. The Comprehensive Plan also is a rationale guide for physical development that fosters quality growth, conservation and redevelopment of the City.

The City of Derby Comprehensive Plan, 2006 (referenced hereafter as “the Comprehensive Plan,” “the Plan” or “this Plan”) is an official update to the City’s 1995 Comprehensive Plan. Long range in nature, the Plan is intended to be a source of direction and guidance toward a desired end, rather than a static blueprint of future development of the City.



Derby's Main Street
(1900)

1.1 History of Derby

The Formative Years

On March 7, 1869 the Alexander Garrett family from Ohio brought their covered wagon to a stop on the bank of Spring Creek at a spot just south and slightly east of the present high school. They took out a claim and later built a sod house. From this beginning, the Derby area had a continuous history of development. The Mulvane area to the south was still known as Indian Territory and a constant menace to early settlers. The advantages of good water, soil conditions, nearby woodland and a plentiful supply of wild animals provided the necessary food and fiber to survive the hardships of the early years.



Derby Train Depot
(year unknown)

By 1870 a ferry boat was started across the Arkansas River and a blacksmith and wagon shop and a drug store were built. The town itself was established by J. Houte Minnich and John Hufbauer when they filed a plat on July 11, 1871. Since they came from El Paso in Illinois, they decided the new village should bear their name. The original plat covered the area from Kay Street on the south to Madison on the north and between Georgie Avenue to Water Street. In the center of present day Derby, the standard 25-28 foot wide and 140 foot deep lots of the Town of El Paso plat still exist as they were platted over 130 years ago.

In the 1870's the town began to prosper, but a disastrous fire in 1878 consumed half of the business district. Many people left and the original town fathers lost hope. Later

Santa Fe Railroad
(year unknown)

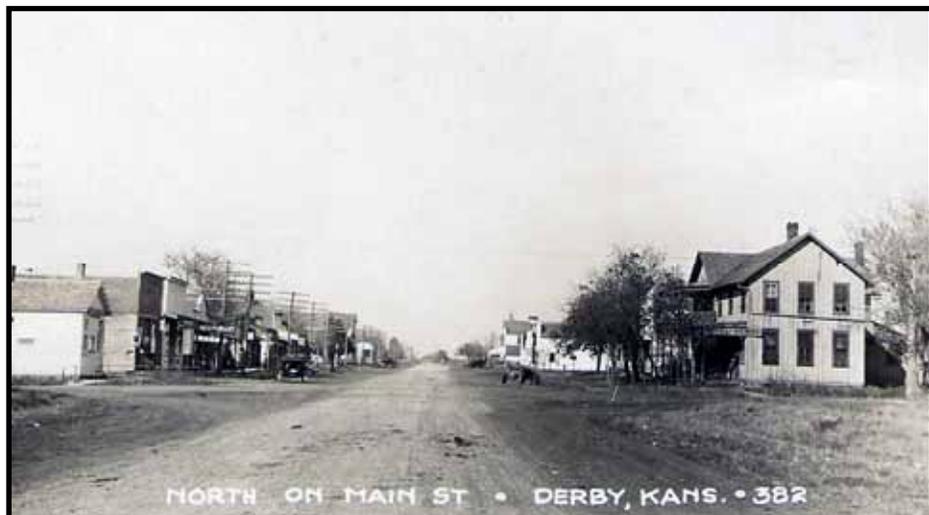


that year, however, George Litzenberg reorganized the town company and development continued. By 1880 the railroad had pushed further south and the mail for El Paso, Kansas and El Paso, Texas were constantly being mixed up. To ease this problem, the railroad depot was named Derby after one of their officials, C.F. Derby, who came to the county in 1870. Gradually the people began to call the town Derby. However, when the town of about 300 was formally incorporated on June 1, 1903 as a third class city with a mayor-council form of government by the Board of County Commissioners, it was still named El Paso. It was not until 1957 that the name was officially changed from El Paso to Derby.

Historical Development

The commercial picture of Derby in its formative history is somewhat similar to the pattern today, i.e., a series of small to medium sized businesses and industries not particularly dominated by any one firm or classification of activities. Before the tragic fire in 1878, the town already contained a dry good store, drug store, hotel, wagon maker and blacksmith shops, shoe store, meat market, and two feed stores. One of the first industries was a sawmill started by Dr. Fabrique, an early day Wichita doctor. The production of cottonwood lumber for homes thrived until 1874 when the railroads could bring in more desirable lumber. There was also a brick factory operated by Mr. Emery who made most of the bricks for the finer Wichita residences. The first Derby bank was started in 1884 by Dr. H.C. Tucker, an early business, civic and religious leader.

Main Street in 1918



Transportation related infrastructure had an impact on accessibility in the Derby area during the early years. In 1873 a toll bridge across the Arkansas River replaced a ferry boat crossing. The bridge gave farmers to the west access to Derby during periods of high water and all seasons of the year. It was washed away in 1877 and replaced again in 1880. Down through the years other bridges burned or were lost to high water. By 1874 there was a regular stage coach service to the town. In fact, it was a junction for stages and there were daily trips to Wichita, Winfield and Arkansas City as well as tri-weekly runs to Ft. Sill and Wellington. A very significant effect upon the town which enabled it to survive occurred when the Atchison, Topeka, and Santa Fe Railway was extended from Wichita on July 18, 1879.

Washed out bridge
(location unknown)
1943



Derby's first three
High Schools

As with many other cities typical of its period, Derby struggled to provide the services which made possible an urban community. Many were started as volunteer efforts that were later formalized into public services. Many schools have been built since the first school district was organized in 1872 with a bond issue of \$1,500. A number of school buildings were burned and some affected by high winds and tornadoes. Each time the community rebuilt a better school. Telephone service was operated from a store in 1908 and became part of the Southwestern Bell Telephone System in 1955. The Kansas Gas and Electric Company was granted a franchise to serve the City in the late 1920's. Various volunteer fire and police services had been available over the years. In the early 1950's, these were organized into more formalized structures and the County responsibility for fire protection shifted to the City. The installation of a water system by the El Paso Water Company began in 1953. With the construction of the City's first primary sewage treatment plant at that same time, these two facilities set the developmental pattern for rapid growth which was to occur and to create the modern City of Derby today.

Historical Preservation

A review of the historical development of the Derby area reveals the significance of the past in shaping the future. Continuing efforts to plan in the City should take into account the effect that history has had not only on the physical conditions, but the cultural heritage.

In surveying historical sites in Sedgwick County, the 1973 inventory by the Kansas State Historical Society entitled, Historic Preservation in Kansas – Volume 2, lists only one place for Derby. The First Presbyterian Church still at Baltimore and Emma built of stone in 1926 was recognized for its Gothic style of architecture and, in particular, its



Derby Bank
(Circa 1917)

square bell tower. The older City Hall was moved to Wichita's Historic Cowtown in 1966. While there may be limited opportunities to preserve other structures of the past, efforts should continue by the Derby Historical Society to collect and recognize Derby history. For more historical information, the "Derby Diary" published during the City's Centennial Year of 1969 is a useful source as well as the Derby Progress Editions of the Daily Reporter.

Note: All historical photos in this Chapter were provided by the Derby Historical Museum.

1.2 Comprehensive Plan

Purpose

The Comprehensive Plan is intended to guide policy and provide recommendations for future actions involving land development and land preservation, and it serves as the legal basis for sound land use decisions. The Plan is the nexus to the legal framework on which the zoning ordinance and subdivision regulations are enacted and amended by the City Council upon recommendations from the Planning Commission. These two land use regulatory ordinances shape the locations, type, quality, and comprehensiveness of the physical development of Derby. More specifically, the Plan:

- serves as a "database" for the City's long-term planning activities. This database includes information regarding population, economic development, housing, utilities, land use, the natural environment, public facilities, and transportation;
- delineates the City's major planning principles and strategies;
- analyzes the factors that affect Derby's development and assesses planning implications;
- recommends the future development of Derby in policy and map formats. The policies serve as a guide and legal basis for planning decisions. The Future Land Use Plan map is a graphic representation of those general policies;
- presents recommended changes to the City's land use and development control regulations as a means to implement the Plan's recommendations; and
- provides a basis for consideration and evaluation of future development, subdivision, and annexation requests.

The Plan provides a comprehensive long-term focus and general policy framework to direct the future growth of the City. It is long range because it represents the long term vision of the future physical condition of the community and its socio-economic well being. It is general in order to accommodate the very dynamic nature of community planning. The Plan strives to ensure orderly, healthy and harmonious growth that maximizes public benefit while minimizing public cost.

The Plan also includes a near-term focus. It provides a foundation for land use and development control regulations. The Plan outlines the City's intentions for near-term development and outlines recommended planning principles and action strategies to implement its recommendations. While the Plan provides direction, it should not be viewed as a zoning document or ordinance. In contrast to regulatory documents, the Comprehensive Plan should be recognized and utilized as a flexible evolving document

to be interpreted within the broad spectrum of land development possibilities and changing conditions. At the same time, proposals or actions that are not in conformity with the Plan and its intent are deemed inappropriate unless proper procedures are followed to amend the Plan. The Plan can be amended after review if sound justification is presented for logical revisions to the Plan.

The development of the Plan itself serves another important function or purpose which is to obtain public input through a public participation process in the identification of long-term community development policies. The policies represent the community's common understanding of what growth can be expected.

The Plan continues a process whereby Derby as an established community is poised for continued growth, development, and renewal in partnership with residents, business owners, and landowners. Its underlying purpose is to preserve and enhance investment by all citizens. It intends not only to provide the foundation for economic growth and stability, but growth in a safe and healthful environment, to nurture future generations that will take pride and invest in the City of Derby.

The Plan will not ensure success. Rather, successful development and revitalization in Derby will be achieved by community leaders along with caring and concerned citizens who, while using this Plan, adhere to sound judgment and use thoughtful, intelligent, and reasonable observation. That process was clearly demonstrated by the active and positive participation of Derby residents and community leaders in the development of the long-range vision and specific recommendations outlined in this Plan. Stagnant, dilapidated, and dying cities do not occur by accident. They occur when communities refuse to plan wisely for the long term, when special interests are vocal and pandered to, and when the rights of a few are elevated above those of the community-at-large. Therefore, the Plan should simply not be ignored when it is convenient nor should it be dismissed as "only a guide" when actions or requests by special interests conflict with the recommendations of the Plan.

The City of Derby Comprehensive Plan of 2006 forms a visionary yet achievable basis for planning programs and development guidelines. It is intended to suggest additional areas of study and planning that are essential in moving projects forward to successful completion.

1.3 Authority

Since the landmark case of *Village of Euclid vs. Amber Realty Company*, decided in 1926, the U. S. Supreme Court has consistently recognized the legitimate right of government to legislate land use for the protection of the public welfare. In exercising this right, the City cannot deprive a property owner of all reasonable economic use of his property, nor can it act arbitrarily, using the law to accomplish against an individual property owner what it is otherwise unable or unwilling to do through direct compensation. However, the City has a broad ability to mitigate the public impact of private development. This is an authority that has been used to uphold laws mandating historic preservation, natural resource protection, zoning, signage restriction, aesthetic regulation, impact fees, excise taxes and required dedications. Euclid is still the law today. The government cannot single out individual property owners, nor can it act in an arbitrary manner. The ends must justify the means.

Kansas State Statutes provide cities with the authority to prepare and adopt a Comprehensive Plan, Zoning Regulations and Subdivision Regulations. The authority to prepare a Comprehensive Plan is stated in KSA 12-746 (a).

A city planning commission is hereby authorized to make or cause to be made a comprehensive plan for the development of such city and any unincorporated territory lying outside of the city but within the same county in which such city is located, which in the opinion of the planning commission, forms the total community of which the city is a part.

Under current planning and zoning statutes, however, the City is under no obligation to prepare a Comprehensive Plan unless it wants to adopt subdivision regulations (KSA 12-748). Similarly, the City is not required by statute to follow the recommendations of the Plan unless so specified by City ordinance. In spite of this, case law within Kansas and throughout the nation has effectively established that the Comprehensive Plan forms the basis for enforcing zoning regulations. Without a Comprehensive Plan, determining and justifying specific zoning districts within a city is arbitrary at best.

To this extent, the Comprehensive Plan is often primarily used by the Planning Commission as a guide when presented with rezoning requests. In considering a rezoning request, state statutes (KSA-756) require the City to review the application in relation to “matters to be considered” as adopted in the Zoning Regulations. These considerations should include review of the application’s consistency with the Comprehensive Plan. Although the City is not required to follow the Plan’s recommendations regarding future land use, state statutes specifically provide that rezoning requests that are consistent with the Plan are presumed to be reasonable (KSA 12-756).

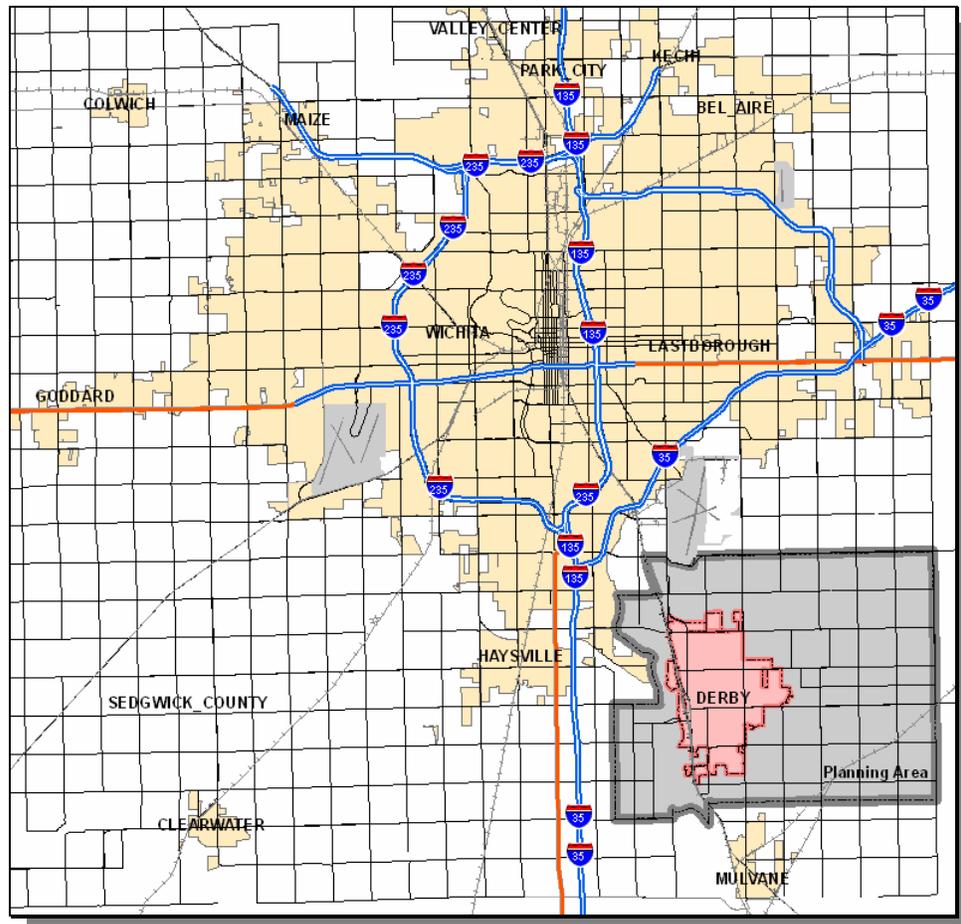
Any such (proposal for zoning) amendment, if in accordance with the land use plan or the land use element of a comprehensive plan, shall be presumed to be reasonable.

It must be clear that the Plan is not a set of regulations or a zoning ordinance. The Plan is a guide for development within the City, providing direction regarding the community’s preferred future, goals, objectives, priorities and policies. For this reason the Plan must be kept up to date. KSA 12-746 requires the Planning Commission to review or reconsider the Plan at least once each year in order to ensure that the Plan is still valid and relevant. During this review the Planning Commission is authorized to propose amendments, extensions or additions to the Plan following the same procedure for adoption of the original Plan. Future “corridor plans”, “neighborhood plans” and “sub-area plans” should serve as the basis for updates to the Comprehensive Plan.

1.4 Vicinity and Planning Area

The City of Derby is located in southeastern Sedgwick County, in the south-central region of the State of Kansas. Figure 1.1 shows the City’s geographic location relative to other cities, highways, and the surrounding planning area. Figure 1.2 at the end of Chapter 1 identifies Derby’s existing Zoning Area of Influence and Subdivision jurisdiction and their relationship with the planning area. The boundaries of these two areas are not identical in that the Zoning Area of Influence extends one mile further north to 47th Street South.

FIGURE 1.1: VICINITY AND PLANNING AREA



1.5 Current Planning Process and Public Benefits

The planning process is designed to balance the public's rights with individual and community-wide interests. The public benefits of non-development, or of development with conditions, must be balanced with individual economic interests. This balancing act may include architectural standards, landscaping, lighting, drainage, buffering, sidewalks, and public spaces to mitigate impacts of a specific development proposal and help ensure the development will function within the greater community.

The public also has the right to know what is projected for the future of the City of Derby and what improvements are planned to support this vision. Likewise, the public has a right to expect that development decisions will be orderly, compatible and withstand the test of time. The development should serve not only present but also future public needs.

The Derby Comprehensive Plan addresses these rights and expectations by serving as a guide for development and legal basis for development decisions within the City and the planning area, outlining community interests as a means of "saying yes" to proposed development that is consistent with the Plan. The Plan is a tool to be utilized by the

City to help ensure that Derby reaches its preferred future in an orderly and equitable manner.

This Comprehensive Plan marks an important step in an on-going process of comprehensive community planning. It is the result of the joint efforts of the Governing Body, the Planning Commission, the City Staff, other government and non-government agencies, and interested groups and citizens. The Plan started with a Strategic Profile Questionnaire to analyze and stimulate discussion between the Governing Body, Planning Commission and Staff regarding past, present and future conditions, policies and goals of the City. Further issue identification was compiled during a public meeting where focus groups of volunteer citizens were charged with identifying the issues most critical to the growth of Derby. The process continued with a “policy charrette” workshop where the issues were studied and policies evaluated regarding the City’s future growth, land development patterns, and strategies for adequate public infrastructure and services. Additional review was conducted with the Planning Commission as the Plan was being drafted. The planning process culminated in a public hearing, to continue citizen input meeting the requirements of KSA 12-746 which authorizes the City to adopt the Plan.

Although adopted, the development of the Comprehensive Plan and planning process is on-going. Annual reviews of the Plan must be conducted following its adoption and updates made as necessary to reflect the changing values and characteristics of the community. Likewise, changes in the City’s vision resulting from new information or studies, changes in circumstances, or other currently unforeseen reasons should be reflected in the Plan through periodic updates as necessary to maintain the Plan as reasonable representation of the City’s vision and expectations for the future. To that end, the Plan is a living document that must be continually developed to provide direction and guidance toward a desired end, rather than a static blueprint of future development of the City.

1.6 Plan Implementation

The healthy and orderly growth of Derby will rely on the successful implementation of a set of well-defined development policies that serve as guidelines for all development decisions at present and in the future. These development policies are formulated around a well-structured scope of planning that looks ahead and even beyond a pre-set time horizon.

At the same time, near-term implementation is important. Regulation of land development is one way the Plan is implemented. Derby’s Capital Improvements Program (CIP) is another means of implementing the Plan. Following are the roles played by key policy makers and officials, and the relationship of the Plan to Derby’s regulations. Note that these relationships are discussed beyond their role in implementing the Comprehensive Plan. The relationships are discussed in a broader context to illustrate the interrelation between the Comprehensive Plan and the City’s other ordinances.

The Public’s Role – Civic Responsibility

Civic responsibility is critical to the strength of the community. Many Derby citizens spend hours of their free time trying to make our community a better place. They understand that their neighborhoods and community will survive only with their participation and they know that participation cannot be left to others. At the same time they recognize that the well being of the community is in their individual interest.

Derby's community strength builds from the bottom up. Where there is a sense of responsibility toward the neighborhood, there is a sense of responsibility toward the larger community. Our community cannot be strong without strong neighborhoods.

As such, the citizens of Derby should be embraced - their leadership welcomed and dedication, enthusiasm and talents directed toward community betterment. The Derby Comprehensive Plan is developed based on this principle. Likewise, as the community progresses and the Plan evolves, citizen input and support will be critical to the Plan's implementation and reaching the preferred future of Derby.

The Role of the Planning Commission

The following are the roles of the Planning Commission in the community building process.

1. Adopt a Comprehensive Plan for the physical development of land within the City of Derby and the surrounding unincorporated planning area, which together are considered to form the Derby community.
2. Serve as an advisory body to the City Council.
 - Hold public hearings to obtain public opinion regarding each rezoning, special use permit application and proposed text amendments.
 - Adopt a recommendation to the City Council on each rezoning and special use permit application and proposed text amendments.
3. Approve or disapprove both preliminary plats and final plats.
4. Approve or disapprove site plans for new development or redevelopment projects.

The Role of the City Council

The following are the roles of the City Council in the community building process.

1. Adopt and amend the Comprehensive Plan and all associated plan maps after considering the Planning Commission's recommendation.
2. Enact and amend the Zoning Regulations and zoning district map after considering the Planning Commission's recommendation.
3. Enact and amend the Subdivision Regulations after considering the Planning Commission's recommendation.
4. Approve annexations following the appropriate considerations.
5. Approve Special Use Permits after considering the Planning Commission's recommendation.
6. Grant waivers to required public improvements and/or public improvement specifications of the Subdivision Regulations as deemed necessary.
7. Accept or reject dedications of easements, rights-of-way and public lands on subdivision final plats after the final plat has been approved by the Planning Commission. This responsibility does not include approving subdivision plats.

8. Approve engineering plans for construction of public improvements.
9. Approve financial guarantees or financing mechanisms to ensure construction of all public improvements within subdivision plats.
10. Accept public improvements after they have been constructed and are found to have been constructed in accordance with the approved engineering plans.

The Role of the Zoning Ordinance

The Zoning Ordinance of the City of Derby, Kansas is a legislative tool used for implementing the Comprehensive Plan. K.S.A. 12-753 permits the Governing Body to adopt Zoning Regulations dividing land into districts of such number, shape, area and of such different classes, according to the use of land and buildings and the intensity of such uses, as deemed necessary to carry out the purposes of the adopted Comprehensive Plan.

The purpose of a zoning ordinance is to:

1. encourage appropriate uses of land;
2. maintain and stabilize the value of property;
3. reduce fire hazards and improve public safety and safeguard the public health;
4. decrease traffic congestion and its accompanying hazards;
5. prevent undue concentration of population;
6. create a comprehensive and stable pattern of land uses on which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities; and
7. protect and promote the public health, safety, convenience, comfort and general welfare.

The Role of the Subdivision Regulations

The Subdivision Regulations of the City of Derby are another legislative tool to implement the Comprehensive Plan by guiding the subdivision and development of land. The Regulations provide coordination of otherwise unrelated plans as well as internal design of individual sites. The Regulations also provide the community the means to allocate the costs for installing public facilities made necessary by the subdivision proposal and to provide a set of rules and regulations that may be uniformly applied to all developments regardless of how big or small. Subdivision Regulations assure equity.

The general purposes of subdivision regulations are to:

1. protect and promote the public health, safety, convenience, comfort and general welfare;
2. guide the future growth and development;
3. provide for the proper location and width of streets, roads, building lines, open space and recreation and to avoid congestion of population;
4. protect and conserve the value of land, buildings and improvements and to minimize conflicts among the uses of land and buildings;
5. establish reasonable standards of design for subdivisions in order to further the orderly layout and use of land; and
6. ensure that public facilities, including parks, roads, water, sewer and drainage facilities are adequate to serve the needs of proposed subdivisions.

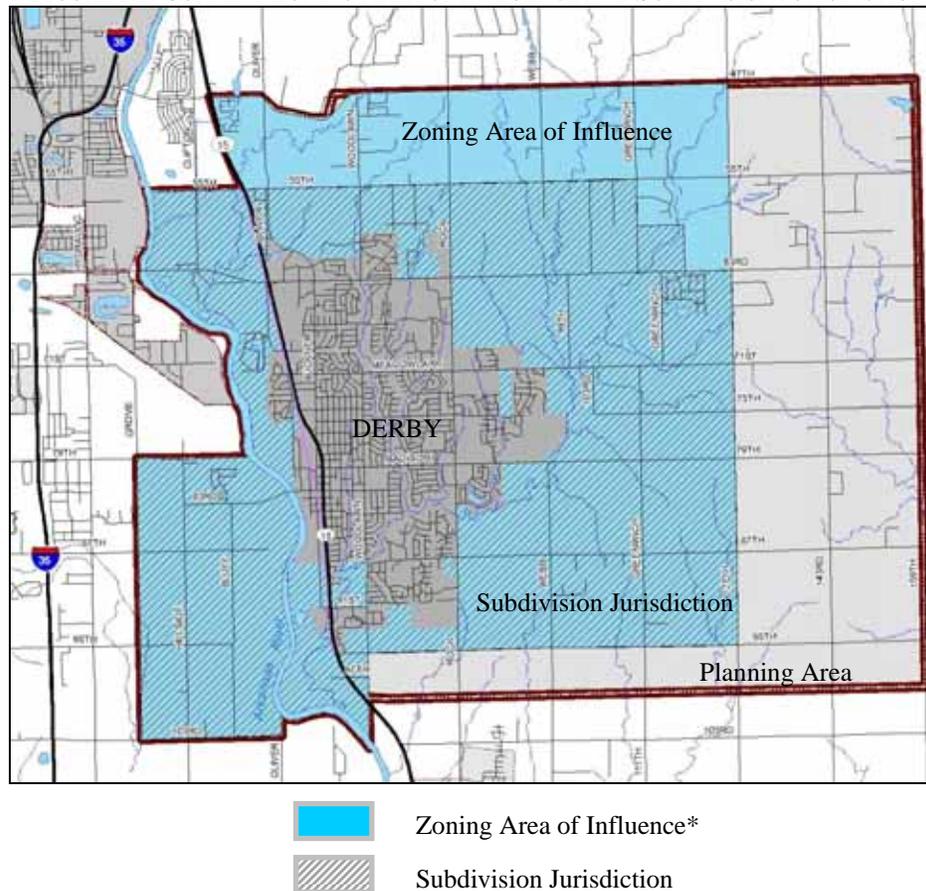
The Basis of Decision Making

The Comprehensive Plan forms a guide for enforcing the City's Zoning Ordinance and Subdivision Regulations. As with other "police powers," the exercise of zoning and subdivision regulations is subject to certain legal limitations. One of the most important

of these limitations requires that zoning and subdivision regulations cannot be applied in an "arbitrary or capricious" manner. Decisions regarding zoning and subdivision issues cannot be fixed or arrived at through an exercise of will or by caprice, without consideration or adjustment with reference to principles, circumstances, or significance.

The Derby Comprehensive Plan serves as a foundation for making educated and logical decisions regarding application of the City's regulations. Consistency with the Comprehensive Plan should be one of the matters considered when reviewing regulatory applications including proposed zoning district changes (rezoning), annexations, development plans (site plans), subdivisions (plats), special use permits, conditional use permits, text amendments and ordinance updates.

FIGURE 1.2: CURRENT ZONING AREA OF INFLUENCE AND SUBDIVISION JURISDICTION



*Note: As of December, 2006 the Zoning Area of Influence was under consideration for revision. In particular, the northern boundary was being considered for changes that would shift the boundary southward.