

**CITY OF DERBY
PLANNING COMMISSION MINUTES
January 5, 2012 6:35 PM**



MEMBERS PRESENT: Shawn Riley, Kelly Farber, Doug Chambers, Eric Tauer, Keith Volz, Pat Baer, Jack Hezlep, Tasha Brackeen, Gunter Hansen

MEMBERS ABSENT: Sue Wright

CITY STAFF PRESENT: Bud Newberry, City Planner; Stephanie Cox, Recording Secretary

CONSIDERATION OF MINUTES:

Minutes of December 15, 2011 Planning Commission Meeting.

MOTION: Jack Hezlep moved to approve the minutes as written.

SECOND: Pat Baer

VOTE: 9-0, unanimous

PUBLIC FORUM OPENED

PUBLIC FORUM CLOSED

AGENDA ITEM NO: 1

DESCRIPTION: Site Plan Review – Lot 2, Village Lake Addition

GENERAL LOCATION: South of Atwoods on the east side of Nelson Drive

APPLICANT: Kelly Klima

AGENT: Smith Construction Co., Inc. (Terry Hagar)

REASON FOR REQUEST: Construct new indoor batting facility

BACKGROUND INFORMATION:

- This site is located directly south of the Atwoods Farm and Home Store along the east side of Nelson Drive.
- This lot is located within the Village Lake Addition. The plat for this addition was approved by action of the Derby City Council on April 5, 1983.
- This property is zoned B-3 "General Business District", the appropriate zoning district for the proposed use.

- The property north of this site where Atwoods is located is zoned B-5 "Restricted Commercial, Warehousing, Limited Manufacturing District". A large reserve for drainage which is part of The Village Lake 2nd Addition lies to the east of the subject site and is zoned R-3 "Multi-Family Residential". The Village Lake 2nd Addition, less the reserve, has been developed with duplexes. South of the subject property is a lot zoned B-3 "General Business" which contains a small strip center containing several retail businesses. Although the closest privately owned property west of this site is zoned R-1 "Single Family Residential", the presence of Nelson Drive, K-15 Highway and the Burlington Northern Railroad right-of-way separating the two properties, makes the existence of this residential property inconsequential to the development of the subject property.
- The lot which is the subject site of this review is approximately 1.19 acres, which exceeds the minimum requirements of the B-3 district in all respects.
- Although the stated use of this facility is not specifically mentioned in the list of permitted uses for the B-3 "General Business District", it was the determination of the Zoning Administrator that this use is compatible with other uses in the vicinity and is keeping with the intent of Section 411 of the Zoning Ordinance.

STAFF COMMENTS:

1. Legal Description. The legal description for this site is Lot 2, Village Lake Addition, Derby, Sedgwick County, Kansas. The description shown on the Site Plan documents states this is the Village Addition and needs to be corrected.
2. Building Setbacks. A platted 35' building setback is shown on the Site Plan as required. The proposed addition meets the setback requirements for the B-3 district.
3. Easements. The official plat of Village Lake Addition shows this lot with a 20' wide utility easement adjacent to the east lot line and a 10' wide utility easement along the south line. There is also a platted 50' wide drainage easement adjacent to the north property line. All of these easements are shown on this site plan with no illegal encroachments indicated.
4. Access. Access to this site is gained with the use of one existing 26' wide entrance near the southwest corner of the subject site. This entrance meets the fire departments width requirement for access to the building. The City Engineer has reviewed and approved of this arrangement so there are no additional requirements.
5. Streets. This site is located on Nelson Drive which is the access road situated adjacent to K-15 Highway, a state highway running from Wichita through Derby and on to the south. K-15 is four lanes wide through Derby and will provide excellent access to this site. No additional street paving is required.
6. Parking/Circulation Aisles. The parking requirements in the Derby Zoning Ordinance specify that one parking space is required for each batting cage. Consequently, this facility requires 10 parking spaces (10 batting cages X 1 space per cage = 10 stalls).

Twenty-eight properly sized parking stalls and two handicap compliant stalls are shown on the site plan for a total of 30 spaces, which exceeds the requirement. All two way circulation aisles are shown with a minimum width of 24'. The main aisle connecting the entrance to the building is 26' in width per fire department requirement for a fire lane. Access to both sides of the building is available on hard surfaced driveways that are sized to adequately accommodate emergency equipment. The City Engineer and Fire Chief have reviewed and approved of this arrangement so there are no additional requirements.

7. ADA. Spot elevations in and around the handicapped parking area appear to indicate that proper slopes and grades have been established for ramps, sidewalks and the area between the handicap parking stall and the building entrance. Although a separate detail of the handicap parking stall was not provided, the handicap accessible stall shown on the Site Plan appears to indicate compliance with ADA requirements. The applicant should be prepared to describe the type of stall being used during the review. Since the number of accessible parking spaces is based on the total number of spaces provided, two handicap stalls are required to meet the ADA requirement for this parking lot. The two stalls provided meets the requirement. The Building Official has approved the location for the handicap parking stalls, which are shown adjacent to the main building entrance.

8. Signage. The only sign that will be installed with this project is the wall sign shown on the elevation sheets and it is in compliance with Article 7 of the Derby Zoning Ordinance for the B-3 zoning district.

9. Site Lighting. The Site Lighting Photometric Plan included shows adequate lighting adjacent to the building but much lower levels of light in the parking area near the west edge of the site. Although the maximum light levels around the perimeter of the site do not indicate any significant light spilling over onto adjacent properties and streets as is required by the ordinance, the level of light in the parking area needs to be adequate enough to provide a safe and secure route for patrons of the business to their vehicles.

10. Landscape/Screening and Buffering.

Landscape Street Yard. This site has a frontage adjacent to Nelson Drive so a landscape street yard 10 feet in depth is required along the west line of this property. The landscape street yard measures 1,726 S.F. ($10' \times 172.6' = 1,726 \text{ S.F.}$). A total of 4 shade trees are therefore required ($1,726 \text{ S.F.} / 500 \text{ S.F. per tree} = 3.45 = 4$). There are four shade trees shown on the site plan of approved species which exceeds the requirement.

Screening/Buffering. The properties located adjacent to the north and south sides of this site have zoning which does not require any screening or buffering with this project. Although the property to the east is zoned with residential zoning, the presence of the large drainage reserve, an existing wood fence and twelve mature trees should provide adequate screening for this side of the lot. Nelson Drive, K-15 Highway and the

Burlington Northern right of way adjacent to the west side of this site should provide all of the screening necessary for the residential properties to the west.

Parking Lot Screening/Landscaping. Proper screening of the parking area on the west side of this lot is shown on the Site Plan with the placement of a continuous row of shrubs, which meets the requirement.

Equipment Screening. The applicant has informed us that this facility will include two roof top HVAC units and they will be screened using Cityscapes screening products. The applicant is encouraged to provide detailed information about this product during Site Plan Review.

Trash Receptacle Screening. Since the only trash that will be generated at this facility will be paper and plastic bottles, the intention is to use poly carts which will be stored inside. Therefore, no screening is required.

Miscellaneous Landscaping Notes.

The Derby Zoning Ordinance does require that the landscaping be irrigated with a permanent irrigation system. The applicant has confirmed verbally that a drip system will be installed during the placement of the landscaping. In accordance with local regulations, the installation of an automatic rain sensing device is now required when an automatic irrigation system is installed.

The applicant is reminded that all landscaping is to be maintained in good condition and that maintenance includes replacing dead or diseased plants and trees and mowing of the right-of-way between this lot and Nelson Drive and the drainage easement.

The applicant should verify that there are no vision problems created at the entrances with the placement of trees and landscaping.

The use of BMP's will be required during the construction of this building to control erosion per city ordinance. The applicant shall contact the City's Environmental Control Officer (Michael Wilson 734-4249) regarding required erosion control permits.

11. Drainage. The Grading Plan shows that the runoff from the paved portion of this site and a small part of unpaved area near the southeast corner of the building will be directed into a concrete flume located in the northwest corner of the site and directed into the large drainage easement occupying the north 50' of this lot. Runoff from the remaining unpaved portion of the site will be allowed to sheet flow into the easement near the northeast corner of the site. The City Engineer reviewed and approved this plan but also noted that an existing storm water sewer system is available near the site of the proposed flume which can be utilized if the developer so desires. The developer may want to contact the City Engineer to discuss options to the flume.

The developer will also be required to remove some sediment material from the bottom of the drainage ditch along Nelson Drive to allow for proper drainage of this site. Any grass removed during this process will need to be replaced or re-seeded.

12. Utilities. Sanitary sewer service for this new building is shown connected to an existing manhole near the southeast corner of the lot. City records do not show an existing manhole in this location but do show them near the northeast and northwest corners of the site. Either of these manholes could be utilized for sewer service, or the developer may opt to tap the existing 8" pipe located along the east property line. In any case, the new connection point needs to be shown on a corrected site plan.

A new domestic water service line is shown exiting the building on the west side. The size of this line should be shown on the corrected plan. The service line will connect to a proposed 16" water main along Nelson Drive, construction of which is estimated to start in March of 2012. Sufficient water volume and pressure will be available from this new water main to provide adequate water service to the site. The applicant needs to contact El Paso Water Co. (788-1424) to coordinate water meter sizing and installation and to determine where the meter will be located. The location of the meter needs to be shown on the corrected plan. At the present time, the subject site has no water service available.

There are two existing fire hydrants located approximately 200 and 300 feet from this site which the fire department has said will be adequate until the new water main along Nelson Drive is constructed and new hydrants are installed both north and south of this site. The Derby Fire Chief has determined that no additional hydrants will be required.

A proposed gas meter is shown on the southwest corner of the proposed building, with a gas service line going south from the building, then west to Nelson Drive. An existing gas main is located along Nelson Drive, but is not shown on the plans.

Electrical service for this site is shown as an underground installation from an existing pole near the southeast corner of this lot. The location of the transformer, whether pole or pad mounted needs to be shown on corrected plans.

The connection points for telephone and cable services are not shown on the Utility Plan but are known to be readily available as they are currently serving other nearby businesses.

13. Design Standards. Elevations for all four sides of the building are shown on the Elevations sheets with the types of material noted. The developer has provided the commission with three alternates for the outside finish of the building. Alternate 1 shows the entire building being covered with EIFS. Alternate 2 shows the building with a 38" EIFS wainscot on all sides of the building but the remainder of the walls are just paint over the metal panels. The final alternate, Alternate 3, has the north and west sides of the building being covered with EIFS and the east and south walls painted metal panels to match. Given the amount of screening provided by the strip mall to the

south of this site and the trees and reserve area to the east, staff is willing to accept Alternate 3 as appropriate for this particular location and would encourage the commission to consider approval of this alternate also.

14. No Smoking. In accordance with the recently approved ordinance banning smoking in public places and places of employment, "No Smoking" signs must be posted and a 20' smoke free zone must be established at all entrances to the facility.

15. Miscellaneous. The applicant is reminded that a Business License for this location must be completed prior to issuance of the Certificate of Occupancy.

CORRECTED PLANS:

Following Planning Commission approval, the applicant shall revise the Site Plan documents to incorporate all corrections or comments and submit 3 revised and final copies to the city.

RECOMMENDATION:

Approve the Site Plan for Lot 2, Village Lake Addition, subject to staff comments.

DISCUSSION:

No discussion was held.

MOTION: Eric Tauer motioned to table Agenda Item 1 since neither the applicant or his agent were present.

SECOND: Keith Volz

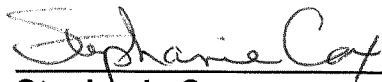
VOTE: 9-0, unanimous

MOTION TO ADJOURN: Chairman Tauer


SECOND: Keith Volz

VOTE: 9-0, unanimous

Meeting adjourned at 6:45 PM.



Stephanie Cox
Recording Secretary



Eric Tauer
Chairman