

CITY OF DERBY
PLANNING COMMISSION MINUTES (Corrected)
July 7, 2011 6:30 PM *mm*

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; Dan Squires, City Engineer; Stephanie Cox, Recording Secretary

CONSIDERATION OF MINUTES:

Minutes of June 16, 2011 Planning Commission Meeting.

MOTION: Jack Hezlep

SECOND: Shawn Riley

VOTE: 8-0-1, Farber abstained

PUBLIC FORUM

Keith Volz asked Bud Newberry if the roof top equipment on the New Derby Dialysis Center will be screened.

Bud Newberry replied that the Planning Commission had approved screening material for the roof top equipment.

Chairman Tauer called for Agenda Item #1.

Pat Baer excused himself from agenda item #1 and left the bench.

AGENDA ITEM NO: 1

DESCRIPTION: Site Plan Review – Part of Lot 4, Block C, The Oaks

GENERAL LOCATION: Northwest corner of the intersection of Rock Road and Tall Tree Road

APPLICANT: Braum's, Inc.

AGENT: Baughman Company, P.A.

REASON FOR REQUEST: New restaurant

BACKGROUND INFORMATION:

- This site is located on the northwest corner of the intersection of Rock Road and Tall Tree Road.
- This site is located within The Oaks, an Addition to Derby. The plat for this addition was approved by action of the Derby City Council on January 25, 2001.
- None of the adjacent properties have been developed at this time except for Parcel 10 in the Derby Marketplace which is located on the southeast corner of the intersection of Rock Road and Tall Tree. This parcel contains a 12,347 square foot strip center which is the location for several retail and service businesses.
- A split of Lot 4, requested by the purchaser of the property, which reduces the size of the subject site to 59,588 square feet has been approved and will be registered with Sedgwick County. The new parcel exceeds the minimum requirements of the B-3 district in all respects.
- This property is zoned B-3 "General Business District".
- Restaurant facilities are an outright permitted use in the B-3 District.

STAFF COMMENTS:

1. Legal Description. The legal description of the subject site is Lot 4, Block C, The Oaks, an Addition to Derby, Sedgwick County, Kansas, EXCEPT the west 21.05 feet thereof.

2. Building Setbacks. The proposed building meets all setback requirements for the B-3 district.

3. Easements. The official plat of this lot shows a 20' wide storm sewer and utility easement located adjacent to the south lot line. There is also a 35' wide storm sewer and utility easement beginning 5' west of the east property line at the southeast corner of the lot. This easement runs parallel to a 40' building setback line along the east side of the site and narrows down to 20' at the north lot line. A 10' wide utility easement straddles the lot line between this site and Lot 3 to the north with 5' being on this site and the remaining 5' on Lot 3. All of these encumbrances are shown on the site plan without any illegal encroachments.

There is a proposed 30' access easement shown on the Site Plan being divided by the west property line with 15' on this site and 15' on the property to the west. A copy of this recorded easement shall be submitted to the City of Derby.

4. Access. Access to this site is gained with the placement of four entrances. Three of these entrances will be provided with the construction of a new full movement access road being proposed adjacent to the north property line and straddling the west property line. All of these entrances exceed the required width for two-way traffic. One additional entrance is near the middle of the site from Tall Tree Road and is shown on the Site Plan as a right-in/right-out. The City Engineer is recommending that the Planning Commission require this entrance to be right-in only with no exit being allowed. This entrance can be narrowed to 18' if designated right-in only. Access to all sides of

the building is available on driveways that are sized to adequately accommodate emergency equipment. Direct access to Rock Road is not provided from the restaurant. There are existing turn lanes (right turn lane, continuous left turn lane) which have been constructed along Rock Road, so there are no additional requirements.

5. Streets. This site is located adjacent to Rock Road, Derby's most highly traveled arterial street, which will provide excellent access to this site. There are no additional requirements for turn lanes. Tall Tree Road, which borders this property on the south, is a collector street and also the east entrance into The Oaks, a 600 acre residential and commercial development.

6. Parking/Circulation Aisles. Since the occupancy of this restaurant is not stated on the site plan documents and staff has not received building plans from which to make a determination, the occupancy load of the restaurant has not been established yet. However, notes on the Site and Grading Plans state that 66 regular and 3 handicapped parking spaces are being provided for a total of 69 spaces. Derby parking requirements for restaurants state that 1 parking space must be provided for each 3 occupants. Consequently, the maximum occupancy of this facility (69 spaces X 3 occupants = 207 occupants) cannot exceed 207. Sixty-six parking stalls labeled as being 9'x18' and three handicap compliant stalls are shown on the site plan. The zoning ordinance states that standard parking stalls should be 8.5'x 19'. All circulation aisles exceed the minimum of 24' for two-way circulation. There are two places on the Site Plan where parking spaces are labeled as being 9'x11', but are drawn 9'x18'.

Since this restaurant is equipped with a drive-through facility, 5 stacking spaces are required to be placed from the entrance into the drive-through to the order box. Although two drive-through lanes are shown on the plan, staff has been informed that only one lane will be utilized initially. This means that stacking space for the one drive-through lane will extend down the east side of the building, reducing the circulation aisle to 20' which is not enough for two-way circulation. Staff is suggesting that the commission approve parking stalls 18' in depth and the applicant reduce the east circulation aisle from 26' to 24' and move the east curb of the parking area 2' further east. These adjustments will be acceptable to staff and bring all of the parking, stacking and circulation issues into compliance.

7. ADA. Spot elevations shown on the Grading Plan indicate compliance with ADA grading requirements within, and adjacent to handicap stalls. Additional notes on the Grading Plan state that all sidewalks and handicapped accessible ramps must be built to ADA and city standards. Although there isn't a separate detail of the handicap stalls provided, measurements shown on the Site Plan of the handicap accessible stalls appear to indicate compliance with ADA regulations. Since ADA requires lots with 51 to 75 stalls to have three handicap stalls, three are required for this parking lot. Three are provided, meeting the requirement. The building official has approved the location for the handicap parking stalls, which are shown near the building entrance.

8. Signage. The applicant has provided a detailed signage plan with the site plan documents showing all of the signs which will be installed for this project. All of the signs, the sizes and their locations are in compliance with Derby sign regulations.

9. Site Lighting. The Photometric Site Plan included shows all light pole locations to be clear of all existing easements. The maximum light levels around most of the perimeter of the site are indicating only a minimal amount of light spilling over onto adjacent properties and Rock Road. However, there are a couple of areas where it may be necessary to make some adjustments to the light fixtures to reduce the amount of light being projected onto the access road.

10. Landscape/Screening and Buffering.

Landscape Street Yard. Since this site has frontages adjacent to both Rock Road and Tall Tree Road, a landscape street yard 15 feet in depth is required along the south line of this property and another 10 feet in depth is required along the east side. The landscape street yard along Tall Tree measures 3,360 S.F. (15' x 224' = 3,360 S.F.). A total of 7 shade trees are therefore required (3,360 S.F. / 500 S.F. per tree = 6.7 = 7 trees). There are 9 existing shade trees, 5 of which will have to be moved to accommodate the placement of two new driveways, but 4 will remain and can be counted toward the requirement in this location. Those four trees, and 4 additional trees of approved species shown on the Landscape Plan satisfy the requirement. The street yard along Rock Road measures 2,641 S.F. (10' x 264.1' = 2,641 S.F.). A total of 6 shade trees are required (2,641 S.F. / 500 S.F. per tree = 5.3 = 6 trees). The Landscape Plan shows 10 new trees being placed along Rock Road which more than satisfies the requirement.

This parking lot has in excess of fifty parking stalls so the developer is required to place trees in the parking lot islands. One tree is required for each 50 parking stalls making the requirement for this site 2 trees (69 stalls / 50 stalls = 1.38 = 2 trees). Two "island" trees have been provided meeting the requirement.

Screening/Buffering. None of the properties adjacent to this review area have residential zoning, therefore, no screening or buffering are required in this location.

Parking Lot Screening/Landscaping. Proper screening of the parking areas on the east and south sides of the lot are shown on the Landscape Plan with the placement of a variety of shrubs which meets the requirement.

Equipment Screening. None of the equipment is shown on the plans so it isn't known if this building will be equipped with roof top HVAC units. The elevation plans show the back section of the building with a parapet wall which would screen equipment placed in that location. Since the rest of the roof is pitched, the assumption is that all equipment will be located at the rear of the building. If there is equipment located at ground level, it will have to be properly screened.

Trash Receptacle Screening. This plan shows a detail drawing and picture of the trash receptacle enclosure which appears to be of a material similar to the building. However, there isn't any information about the gates, although gate posts are shown. Gate material needs to be specified on the corrected plan.

Miscellaneous Landscaping Notes.

There isn't any indication on the Landscape Plan of how the landscaping will be irrigated. The ordinance requires that a permanent water supply be provided and should be shown on the corrected plan. If an automatic irrigation system is installed, it must have an automatic rain sensing device.

There are additional trees and screening shown on the Landscape Plan that is not required by the zoning ordinance. The applicant should be aware that final acceptance of the landscaping is required prior to issuance of a Certificate of Occupancy, and acceptance will be based on the Landscape Plan as submitted for approval at Site Plan Review, and not on the minimum requirements of the code. Changes to the plan will have to be approved by the Planning Commission.

A note needs to be added to the Landscape Plan indicating which trees will have to be removed or relocated due to the placement of driveways.

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.

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

Any damage done to an existing irrigation system during construction of the restaurant or placing of new landscaping will have to be repaired.

The use of BMP's is required during the construction of this building to control erosion per city ordinance.

11. Drainage. Drainage of storm water from this lot is accomplished by grading the site so that drainage from the east parking area is collected into two curb drains placed in the parking lot islands. This storm water will be taken to the existing drainage system installed by the developer as part of the drainage plan for The Oaks. Drainage from the west part of the site will be collected into two additional curb drains located in the private drive and directed onto the lot to the west of this site. This arrangement has been approved by the owner of the lot to the west by separate instrument and a copy of the agreement has been received by the city. Storm water runoff from this site is in accordance with the approved drainage plan. No additional on-site storm water detention is required.

12. Utilities. Sanitary sewer service for this facility is available by connecting to an existing manhole near the northeast corner of the site. The size of the oil-water separator shown on the north side of the building needs to be stated on the plan.

Domestic water service and fire protection lines are both shown connected to a single tap into an existing 24" public water line that is located near the east property line. Sufficient water volume and pressure are available from this line to provide adequate water service and fire protection to the site. However, the Derby water department will not allow the service line to be connected to the fire line so it will have to be shown tapped directly into the main separately on the corrected plan. Applicant needs to contact El Paso Water Co. (788-1424) to coordinate water meter sizing, location and installation.

The location of the Fire Department Connection (FDC) is shown as being located close to the trash receptacle enclosure near the private drive on the north side of the site. The Derby Fire Chief has indicated that the FDC needs to be attached directly to the building near where the fire line enters the building. The exact location of this connection needs to be verified with the Fire Chief. There isn't any indication whether the building will have an internal fire protection sprinkler system.

There is an existing fire hydrant located near the northeast corner of this site that will be moved slightly to accommodate the placement of the new entrance from Rock Road. There is also an existing hydrant on the southwest corner of the intersection of Rock and Tall tree. These hydrants will provide adequate coverage for this facility and this arrangement has been approved by the fire department.

Electric service for this site is provided underground from a pad mounted transformer located near the northwest corner of the lot. The connection point for gas service, telephone and CATV are also shown on the Utility Plan.

13. Pedestrian Access. In accordance with requirements in the Site Plan Design Criteria, a pedestrian connection (5' sidewalk) to provide a link between the project and adjacent streets is required. A sidewalk is shown connected with the sidewalk at Rock Road and extends west to the restaurant, which meets the requirement. This connection should be labeled as such on the Site Plan.

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. Design Standards. Elevations for all four sides of the building are shown on the Building Elevations sheet with the types of material noted. Staff recommends that the applicant provide colored renderings prior to or at review by the Planning Commission.

16. Miscellaneous. Notes on sheets 1, 2 and 3 have references to the City of Wichita instead of the City of Derby. These need to be changed on the corrected sheets.

References to the thickness of concrete paving in the Legend on page 1 seem to conflict with the labeling on the Site Plan. This should be checked and corrected if wrong.

Grading note 9 on page 2 does not seem to be applicable to this project and should be removed.

Notes on sheet 4 indicate the construction of 18" stubs out of existing manholes near the southeast corner of the parking lot.

There is a note on the Utility Plan to adjust the height of an existing manhole that doesn't seem to match the elevation contour shown on the Grading Plan. This should be checked for accuracy.

The applicant is reminded that a Business License and all applicable liquor/cereal malt beverage licensing must be completed prior to issuance of the Certificate of Occupancy.

CORRECTED PLANS:

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

RECOMMENDATION:

Approve the Site Plan for Lot 4, Block C, The Oaks, an Addition to Derby, Sedgwick County, Kansas, EXCEPT the west 21.05 feet thereof, subject to staff comments.

DISCUSSION:

Gunter Hansen pointed out that the updated documents the Planning Commission received during the meeting don't appear different than the originals.

Keith Volz stated that it appears that Baughman didn't get the dimensions changed when they changed the drawings.

Bud Newberry stated that what was recommended was to reduce the east circulation aisle from 26' to 24' and to move the curbing 2' to the east and they would have enough room to make the drive through stacking aisle compliant. We will require that new drawings be submitted with the correct dimensions.

Chairman Tauer stated that Reserve "B" on Tall Tree has changed.

Dan Squires, City Engineer stated he was initially concerned about people making a left turn out of that first access point west of Rock on Tall Tree. As a result, the median has been extended to make it less practical for someone to attempt that turn. We are also

adding a one way sign at the entrance in the median and a No U Turn sign. Landscaping will also be added.

Gunter Hansen asked if people exiting onto Rock Road will be able to turn left.

Dan Squires replied we are comfortable with a full access entrance to that location.

Keith Volz stated it won't be any different than Spangles.

Chairman Tauer asked Mr. Meyer to address the staff report.

Phil Meyer, Baughman Company stated on the subject of access, we looked at several options and this worked the best for Braum's and I think it will work good for the City of Derby. I'm going to bounce around on the item numbers and if I don't mention a particular one then we are fine with the staff report. On number 6 concerning parking, I will try to obtain the occupancy number for you, but I don't foresee an occupancy or parking problem. We did adjust the dimensions in the parking lot on the site plan, just not the numbers that went with it. We will submit corrected plans to Bud. Site lighting, we will work with the City and will make necessary adjustments. Landscape street yard, we did pass a revised plan out tonight that reduced the landscaping, however, it does meet the requirements. Roof top mechanical equipment will be screened. There will be an automatic irrigation system as part of the landscape plan and we will note that on the corrected drawings. Vision Triangle, we will get a vision triangle drawn up and submitted to Bud. Utilities, the grease trap has a 6" line coming out of it and we will get it noted on the plan. We have met with the Fire Department and have gotten everything worked out with them and will revise the plan. On the second to last page there is a list of miscellaneous corrections to the plat notes, we are revising all of those and will submit them back to Bud.

Jack Hezlep asked is this the same size Braum's as the one at Harry and Rock Rd.?

Phil Meyer stated I believe it is a match to this building.

Chairman Tauer asked can you talk more about the trash enclosure and the proposed materials? There is a large sign shown on the gates and I'm not sure I agree with that.

Phil Meyer stated those gates are a see through wire mesh material with a large sign. If allowed, that's what Braum's wants to use. If the City doesn't agree with it then they will either make it a solid gate with a sign or a solid gate without the sign. We will work with the Planning Commission on the gate. The enclosure will be concrete block.

Bud Newberry stated the signs on the trash enclosure gates won't be allowed.

Keith Volz commented that the new building at Harry and Rock has 1 very large roof top unit and a few smaller ones. The larger unit would probably look bad screened and

could be painted the building color to blend in but the smaller units are very visible and will need to be screened.

Phil Meyer replied the Braum's engineer told him they would work with the City of Derby however necessary to screen the equipment.

Kelly Farber commented that he agreed with the comments on the trash enclosure gates. I would like to see gates that obstruct the vision.

MOTION: Keith Volz moved to approve subject to staff comments, removal of the signage from the dumpster gates, alternate gate material to screen the dumpsters and screening of the rooftop units.

SECOND: Shawn Riley

VOTE: 8-0-1, Baer abstained

Pat Baer returned to the bench.

AGENDA ITEM NO: 2

DESCRIPTION: Review of Capital Improvement Plan (CIP)

APPLICANT: City of Derby (Dan Squires, City Engineer Presenting)

REASON FOR REQUEST: Requirement of Planning Commission Bylaws

BACKGROUND INFORMATION:

- Per the Bylaws of the Derby City Planning Commission, one of the duties of the Commission shall be:

"To determine the conformance to the Comprehensive Plan of public improvements, facilities or utilities of a type embraced within the recommendations of the plan which are proposed for construction or authorization and to report upon such conformance or nonconformance within 60 days to the Governing Body unless conformance is otherwise determined by reviewing the city's Capital Improvement Program (KSA 12- 748)."

- City staff is in the process of preparing the 2012 budget which includes the CIP.
- The City Manager's Recommended Budget will be presented to the City Council on July 12.
- Citizen input has been requested starting in June and will continue until August.
- The official Public Hearing and adoption of the 2012 budget will be on August 19, 2011.

COMMENTS:

- Chapter 4 of the Comprehensive Plan provides Goals and Policies for development and redevelopment within the city.
- Many of the goals and policies are realized through the creation and implementation of the CIP.
- The detailed CIP is attached for review and reference.

RECOMMENDATION:

Approve the proposed Capital Improvement Plan as being in conformance with the City's Comprehensive Plan.

Attachment: City Manager's Recommended Capital Improvement Plan

DISCUSSION:

No formal discussion was held.

MOTION: Jack Hezlep moved to approve.

SECOND: Pat Baer

VOTE: 8-0-1, Hansen abstained

AGENDA ITEM NO: 3

Election of Planning Commission Chairman, Vice Chairman and Secretary

Keith Volz nominated Eric Tauer for Chairman, Jack Hezlep seconded the nomination. Kelly Farber nominated Keith Volz for Vice Chairman, Pat Baer seconded the nomination.

Eric Tauer nominated Bud Newberry for Secretary, Keith Volz seconded the nomination.

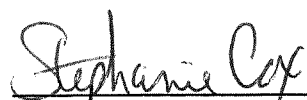
VOTE: 9-0, unanimous

MOTION TO ADJOURN: Chairman Tauer


SECOND: Kelly Farber

VOTE: 9-0

Meeting adjourned at 7:45 PM.



Stephanie Cox
Recording Secretary



Eric Tauer
Chairman