

**CITY OF DERBY
PLANNING COMMISSION MINUTES
September 15, 2011 6:30 PM**

Bob

MEMBERS PRESENT: Sue Wright, Eric Tauer, Keith Volz, Pat Baer, Jack Hezlep, Tasha Brackeen, Gunter Hansen

MEMBERS ABSENT: Kelly Farber, Doug Chambers, Shawn Riley

CITY STAFF PRESENT: Charlie Brown, Director of Community Development; Bud Newberry, City Planner; Stephanie Cox, Recording Secretary

CONSIDERATION OF MINUTES:

Minutes of September 1, 2011 Planning Commission Meeting.

MOTION: Keith Volz motioned to approve the minutes as written.

SECOND: Jack Hezlep

VOTE: 6-0-1, Baer abstained

**PUBLIC FORUM OPENED
PUBLIC FORUM CLOSED**

AGENDA ITEM NO: 1

DESCRIPTION: Site Plan Review – Lot 1, Block A, 87th and Rock Commercial Addition

GENERAL LOCATION: South of 87th Street South and East of Rock Road

APPLICANT: Walmart Stores, Inc.

AGENT: Terence L. Haynes, P.E. (SMC Engineers – Oklahoma City, OK)

REASON FOR REQUEST: Grocery Store with Pharmacy Drive Thru

BACKGROUND INFORMATION:

- This site is located on the southeast corner of Rock Road and 87th Street South (Chet Smith Avenue).
- This lot is located within the recently platted 87th and Rock Commercial Addition. The plat for this addition was approved by action of the Planning Commission on September 1, 2011 and will be presented to the City Council on September 13, 2011.

- Agricultural properties lie to the east and south of this parcel. North of this site is a large piece of property owned by the First Christian Church of Derby which has already been zoned I-1 "Institutional" and is in the process of being platted. The properties located west across Rock Road are occupied by a mix of church and large lot residential uses.
- The lot which is the subject site of this review is approximately 9.03 acres, which exceeds the minimum requirements of the B-3 district in all respects.
- This property is zoned B-3 "General Business District", the appropriate zoning district for the proposed use.
- Retail businesses are an outright permitted use in the B-3 District.

STAFF COMMENTS:

1. Legal Description. The legal description for this site is Lot 1, Block A, 87th and Rock Commercial Addition, Derby, Sedgwick County, Kansas.

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

3. Easements. All of the easements shown on the official plat of this lot are shown on this site plan. None of these encumbrances are shown with illegal encroachments.

4. Access. Access to this site is gained with the placement of three entrances, one of them being a private access road along the south line of this property entering from Rock Road. One of the remaining two entrances is located on the north property line approximately 350 feet east of the Rock Road curb line and the third one is near the northeast corner of the lot. All of the entrances exceed the width requirement for two way traffic. Access to all sides of the building is available on driveways that are sized to adequately accommodate emergency equipment. The city engineer has reviewed and approved of this arrangement so there are no additional requirements.

5. Streets. This site is adjacent to Rock Road and 87th Street South. Rock Road is a major arterial roadway which provides one of the main transportation links to Wichita and McConnell Air Force Base.

87th Street South is a well traveled County section line road that will eventually be upgraded to an arterial roadway when sufficient development to the east warrants that construction. In the meantime, this developer is proposing a two lane asphalt street to the east line of the site to provide access to this facility on a hard surface instead of the existing gravel road. The site plan documents are showing this installation using "heavy duty asphalt", but no specific thickness is listed. The City's minimum standard for an arterial street is 6 inches of hot mix asphalt over 8 inches of aggregate base. If this is not what the developer intends to use for this installation, the City Engineer needs to review and approve the pavement design. The developer should be prepared to provide an answer to this question during Site Plan Review. The City Engineer is also asking that the taper in the third lane being constructed on the south side of the existing

asphalt section be extended approximately 60' to the west to provide a functional deceleration lane for vehicles using the north entrances into the Market. A right turn only sign is also being requested between the east and west entrances from 87th Street to alert drivers that the lane is only for right turns into the Market.

A private drive adjacent to the south property line is being proposed to provide access to the site and also to future development to the south. The City Engineer is requiring that some type of barricades be installed at the "stubs" to provide definite evidence that the pavement does not extend to the south. Since traffic coming from the north on Rock Road will be needing to make a left turn into this drive, the City Engineer is requesting that Rock Road be widened and/or re-stripped to provide the needed room for a left turn lane. A decel lane for northbound traffic turning onto 87th Street is covered with a plat petition. A decel lane for northbound traffic turning into this site will be required when warranted by future development to the south or the completion of a traffic study analysis. Costs for this improvement will be covered by a plat petition of the property adjacent to said lane.

The improvements which will be constructed during the development of this facility will provide excellent access to this and future development sites.

6. Parking/Circulation Aisles. This facility requires 141 parking spaces (42,129 S.F. /300 S.F. per stall = 140.43 = 141 stalls). One-hundred eighty properly sized parking stalls and five handicap compliant stalls are shown on the site plan for a total of 185 spaces, which exceeds the requirement. All two way circulation aisles are shown with a minimum width of 25' and one way aisles are shown to be 20' wide, both exceeding the minimum requirement. Access to the back of the building is provided for emergency equipment with driveways 30' in width. The Fire Department has reviewed and approved this arrangement.

7. ADA. Although there are no spot elevations on the Grading Plan, there are elevation contours which indicate compliance with ADA grading requirements within, and adjacent to handicap stalls. One note on the plan states that the grade within the handicap parking area is 1.25%, meeting the requirement. Although a separate detail of the handicap parking stalls was not provided, the handicap accessible stalls shown on the Site Plan appear to indicate compliance with ADA requirements. Since the number of accessible parking spaces is based on the total number of spaces provided, not the minimum number required, six handicap stalls are required to meet the ADA requirement for this parking lot. Five are provided, leaving a requirement for one additional handicap stall. The Building Official has approved the location for the handicap parking stalls, which are shown adjacent to the main building entrance.

8. Signage. The applicant provided a detailed signage plan with the site plan documents showing the sign which will be installed for this project. This ground sign is proposed to be 9'-2" tall which is less than the maximum allowable height of 25'. The proposed width is 16'-7", which exceeds the maximum width of 15'. Staff is

recommending that the Planning Commission waive the maximum width dimension for this sign.

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 the perimeter of the site indicate only a minimal amount of light spilling over onto adjacent properties and streets.

10. Landscape/Screening and Buffering.

Landscape Street Yard. This site has a frontage adjacent to Rock Road so a landscape street yard 20 feet in depth is required along the west line of this property. The landscape street yard measures 8,620 S.F. ($20' \times 431' = 8,620$ S.F.). A total of 18 shade trees are therefore required ($8,620$ S.F. / 500 S.F. per tree = $17.24 = 18$). There are more than enough shade trees and ornamentals of approved species shown on the Landscape Plan to satisfy the requirement. Since there is also a frontage to 87th Street South (Chet Smith Avenue), a landscape street yard 20 feet in depth is also required along the north property line. This landscape street yard measures 13,860 S.F. ($20' \times 693' = 13,860$ S.F.). A total of 28 shade trees are therefore required ($13,860$ S.F. / 500 S.F. per tree = $27.72 = 28$). There are more than enough shade trees, ornamentals and shrubs of approved species shown on the Landscape Plan to satisfy this requirement also.

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 4 trees (185 stalls / 50 stalls = $3.7 = 4$ trees). This requirement has also been exceeded.

Screening/Buffering. The properties located adjacent to the east and south sides of this site are currently zoned RR "Rural Residential" by Sedgwick County. Since the RR zoning is residential, staff would ordinarily require screening and buffering to be installed between this site and those properties. However, in this instance, it would not be expected that the adjoining property would continue to be zoned for residential use, but is expected to be a less intense commercial use such as B-2 or B-1 in the future, to buffer the B-3 "General Business". Therefore, staff is recommending that no screening or buffering be required in these locations.

The Site Plan shows a post and wire fence being placed at the south and east property lines. Once this site is annexed into the city, a fence of this type will not be a legal fence.

Parking Lot Screening/Landscaping. Proper screening of the parking area on the north, west and south sides of this lot is shown on the Landscape Plan, and more graphically on the Grading Plan, with the construction of extensive earth berms along these lot lines, which will meet the requirement.

Equipment Screening. This building will be equipped with roof top HVAC units which will be properly screened with a parapet wall shown on the north, west and south walls of the building. Since there is not a parapet wall shown on the east wall, the applicant is advised to be prepared to show how the rooftop equipment will be screened from view from the east.

Trash Receptacle Screening. This plan shows the trash receptacle and loading/unloading area being enclosed with an 6' high wood fence, which meets the requirement for screening.

Miscellaneous Landscaping Notes.

Notes on the Landscape Plan indicate the landscaping will be irrigated with a permanent irrigation system. In accordance with local regulations, the installation of an automatic rain sensing device is now required.

The title on the landscape plan indicates that this is a conceptual plan. 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. Once submitted and approved, the plan will not be considered conceptual. Changes to the plan will have to be approved by the Planning Commission.

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.

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

The Utility Locates section on the plan states that locates should be called into the City of Wichita. That note needs to be changed to indicate the City of Derby Public Works at 316-788-0301.

11. Drainage. The Grading Plan shows that all runoff from this site will be collected into a system of area and curb drain inlets being constructed with this project and taken to a detention pond located east of the Market. This pond was designed to handle stormwater from this site. The City Engineer has recommended that the developer consider eliminating all three of the headwall structures shown in the ditch along the north line of this site, construct one manhole at the east end and connect the inlets directly to the manhole with pipe. Water from the pond, and the system of inlets to the west, will then be discharged into the ditch together. The developer needs to verify that the existing ditch, and downstream structures are capable of accepting this discharge.

The developer should consult with the City Engineer concerning this recommendation prior to Site Plan Review.

It also appears that the proposed Storm Sewer along the south side of Chet Smith may be in conflict with an existing RWD #3 water line. The applicant should coordinate with the water district with placement of this improvement.

12. Utilities. Sanitary sewer service for this facility will be supplied with the construction of a new 8" line which is connected to the proposed Southeast Interceptor. This new line runs to the south boundary of this site to provide service for future development. Although not labeled as such, it appears that a manhole is being constructed in accordance with city requirements at the southernmost end of the new 8" sanitary sewer line. It needs to be labeled as a manhole on a corrected Utility Plan and a stub shown extending south of the manhole for a future connection. A grease interceptor is shown on the Site Plan, but there isn't any information provided concerning its size or how it will be connected to the sanitary sewer system. This information needs to be provided on the corrected Utility Plan.

Domestic water service is shown tapped into an 8" water line that is connected to the new 16" water line being constructed with the platting of this site along the south side of 87th Street. Sufficient water volume and pressure will be available from this line to provide adequate water service to the site upon construction of the required 16" main in Rock Road between 87th and Kay Street. The applicant needs to contact El Paso Water Co. (788-1424) to coordinate water meter sizing and installation and to receive approval for the location shown.

The Fire Protection Line is also shown tapped into the new 8" water line. The fire department has indicated that they want the Fire Department Connection (FDC) located at the northwest corner of the building. Although not indicated on the Utility Plan, the assumption is that the building will have an internal fire protection sprinkler system.

There are two new fire hydrants shown on the utility plan, one at the northeast corner of the site and the second between the building and the detention pond. The Derby Fire Chief has requested that the fire hydrant located at the northeast corner be moved approximately 100' to the west, adjacent to the east entrance. He is also requesting that the second hydrant between the building and the pond be moved approximately 150' to the south of its present location. A third hydrant has also been requested adjacent to the west side of the west entrance from 87th Street. The exact location of these hydrants should be verified with the Fire Chief prior to installation.

The connection points for other utility services are not 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 east to the Market adjacent to the access drive along the south line

of this site. Staff is recommending that the sidewalk shown not be constructed and an 8' wide sidewalk be placed adjacent to the right-of-way along 87th from Rock Road to the east side of the first entrance and then south to the front of the Market. This will allow the developer to reduce their petition amount for sidewalks on 87th Street accordingly.

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 Exterior Elevation sheets with the types of material and colors noted, which meets the requirement.

16. Miscellaneous. 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 1, Block A, 87th and Rock Commercial Addition, subject to staff comments and approval of the Final Plat.

DISCUSSION:

Chairman Tauer asked if the chain link fence was in compliance with the zoning regulations and if it was required.

Bud Newberry replied that it is in compliance but not required by the Zoning Ordinance.

Chairman Tauer commented that he would like to see an alternate fence design since the chain link tends to catch trash and is difficult to maintain creating an eyesore or eliminate the fence entirely.

Keith Volz commented that he agreed with Chairman Tauer's fence concerns and comments.

Alec Bass, SMC Consulting stated that the staff comments regarding the thickness of the asphalt have been resolved. The one item in the staff report that hasn't been determined is the requirement from the City Engineer for an extended decel lane to the customer west entrance on 87th street. It would be a potential hazard in the event that east bound traffic would move into that decel lane and continue straight instead of turning and crash into a customer leaving the west access and turning left. The requirements for other decel lanes on Rock Road and 87th Street are covered by

petitions to be constructed at a later date when the traffic warrants their installation. We are working with City Staff on the requirement for a south bound left turn lane onto the site to determine the best solution on how to achieve that and we are going to put it in. Regarding the chain link around the detention pond, that is a personal safety issue and it keeps people out of that area. If the City requires a different fence or the elimination of the fence we will take it into consideration and present the request to Walmart Corporate. The "conceptual" language on the landscape plan was an oversight and will be removed when we submit the final landscape plan. For the recommended drainage improvements, we are incorporating the City Engineer's suggestions.

Chairman Tauer asked if any other maintenance will be done to the ditches. There is not much of a ditch east of this property along 87th Street.

Alec Bass replied we will definitely go to the culverts and verify with the city that the water will flow all the way. With the current contours that are there it can hold the proposed water without any improvements for a 100 year event. The Fire Department's comments have been addressed and will be incorporated into the utility plan. We have agreed to put in the sidewalk along 87th Street and will be located to accommodate future widening of 87th Street when it becomes an arterial street. Bud covered things really well and we are working with the City to get everything taken care of the best we can. Sunday Bougher with Scott & Gobel Architects is here tonight along with Blake Boswell and they may have some comments to add.

Sunday Bougher, Scott & Gobel Architects stated we acknowledge and respect your concerns regarding screening of the roof top equipment. By design, our roof top units are concealed due to their location close to the front. We will determine during the production process what the best screening will be by taking into consideration the grades of the land.

Chairman Tauer stated with this property being located on a corner and much more visible, we are very concerned about the screening.

Sunday Bougher replied we are very aware that this is the gateway to your community and we want to make a good impression.

Chairman Tauer stated my other concern is the buildings north elevation, it's very plain. Other stores being built in the area are set back and since this building is located in a prime spot, we would like to see some more design elements on the north side. This street will be an arterial road with a major development across the street to the north and my personal opinion is that this isn't the way we want this development to start out. Are there other prototype buildings that offer more architectural design?

Sunday Bougher replied there are different design levels and a lot of that depends on the design criteria of that particular jurisdiction. We can visit with Wal-Mart and see if they would consider a different design. I would also like to point out that there is landscaping on the north side and we could look at adding pilasters or wainscoting. We will have to see what the budget will allow.

Chairman Tauer stated my other question is regarding the decel lane on 87th and your concern about traffic blowing through the intersection versus turning. We have a similar situation in front of Derby Marketplace and I'm not aware that there has been trouble there.

Charlie Brown replied we can control that with additional signage and pavement markings.

Chairman Tauer commented I would like to see an alternate fence design and some additional screening on the east side of the building. We don't know what will develop that direction and if it ends up being residential we definitely want adequate screening.

Alec Bass replied we do have trees on our landscape plan to help screen the building and we have screening around our pallet recycle area. We feel that screening combined with the east property being at a lower elevation will help hide the building.

Charlie Brown commented I would like to reiterate what Bud mentioned in his staff report that this is B-3 zoning and the parcel of land between Wal-Mart and the Westar substation will not likely be residential. Typically we will provide zoning buffering between the more intense B-3 zones and residential zones. We don't anticipate having residential right behind this development, so the screening requirement really isn't an issue.

Keith Volz commented I would like to see the fence around the detention pond removed but if Wal-Mart has a liability issue then we need to see a nicer fence.

Alec Bass replied it is our standard procedure to ask for the fence due to safety issues. If the Commission feels they can approve our site plan pending resolution of the fence issue we will approach Wal-Mart management.

Chairman Tauer asked about the maintenance of the detention area.

Alec Bass replied the store manager is responsible for the maintenance of the site and the maintenance of the storm water and detention areas has a separate team that is responsible to inspect and make sure everything is maintained properly. It will be mowed and maintained.

Pat Baer asked if the current drawings reflected compliance with the City's design criteria.

Bud Newberry confirmed that the drawings meet our minimum design criteria.

Keith Volz commented that the Planning Commission does have the right to request additional design elements.

Tasha Brackeen commented I am comfortable approving the site plan while the outstanding issues are being addressed.

Sunday Bougher commented I don't anticipate approval problems by adding some additional articulation.

Jack Hezlep commented if it meets our minimum design standards then I don't have a problem with it but if they can decorate it up that would be fine.

Chairman Tauer stated we are deciding the future of this commercial development on the south side of town and this is our one opportunity to get it started on the right foot.

Pat Baer commented the building will be well screened with the berm and the number of trees they are putting on the site. I think it will carry more weight than dressing up the building façade. I appreciate the fact that you show a swale along the sidewalk on the grading plan so the sidewalk will not be the drainage swale.

Sue Wright asked if Wal-Mart and the First Christian Church are working together for their access drives to be matched up or off-set?

Bud Newberry confirmed that the engineering companies have it worked out.

MOTION: Pat Baer moved to approve the site plan in accordance with staff comments; including submittal of new north elevation design options, detention pond fence options if removal is not an option by Wal-Mart,

landscape elevation drawings for the east side, sign size change is ok and removal of request by City Engineer for extended decel lane on 87th. Additional drawings to be submitted by email to Bud Newberry who will distribute to the Planning Commission for their review and approval.

SECOND: Tasha Brackeen
VOTE: 7-0, unanimous

AGENDA ITEM NO: 2

CASE DESCRIPTION: Amendment to Section 901 of the Derby Subdivision Regulations (Public Hearing)

APPLICANT: City of Derby

REASON FOR REQUEST: Update regulations

BACKGROUND INFORMATION:

- Derby's original Subdivision Regulations were adopted in 1974 but were re-written in 1994 and adopted by Ordinance 1473, and have been subsequently amended.
- Kansas law vests the Planning Commission with authority to administer the Subdivision Regulations, which were established to conform with and execute State law.
- From time to time city staff makes recommendations for amendments to the Subdivision Regulations in order to bring the regulations up-to-date with existing practices or to address desired procedural changes.
- Derby's current Lot Split procedure located in Article 9 of the Subdivision Regulations only requires a survey of the property prepared by a licensed land surveyor if there is an existing structure located on the site. Staff does not feel that the presence of a structure is relevant when approving the split of a lot and that all parcels proposed for splitting should be surveyed.
- The Derby Director of Community Development, the staff member who is responsible for approving Lot Splits, has requested that this requirement be added to the procedures outlined in this section of the Subdivision Regulations.
- This recommendation by staff is now being presented for incorporation into Section 901 of the Subdivision Regulations.
- Pursuant to Article 12 of the Subdivision Regulations, a Public Hearing is required prior to recommending amendments of the Regulations.
- "Notice of the Public Hearing" was published in the Derby Informer on August 24, 2011.

PROPOSED AMENDMENTS:

- Article 9, Section 901, C. Application Procedure. Adds the requirement for a survey of the property to all requests for a Lot Split.

RECOMMENDATION:

Move to approve a proposed amendment to Section 901 of the Derby Subdivision Regulations as submitted and forward a recommendation of approval to the City Council.

DISCUSSION: No discussion was held.

PUBLIC HEARING OPENED:

PUBLIC HEARING CLOSED:

MOTION: Keith Volz moved to approve.

SECOND: Pat Baer

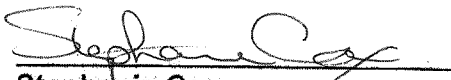
VOTE: 7-0 Unanimous

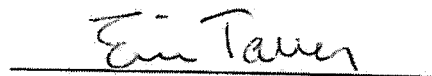
MOTION TO ADJOURN: Chairman Tauer

SECOND: Keith Volz

VOTE: 7-0, unanimous

Meeting adjourned at 8:00 PM.


Stephanie Cox
Recording Secretary


Eric Tauer
Chairman