



# AGENDA

## Planning Commission Meeting

6:30 PM - Thursday, May 5, 2022  
Council Room

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1. CALL MEETING TO ORDER	
2. ROLL CALL	
3. CONSIDERATION OF MINUTES	
3.A. Adoption of Minutes	3 - 15
Recommended Motion: Approve the regular meeting minutes of April 7, 2022, as presented.	
<a href="#">April 7, 2022 Meeting Minutes</a>	
4. PUBLIC FORUM	
5. NEW BUSINESS	
5.A. Review of Kansas Open Meetings Act and Kansas Open Records Act	17
<a href="#">Agenda Item Report - AIR-22-092 - Pdf</a>	
5.B. Election of Officers	19
Recommended Motion: Conduct an election for Chairperson and Vice-Chairperson of the Planning Commission.	
<a href="#">Agenda Item Report - AIR-22-091 - Pdf</a>	
6. ANNOUNCEMENTS	
7. ADJOURNMENT	





# MINUTES Planning Commission Meeting

6:30 PM - Thursday, April 7, 2022  
Council Room

The Planning Commission of the City of Derby was called to order on Thursday, April 7, 2022, at 6:30 PM, in the Council Room, with the following members present:

**PRESENT:** Larry Gould  
Janet Sprecker  
Jessica Rhein  
Mitch Adams  
Gary Renberger  
Chris Voth  
Dana Quigley  
Dale Wells  
Ron Redford

**ABSENT:** Mitch Mencacci

- 1 **CALL MEETING TO ORDER**
- 2 **ROLL CALL**
- 3 **CONSIDERATION OF MINUTES**

a) **Adoption of Minutes**

**Larry Gould moved, seconded by Chris Voth, to approve the regular meeting minutes of March 17, 2022, as presented.**

<b>RESULT:</b>	Carried
<b>MOVER:</b>	Larry Gould
<b>SECONDER:</b>	Chris Voth
<b>AYES:</b>	Larry Gould, Janet Sprecker, Mitch Adams, Gary Renberger, Chris Voth, Dana Quigley, Dale Wells, and Ron Redford
<b>ABSENT:</b>	Jessica Rhein and Mitch Mencacci

4 **PUBLIC FORUM**

5 **NEW BUSINESS**

- a) **Site Plan Review: Lot 2, Block A, The Oaks Commercial 5th Addition (Dutch Bros Coffee)**

**BACKGROUND:**  
**General Location:**

- West of Rock Rd., north of Cambridge St. (location map attached)

**Applicant/Agent:**

- Applicant: Andrew Glenski, Beta Equity Investments
- Agent: Andrea Lemken, Renaissance Infrastructure Consulting

**Reason for Request:**

- Facilitate development of a quick-service restaurant with drive-thru facility.

**Background Information:**

- The property is zoned B-3 "General Business District." Restaurants with drive-thru facilities are permitted within the B-3 district.
- The property is part of an area being replatted as The Oaks Commercial 5th Addition.
  - The final plat of The Oaks Commercial 5th Addition is scheduled to be reviewed by the City Council on April 12, 2022. If approved, the plat will be sent to the County Clerk for recording. Once recorded, the new property boundaries will take effect.

**POLICY IMPLICATIONS:**

1. **Legal Description:** The future legal description of the property (Lot 2, Block A, The Oaks Commercial 5th Addition) is provided on Sheet C01 instead of the current legal description. This legal description will become effective once the replat of the property is recorded with the County Clerk.
2. **Building Setbacks and Bulk Regulations:** The B-3 district requires the following building setbacks and bulk regulations:
  - Minimum Building Setbacks:
    - Front Yard (East): 40 Ft. Platted Setback along Rock Rd.
    - Side Yards (North and South): 0 ft. but if one is provided, it shall be no less than 5 ft.
    - Rear Yard (West): Easements along the West Property Line effectively create a 35 ft. rear setback.
    - Proposed: There are no unpermitted encroachments into the required setbacks.
  - Maximum Structure Height: 65 Ft.
    - Proposed: Sheet A7.0 identifies the highest point of the proposed building 24 ft. above adjacent grade.
  - Maximum Lot Coverage: 70%
    - Proposed: 1,526sq. ft. (1,286 sq. ft. building + 240 waste receptacle enclosure) / 38,730 sq. ft. lot area = 4% lot coverage
3. **Easements:** The following are the easements of record that encumber the subject property:
  - A 35 ft. wide gas line recorded easement along Rock Rd. (Misc. Book 657, Pg. 340)
  - A 20 ft. wide platted stormwater sewer and utility easement west of the gas line easement.
  - A 20 ft. wide platted stormwater sewer easement near the northwest corner of the property.

- A 35 ft. wide cross-lot access easement to be recorded by separate instrument.
  - A 15 ft. wide platted stormwater sewer easement within the cross-lot access easement.
  - A 20 ft. platted utility easement within the cross-lot access easement.
4. **Streets and Access:** The site is adjacent to Rock Rd. (a public street) and a future 35 ft. cross-lot access easement that will be developed as a private drive to be used by the subject property and adjacent properties.
- Platted complete access control prohibits direct vehicular access from the property to Rock Rd. Instead, access to the site will be achieved via a future private drive to be constructed in the cross-lot access easement. This private drive will have access to Rock Rd. north of the subject site and to Cambridge St. to the south.
    - The cross-lot access easement document indicates that lot owners are responsible for maintaining the private drive adjacent to their property.
  - A driveway near the northwest corner of the site will provide site access from the private drive. Two curb cuts near the northeast and southeast lot corners will provide access to future development on Lots 1 and 3.
5. **Parking:** Minimum parking standards are calculated based on the proposed uses of a site. Restaurants are required to provide one parking space per three occupants. The estimated occupancy of the building is six. In addition to the building's occupancy, exterior seating for eight will be provided; thus, a minimum of five parking spaces are required. 18 parking stalls are proposed, exceeding the requirement.
- Parking spaces are required to have a minimum width of 8.5 ft and depth of 19 ft. All parking stalls meet the minimum size requirements.
    - Dimensions are required to be measured from the face of curb. A note has been provided on Sheet C08 under the standard parking stall detail diagram that indicates parking stall depth is required to be measured from the face of curb.
  - The Site Data Table on Sheet C01 indicates that two bike parking spaces will be provided via a bike post southwest of the building.
6. **Circulation Aisles:**
- Two-way circulation aisles are proposed north and east of the building, with widths meeting or exceeding the minimum 24 ft. requirement.
  - **Drive-Thru:** A double drive-thru facility is proposed, with the entrance near the northwest corner of the site and the exit northeast of the building.
    - Restaurants drive-thru facilities are required to provide a minimum of five vehicle stacking spaces, measured from the point orders are received. The plans indicate that orders will be received by employees with tablets within a designated zone. For the purpose of this review, stacking spaces are measured from the most westerly point of this order zone. Five stacking spaces are provided for each lane, meeting the requirement.

- Each stacking space is required to have a minimum width of 10 ft. and depth of 20 ft. The proposed stacking spaces meet the minimum width and depth requirements.
  - An escape lane is proposed on the east side of the drive-thru facility, beginning at the point where the double drive-thru lanes converge.
  - The plans indicate that "Do Not Enter" will be painted on the pavement at the drive-thru exit. The sign plans also indicate that a directional/informational sign will be installed north of the building at the exit of the drive-thru that reads "Exit Only."
7. **ADA:** ADA Standards for Accessible Design require accessible parking spaces based upon the total number of spaces provided. When one to 25 parking spaces are provided, one accessible parking space is required. Two accessible parking spaces are proposed, exceeding the requirement.
- Both ADA stalls are adjacent to a 5 ft. wide accessible aisle and ramp.
  - A minimum of one ADA stall is required to be van accessible, with a width of 11 ft. The north ADA stall is van accessible and is required to be signed as "Van Accessible." Sheet C06 includes a detail for accessible parking signage, indicating that a van accessible placard will be provided.
  - The second ADA stall has a width of 8.5 ft. which meets the City's minimum requirement but shall not be signed as van accessible.
8. **Pedestrian Access:** All new developments are required to provide pedestrian connections from the building to adjacent sidewalks. A pedestrian connection is proposed from the hike and bike path along Rock Rd. to the building. The connection will run along the north property line and cross the east and north aisles with striped crosswalks.
- The connection is required to be ADA accessible. The applicant has indicated that ADA compliant ramps will be provided at the crossing points through the parking lot.
  - The applicant is responsible for ensuring that the connection's grades, ramps, and crossings comply with ADA standards.
  - The applicant is responsible for repairing and/or replacing public sidewalks that may be damaged during site development.
9. **Signage:** The applicant has submitted a sign package with the site plans (attached).
- **Monument Sign:** A monument sign is proposed southeast of the drive-thru facility and does not encroach into any easement of record. The sign complies with the size restrictions for monument signs with a proposed height of 6 ft., length of 8 ft. and depth of 1.5 ft.
  - **Wall Signage:** Wall signs in the B-3 district are restricted to 30% of the wall area upon which they are installed or a maximum of 1,200 sq. ft., whichever is less. No individual sign may exceed 400 sq. ft. The following are the calculations for maximum allotted wall signage for each elevation followed by the styles and sizes proposed.
    - **North Elevation:** 600 sq. ft. wall area x 0.3 = 180 sq. ft. of wall signage allowed. The windmill wall sign is 18.39 sq. ft., which is permissible.

- East Elevation (Faces Rock Rd.): 1,188 sq. ft. wall area x 0.3 = 356 sq. ft. of wall signage allowed. One "Dutch Bros Coffee" wall sign and five menu board signs are proposed, with a cumulative total of 66.67 sq. ft. which is permissible.
  - South Elevation: 430 sq. ft. wall area x 0.3 = 129 sq. ft. of wall signage allowed. The windmill sign is 18.39 sq. ft. which is permissible.
  - West Elevation (Faces Private Drive): 934.5 sq. ft. wall area x 0.3 = 280 sq. ft. of wall signage allowed. One "Dutch Bros Coffee" wall sign and five menu board signs are proposed, with a cumulative total of 63.67 sq. ft. which is permissible.
  - Directional/Informational Signage: Cannot exceed 6 sq. ft. in size. Three directional/information signs are proposed: one at the drive-thru entrance, one near the northeast future connection driveway, and one at the exit of the drive-thru facility. The detail sheets indicate that the signs are 3 sq. ft., which is permissible.
  - Order Menu Boards and Drive-Thru Signage: Eight free-standing menu board signs and one clearance bar sign are proposed within the drive-thru lane, as identified on the site plan within the signage package. Article 703.A.15 authorizes the Planning Commission to approve order and menu boards for drive-thru facilities.
    - The clearance bar contains four informational signs and will be painted blue and white, consistent with the colors of the building.
    - The site plan in the sign package indicates there will be eight menu boards in the drive-thru but there are discrepancies between the numbers and their locations on the site plan in the sign package and those shown on Sheets C01 and C03 in the site plan package. The menu board detail sheets also indicate that five menu boards will be provided which is inconsistent with the number indicated on the site plan.
  - Staff Recommendations:
    - i. The posts of the directional/informational signs shall be enclosed with a base and/or cabinet.
    - ii. The applicant shall verify the number, location, and design of the drive-thru menu boards.
    - iii. Approve the proposed menu and order boards in the drive-thru facility.
    - iv. All signage requires separate permitting.
- 10. Site Lighting:** Sheet E0.01 provides the electrical site and photometric plans. Six pole-mounted lights, six wall-mounted, and eight ceiling mounted lights are proposed to provide onsite lighting.
- The highest light intensity is near the building while the lowest is at the property lines. The regulations restrict light from encroaching offsite. The light intensities along the property lines indicate that some light will encroach offsite. The applicant has indicated a revised lighting plan to reduce light intensities at the property lines is under review by Dutch Bros.
  - Staff Recommendations:
    - i. All site lighting shall be shielded and/or directed to eliminate encroachment offsite.

11. **Landscaping/Screening and Buffering:** Article 304 of the Zoning Regulations requires landscaped street yards and other screening. The regulations specify that lots with a depth between 251 and 400 ft. are required to provide a 15 ft. wide landscaped street yard. The required street yard shall be located between the lot's public and/or private street right-of-way lines and any building. Sheet L01 provides the proposed landscape plan.
- **Landscaped Street Yards:** Within the landscaped street yard, one shade tree is required for every 500 sq. ft. of the required yard. Ornamental trees or shrubs may be used to meet the shade tree requirement at a rate of two ornamental trees per one shade tree or 10 shrubs per one shade tree. Furthermore, shrubs may be substituted for up to one-third of the required shade trees. The minimum number of shade trees required for the landscaped street yards is based upon the following calculations:
    - **Rock Rd.:** 153 ft. street frontage x 15 ft. = 2,295 sq. ft. / 500 = 5 shade trees required. Five shade trees are proposed, satisfying the requirement.
      - The shade trees are proposed within the median between the drive-thru lane and the east circulation aisle in order to remain outside of the Southern Star Gas Line Easement.
    - **Private Drive:** 153 ft. street frontage x 15 ft. = 2,295 sq. ft. / 500 = 5 shade trees required. Two shade trees, one ornamental tree, and 20 shrubs are proposed for an equivalent of 4.5 shade trees. One ornamental tree is required to satisfy the requirement
  - **Parking Lot Screening/Landscaping:** Article 304.K requires solid visual screening to screen parking areas along street frontages. Shrubs that reach a minimum of 3 ft. within the third year after planting may be used to satisfy this requirement.
    - **Rock Rd.:** A continuous row of shrubs are proposed along the east side of the eastern parking stalls, meeting the requirement.
    - **Private Drive:** Parking areas are not proposed along the west private drive and therefore screening is not required.
  - **Equipment and Waste Receptacle Screening:** Article 304.I requires screening to conceal from ground level and street level view all roof-mounted and ground-mounted mechanical equipment, loading docks, waste receptacles, and similar uses.
    - **Waste Receptacle:** A waste receptacle enclosure is proposed west of the building. Sheets A9.0 and A9.1 include the design and details of this enclosure. The enclosure walls will be constructed with charcoal color concrete masonry units (CMUs) with corrugated metal gates painted blue to match the building. An 8 ft. x 4 ft. security storage room is shown within the enclosure but the plans do not clearly identify the materials and colors for this enclosure.
      - The applicant has indicated the purpose of the security storage room is to securely store outdoor equipment.



- Roof-Mounted Mechanical Equipment: Sheets A4.0 and A7.0 identify roof-top mechanical units. Parapet walls will screen the units from ground and street-level view. Additional screening may be necessary if the units are larger than presented and will be peak over the parapet walls.
  - Ground-Level Mechanical Equipment:
    - An electrical transformer is identified south of the waste receptacle enclosure, with landscaping providing screening to the west and south and the enclosure providing screening to the north. Evergy has specific clearance requirements between transformers and obstacles. The proposed landscaping appears to meet Evergy's requirements. The applicant is encouraged to coordinate with Evergy when installing the required landscaping.
    - If additional ground-mounted mechanical equipment is proposed or present during site inspection, adequate screening is required.
  - Miscellaneous Landscaping Notes:
    - A permanent water supply is required to provide for the perpetual maintenance of landscape materials. Note 13 on Sheet L01 indicates that automatic irrigation will be provided, equipped with a rain sensing device. The applicant shall coordinate with the water department if a separate water meter is desired for the irrigation system.
    - The applicant is required to maintain landscaping in good condition, including replacement of dead or diseased plants and trees, in accordance with the approved landscape plan.
    - The applicant is advised that final acceptance of the landscaping is required prior to issuance of a Certificate of Occupancy. Acceptance will be based upon the landscape plan as approved at site plan review.
    - Any alterations to the landscape plan subsequent to site plan approval shall be submitted to the Zoning Administrator for review and approval. Substantial changes to the plan require further review and approval by the Planning Commission.
  - Staff Recommendations:
    - i. Provide one additional ornamental tree along the west private access drive.
    - ii. Consult Evergy's Electric Service Standards when designing the placement of the transformer and the required screening.
    - iii. Provide the materials and colors of the security storage room within the waste receptacle enclosure.
    - iv. The final landscape plan shall be stamped by a Landscape Architect licensed by the State of Kansas.
12. **Drainage:** Onsite drainage is divided into two basins, with the west draining toward an inlet and stormwater sewer in the private drive and the east draining toward the inlet near the northeast driveway connection. Drainage is ultimately conveyed south to existing detention basins south of Tall Tree Rd.
- The west stormwater sewer inlet is identified within the driveway, which is discouraged. The applicant has indicated they are

coordinating with Baughman Company, who prepared the plat, in relocating this inlet and sewer further south.

- Staff Recommendation:
  - i. Identify the final, revised location of the west stormwater sewer inlet and line on the corrected site plans.

**13. Utilities:**

- Fire Protection: Derby Fire and Rescue has reviewed and approved the site plans as presented. A Fire Department Connection (FDC) is not required for this project.
- Water: Water service is proposed to extend from the existing 24 in. public main along Rock Rd. A note on Sheet C05 indicates that the applicant will coordinate with the local utility company when making the connection. The applicant is advised that the El Paso Water Company cannot perform the tap into the 24 in. main and that the applicant is responsible for hiring a contractor to perform the necessary tap. A valve isolating the service line from the main is required.
- Sanitary Sewer: A 6 in. sanitary sewer service line is proposed to connect to the existing 10 in. main east of the building.
  - Sheet C05 incorrectly identifies the sanitary sewer main as 8 in. The main is 10 in. in diameter.
  - A grease trap is proposed south of the building. Derby Utilities has reviewed the plan and approves it as presented.
  - The applicant is responsible for coordinating with City of Derby Utilities staff when connecting to the main.
- Others: The applicant is responsible for coordinating with private companies to ensure that all utilities are installed underground.
- Staff Recommendations:
  - i. The applicant's contractor is required to perform the tap into the 24 in. water main and the line is required to include a valve to isolate the service line from the main.
  - ii. The sanitary sewer main should be correctly identified as 10 in.

**14. Design Standards:** Sheets A6.1 provides the building elevations, materials, and colors of the building.

- All rooftop mechanical units and equipment are required to be screened from ground-level and street-level view. Sheet A7.0 identifies the proposed mechanical units and how the parapet wall will provide sufficient screening as presented. Additional screening may be necessary if the units are larger than presented and peak above the parapet wall.
- The City's design criteria identifies synthetic stucco, decorative block, glass, and architectural concrete as acceptable exterior finishes. E.I.F.S. (synthetic stucco), decorative CMUs, and glass are the predominant building materials which are acceptable.
- The design criteria also permits the use of metal and wood as accent materials if appropriately integrated into the overall building design. The building's tower is proposed to be surfaced with fiber cement siding. Metal is proposed for the awnings and canopy.
- The City's design criteria requires that the building's overall design theme be expressed on all exterior elevations. All building materials and the overall theme are visible on all elevations.

- **Staff Recommendation:**
  - i. Approve the building design including the use of fiber cement siding as the tower siding and metal as the awning and canopy material.
- 15. **No Smoking:** City Ordinance 2399 prohibits smoking in public places and places of employment. "No Smoking" signs are required to establish a 20-foot smoke free zone at all entrances to the facility. Note 3 on Sheet C01 confirms that no smoking signs are required.
- 16. **Corrected Site Plans:** Following Planning Commission approval, the applicant will need to revise the site plan documents to incorporate all corrections or comments and submit three revised hard copies and a digital copy to the City. Changes on the site plan sheets shall be clouded, and a list of all changes provided, noting which comment each is addressing. The applicant is advised that building plans will not be reviewed until revised site plans are approved.

#### **RECOMMENDED MOTION**

- Approve the site plans for Lot 2, Block A, The Oaks Commercial 5th Addition, subject to staff comments and Planning Commission discussion.

**Everett Haynes, Assistant City Planner**, presented the staff report.

**Commissioner Rhein** joined the Commission at 6:33 p.m.

**Commissioner Adams** asked if the applicant has agreed to install an additional ornamental tree along the private drive frontage.

**Haynes** answered he is uncertain as the applicant has not responded to staff's comments.

**Adams** asked staff to define what a civil site plan is.

**Haynes** answered that a civil site plan is part of the civil drawings that are submitted by a civil engineer for staff review. These plans include the site plan, landscape plan, utility plan, drainage plan.

**Commissioner Renberger** asked if there is an issue with eight drive-thru menu board signs or is the issue that they have not been designated on the drawing.

**Haynes** answered the issue is that there are discrepancies between the number of menu-board signs shown on the civil site plan versus the sign package site plan. There is no issue with having eight menu-board signs in the drive-thru if the Planning Commission approves eight but the applicant needs to verify how many signs are proposed.

**Scott Knebel, City Planner**, added that from staff is comfortable with eight menu-board signs in the drive-thru.

**Adams** asked staff to describe fiber cement siding.

**Haynes** answered he is unable to provide an exact definition but is similar to cement siding used in residential applications except in this case, the fiber cement siding appears to be a horizontal panel that lacks the wood embossment found in residential applications.

**Commissioner Sprecker** asked if there are concerns with the drive-thru window facing Rock Rd.

**Commissioner Rhein** stated that Panera has its drive-thru window facing Meadowlark Blvd.

**Sprecker** asked if the east elevation will have menu boards facing towards Rock Rd.

**Haynes** answered that is correct. The menu boards are affixed to the wall of the building and are considered wall signs.

**Sprecker** asked if a pedestrian connection/crosswalk should be required between the building and the parking stalls along Rock Rd. since the drive-thru facility is between the two.

**Haynes** answered there is a pedestrian connection along the north boundary of the site but most likely customers parked in the east parking stalls will not go out of their way to take that path. The site will have excess parking and customers who may desire to order at the walk-up window will park in the stalls adjacent to the building to the west. However, Commissioner Sprecker brings up a valid point that if a customer parks in the east they may have difficulties safely crossing the drive-thru lanes to get to the walk-up window. Haynes suggested that the Planning Commission discuss this issue.

**Sprecker** stated that there may be no requirement for a crosswalk across the drive-thru but from a safety standpoint, it may be a good idea to provide one.

**Adams** stated that he does not wish to be onerous and is unsure that a pedestrian crosswalk should be required across the drive-thru.

**Renberger** asked if there is any indoor seating.

**Haynes** confirmed there is no indoor seating.

**Renberger** stated there would most likely be minimal foot traffic to the building and a crosswalk across the drive-thru should not be required.

**Haynes** added that while he is not the applicant's engineer, a crosswalk could potentially be provided but would require the crossing to be further north of the drive-thru exit to provide adequate visibility for motorists and pedestrians.

**Adams** stated that other restaurants in Derby do not have crosswalks to the entrances of the buildings. He does not anticipate many customers walking up to the window and sitting outside versus those going through the drive-thru.

**Rhein** asked if Chick-Fil-A has a crosswalk from the parking to the entrance of the building.

**Haynes** answered there is a crosswalk from the ADA stalls to the entrance.

**Rhein** asked if there is a crosswalk at the exit of the drive-thru facility at Chick-Fil-A.

**Haynes** answered there is no crosswalk at the exit of the drive-thru facility at Chick-Fil-A. There is a crosswalk in the front of the building which is near the exit but not directly at the exit.

**Rhein** stated she agrees with Commissioner Adams and should not require an improvement that has not been required on other sites.

**Sprecker** stated that she is fine with the Commissioner's determination but just wanted to point out that there are parking stalls on the east side of the property that lack a designated crossing point across the drive-thru.

**Haynes** added that he is uncertain why excess parking is provided on the site but assumes that most customers will use the drive-thru facility.

**Commissioner Voth** asked if the east parking stalls would be used for employee parking and stated that he does not promote pedestrians walking behind vehicles to cross an aisle; however, since there will be no indoor seating and only outdoor seating, customers who utilize the walk-up window will most likely park in the stalls west of the building.

**Haynes** answered he is uncertain where employees will park but could foresee employees parking in the east parking stalls and crossing the drive-thru to enter the building through the south doors. Perhaps a crosswalk and/or pedestrian identification markers could be provided near the southeast corner of the building to alert motorists of pedestrians crossing.

**Rhein** added that Freddy's has a similar layout as the proposed Dutch Bros site plan and there is no crosswalk from the parking stalls, through the drive-thru, to the building entrance.

**Knebel** added that the Commission's comments can be forwarded to the applicant for consideration.

**Adams** stated that he agrees it can be considered by the applicant but does not believe it should be required.

**Voth** stated that he does not believe the pedestrian crossing through the drive-thru should be required.

**Adams** asked if the Commission desires to require a pedestrian crossing through the drive-thru. Otherwise, the comments will be forwarded to the applicant for consideration.

**Commissioner Gould** asked if a pedestrian fence is required for this project.

**Knebel and Haynes** answered it is not because the building's exits do not exit directly into the drive-thru.

**Adams** noted that the majority of vehicles within the drive-thru, except possibly those using the escape lane, will be traveling slow.

**Commissioner Wells** asked how the parking shown south of the site will be loaded.

**Haynes** answered that parking is not proposed as part of this project and is identified on the lot to the south. Haynes is unsure why it appears on the Dutch Bros site plans since there are no current plans for that lot. .

**Andy Gabbert, Renaissance Infrastructure Consulting (RIC) and agent for the applicant**, addressed the Commission regarding the security storage room within the waste receptacle enclosure and the drive-thru signage. The security storage room will be omitted from the plans but was included in the preliminary plans since it is part of the standard plans for Dutch Bros. In regards to the drive-thru signage, the civil site plan is most likely not as accurate as the sign package site plan. Eight menu-board signs will be provided in the drive-thru facility.

**Adams** asked if an additional ornamental tree will be provided within the private street landscape street yard.

**Gabbert** confirmed that an additional ornamental tree will be provided and accepts all other staff recommendations. RIC will continue to work with City staff regarding the directional sign bases. The pedestal base proposed on the plans is a Dutch Bros standard design used nationwide so any change to the design will require approval by Dutch Bros. Gabbert recognized that signage requires separate permitting and the final design will be identified in the permit application.

**Commissioner Quigley** asked if the driveway off of the west private street has a sufficient turn radius in order to complete the turn into the drive-thru facility without mounting and damaging the curb. This has been an issue at Dunkin Donuts across the road and the curb is deteriorating.

**Haynes** answered that the Assistant City Engineer has approved the design of the driveways/aisles and does not believe the turn radius is an issue. However, the Planning Commission had concerns with the turn radius into the drive-thru facility for the Reece Retail Center during an earlier review and did require the applicant to redesign the entrance to widen the turn radius.

**Quigley** stated that the proposed driveway is wide but her experience with Dutch Bros locations in Oregon is that that drive-thru queues are long and she is concerned that vehicles will queue into the west private drive.

**Haynes** answered that the Zoning Regulations require five vehicle stacking spaces; however, the Commission can discuss requiring additional stacking spaces and redesigning the entrance to provide a wider turn radius.

**Knebel** added that the proposed driveway is 30 ft. wide, which exceeds the minimum required width of 24 ft. and the drive-thru lanes are both 12 ft. wide while the minimum required width is 10 ft. Together, these wider widths will help alleviate the issues seen at Dunkin Donuts.

**Adams** thanked Commissioner Quigley for her well-founded comments. He is comfortable with the five required vehicle stacking spaces and applicant has made additional adjustments with the widths of the driveway and aisles. Adams asked Quigley if she was satisfied with those statements.

**Quigley** indicated she was satisfied but just wanted to reference the issue and it will be one that she will be attentive to on future reviews.

**Rhein** asked if the private street will be constructed as part of the site's development.

**Knebel** answered that staff is awaiting a response to staff's inquiry as to who will build the private street and timing but regardless it must be constructed up to point of the subject site in order to provide access.

**Adams** asked for additional questions from the Commission. Seeing none, Adams called for a motion.

**Gary Renberger moved, seconded by Ron Redford, to approve the site plans for Lot 2, Block A, The Oaks Commercial 5th Addition, subject to staff comments and Planning Commission discussion.**

<b>RESULT:</b>	Carried
<b>MOVER:</b>	Gary Renberger
<b>SECONDER:</b>	Ron Redford
<b>AYES:</b>	Larry Gould, Janet Sprecker, Jessica Rhein, Mitch Adams, Gary Renberger, Chris Voth, Dana Quigley, Dale Wells, and Ron Redford
<b>ABSENT:</b>	Mitch Mencacci

## 6 ANNOUNCEMENTS

**Commission Adams** asked for announcements from the Commission. None were provided. Adams asked if any items had been submitted for the April 21 meeting.

**Scott Knebel, City Planner**, answered there are no items from the April 21 meeting and it is cancelled. The next meeting is May 5. Knebel stated tonight's is the last meeting for Commissioners Mencacci and Redford as they are resigning from the Commission. The new Commissioners will take their seats May 5.

**Adams** asked what is on the May 5 agenda.

**Knebel** answered that the annual open meeting training from the City Attorney and election of officers is on the May 5 agenda.

**Commissioner Gould** asked when the City Council will appoint the new Commissioners.

**Knebel** answered that they will be appointed at the next City Council meeting, April 12.

**Adams** thanked Commissioner Redford for his service.

**Commissioner Redford** thanked the Commission for the opportunity to serve and is very impressed for the work the Commission does.

**Adams** thanked Commissioner Mencacci for his service who was unable to attend tonight's meeting.

**Adams** asked if any Commissioners anticipated being absent from the May 5 meeting. Commissioner Rhein indicated she would be absent. Adams also thanked Dan Bronson, the Deputy City Manager, for attending the meeting.

## 7 ADJOURNMENT

**Ron Redford moved, seconded by Dale Wells, to adjourn at 7:07 p.m.**

<b>RESULT:</b>	Carried
<b>MOVER:</b>	Ron Redford
<b>SECONDER:</b>	Dale Wells
<b>AYES:</b>	Larry Gould, Janet Sprecker, Jessica Rhein, Mitch Adams, Gary Renberger, Chris Voth, Dana Quigley, Dale Wells, and Ron Redford
<b>ABSENT:</b>	Mitch Mencacci

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Everett Haynes, Recording Secretary

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Mitch Adams, Chair





# Presentation



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**Subject:** Review of Kansas Open Meetings Act and Kansas Open Records Act  
**Meeting:** Planning Commission: May 5, 2022  
**Presented by:** Jacque Butler, City Attorney

## **BACKGROUND:**

- Transparency in government promotes public trust.
- Kansas laws governing open meetings and open records are designed to promote transparency in government by making decisions and records accessible to the public. The KOMA statutes state that "a representative government is dependent upon an informed electorate."
  - The general rules found in KOMA & KORA are not absolute; practical exceptions are incorporated into the laws.
- Review and training on the laws builds familiarity with the legal requirements and terminology found in KOMA & KORA. Compliance with these laws is necessary to avoid legal challenges to official actions.
- Attention to open government practices is a responsibility shared by elected officials, appointed officials, and staff.
- The City Attorney will review the basics of KOMA & KORA, as well as discussing recent guidance and enforcement decisions concerning the laws.



# New Business Item



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**Subject:** Election of Officers  
**Meeting:** Planning Commission: May 5, 2022  
**Presented by:** Scott Knebel, City Planner

## **BACKGROUND:**

- The Planning Commission by-laws require the election of a Chairperson and Vice-Chairperson at the first regular meeting in May of each Year.
- The Chairperson and Vice-Chairperson must be members of the Planning Commission.
- The by-laws designate the City Planner as *ex officio* Secretary; therefore, an election for Secretary is not required.

## **POLICY IMPLICATIONS:**

- The process for election of the Chairperson and Vice-Chairperson should be as follows:
  - The floor is opened for nominations. Nominations (with seconds) are received. The floor is closed, and nominees are then voted on publicly.
  - A majority vote of the commissioners present and voting is required to elect the officers.
  - Officers take office at the next regular meeting.

## **RECOMMENDED MOTION:**

- Conduct an election for Chairperson and Vice-Chairperson of the Planning Commission.