

PLANNING COMMISSION/ZONING BOARD OF APPEALS
CITY OF VALLEY CENTER

Tuesday, April 25, 2017, 7:00 P.M.
CITY HALL, 121 S. MERIDIAN

CALL TO ORDER: Vice Chairperson Janzen called the meeting to order at 7:01 P.M. with the following members present: Ronald Colbert, Matt Stamm, Del James, Don Bosken, Terry Nantkes and Ben Neaderhiser.

Members absent: Danny Park and Katie Patry

Staff Present: Ryan Shrack and Katrina Rubenich

Audience: Bill Johnson of Evans Building, Lance Pierce, Brandon Culp and Will Clevenger of Ruggles & Bohm

Meeting started with the Pledge of Allegiance to the American Flag.

AGENDA: A motion was made by Commissioner Nantkes and seconded by Commissioner Colbert to set the agenda. Motion passed unanimously.

APPROVAL OF DRAFT MINUTES:

A motion was made by Commissioner Stamm to approve the October 25, 2016 minutes. The motion was seconded by Commissioner Colbert. Motion passed unanimously.

COMMUNICATIONS: Vice Chairperson Janzen asked about the new committee being formed. Ryan informed the Planning Commission that there would be a new committee for Planning Commission/Site Planning/Board of Zoning Appeals and that the mayor would announce the 7 members of the new committee.

Commissioner Colbert presented the following presentation on ADA requirements in regards to the Library/Community Building:

ADA Presentation for the City of Valley Center, Kansas
Community Center and Library Building
March 16, 2017
Present by Ronald L. Colbert

Welcome to the American Disability Act

It is a fact that the number of people with disabilities is a growing number. Some of this is due to the aging population, some growth is due to more person being willing to self-identify with having a disability. People over the age of 65, at least 50 percent have a disability. The need to plan to serve people with disabilities is justified by the growing numbers within the general population as well as the need to maintain a library that

responds to the needs of the entire community. There are few families that do not have a member with a disability.

- People with disabilities have the same rights and needs to access the library as do members of the community without disabilities.
- The Americans with Disabilities Act (ADA) is a major piece of civil rights legislations, similar the Voting Rights Act.
- Trustees must ensure the libraries meet patron needs while ensuring that there is no case litigation for noncompliance.
- This information is basically the same for the Community Center building.

Tips

- Review material on ADA – accessibility requirements. Often, architects will incorrectly advise planners that furnishings and aisles meet ADA requirement. Even a one-inch deficit can impede access for people who use wheelchairs.
- That a review process is in place to ensure staff is adhering to the policies.
- Review the library strategic plan, budget, mission and vision statements to confirm the needs of people with disabilities are included.
- Suggest that the library have a Section 504/508 coordinator invested with the authority to ensure compliance when purchasing or maintaining electronic resources (such as the library website). (2)

12 BASIC REQUIREMENTS FOR ADA COMPLIANCE AT THE LIBRARY

- Parking
- Signage
- Elevators and Stairs
- Floors
- Lighting
- Public Access Catalogs and Computer Stations
- Periodicals and Stacks
- Checkout
- Reference or Help Desk
- Restrooms
- Note: The American Library Association goes by the book on ADA Accessibility Compliance.

Effective Communication

- Overview: The Department of Justice published revised final regulations implementing the American with Disabilities Act (ADA) for Title II (State and local government services) and Title III (public accommodations and commercial facilities) on September 15, 2010 in the Federal Register.
- These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements. Including the 2010 Standards for Accessible Design (2010 Standards).

- This publication is designed to help Title II and Title III entities (“covered entities”) understand how the rules for effective communication, including rules that went into effect on March 15, 2011, apply to them.
- The purpose of the effective communication rules is to ensure that the person with a vision, hearing, or speech disability can communicate with, receive information to, the covered entity
- Covered entities must provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities.
- The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person’s normal method(s) of communication.
- The rules apply to communication with the person who is receiving the covered entity’s goods or services as well as with that person’s parent, spouse or companion in appropriate circumstances.

Auxiliary Aids and Services

- The ADA uses the term ‘auxiliary aids and services (“aids and services”) to refer to the ways to communicate with people who have communication disabilities.
- Many deaf-blind individuals use support service providers (SSPs) to assist them in accessing the world around them. SSPs are not “aids and services” under the ADA. However, they provide mobility, orientation, and informal communication services for deaf-blind individuals and are critically import link enabling them to independently access the community at large.

Companions

- In many situations, covered entities communicate with some other than the person who is receiving their goods or services. For example, school staff usually talk to a parent about a child’s progress: hospital staff often talk to a patient’s spouse, other relative, or friend about the patient’s condition or prognosis. The rules refer to such people as “companions” and require covered entities to provide effective communication for companions who have communication disabilities.
- The term “companion” includes any family member, friend, or associate of a person seeking or receiving an entity’s goods or service who is an appropriate person with whom the entity should communicate.

Who Decides Which Aid and Service is Needed?

- When choosing an aid or service, Title II entities are required to give primary consideration to the choice of aid or service requested by the person who has a communication disability.
- Title III entities are encouraged to consult with the person with a disability to discuss what aid or service is appropriate. The goal is to provide an aid or service that will be effective, given the nature of what is being communicated and the person’s method of communicating.
- Covered entities may require reasonable advance notice from people requesting aids or services, based on the length of time needed to acquire the aid or service, but

may not impose excessive advance notice requirements. "Walk- in" request for aids and services must also be honored to the extent possible.

KANSAS LAW -- SUMMARY

- All cities are required to make sure that all new, additions to and alterations of public accommodations (that is business open to the public) comply with ADA.
- However they do not need to require an existing business to make alterations in order to comply with the ADA.
- All cities are required to comply with the ADA.
- 58-1301 Accessibility standards for public buildings or facilities. (a) Except as provided in K.S.A.58 -1307 (historic facilities) – all existing facilities and the design and construction of all new additions to and alteration of facilities in this state shall conform to Title II or Title III as appropriate..."
- 58-1304 Accessibility standards for public buildings or facilities; enforcement of act. (a) the responsibility for enforcement of this act shall be as follows:
 - (3) for all existing facilities, and the design and construction of all new, additions to and alterations of an local government facilities where funds of a county, municipality or other political subdivision are utilized, the governmental entity thereof or an agency thereof designated by the governmental entity.
 - (4) for the design and construction of all other new, additions to and alterations of facilities which are subject to the provisions of this act, the building inspector or other agency or person designated by the governmental entity in which the facility is located.

COMMENTS

- There are addition hand out on other subject such as: Define Wireless Network Requirement; University of Massachusetts Boston;
- Network and requirements.
- Checklist with measurement and requirement for each room.
- In addition requirements for Signage inside and outside. Plus additional material.

RESOURCES

- ADA (U.S. Department of Justice)
- University of Massachusetts Boston, Feb 17, 2017
- Define Wireless Network Requirements, Jim Geir, September 19, 2014
- BNI, (Department of Justice) 2010 ADA Standards September 15, 2010
- ASCLA --- Library Accessibility: What Trustees Need to Know Library Accessibility Tip Sheet 15. Date Unknown
- Accessible Parking. ADA Regulations. Date Unknown
- Library Check List Pages 3-8, Undated.

Vice Chairperson Janzen thanked Commissioner Colbert for his presentation.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

- A. Review of SP-2017-01, application of Safarik Tool Co., pursuant to Section 17.12.02.A., who is petitioning to build a 12,138 square foot building addition to the existing building located at 400 W. Clay Street, Valley Center, KS 67147.

Ryan presented the following:

Date: April 14, 2017

To: Site Plan Committee

From: Ryan W. Shrack, Community Development Director

Applicant: Safarik Tool Co.

Location of Site Plan: This lot is located at 400 W. Clay Street. The lot contains one building. The proposed building will be constructed on the northwest side of the property. The following image shows the lot in relation to the surrounding area:



Existing Zoning: I-Industrial District

Size of Parcel: 2.08 acres (90,705.89 sq. ft.). This is the acreage for the lot that the existing building sits on (400 W. Clay Street), as well as the lot to the west, which Safarik Tool Co. also owns. A portion of the proposed building addition will sit on this lot. The I-Industrial Zoning District requires a minimum of 10,000 sq. ft. to construct a building. The submitted site plan meets all bulk regulations required of the zoning district.

Purpose of Site Plan Application:

17.12.05 Site Plan Requirements:

Projects which are subject to review by the Site Plan Committee generally are required to meet the following standards:

A. *Show the location and dimensions of all right-of-way, easements and setback lines either required by these regulations or by platting or separate instruments.*

- The proposed building is on one plat (Valley Center Industrial Park 2nd Addition Plat) and does show the location of all right-of-way, easements and setback lines.

B. *The site plan map generally should be oriented to the north with north arrow and scale plus dimensions and property boundary lines for the zoning lot.*

- Dimensions are on the Site Plan and the site plan is generally oriented to the north and a scale is present.

C. *Topography by contour lines may be required if slopes exceed 5%, buffer berms are used, or a drainage plan is required.*

- Drainage is indicated on the site plan and has been reviewed by the City Engineer and Public Works Director. Revisions have been made to the proposed plan per the request of the City Engineer.

D. *Show existing and proposed structures by bulk dimensions plus number of stories, gross floor area and entrances.*

- The developer is showing the building footprint. The building addition is single story and will have a peak height of 38 feet. This addition will add 12,138 square feet to the existing building. The building will be used as factory space for the company.

E. *Existing and proposed curb cuts, aisles, off-street parking, loading spaces and walkways, including type of surfacing and number of parking spaces. Delineate the traffic flow with directional arrows and indicate the location of direction signs and other motorist's aids (if any).*

- The site plan shows the existing concrete parking lot, along with an additional parking area to be constructed in a future phase of development. The existing parking lot has 8 parking stalls, 1 of which is designated handicapped parking only. Safarik Tool Co. has a temporary agreement with the City of Valley Center that allows the company to use the street right-of-way to the east of the existing building for parking. Walkways conform to given standards and traffic flow has been indicated throughout the site plan and curb cuts are noted. No directional signage will be posted.

F. *Location, direction and intensity of proposed lighting. All exterior lighting must be "full-cut-off" light fixtures when located near adjacent residential properties (no light should spill over on adjacent residential parcels)*

- No exterior light fixtures are shown on the site plan.

G. *Location and height of all existing (to remain) and proposed signs on the site, the setback dimensions from any sign to property lines, location and routing of electrical supply, surface area of the sign in square feet, size of letters and graphics, description of sign, frame materials and colors.*

- No exterior signs are proposed for this project.

H. *If disposal containers will be on the site, indicate how such areas will be fully screened from public view by means of a structure (including swinging doors) constructed with either solid treated lumber walls, cement block (with or without brick), or other materials deemed acceptable. The enclosure must also have the capability of latching the doors in a closed position, or when trash is being picked up, in an open position. Outdoor storage areas may also need to be screened if required by these zoning regulations.*

- The site plan does not show disposal containers as planned. Safarik Tool Co. currently has two dumpsters that are located to the east of the existing building. Once construction is completed, these dumpsters will be moved to the north side of the building and no longer be visible from the public view.

I. *Vehicular ingress and egress to and from the site and circulation within the site to provide safe, efficient and convenient movement of traffic, not only within the site but on adjacent roadways.*

- Vehicular ingress and egress to and from the site and circulation within the site will be safe, efficient, and convenient.

J. *Site plan provides for the safe movement of pedestrians within the site.*

- Proposed building provides for the safe movement of pedestrians around the site.

STAFF RECOMMENDATION: Approve site plan application per the recommendation of city staff and the Site Plan Review Committee.

At 7:23 P.M., Vice Chairperson Janzen opened hearing for comments from the public. Mr. Johnson stated that he would appreciate approval from the Planning Commission so they could get started on this project. Mr. Johnson stated that Safarik Tool will keep growing and that they have several machines in storage right now and just need to expand to use them. Mr. Johnson also stated that he would answer any questions the committee may have. Commissioner Colbert asked if this is the third time they've been in front of the Planning Commission. Mr. Johnson stated that they have had expansions in the past and that there will be more in the future as the company grows.

At 7:26 P.M., Vice Chairperson Janzen closed public hearing. Vice Chairperson Janzen asked the commissioners if they had any comments.

Based on the City Staff recommendations, public comments and discussion by the Planning Commission, Commissioner Colbert made a motion to approve SP-2017-01. Commissioner Stamm seconded the motion. Vote was unanimous to approve the plan.

- B. Review of SD-2017-01, application of Lance Pierce, pursuant to Section 16.04.07., who is petitioning for approval of a final plat for the lot generally located on S. Meridian Avenue (south of the intersection of 69th Street and Meridian Avenue),Valley Center, KS 67147.

Ryan presented the following:

Date: April 19, 2017

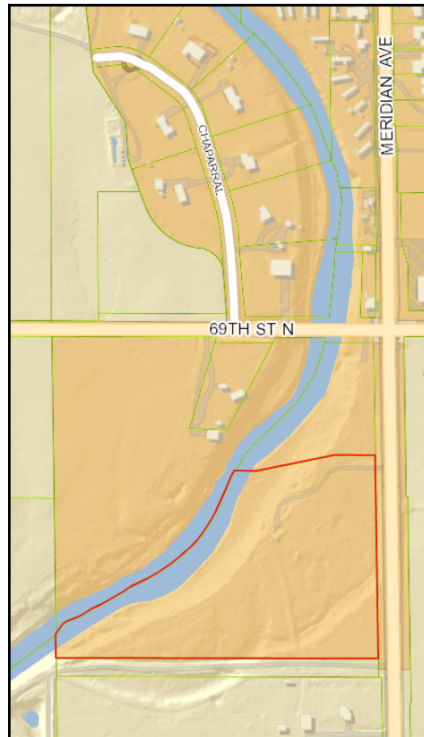
To: City of Valley Center Planning Commission

From: Ryan W. Shrack, Community Development Director

Final Plat Approval for Valley Timbers Plat (SD-2017-01) Petition:

Lance Pierce, pursuant to Section 16.04.07, is petitioning the City of Valley Center Planning Commission to approve a final plat for the lot generally located on the west side of South Meridian Avenue, south of the intersection of 69th Street and Meridian Avenue.

Once the plat is approved, it is the intent of Mr. Pierce to construct a new residence for himself on one of the new lots and sell the remaining three lots. The City of Valley Center Community Development Department will oversee the approval of all building permits for each of these future residences.



(property in question outlined in red in the above image)

Technical Review of Plat:

- The existing lot is zoned A-1 (Agricultural District) and is compatible with low-density residential development.
- All final plat mapping requirements have been met by the applicant.
- The existing lot will be platted into four (4) lots and one (1) reserve area and will be accessible via a private driveway that connects to another private driveway that connects with Meridian Avenue. Agreements have been made to use this private driveway.
- The final plat map shows all required setbacks, easements, and utilities.
- The applicant has included a drainage plan that has been approved by the Public Works Department and City Engineer.
- No new city water or sewer lines will be constructed on the lots at this time. The current plan is that water wells and septic systems will be constructed on each lot. This is acceptable per the existing zoning code. Before each new residence is built, the Community Development Department will require the applicant to submit an approved septic system permit issued by Sedgwick County.
- Agreements on the placement of mailboxes and trash collection services have been created and will be signed by all future land owners of the four lots. Mailboxes and trash collection services will take place near the southeast corner of the platted area.
- Restrictive covenants and title report completed by First American Title Insurance Company have been submitted and approved.
- Maps showing existing floodplains have been submitted with the application. The Community Development Department will ensure that no new structures are constructed in the designated SFHA (Special Flood Hazard Area).

STAFF RECOMMENDATION: City staff recommends approval of this final plat application and sending to City Council for final approval.

At 7:31 P.M., Vice Chairperson Janzen opened hearing for comments from the public. Vice Chairperson Janzen asked if the city has anything in place requiring the use of city water facilities when they are within reach and Ryan replied that the city does not require it because this is zoned Agricultural and the lot sizes permit a well. Vice Chairperson Janzen also asked about access and if lots 1 and 3 will have direct access off the new driveway. Mr. Clevenger stated that there is existing access to the south and there is also a 20' internal ingress/egress easement that runs through all 4 lots. Ryan stated that it runs with the utility easement. Vice Chairperson Janzen asked if the pipeline easements are considered part of the property. Mr. Clevenger stated that it is located within the property but that it is in the reserve area and not the plots for sale. Commissioner Stamm asked if there is still salt water disposal going on and Mr. Clevenger stated yes, there is a tank and an injection well but there is no defined easement for it. Mr. Clevenger stated it is located between lots 2 and 4. Commissioner Stamm asked about the 20' access easement to Meridian and how that would work since it ends in a complete access control. Mr. Clevenger stated that at the north end of the plat, there is a portion of Reserve A that connects to Meridian and that 150' area has access control except one opening and also reminded him of the internal ingress/egress easement and stated that there is a separate accessing easement that was recorded in advance that is not part of the boundaries of the plat that has not access control. Commissioner Stamm asked if there is an agreement for who is going

to pay for the road and Mr. Clevenger said there is an agreement. Commissioner Colbert asked if each lot will need separate approval from the new Planning Board. Ryan replied that residential housing only needs a building permit.

At 7:39 P.M., Vice Chairperson Janzen closed public hearing. Vice Chairperson Janzen asked the commissioners if they had any comments.

Based on the City Staff recommendations, public comments and discussion by the Planning Commission, Commissioner Colbert made a motion to approve SD-2017-01. Vice Chairperson Janzen seconded the motion. Vote was unanimous to approve the plan.

NEW BUSINESS-Ryan reminded the committee that the new board, once approved at the next city council meeting, will be meeting May 23rd to review the new Community Building/Library. Vice Chairperson Janzen asked if the new committee would perform all duties of the Site Plan Committee and Planning Commission/Board of Zoning Appeals. Ryan stated yes. Vice Chairperson Janzen asked why the decision was made to combine committees and to take membership down to 7 people. Ryan stated that the decision was made by the City Administrator based on other municipalities.

OLD OR UNFINISHED BUSINESS-None

COMMITTEE AND STAFF REPORTS-None

ITEMS BY PLANNING COMMISSION/ZONING BOARD OF APPEALS MEMBERS:

Ron Colbert- Nothing
Gary Janzen – Nothing
Matt Stamm- Nothing
Danny Park- absent
Del James- Nothing
Don Bosken- Nothing
Terry Nantkes- Nothing
Katie Patry- Absent
Ben Neaderhiser- Nothing

ADJOURNMENT OF THE PLANNING COMMISSION/ZONING BOARD OF APPEALS

At 7:42 P.M., a motion was made by Vice Chairperson Janzen to adjourn and seconded by Commissioner Bosken. Vote was unanimous.

Respectfully submitted,

Ryan Shrack/KSR
Community Development Director

Danny Park, Chairperson