



## Agenda Item 6B

# Engineered Air Site Plan Application Staff Report

Submitted to the  
**Planning Commission**  
**City of De Soto, Kansas**  
June 20, 2007

Agenda Item:	Consider Site Plan application for Engineered Air, located at 32050 W. 83 <sup>rd</sup> Street.
Meeting Date:	Tuesday, June 26, 2007
Owner/Developer:	Airtex Manufacturing, Inc. 32050 W. 83 <sup>rd</sup> St. De Soto, KS 66018 (910) 583-3181
Project Engineer:	Delta Engineering & Construction 6922 Martindale Shawnee, KS 66218 (913) 422-1790
Report Prepared By:	Mike Brungardt, P.E., City Engineer Kim Buttrum, AICP, City Planner
Submittal Materials:	Site Plan Sheets C1.1 and C 1.2, LTG, L100 and A200, all dated 6/18/07.
Attached Materials:	Exhibit A: Minutes from the Site Plan Review Committee meeting held on June 12 <sup>th</sup> , 2007. Exhibit B: Traffic Study dated 6/15/07 Exhibit C: Color renderings submitted digitally by applicant and conceptual elevation at the west property line

## I. GENERAL DESCRIPTION

- A.** Airtex Manufacturing has submitted a site plan for a detached industrial building adjacent to their existing 'Engineered Air' facility on 83<sup>rd</sup> Street. The proposed site plan consists of a single industrial building totaling 100,135 square feet with 119 parking spaces on approximately 7 acres.
- B.** The subject site consists of one 15-acre lot that is zoned 'M-2' Heavy Industrial. An approximately 125,000 square foot industrial building is located on the northern half of the lot. The site will need to be final platted and excise tax paid before building permit approval.

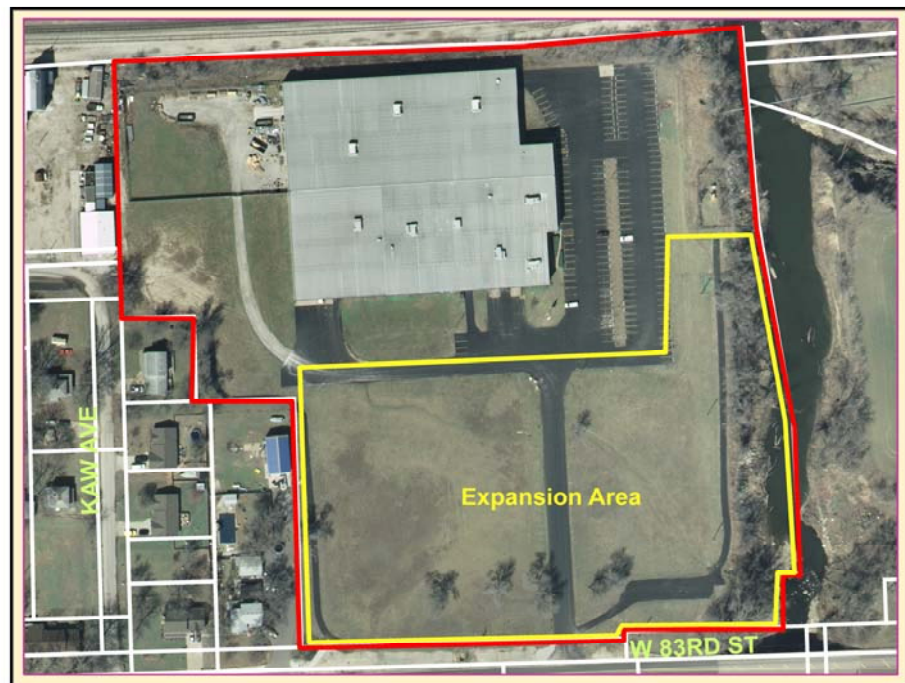


C. The location of the proposed development is indicated in Figures 1 and 2.

**FIGURE 1:  
VICINITY MAP**



**FIGURE 2:  
AERIAL MAP**





## II. Site Plan Review Committee Meeting

**A.** The initial submittal of this site plan was considered by the Site Plan Review Committee on June 12<sup>th</sup>, 2007. Minutes from that meeting are attached as *Exhibit A*.

**B.** Upon consultation with staff and the applicant, the review committee made several recommendations relating to the site plan. These recommendations are summarized below:

1. The faux glass should be added along the southern portions of the east and west building elevations in order to add visual interest to areas that will be visible from the street and residential neighbors.
2. The pre-cast concrete panels along the southern façade, textured as proposed, meet the requirement for variation in building materials.
3. Color variation should be enhanced by applying a darker color to the concrete parapets and adding blue to the top of the central parapet.
4. The rooftop equipment must not be visible from adjacent properties or from the city streets. The applicant should demonstrate that the units are set back from the edge of the roof a sufficient distance as to block the view from adjacent areas.
5. The landscaping, particularly abutting the residential use to the west, was discussed at length. The applicant held the contention that the regulations stipulate fewer planting materials because the adjacent property is zoned 'C-2'. It was staff's interpretation that the higher landscaping standards should be applied because the adjacent use is primarily residential. The proposed landscaping plan was deficient by about 60% when the higher standard was applied, and only slightly deficient when the lower standard is applied. No conclusion was reached by the committee on this area.
6. The location of the fence along the west property line was discussed and it was agreed that it should be shifted to the east of the property line approximately 10 feet to allow for room for landscape materials to be placed on the west side of the fence. The adjacent property owner, Doug Bedford, was present at the meeting and agreed in concept to this recommendation.
7. Traffic impacts to the adjacent road system were discussed. The applicant's traffic study indicates that based on the projected traffic generation from the proposed use, and the timing of that traffic based on the proposed shift changes, no adverse impacts will be caused to 83<sup>rd</sup> Street. It is staff's contention that the future traffic volumes and timings could change dramatically if the use of the property changes, or if the owner changes the timing of the production shifts at the facility. These changes could result in negative impacts to 83<sup>rd</sup> Street, thus warranting turn lanes or widening for 83<sup>rd</sup>. One suggested resolution to this issue is to have the applicant agree not to oppose a future benefit district for 83<sup>rd</sup> Street improvements if they become necessary due to the traffic impact from the proposed facility. The applicant expressed concern about the trigger for this future improvement, and it was agreed that this issue needed further discussion.
8. There is a concern with fire access along the north of the proposed building. It was agreed that a fire lane would be designated there and that the overhead dock door along the north face of the proposed building would be removed from the plan.



9. Because of the close proximity to the top of the Kill Creek bank, care must be taken in the design and construction of the proposed eastern curb line. It was recommended that the site plan contain a note stating that a geotechnical engineer will be consulted relating to the stability of this creek bank, and that slope stabilization may be necessary.

### III. Review of Site Plan Materials and Standards:

Pursuant to the discussion with the Site Plan Review Committee, and in reaction to the initial staff report, the applicant submitted revised site plan documents. These were received on June 18<sup>th</sup>, 2007. In addition to the site plan documents listed herein, the applicant submitted a traffic study.

**A. Submission Requirements:** These most recent submittal materials have been reviewed to ensure that all the necessary information is present to facilitate an adequate review of the proposal. It is concluded that the submittal is substantially complete, with certain exceptions as listed below, and the essential elements of the site plan needed to facilitate a full review of the proposal are present.

In accordance with Section 4 of Article 11, the following should be included on the site plan:

1. Covenants and deed restrictions proposed should be depicted, including the following required restriction worded as follows: "The property being platted is zoned \_\_\_\_\_ at the time of platting and abuts land zoned \_\_\_\_\_ along the \_\_\_\_\_ (direction) property line (may require separate statements for each property line where dissimilar zoning occurs). The land owner and their successors and assigns are by this action put on notice of the existing adjacent zoning and permitted land uses within such zoning district in accordance with the City of De Soto zoning regulations. Landowners are encouraged to verify zoning and permitted land uses within such zoning district within the City of De Soto."

**B. Traffic Study:** A traffic study was initially submitted by the applicant and reviewed by staff. Subsequent revisions to the study were made, but the revisions do not address all the issues initially identified by the first review. The text of the traffic study is attached hereto as *Exhibit B*. The study's appendices have been omitted by staff because of their volume.

The following items are identified as potential areas of concern relating to the traffic study methods and findings:

- (a) The earliest time interval for traffic count data was 6:30 to 6:45 during which 43 vehicles entered the Engineered Air driveway. There is a significant discrepancy in traffic entering the site during the peak AM period and the traffic exiting the site during the peak PM period. It appears that the traffic counts did not start early enough to capture all the incoming traffic. This could cause an inaccuracy in the analysis of the AM peak hour proposed conditions which may relate directly to the conclusion about the need for an eastbound left turn lane on 83<sup>rd</sup> Street.
- (b) It does not appear that the study accounts for any increase in traffic on 83<sup>rd</sup> Street that is not associated with the proposed development. As the through traffic increases, eastbound left turns will become more troublesome and might trigger a future need for a turn lane.
- (c) The projected traffic volumes are based solely on the applicant's stated use for the new facility. The study does not address any other potential use of the property, which might have more truck traffic, or traffic at different times of the day. Because this is only a site



plan approval, the City really has no control over the use of the facility long term. If Engineered Air changes their operations or sells to some other company, the nature of the traffic associated with the property could change dramatically. This change may bring about the need for turn lanes or widening to 83<sup>rd</sup> Street adjacent to the subject site.

There has been previous correspondence on this issue between staff and the applicant regarding the results of the study, and the need to address the potential traffic impacts that would result from a change in the nature of the traffic to and from the site. The applicant has indicated a reluctance to account for future traffic from any other use of the property, or from a change in the intended operations at the new building.

One suggested resolution to this issue is to have the owner execute agreement not to protest a benefit district for future turn lanes on 83<sup>rd</sup> Street, should the need arise because of future traffic generated by the site. This agreement should be based on the applicant's traffic study and its findings relating to the volume and timing of the future traffic. In concept, the agreement would contain the following mechanism:

- i. At any time after the construction of the proposed facility, the City, at its discretion, may hire a licensed professional traffic engineer to perform traffic counts on both proposed access drives and 83<sup>rd</sup> Street adjacent to the Engineered Air site. The process for performing these counts shall be consistent with standard engineering practices, and generally consistent with the methods used by the applicant's consultant in the preparation of the study entitled "ENGINEERED AIR" De Soto, Kansas, Traffic Impact Study" dated 6/15/07.
- ii. If the peak hour traffic counts for the site exceed the projected volumes for the Engineered Air property reported in Section 4 of the above-referenced traffic study by more than 30%, or if the timing of the peak hour traffic deviates by more than 45 minutes, the City will notify the applicant. The applicant will then have 60 days to submit information refuting the City's findings or consenting to a modification in the plant operations that will result in decreased peak traffic volumes, or a shift in the peak hour time. Subsequent traffic counts may then be made by the City to verify the effectiveness of these changes.
- iii. If the applicant does not respond to the initial notification, or if the subsequent traffic counts show that the increased volumes have not been reduced or the timing of the peak hour volumes has not been shifted, the City may, at its discretion, proceed with the formation of a benefit district to fund turn lanes on 83<sup>rd</sup> Street adjacent to the subject property.
- iv. Depending on the actual improvements needed to mitigate future traffic impacts, the improvements included in the contemplated benefit district may include the following elements:
  1. East-bound left hand turn lane on 83<sup>rd</sup> Street at the eastern access drive location.
  2. West-bound right turn bay on 83<sup>rd</sup> Street at the eastern access drive location.



3. Engineering study, design, survey, and observation services needed to facilitate the project.
  4. Administrative and Legal costs associated with the needed project.
- (d) Another potential solution to the traffic study issue is for the applicant to agree to install the 83<sup>rd</sup> Street turn lane improvements in conjunction with the development.
- (e) Not addressed by the traffic study are the development's potential future impacts to the intersection of 83<sup>rd</sup> Street and Kill Creek Road. The City has identified the need for traffic control improvements at this location due to the development of other property in the area. The expansion of Engineered Air will accelerate the need for these improvements, which might include signals or a roundabout. For this reason it is recommended that the site plan approval be contingent on the applicant's agreement not to protest a benefit district for future traffic control improvements to the intersection of 83<sup>rd</sup> Street and Kill Creek Road.

### **C. Development Standards: Article 11, Section 7**

#### **1. Bulk, Density and Setback Requirements (Items A & G)**

The site plan indicates the division of the existing parcel such that the new building will be on a parcel separate from the existing building. The proposed lot line is 6 feet from the west, north and east sides of the proposed building, and extends to the right-of-way line along the south side. The size of the new lot is kept to a minimum because of excise tax considerations. The 'M-2' zoning district requires side setbacks of 5 feet, which are met by the proposed lot line. However, the required rear yard setback is 20 feet, which is not met by the proposed arrangement. The northern proposed lot line should therefore be moved to the north a minimum of 14 feet in order to meet the setback requirements of the zoning district.

Sheet C1.1 of the Site Plan application shows a note referencing 'C-2' zoning on the southern portions of the subject property. This area was recently rezoned to 'M-2' earlier this year. The note on the site plan should be removed.

The building scale and proportion is found to be reasonably compatible with existing development in the immediate area.

#### **2. On-Site Utility Layouts (Items C, D, E, & F)**

- (a) The plan shows existing gas and water main connections to the existing building. These mains cross under the proposed structure and must be relocated prior to construction. The site plan should indicate the path of the relocation of the water and as mains serving the existing structure and show where these connections will be provided to the new structure.
- (b) With the existing loading docks along the south side of the existing building, there is a potential for the drive aisle between the existing and proposed buildings to become blocked by a truck. The site plan should indicate a fire lane between the two buildings to ensure emergency access for both structures.



- (c) In the extreme southwest corner of the property there is an existing water main and power lines that do not appear to be within an easement. The site plan should indicate the dedication of a utility easement for these lines, and this should be carried forward to the Final Plat.
  - (d) There is an existing overhead power line along the eastern curblineline of the proposed parking lot that does not appear to be within a utility easement. The site plan should indicate the dedication of a utility easement for these lines, and this should be carried forward to the Final Plat.
3. Pedestrian Access (Item H)
- (a) Pedestrian access from the 83<sup>rd</sup> Street sidewalk to the interior walks is required. The plan should indicate a sidewalk connecting the walk along the east side of the new building to the proposed sidewalk along 83<sup>rd</sup> Street.
4. Architectural Details (Items B, I, J, K, L, M, N, O & P)
- (a) The applicant has provided building elevations on Plan Sheet A200. Staff has attached a full color version of the elevations as *Exhibit C*. It is anticipated that the applicant will bring exterior paint and building material samples to the Commission meeting. Color has been used to create visual interest along all but the north facade. The metal paneling is to be painted neutral beige, in keeping with the existing Engineered Air building. A secondary color, dark brown, is found on concrete panels running along the lower 9 feet of the entire length of the facades. The concrete parapets are to be painted a lighter brown color. Though barely noticeable on the reduced plans, the top of the central parapet and the guttering is painted a light blue. Color has been effectively used to enhance the visual appeal of the building.

**FIGURE 3:  
PHOTOGRAPH OF  
EXISTING BUILDING**





- (b) The elevations as proposed meet the requirements for roofline features in the 'M-2' district, with slightly sloped roofs and parapets concealing roof top equipment.
- (c) Building facades greater than 100 feet in length are required to incorporate recesses or projections along at least 20 percent of the façade abutting a public street. These overly long facades are also required to provide variations in the building plane (parapet height), materials and colors, and entrance canopies. A central parapet and two wrap-around parapets extend outward 4 or 5 feet from the building, creating shadow lines, and project upwards from the roofline between 3 and 5 feet, breaking up the overly long building. Staff finds that the design as submitted fulfills these requirements.
- (d) The proposed design does not meet the minimum materials requirements for the 'M-2' district. Thirty percent of the street façade is required to consist of masonry (stone/brick), stucco, glass, or split-faced block. There are 48 squares of 3 by 3 glass along the front façade ("faux" glass in that it would not provide sunlight to the interior). These total 600 square feet of area, or approximately 7 percent of the total street façade, far short of the required 30 percent. Staff finds that the concrete panels used along the bottom 9 feet and the central and two side wrapping parapets provide the desired variation in building materials. The Site Plan Review Committee agreed with this assertion, especially considering that the concrete would be textured to look something like stucco.

An adequate amount of glass is used along the front façade, adding greatly to the buildings visual appeal from the street. Staff finds that the east and west elevations would also be visible from the roadway as well as neighboring properties. The building would be located from around 100 to 130 feet from the edge of 83<sup>rd</sup> Street. An illustration of this distance is the Rehrig Pacific Company property in the Commerce Park development. The Rehrig industrial building is 130 feet from the curblineline of Commerce Drive. Following Site Plan Review, the applicant has added a double row of glass, totaling 12 squares each, directly north of the parapets on the east and west elevations.

Staff finds that the architectural plans as submitted meet the intent of the regulations.

#### **D. Off-Street Parking: Article 6**

The plan has been reviewed against the City's off-street parking regulations and found to be in general conformance with those requirements relating to parking stall size, number of spaces provided, illumination, access, curbing, and location.

1. Required Number of Spaces: With the manufacturing use considered, the required number of parking spaces is one for every three employees based on the largest working shift. Both the site plan and the traffic study report that the total number of employees at the site will be 400 after the new building is fully staffed. This requires 134 parking spaces. The proposed parking areas will provide 119 spaces. There are currently approximately 177 spaces on the existing site. With approximately 296 spaces total, the proposal well exceeds the minimum standards set by the Zoning Regulations.



2. Paragraph 3E of Article 6 requires a hard surface parking area consisting of a minimum of 6 inches of asphalt on 6 inches of compacted subgrade. The site plan should include a detail or note indicating that this requirement will be met.
3. The applicant has submitted a lighting and photometric plan meeting the requirements. The maximum 'foot candle', or luminance, allowed at adjacent residential property lines is .5. The highest luminance rating along the western property line is .19 foot candles. The light poles, at 24 feet in height, meet the height restriction for pole mounted fixtures.
4. There is a concern with fire access along the north of the proposed building. Sheet C1.2 of the Site Plan documents shows how a truck can be parked at the loading dock along the south side of the existing building and leave room for access between the structures. It is recommended that the drive aisle between the buildings be designated as a fire lane, and marked and signed accordingly. This fire lane should be indicated on the site plan.
5. Sheet C1.1 of the site plan includes a note relating to a "Dock High OHD" (Overhead Door) along the north side of the proposed building. Because of concerns relating to emergency access between the two buildings, this not should be removed from the plan.

#### **E. Sign Regulations: Article 7**

1. Site Plan Sheet C1.2 calls out three proposed signs, two at the entrances and one within a landscaping finger in the northern parking area. The entrance monument signs are to be constructed of concrete. They meet the applicable sign area, height, setback, and other standards set forth in Article 7. The applicant should be made aware that the City naming convention is "De Soto", not "Desoto". A minor point, but one that residents would notice. The sign to the northeast of the property is, according to the applicant, intended to be a directional sign. Seeing as no additional information was given regarding this sign, other than its location, approval of this site plan does not extend to approval of this directional sign. Directional signs not exceeding three square feet are exempt from the sign ordinance. A larger directional sign would necessitate approval by the Building Official of a sign permit. Staff finds that the two entrance, monument type signs meet the applicable regulations.

#### **F. Landscaping: Article 8**

Four types of landscaping/ buffering are required for the site: Parking Area Screening, Interior Parking Area Landscaping, and two (2) Transition Buffers.

**A.** For the 220 linear feet of parking area in view from the adjacent public right-of-way, 132 plant units are required for screening. The parking areas total approximately 38,340 square feet in area. For this size lot, 10% of the area is to be landscaped. This equates to 3,834 square feet of landscaped islands for the subject property. Plantings required within the islands total 16 large deciduous trees and 240 plant units. The applicant has provided 25 trees and 125 additional plant units (counting the additional trees as plant units).

**B.** An 'S2' type buffer is required along the property abutting the 83<sup>rd</sup> Street right-of-way. One large deciduous tree is required for every 40 linear feet and 30 plant units per every 100 feet. This equates to a total of 15 trees and 180 plant units along the 600 feet of lot width. The



applicant has provided 40 trees and 91 additional plants units. Again, the additional trees more than account for the reduction in 'other' plant units (i.e. evergreens, shrubs).

**C.** A type 'E' buffer is required along portions of 'M-2' zoned properties adjacent to residential developments. An 'E' buffer that is 20 feet wide should have 300 plant units per 100 linear feet of buffer length. The western property line, at 350 feet in length, would need 1,050 plant units to satisfy the requirement. A fence or berm is also required within this buffer. An 8 foot fence has been called out on the plan. Following Site Plan Review, the fence was relocated to midway within the buffer area. Both the neighboring property owner, Doug Bedford, and the applicant were amenable to this idea. Landscaping has been evenly and adequately dispersed throughout. There are 22 trees and 19 evergreens within the buffer area, equating to 353 plant units. Following the suggestions of staff and the applicant, landscaping wraps around the property line to the north, shielding the neighbors further from views of the west loading dock.

Following is a breakdown of the required plant units for each buffer type and the number of plant units provided on Plan Sheet L100:

BUFFER TYPE	LANDSCAPING REQUIRED	LANDSCAPING PROVIDED	DEFICIENCY
Parking Screening	132 plant units	198 plant units	none
Interior Parking	16 trees + 240 p/u	25 trees + 125 p/u	115 p/u
'S-2' Right-of-way	15 trees + 180 p/u	40 trees + 91 p/u	89 p/u
'E' Buffer (west)	1,050 p/u + fence or berm	353 plant units + fence	697 p/u

**D.** Given the shortfall of nearly 700 plant units within the 'E' landscaping buffer, the applicant has applied for alternative compliance. Following is Section 8 of Zoning Regulations Article 8:

8. Alternative Compliance: Applicants shall be entitled to demonstrate that the intent of the Landscaping and Buffer requirements of this section can be more effectively met, in whole or in part, through alternative means. If approved, an Alternative Compliance Landscape Plan shall be substituted, in whole or in part, for a landscape plan meeting the express terms of the following:

A. Procedure: Alternative Compliance Landscape Plans shall be prepared and submitted for Planning Commission approval. The plan shall be clearly labeled as an "Alternative Compliance Landscape Plan," and the plan shall clearly delineate and identify the modifications and alternatives proposed.



B. Review Criteria: In reviewing proposed Alternative Compliance Landscape Plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards and plans that demonstrate innovative design and use of plant materials. Alternative Compliance Landscape Plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties:

- (1.) Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this section;
- (2.) Innovative landscaping or architectural design is employed on the proposed development site to achieve a buffering effect that is equivalent to the buffer standards of this section;
- (3.) The required landscaping or buffering would be ineffective at maturity due to topography or the location of improvements on the site; or
- (4.) The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this section.

Attached as *Exhibit C* are color renderings of the architectural and landscaping elevations. At the request of staff, the applicant has provided an additional elevation from the west property line. Staff finds that the amount of landscaping proposed for the west buffer area provides a substantial and attractive barrier between the industrial and residential land uses. Staff further finds that the buffer area could not support more landscaping, particularly additional large trees or evergreens. The elevations depict full growth at plant maturity; there simply is not room enough for additional trees. Shrubbery may be easily added to the area, but staff questions its effectiveness in further buffering views from above the 8 foot fence. Staff finds that alternative landscaping requirements have been fulfilled by review criteria 3, that the required landscaping would be ineffective at maturity due to the location of improvements on the site. The landscaping plan as submitted fulfills the intent of the Zoning Regulations.

### **G. Storm Water Management & Floodplain: Subdivision Regulations / City Ordinance**

1. The proposed building is within the regulatory flood plain. A floodplain development permit will be required prior to construction. The Base Flood Elevation should be reported on the site plan and the limits of the floodplain and floodway should be clearly indicated. The site plan includes a note stating that the top of bank for Kill Creek is the "Limits of Flooding". According to the currently effective Flood Insurance Rate Map (FIRM), the regulatory floodplain extends into the subject property, and the top of the Kill Creek bank is the approximate limits of the Floodway. The site plan should indicate the limits of the 100-year floodplain, as well as the limits of the floodway.
2. The roof drains should be tied into the enclosed storm sewer system. This connection should be indicated on the plan. Alternatively, the path of the roof drainage should be clearly



indicated on the plan, and the storm sewer inlets should be sized and positioned to collect the roof runoff.

3. The east curb line of the proposed parking lot is within 5 feet of the top of the bank for Kill Creek. The creek bank in this area is known to be relatively unstable and highly erodeable. The final design of the site will require a geotechnical engineer's recommendation on proposed slope stabilization methods. The site plan should indicate slope stabilization improvements in this area, and include a note relating to the geotechnical engineer's consultation on this improvement.

## IV. Conclusions and Recommendations

Site Plan approval rests solely with the Planning Commission. Approval of this site plan will allow the applicant to apply for a building permit for the proposed structure. While there remain aspects of the site plan document that require revisions, overall the plan is in general conformance with the requirements of the City's Zoning Regulations. With the appropriate stipulations, as listed below, staff recommends approval of the Site Plan.

### Conditions for approval:

#### **A.** Prior to the Issuance of Building Permits:

1. The property containing the proposed building must be final platted in accordance with Article 4 of the City's Subdivision Regulations.
2. The applicant should submit a revised Site Plan document that addresses the following items:
  - (a) Covenants and deed restrictions proposed should be depicted, including the following required restriction worded as follows: "The property being site planned is zoned M-2 at the time of platting and abuts land zoned C-2 along the west property line, R-2 along the south property line. The land owner and their successors and assigns are by this action put on notice of the existing adjacent zoning and permitted land uses within such zoning district in accordance with the City of De Soto zoning regulations. Landowners are encouraged to verify zoning and permitted land uses within such zoning district within the City of De Soto."
  - (b) The northern proposed lot lone should therefore be moved to the north a minimum of 14 feet in order to meet the setback requirements of the zoning district.
  - (c) Sheet C1.1 of the Site Plan application shows a note referencing 'C-2' zoning on the southern portions of the subject property. This area was recently rezoned to 'M-2'. The note on the site plan should be removed.
  - (d) The site plan should indicate the path of the relocation of the water and as mains serving the existing structure and show where these connections will be provided to the new structure.
  - (e) The site plan should indicate a fire lane between the two buildings to ensure emergency access for both structures.



- (f) In the extreme southwest corner of the property there is an existing water main and power lines that do not appear to be within an easement. The site plan should indicate the dedication of a utility easement for these lines, and this should be carried forward to the Final Plat.
- (g) There is an existing overhead power line along the eastern curblineline of the proposed parking lot that does not appear to be within a utility easement. The site plan should indicate the dedication of a utility easement for these lines, and this should be carried forward to the Final Plat.
- (h) The plan should indicate a sidewalk connecting the walk along the east side of the new building to the proposed sidewalk along 83<sup>rd</sup> Street.
- (i) Paragraph 3E of Article 6 requires a hard surface parking area consisting of a minimum of 6 inches of asphalt on 6 inches of compacted subgrade. The site plan should include a detail or note indicating that this requirement will be met.
- (j) Sheet C1.1 of the site plan includes a note relating to a "Dock High OHD" (Overhead Door) along the north side of the proposed building. Because of concerns relating to emergency access between the two buildings, this note should be removed from the plan.
- (k) The Landscaping plan indicates this adjustment, but Sheets C1.1 and C1.2 do not. These sheets should be revised to show the fence alignment approximately 10 feet east of the property line.
- (l) The site plan should indicate the limits of the 100-year floodplain, as well as the limits of the floodway.
- (m) The roof drains should be tied into the enclosed storm sewer system. This connection should be indicated on the plan. Alternatively, the path of the roof drainage should be clearly indicated on the plan, and the storm sewer inlets should be sized and positioned to collect the roof runoff.
- (n) The site plan should indicate slope stabilization improvements in this area, and include a note relating to the geotechnical engineer's consultation on this improvement.

**B. Prior to the Issuance of Final Occupancy Permit for the proposed building:**

1. The applicant should execute agreement not to protest a benefit district for future turn lanes on 83<sup>rd</sup> Street, should the need arise because of future traffic generated by the site. This agreement should be based on the applicant's traffic study and its findings relating to the volume and timing of the future traffic. In concept, the agreement would contain the following mechanism:

- (a) At any time after the construction of the proposed facility, the City, at its discretion, may hire a licensed professional traffic engineer to perform traffic counts on both proposed access drives and 83<sup>rd</sup> Street adjacent to the Engineered Air site. The process for performing these counts shall be consistent with standard engineering practices, and generally consistent with the methods used by the



applicant's consultant in the preparation of the study entitled "ENGINEERED AIR" De Soto, Kansas, Traffic Impact Study" dated 6/15/07.

(b) If the peak hour traffic counts for the site exceed the projected volumes for the Engineered Air property reported in Section 4 of the above-referenced traffic study by more than 30%, or if the timing of the peak hour traffic deviates by more than 45 minutes, the City will notify the applicant. The applicant will then have 60 days to submit information refuting the City's findings or consenting to a modification in the plant operations that will result in decreased peak traffic volumes, or a shift in the peak hour time. Subsequent traffic counts may then be made by the City to verify the effectiveness of these changes.

(c) If the applicant does not respond to the initial notification, or if the subsequent traffic counts show that the increased volumes have not been reduced or the timing of the peak hour volumes has not been shifted, the City may, at its discretion, proceed with the formation of a benefit district to fund turn lanes on 83<sup>rd</sup> Street adjacent to the subject property.

(d) Depending on the actual improvements needed to mitigate future traffic impacts, the improvements included in the contemplated benefit district may include the following elements:

1. East-bound left hand turn lane on 83<sup>rd</sup> Street at the eastern access drive location.
  2. West-bound right turn bay on 83<sup>rd</sup> Street at the eastern access drive location.
  3. Engineering study, design, survey, and observation services needed to facilitate the project.
  4. Administrative and Legal costs associated with the needed project.
2. As an alternate to approval condition B.1 above, the applicant could to agree to install the 83<sup>rd</sup> Street turn lane improvements in conjunction with the development.
  3. The applicant should sign an agreement not to protest a benefit district for future traffic control improvements to the intersection of 83<sup>rd</sup> Street and Kill Creek Road.

**END OF REPORT  
EXHIBITS TO FOLLOW**