

**SPRING HILL PLANNING COMMISSION  
REGULAR MEETING  
AGENDA  
THURSDAY, , 2013  
7:00 P.M.  
SPRING HILL CIVIC CENTER  
401 N. MADISON – ROOM 15**

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**CITIZEN PARTICIPATION**

**PRESENTATION:**

**FORMAL COUNCIL ACTION**

1. Approval of Minutes:  
February 6, 2014
  
2. Election of Officers
  - A. Chairman
  - B. Vice Chairman
  - C. Planning Secretary
  
3. Final Plat
  - Case Number: FP-01-14
  - Request: Third Plat
  - Address: Brookwood Farms
  - Applicant: Phelps Engineering, Inc.

**DISCUSSION**

**ANNOUNCEMENTS and REPORTS**

Planning Commission

Staff

**ADJOURN**

**SPRING HILL PLANNING COMMISSION  
REGULAR MEETING  
February 06, 2014**

The Spring Hill Planning Commission met in regular session on Thursday, February 06, 2014, at 7:00 P.M. in Room 15, at the Civic Center located at 401 N. Madison.

Members Present: Troy Mitchell  
Tobi Bitner  
Valerie Houpt  
Cindy Squire  
Brian Haupt  
Michael Weber  
Janell Pollom  
Stephen Sly

Members Absent: Janet Harms

Staff Present: Jonathan Roberts, City Administrator  
Jim Hendershot, Community Development Director  
Frank H. Jenkins, Jr. City Attorney  
Natalie Lazenby, Planning Secretary

**CALL TO ORDER**

Chairman Mitchell called the meeting to order at 7:05 P.M.  
Roll call by Natalie Lazenby.

**APPROVAL OF AGENDA**

**Motion by** Cindy Squire to approve the agenda as presented.  
**Second by** Valerie Houpt. Motion passed 8 yes 0 no 0 abstention.

**FORMAL COMMISSION ACTION**

**1. Approval of Minutes**

**Motion by** Tobi Bitner to approve the minutes from December 06, 2013 as presented.  
**Second by** Cindy Squire. Motion passed 8 yes 0 no 0 abstention.

**2. Conditional Use Policy**

Mr. Hendershot presented a proposed Conditional Use Policy:

**Memorandum Dated: January 27, 2014**

Over the course of several meetings in 2013 the Spring Hill Planning Commission (PC) discussed the topic of conditional use permits (CUP) subject to renewal or review. These discussions resulted in a directive to write a policy to serve as a guide in determining whether a CUP is subject to renewal or review.

What is a Conditional Use Permit? A conditional use permit allows a city or county to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district, through a public hearing process. A conditional use permit can provide flexibility within a zoning ordinance. Another traditional purpose of the conditional use permit is to enable a municipality to control certain uses which could have detrimental effects on the community.

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As per KSA 12-755, cities are authorized to issue conditional use permits in connection with the adopted zoning regulations. Section 17.354 of the Spring Hill Zoning Regulations details the process associated with a CUP application.

The attached spreadsheet identifies all uses listed in the Spring Hill Zoning Regulations that are permitted with an approved CUP. These uses have been grouped into two categories, review and renewal. Placement of a use into these two categories is based on the possible negative impact a use may have on a neighborhood or the community that may be best resolved through the formal hearing process associated with a renewal. Those listed in the review category are subject to an annual, no cost, review by city staff to verify compliance with any conditions placed upon the use in the approved CUP ordinance. Following the staff review a report will be presented to the PC along with any suggested recommendations, if any.

It is important to note that in many instances a use allowed in one zoning district with a CUP may be a permitted use in a different zoning district. For example, banks and financial institutions are a permitted use in a C-2 (Commercial Business District) but are allowed only with CUP in a C-O (Office Building District). The attached spreadsheet should only be used when the listed use is identified with a CUP in the zoning district in which the property is located.

It is also important to note that the spreadsheet is a guide for staff and PC reference and is not intended to be the sole factor in determining if a CUP is subject to renewal or review. Depending on the individual application, it is possible that a use listed in the review category could be subject to renewal if so determined by the PC in the public hearing process.

The subject of a change property ownership requiring a renewal is one that jurisdictions across the State of Kansas interpret in various manners. City Attorney, Frank Jenkins, has issued his opinion that a CUP cannot have formal ownership restrictions or conditions attached to the approved CUP. For example, a CUP subject to renewal upon change of property ownership is not allowed. Mr. Jenkins did suggest the Planning Commission could consider language for the current owner of a property with an approved CUP contact the City in the event of the sale of the property. This would provide an opportunity for city staff to communicate with the new owner and explain the existing CUP.

A change in tenants does not require action on a CUP provided the use is operated in the same manner as the previous tenant and within the conditions established in the approved CUP.

If a property with an approved CUP remains vacant for six months or more the land use would then be classified as a nonconforming use. The CUP is then null and void and subject to a new CUP application as applicable dependent on the new use.

All CUP's subject to renewal shall require the applicant to complete the application form and provide all documentation and fees as required for a new CUP application.

**RECOMMENDATION:**

It is staff's recommendation this policy memo be formally adopted including the following provisions for future consideration of Conditional Use Permits:

1. The attached spreadsheet entitled "Conditional Use Permit Review/Renewal Guide, February 2014" is utilized as a guide to determine review or renewal conditions placed on CUP's.
2. All CUP's recommend city staff is contacted in the event of the sale of the property.
3. An approved CUP will become null and void if the subject property remains vacant for a period of six months or more and shall be classified as a nonconforming use.



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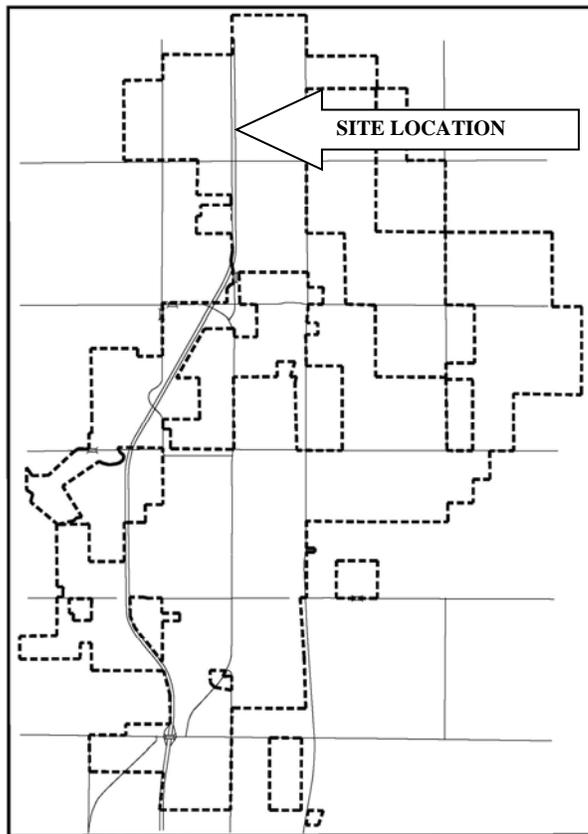
**Applicant:** Ad Trend, Kansas City, MO (contact) Jim Boeh

**Engineer:** Not Applicable

**Current Zoning:** M-1 Industrial

**Site Area:** 57.3 acres **Number of Lots:** 1

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map</b>
<b>Site:</b>	"M-1"	Vacant	Industrial
<b>North:</b>	"M-1"	Industrial	Industrial
<b>South:</b>	"M-1"	Industrial	Industrial
<b>East:</b>	"Unzoned"	Railroad R-O-W	Industrial
<b>West:</b>	"Unzoned"	Highway US169	Highway
<b>Related Applications:</b>	SP-03-08		



**BACKGROUND:**

The applicant, Ad Trend, has submitted an application for the renewal of CUP-03-08 for an off-premise billboard sign located approximately 1,100 feet north of 191<sup>st</sup> Street on the east side of US169 Highway. The sign is an illuminated, "V" shaped sign with a total height of 30 feet. Initially approved in 2008, the approval ordinance required renewal of the CUP in five years.

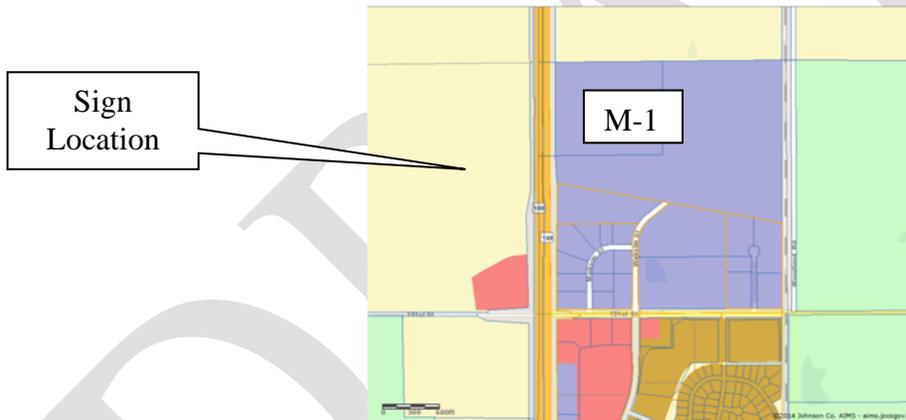
**GOLDEN FACTORS:**

The review of the proposed conditional use permit is consistent with Golden v. City of Overland Park, 224 Kan. 591, 584 P. 2d 130 (1978).

1. **Neighborhood Character.** The surrounding neighborhood is industrial in zoning and vacant along US169 Highway.



2. **Adjacent Zoning.** Adjacent parcels to the north, south and east are zoned for industrial uses, with the west being US169 Highway. Proposed conditional use permit for the site will be compatible with existing zoning.



3. **Suitability for Current Zoning.** Section 17.730.A.6.a requires zoning of M-1 or MP for an off-premise billboard sign. The current zoning of M-1 is suitable for this sign installation
4. **Detrimental Effect of Zoning Change.** The proposed conditional use permit will not have a detrimental effect on the nearby properties.
5. **Length of Time at Current Zoning.** The site has been zoned "M-1" General Industrial since the development of the area.
6. **Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit.
7. **Conformance with Comprehensive Plan.** The proposed conditional use permit is in conformance with the Spring Hill Comprehensive Plan.

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**RECOMMENDATION:**

It is the recommendation of staff that the Planning Commission recommend approval of the conditional use permit renewal CU-01-14 with the following conditions:

1. The sign being kept in good repair, and
2. Lighting to be shielded to prevent glare to adjoining properties and US169 Highway; and
3. The applicant, Ad Trend, contact city staff in the event of sale of the sign structure, and
4. The CUP shall become null and void if the sign is vacated or removed for a period of six months or more, and
5. Permit approval subject to annual review by staff with a report forwarded to the Planning Commission.

**End of Staff Report**

The chairman asked if any members of the public had any comments or concerns. With none stated, he closed the public hearing.

**Motion by Brian Haupt** to recommend the approval of CU-01-14 with the following conditions:

1. The sign being kept in good repair, and
2. Lighting to be shielded to prevent glare to adjoining properties and US169 Highway; and
3. The applicant, Ad Trend, contact city staff in the event of sale of the sign structure, and
4. The CUP shall become null and void if the sign is vacated or removed for a period of six months or more, and
5. Permit approval subject to annual review by staff with a report forwarded to the Planning Commission.

**Second by Michael Weber.** Motion passed 8 yes 0 no 0 abstention.

Chairman stated that he would entertain a motion to recess for five minutes.

**Motion by Cindy Squire** to recess for five minutes, beginning at 7:45PM.

**Second by Michael Weber.** Motion passed 8 yes 0 no 0 abstention.

The meeting reconvened at 7:50 PM.

**4. Public Hearing - Conditional Use Permit**

Case No.: CU-02-14  
Request: Volumetric Concrete Facility  
Address: 20790 Woodland  
Applicant: Randall J. Miller

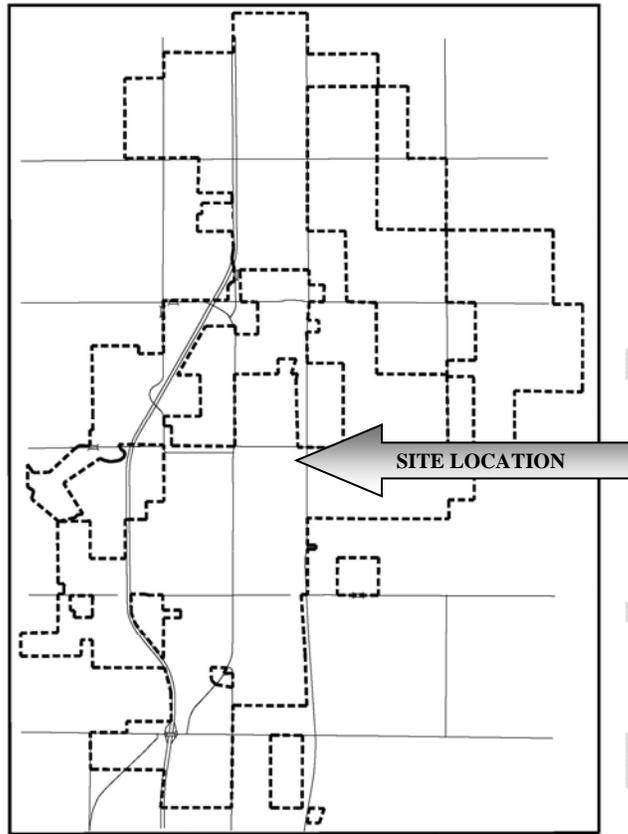
The chairman asked if anyone had any contact or conflict of interest with the applicant. With none stated, Mr. Hendershot presented the following staff report.

**Beginning of Staff Report**

**SPRING HILL PLANNING COMMISSION  
CONDITIONAL USE STAFF REPORT**

<b>Case #:</b>	CU-02-14	<b>Meeting Date:</b>	February 6, 2014
<b>Description:</b>	Conditional Use Permit - Volumetric Concrete Facility		
<b>Location:</b>	20790 Woodland		
<b>Applicant:</b>	Randall J. Miller		
<b>Engineer:</b>	n/a		
<b>Current Zoning:</b>	"M-1" General Industrial		
<b>Site Area:</b>	2.24 acres	<b>Number of Lots:</b>	1
	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map</b>
<b>Site:</b>	M-1	General Industrial	Industrial
<b>North:</b>	M-1	General Industrial	Industrial
<b>South:</b>	M-1	General Industrial	Industrial
<b>East:</b>	R-2	Vacant	Residential
<b>West:</b>	M-1	General Industrial	Industrial
<b>Related Applications:</b>	CU-06-12		

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**BACKGROUND:**

The applicant, Randall Miller, has submitted a request for a conditional use permit for a volumetric concrete facility to be located at 20790 Woodland Road. The facility is currently located in the Country Meadows Industrial Park and operating under the approved permit CU-06-12. The facility will be relocated to the Woodland Road location. The Spring Hill Zoning Ordinance allows for a concrete plant in the "M-1" district with a Conditional Use Permit, as per section 17.330.C.5 (Basic Industry).

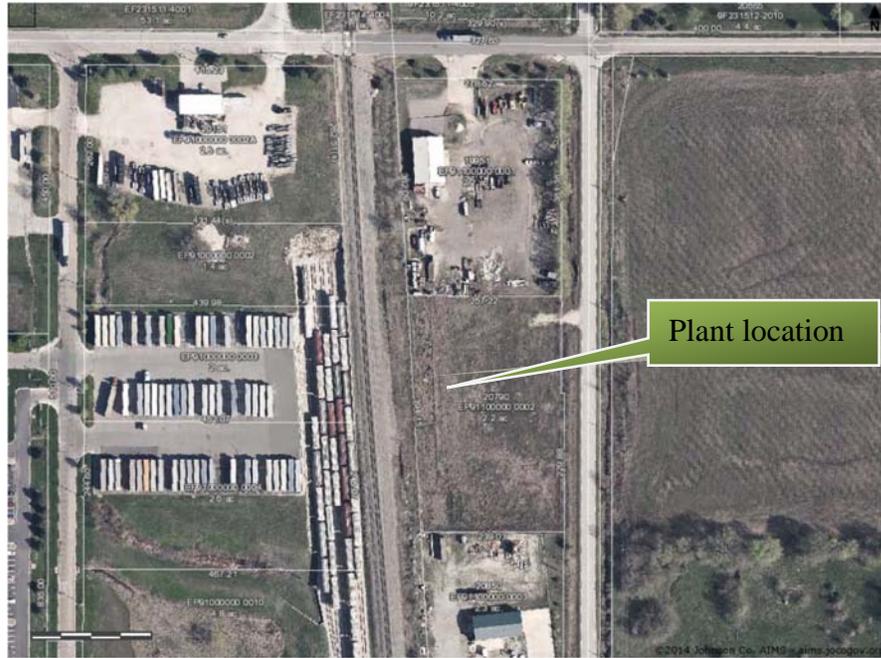
As previously noted the batch plant is portable in nature. The difference between a traditional concrete batch plant and volumetric facility is the raw materials from a volumetric facility are placed in the truck but not mixed until arrival on site. The owner plans to relocate the bins and silo from the existing site and erect them as shown on the attached site drawing. Long range plans call for the construction of a building on the west side of the property as identified on the site drawing.

**GOLDEN FACTORS:**

The review of the proposed conditional use permit is consistent with Golden v. City of Overland Park, 224 Kan. 591, 584 P. 2d 130 (1978).

- 1. Neighborhood Character.** The surrounding properties to the north, south and west are industrial in use. The vacant land to the east is zoned for two-family residential and separated from the subject tract by Woodland Ave.

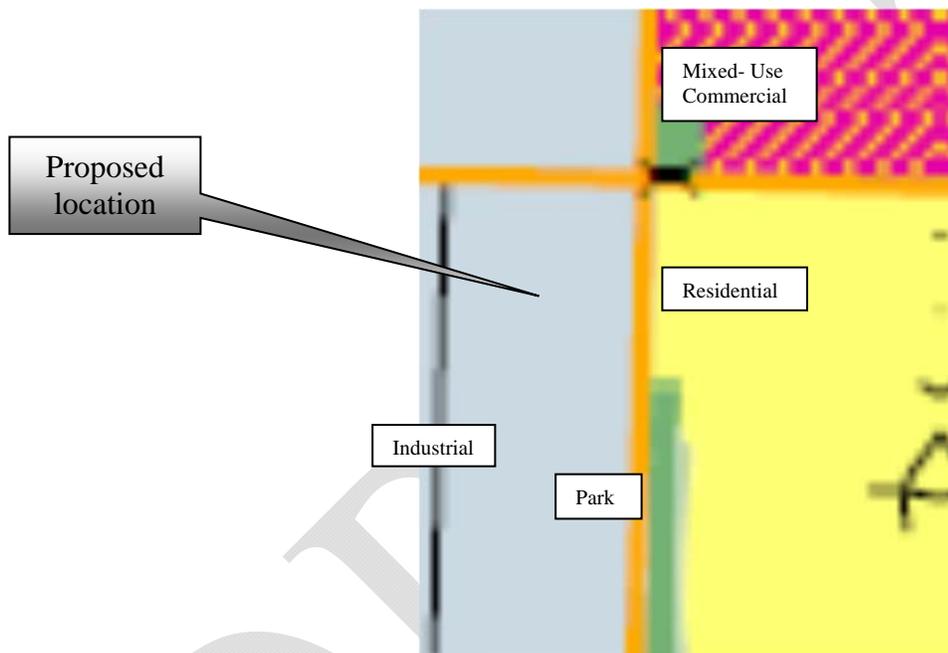
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- 2. **Adjacent Zoning.** Adjacent parcels to the north, south and west are zoned industrial and the vacant property to the east being primarily R-2 zoning.



3. **Suitability for Current Zoning.** The site is suitable for the proposed use as cement plants are allowed in an M-1 District with a conditional use permit.
4. **Detrimental Effect of Zoning Change.** The proposed conditional use permit should have no detrimental effect on the nearby properties. With the exception of the vacant property to the east, all other area parcels are industrial in zoning and use.
5. **Length of Time at Current Zoning.** The site has been zoned “M-1” General Industrial for many years.
6. **Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit.
7. **Conformance with Comprehensive Plan.** The proposed conditional use permit would be in conformance with the Spring Hill Comprehensive Plan Future Land Use Map, that identifies the parcel as industrial.



8. **Review Criteria** Sections 17.354.H and 17.334.D detail the review criteria for a conditional use permit. Not all of the criteria must be given equal consideration by the Planning Commission or by the Governing Body in reaching a decision.

A. *The proposed project is consistent with purposes of the regulations and intent of the district.*

The proposed development is consistent with regulations and intent of the district in that a concrete batch plant is basic industry and is allowed in an M-1 zone with a conditional use permit. In addition, the Comprehensive Plan identifies the area as industrial for future land use.

B. *The proposed project is compatible with the character of the neighborhood.*

The proposed project is compatible with the character of the neighborhood as surrounding property is either zoned industrial or is vacant.

C. *The proposed project is compatible with zoning and uses of nearby parcels.*

The proposed project is in compliance with zoning districts as identified on the zoning map and with uses of nearby parcels as noted in item “B”.

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*D. The proposed project is requested because of changing conditions.*

The proposed project is requested because of a need to relocate the facility from its current location

*E. Review of suitability of parcel for uses permitted by the district.*

The proposed project is suitable for this particular parcel when considering zoning, current use and future land use.

*F. Review detrimental effects on nearby parcels.*

The nearby parcels should not be affected negatively as they are either industrial in zoning and use or vacant.

*G. The proposed project corrects an error.*

The project does not correct an error of any kind.

*H. Adequacy of current facilities.*

Facilities such as road access, water, electric and gas are adequately available to the site with minimal extensions by the developer. Sewer is not available at the site but the facility has no need for sewer services until the future building is constructed. At that time, if applicable, onsite sewage is an option. Woodland Road is constructed to withstand the truck traffic generated by this facility. Current regulations require the driveway entrance to the facility be paved with either concrete or asphalt. The applicant has indicated his intention to pave the driveway in the immediate future.

*I. Conformity with Comprehensive Plan.*

The proposed development is in compliance with the Comprehensive Plan with regards to zoning and future land use.

*K. Hardship if application is denied.*

The applicant could better speak to any perceived hardship if the application is denied.

*View of portable batch plant as erected on Chestnut Street in Country Meadows Industrial Park*



**RECOMMENDATION:**

Staff recommends the Planning Commission approves CU-02-14 as presented with final action by the Governing Body on February 27, 2014 with the following conditions:

1. Approved concrete approach and driveway must be installed from Woodland Road within six months, (August 2014), and
2. The applicant contact city staff in the event of sale of the property, and
3. The CUP shall become null and void if the use is vacated or removed for a period of six months or more, and
4. Permit approval subject to annual review by staff with a report forwarded to the Planning Commission.

**End of Staff Report**

Ms. Bitner asked why we were going to allow six months to put in the concrete driveway approach.  
Mr. Hendershot stated that six months would allow for better weather to install the approach.

Ms. Pollom inquired about the effects that this business might have on the traffic on Woodland Road.  
Mr. Hendershot stated that very little traffic would be generated from this location, as it is a one truck operation.

Ms. Squire asked about the need for landscaping.  
Mr. Hendershot said that this criteria had already been met.

The chairman asked if any members of the public had any comments or concerns. With none stated, he closed the public hearing.

**Motion by Brian Haupt to recommend the approval of CU-02-14 with the following conditions:**

1. Approved concrete approach and driveway must be installed from Woodland Road within six months, (August 2014), and
2. The applicant contact city staff in the event of sale of the property, and
3. The CUP shall become null and void if the use is vacated or removed for a period of six months or more, and
4. Permit approval subject to annual review by staff with a report forwarded to the Planning Commission.

**Second by Michael Weber. Motion passed 8 yes 0 no 0 abstention.**

The Chairman suggested all public speaking to be limited to five minutes for the remainder of the meeting. There being no objection from the Planning Commission, the time limit was implemented.

Ms. Bitner mentioned that the Speaker Sign-Up Sheet had an error stating "FOR THOSE PERSONS DESIRING TO ADDRESS THE PLANNING COMMISSION FEBRUARY 06, 2014 REGARDING ISSUES **NOT** LISTED ON THE PUBLISHED AGENDA"

The Chairman apologized for the clerical error and sent the sign-up sheet through the audience for corrections.

**5. Public Hearing - Rezoning**

Case No.: Z-02-13  
Request: Zoning Change C-2 to RP-4  
Address: SW Corner 226th & Harrison St.  
Applicant: BlackHawk Development, L.L.C.

The chairman asked if anyone had any contact or conflict of interest with the applicant.

Commissioner Tobi Bitner stated that she had a conflict due to being within the 200ft notification area and living across the street from the proposed development. She then recused herself from this agenda topic and stepped down to participate as a private citizen.

**Beginning of Staff Report**

**SPRING HILL PLANNING COMMISSION  
ZONING STAFF REPORT**

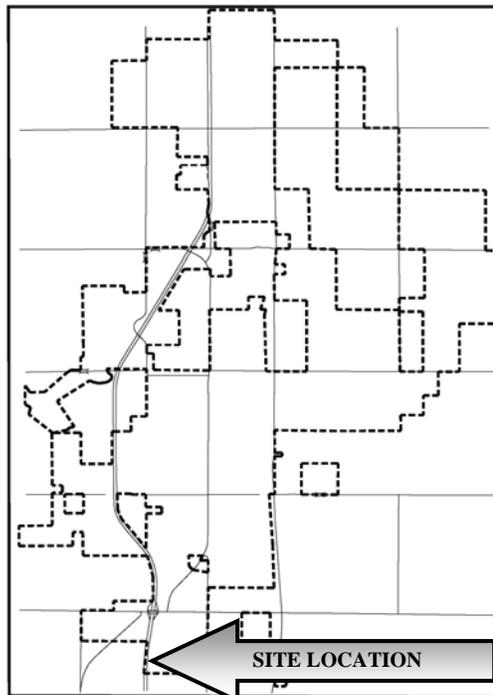
**Case #:** Z-02-13 **Meeting Date:** February 6, 2014

**Description:** Proposed Rezoning from C-2 to RP-4  
**Location:** Southwest corner of Franklin & 226th St.  
**Applicant:** Blackhawk Development, LLC  
**Engineer:** Allenbrand-Drews & Assoc., Inc.

**Current Zoning:** "C-2" **Proposed Zoning:** "RP-4"

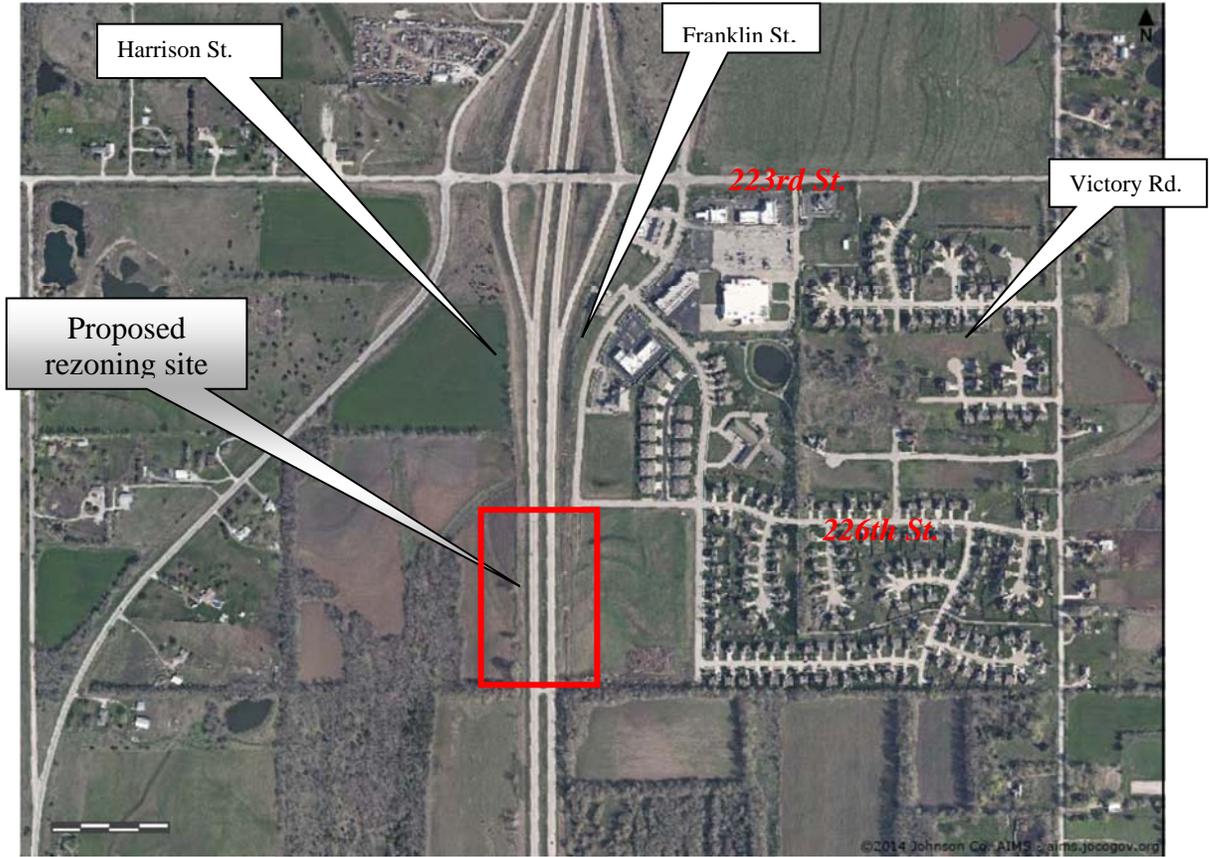
**Site Area:** 13.68 Ac. **Number of Lots:** 1

	Current Zoning	Existing Land Use	Future Land Use Map
<b>Site:</b>	"C-2"	Vacant	Mixed Use Commercial
<b>North:</b>	"C-2"	Vacant	Mixed Use Commercial
	"R-2"	2-Family Resid.	Mixed Use Residential
<b>South:</b>	County	Vacant	N/A
<b>East:</b>	"R-1"	Single Family Resid.	Residential
<b>West:</b>	N/A	Highway R-O-W	N/A
<b>Proposed Use:</b>	Planned Multi-Family		



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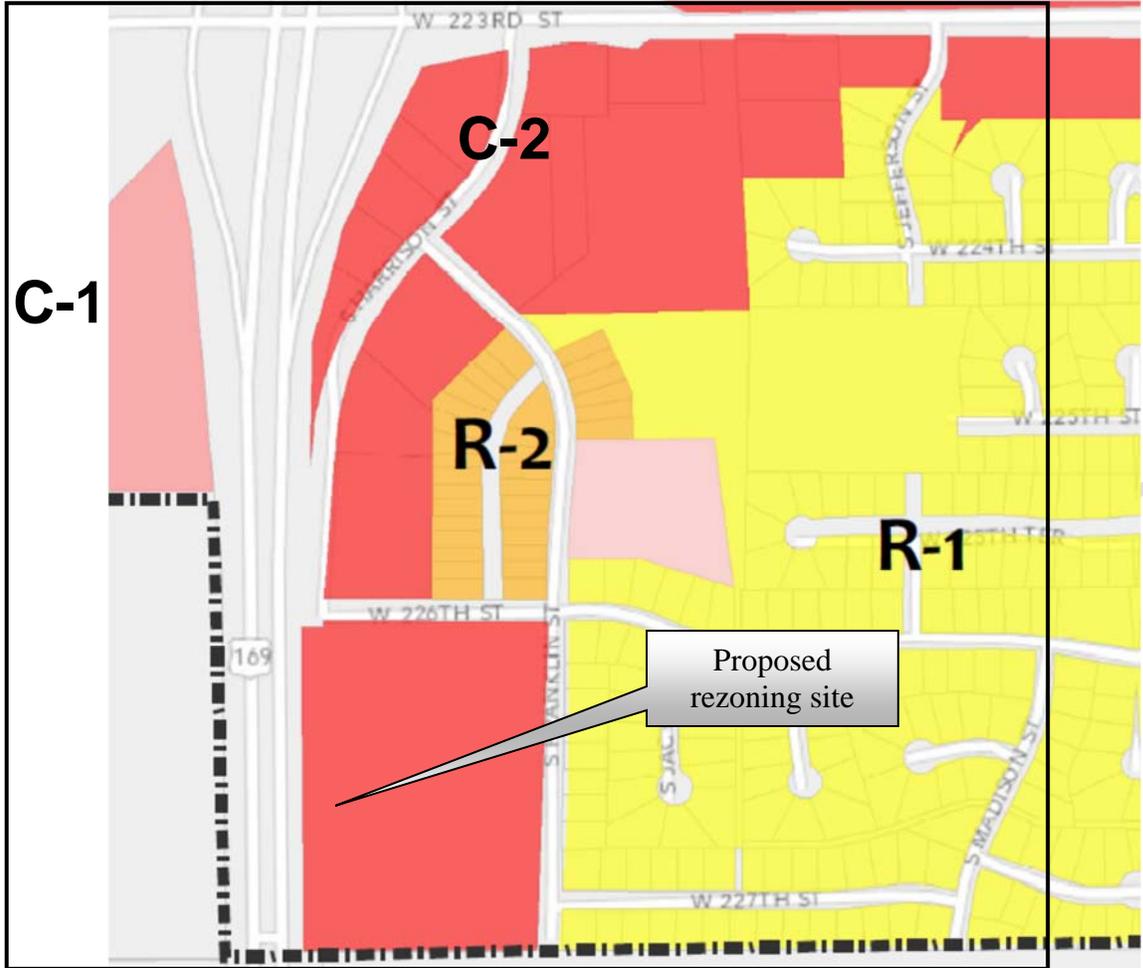
AREA PHOTO



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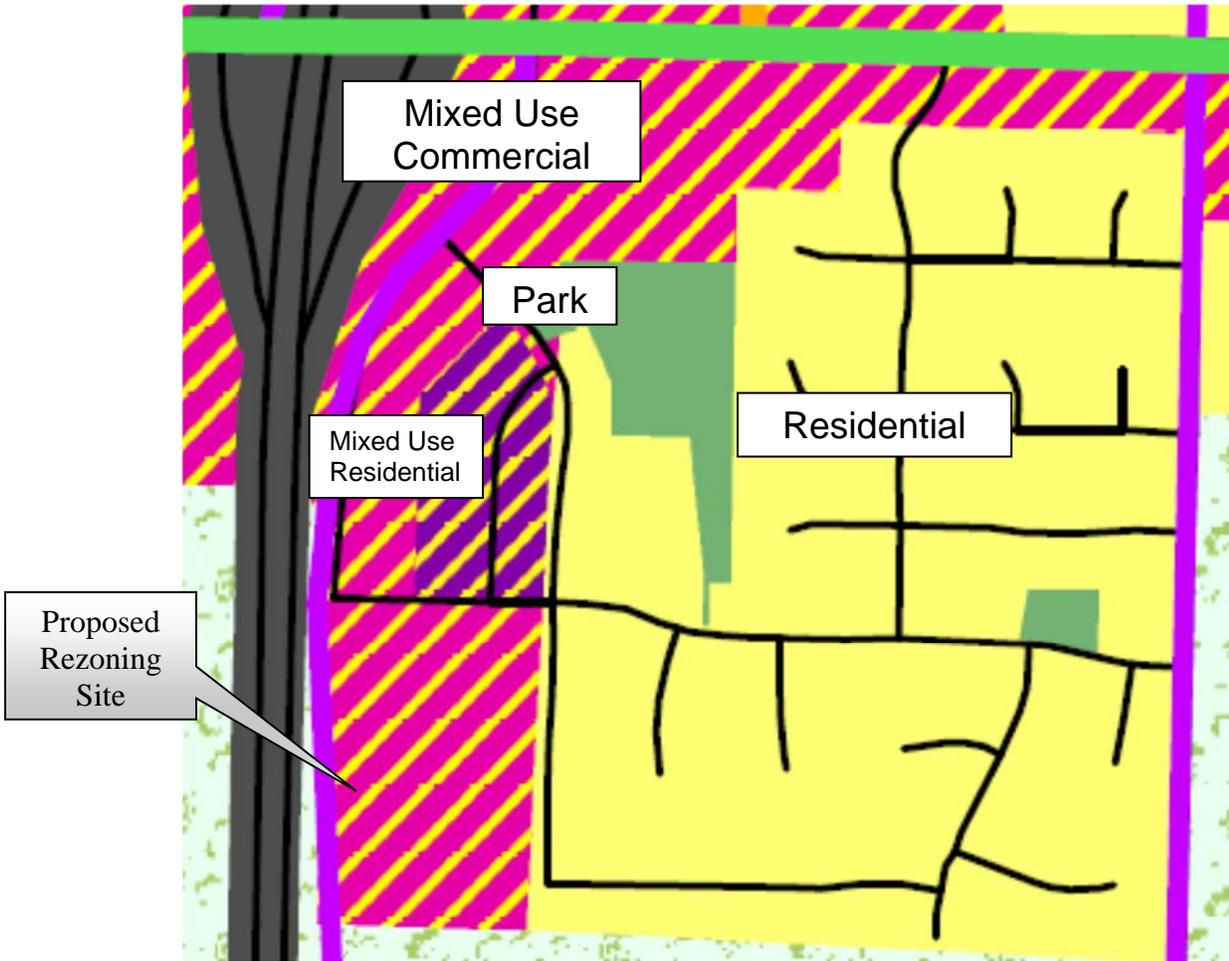
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**AREA ZONING**



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**FUTURE LAND USE**



**BACKGROUND:**

An application has been received requesting the above shown property be rezoned from C-2 (General Business District) to RP-4 (Planned Multi-Family District). The property located at the southwest corner of 226th and Franklin Street is a 13.68 acre site for a planned development consisting of 228, one and two bedroom apartments contained in seven buildings. The buildings will be a combination of two and three story buildings with exterior finishes consisting of a combination of brick, stucco, horizontal and sheet siding and have laminated asphalt shingles on the roof.

In addition to the seven apartment buildings the complex will have a club house and pool, storm water detention basin, a play area, six garage units (5-6 bays), six carport units (5-6 bays), a trash compaction area and two mail box sites. The preliminary landscape plan identifies an earthen berm located adjacent to Franklin Street to screen the parking areas from view and will contain landscaping items in excess of the minimum required by the zoning regulations.

Access to the complex will be via two entrances located along Harrison Street which will be extended from 226th Street to the south property line of the subject tract where a temporary turn-around will be installed. Adequate parking is provided for the anticipated occupancy of the complex and includes handicap accessible parking areas.

Some members of the Planning Commission and citizens from the surrounding area may recall a 2003 rezoning application at this location that was denied. While the concept of multi-family apartments may be similar, this application is not identical to the 2003 application. It should also be noted that the Comprehensive Plan has undergone significant changes and updates since the 2003 application. This staff report will focus on the current application and will reference the Comprehensive Plan and Zoning Regulations currently adopted by the City of Spring Hill. Records from the 2003 application are on file with the City of Spring Hill and are available through the open records request with the City Clerk.

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Included with this staff report you will find the preliminary development plan as required to be submitted with a planned zoning request. The development plan consists of a site plan, landscape plan, building elevations, and floor plans of the various buildings along with individual one and two bedroom apartment floor plans.

Section 17.332.A of the Spring Hill Zoning Regulations indicates the "zoning of land to a Planned District shall be for the purpose of encouraging and requiring orderly development on a quality level generally equal to that of the equivalent zoning district, but permitting deviations from the normal and established development techniques". As noted above, a planned zoning request requires the submission of a preliminary development plan. If the preliminary development plan is approved, the Planning Commission and Governing Body must then approve a final development plan prior to the issuance of any permits for construction. A final development plan can be considered by the Planning Commission and Governing Body without a public hearing provided it is in substantial compliance with the preliminary plan and contains no substantial or significant changes. Procedures for the approval process including details on substantial or significant changes are found in Section 17.332 of the Spring Hill Zoning Regulations, 2009 Third Edition.

**REZONING:**

The review of the proposed rezonings are consistent with Golden v. City of Overland Park, 224 Kan. 591, 584 P. 2d 130 (1978).

- 1. Consistent with purposes of the regulations and intent and purpose of the proposed district:** The proposed use of the property for multi-family residential units is an allowed use in an RP-4 District and consistent with the proposed zoning. Multi-family residential is defined as the use of a site for three or more dwelling units within a single building. Typical uses include triplexes, fourplexes, apartments, residential condominiums and town houses.
- 2. Neighborhood Character:** As shown on the aerial photo (page 2), the surrounding neighborhood is single family residential to the east, two family residential and vacant commercial to the north, highway right-of-way to the west, and vacant agricultural ground to the south.
- 3. Zoning and uses of nearby parcels:** As shown on the area zoning map (page 3), the area to the east is zoned R-1 (Single Family Residential), the area to the north is zoned R-2 (Two-Family Residential) and C-2 (General Business District), the area to the west is US Highway right-of-way, and the area to the south is unincorporated Miami County zoning of Countryside. According to the Miami County Planning Department this zoning district allows for larger tract single family residential and agricultural uses.

With respect to current uses of nearby parcels, the area to the east is developed as single family residential, the R-2 area to the north is developed as two-family residential, the area to the north zoned C-2 is vacant, the area to the west is US Highway 169, and the area to the south is vacant agricultural ground.

- 4. Requested because of changing conditions:** During the 2003 rezoning process for this tract opinions were voiced that the property's best use was commercial based on location and the comprehensive plan adopted at that time. According to the owner, the property has been heavily marketed since 2003 as commercial with no interest from potential buyers. The Future Land Use Map of the Comprehensive Plan identifies the property as "Mixed Use Commercial". Section 4.2.2 of the Comprehensive Plan defines "Mixed Use Commercial" as a category that promotes a mixture of neighborhood-oriented office, retail-commercial, institutional, civic, and medium to higher density residential uses intermixed through compatible site planning and building design. As a result conditions have changed since 2003 as the Comprehensive Plan recognizes multi-family projects as compatible in a mixed use designation and the property seems to be unmarketable as commercial.
- 5. Suitability of parcel for uses restricted by the current zone:** As noted in item #4, this property has little appeal for commercial development. The proposed use as multi-family residential is not allowed in a C-2 district. Section 5.6.1 of the Comprehensive Plan recommends the use of well designed multi-family housing to transition between single-family housing and areas of higher intensity including commercial uses, industrial uses, highways and/or railroads. As a result, the property seems to be more suitable for uses restricted by the current zone than those uses that are allowed in a C-2 district.
- 6. Suitability of parcel for uses permitted by the proposed district:** The proposed use of the parcel for multi-family apartments is consistent with and an allowed use in the proposed district of RP-4. The base district of R-4 also identifies multi-family residential as an allowed use.

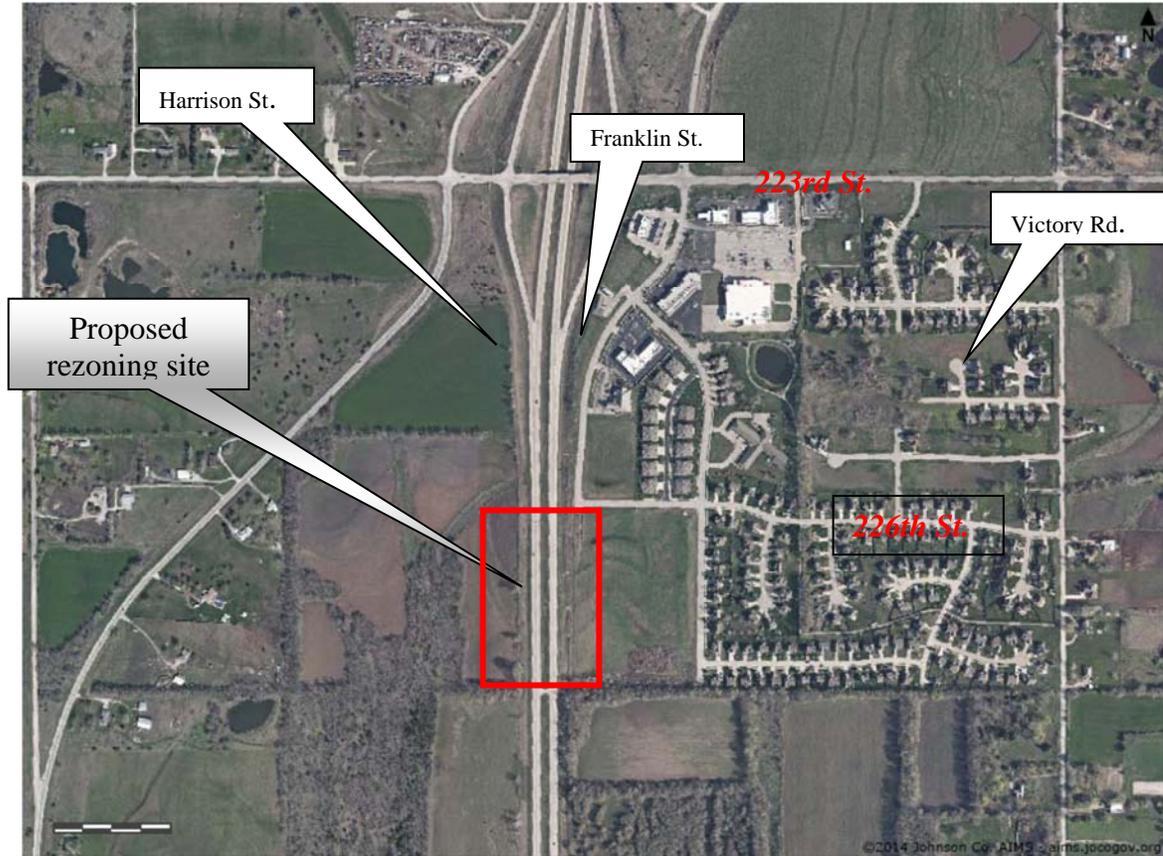
7. **Detrimental Effect of Zoning Change:** As with most rezoning requests, the surrounding owners and residents can best speak to the issue of detrimental effects if the application is approved. Based on the length of time the subject property has been vacant along with continued efforts to market the property as commercial, it is reasonable to anticipate a hardship to the owner in the form of unmarketable property if the application is denied.
8. **Proposed amendment corrects an error:** No error is being corrected.
9. **Length of property has been vacant:** The property has never been developed and remains vacant.
10. **Adequacy of facilities:** Adequate utilities are available at the property. Extensions of main lines for water and sewer are required and identified on the preliminary development plan.
11. **Conformance with Comprehensive Plan.** As noted above the Future Land Use Map identifies this property as "Mixed Use Commercial". The proposed project is in compliance with the Comprehensive Plan as medium to higher density residential uses are noted as being compatible within this category. In addition it provides a transition area or buffer between the highway and neighboring residential and commercial zones and developments.  
  
In addition, Section 17.318.A of the Spring Hill Zoning Regulations indicates an R-4 district (underlying zone for RP-4) is generally appropriate for areas designated as "Mixed-Use" by the Spring Hill Comprehensive Plan.
12. **Hardship if application is denied:** It is staff's opinion the applicant is better qualified to respond to this issue. However, with the length of time the property has been zoned C-2 combined with the efforts of the owner to sell the property as commercial being unsuccessful, denial of the request could result in the property remaining vacant for many years
13. **Recommendation:** Staff recommends approval of rezoning application Z-02-13 from C-2 to RP-4.

**SPRING HILL PLANNING COMMISSION  
ZONING STAFF REPORT**

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<b>Case #:</b> Z-02-13 Prelim. Dev. Plan	<b>Meeting Date:</b>	February 6, 2014
<b>Description:</b>	Preliminary Development Plan, Blackhawk Apartments	
<b>Location:</b>	Southwest corner of Franklin & 226th St.	
<b>Applicant:</b>	Blackhawk Development, LLC	
<b>Engineer:</b>	Allenbrand-Drews & Assoc., Inc.	
<b>Site Area:</b>	<b>Number of Lots:</b>	13.68 Ac.                      1

AREA PHOTO



**REQUIREMENTS OF THE SPRING HILL ZONING REGULATIONS FOR PRELIMINARY DEVELOPMENT PLANS ASSOCIATED WITH PLANNED ZONING**

**Section 17.332.F Spring Hill Zoning Regulations:** When a property is zoned as a planned district, the development plan shall be considered as preliminary and approved as part of the rezoning application.

**Section 17.332.H Spring Hill Zoning Regulations:** The Planning Commission shall advertise and hold a public hearing on the plan as provided by law and as set forth in Section 17.364. The review criteria set forth in Section 17.364.D (see note below) and the statement of objectives of planned zoning provided in Section 17.332.B (below) shall apply to the approval of planned districts and the associated preliminary plan.

NOTE: The review criteria provided in Section 17.364.D are the criteria established in Golden v. City of Overland Park and are detailed in the staff report for rezoning of the subject tract from C-2 to RP-4.

**Section 17.332.B Spring Hill Zoning Regulations:**

**NOTE:** For the purposes of this report items #5, 8 and 9 have been deleted as they address commercial planned developments.

**Statement of Objectives.** The zoning of land in the City of Spring Hill to one of the Planned Districts (RP-1 through RP-4 and CP-0 through CP-2) shall be for the purpose of encouraging and requiring orderly development on a quality level generally equal to that of the equivalent standard zoning districts, but permitting deviations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large-scale development tracts, efficient development of small tracts, innovative and imaginative site planning, conservation of natural resources and minimizing the inefficient use of land. Planned Districts are expected to be consistent with the *Comprehensive Plan* recommendations, including the Planning Principles and Design Guidelines. The following are specific objectives of this section.

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1. A proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with master plans, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements as are normal in rezoning deliberations.
2. The submittal by the developer and the approval by the City of the approved plan in concept, intensity of use, aesthetic levels and quantities and qualities of open space.
3. Deviations in yard requirements, setbacks and relationship between buildings as set out in the Standards of Development of the underlying district may be approved if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development is produced.
4. Residential areas will be planned and developed in a manner that will produce more useable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques.
6. The developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.
7. Planned zoning shall not be used as a refuge from the requirements of the equivalent district as to intensity of land use, amount of open space to other established development criteria. Nor will any use be permitted in the planned district that is not clearly permitted in the equivalent district.
10. Open space in planned developments shall contribute to the use and enjoyment of the development's residents or users. Open space shall be provided in useful, quality spaces integrated purposefully into the overall development design. Residual areas left over after buildings and parking areas are sited are not considered acceptable useful open space.

This staff report will address the requirements of a preliminary development plan for Blackhawk Apartments and will be considered during the public hearing for rezoning the subject tract from C-2 to RP-4. If approved, the developer shall file with the Register of Deeds a statement that such a plan has been filed with the City of Spring Hill and has been approved, and that such planned unit development is applicable to certain specific legally described land and such statement recorded shall also specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchaser of users of land of the existence of such plan (Sec. 17.332.I.1 Spring Hill Zoning Regulations).

Approval of a final development plan is required any time a preliminary development plan is required and approved for a zoning district. No building permit shall be issued until a final development plan is approved and the property is platted as applicable (Sec. 17.332.K Spring Hill Zoning Regulations).

Final development plan review shall be performed by the Zoning Administrator and presented to the Planning Commission for approval. The Planning Commission shall forward the plan to the City Council for consideration with recommendations(s) (Sec. 17.332.M.1 Spring Hill Zoning Regulations).

**BACKGROUND**

An application has been received requesting the above shown property be rezoned from C-2 (General Business District) to RP-4 (Planned Multi-Family District). The property located at the southwest corner of 226th and Franklin Street is a 13.68 acre site for a planned development consisting of 228, one and two bedroom apartments contained in seven buildings. The buildings will be a combination of two and three story buildings with exterior finishes consisting of a combination of brick, stucco, horizontal and sheet siding and laminated asphalt shingles.

In addition to the seven apartment buildings the complex will have a club house and pool, storm water detention basin, a play area, six garage units (5-6 bays), six carport units (5-6 bays), a trash compaction area and two mail box sites. An earthen berm will be created adjacent to Franklin Street to screen the parking areas from view and will contain landscaping items in excess of the minimum required by the zoning regulations (see preliminary landscape plan).

Access to the complex will be via two entrances located along Harrison Street. Harrison Street will be extended from 226th Street to the south property line of the subject tract where a temporary cul-de-sac will be installed. Adequate parking, including handicap accessible stalls, is provided for the anticipated occupancy of the complex.

Some members of the Planning Commission and citizens from the surrounding area may recall a 2003 rezoning application at this location that was denied. While the concept of multi-family apartments may be similar, this application is not identical to the 2003 application. It should also be noted that the Comprehensive Plan has undergone significant changes and updates since the 2003 application. This staff report will focus on the current application and will reference the Comprehensive Plan and Zoning Regulations currently adopted by the City of Spring Hill. Records from the 2003 application are on file with the City of Spring Hill and are available through an open records request with the City Clerk.

Included with this staff report you will find the preliminary development plan as required to be submitted with a planned zoning request. The development plan consists of a site plan, landscape plan, building elevations, floor plans of the various buildings along with floor plans for one and two bedroom apartments.

Section 17.332.A of the Spring Hill Zoning Regulations indicates the "zoning of land to a Planned District shall be for the purpose of encouraging and requiring orderly development on a quality level generally equal to that of the equivalent zoning district, but permitting deviations from the normal and established development techniques". As noted above, a planned zoning request requires the submission of a preliminary development plan. If the preliminary development plan is approved, the Planning Commission and Governing Body must then approve a final development plan prior to the issuance of any permits for construction. A final development plan can be considered by the Planning Commission and Governing Body without a public hearing provided it is in substantial compliance with the preliminary plan and contains no substantial or significant changes. Procedures for the approval process including details on substantial or significant changes are found in Section 17.332 of the Spring Hill Zoning Regulations, 2009 Third Edition.

#### **SECTION 17.332.F - PLANNED DISTRICT PRELIMINARY DEVELOPMENT PLANS - CONTENTS AND SUBMISSION REQUIREMENTS**

**F. Planned District Preliminary Development Plans – Contents and Submission Requirements.** When property is zoned a planned district, the development plan shall be considered as preliminary and approved as part of the rezoning application. Due to the nature of planned districts, the preliminary site development plan may be more schematic and general in nature than a final plan that is more detailed in nature. The proponents of a planned district shall prepare and submit to the Planning Commission 16 copies of the preliminary development plan and a digital format approved by the Zoning Administrator, containing the following information:

1. A development plan showing the property to be included in the proposed development, plus the area within 200 feet thereof.  
*Comment: Submitted and acceptable*
  - a. Existing topography with contours at two-foot intervals, and delineating any land areas subject to one hundred-year flood, including those areas identified by flood studies prepared by the Johnson County Storm Water Management Program.  
*Comment: Submitted with storm water study and acceptable*
  - b. Location of existing or proposed buildings and other structures, parking areas, drives, walks, screening, drainage patterns and drainage controls, public streets, proposed utility connection layouts for water and sewer, any existing easements, and areas of existing tree cover.  
*Comment: Submitted and acceptable*
  - c. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, and other elements of the plan.  
*Comment: Submitted and acceptable*
  - d. General extent and character of proposed landscaping, including common names and planting size.  
*Comment: Submitted and acceptable.*
  - e. Exterior Building Elevations. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several buildings, a typical sketch may be submitted. In

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case several building types, such as apartments and business buildings, are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings and a floor plan, but detailed drawings and perspectives are not required.

*Comment: Submitted and acceptable*

- f. Schedules. A schedule shall be included indicating total floor area, dwelling units, land area, number of required and proposed parking spaces, and other quantities relative to the submitted plan in order that compliance with requirements of this title can be determined.

*Comment: Submitted and acceptable*

- g. Amenities. Proposed development amenities shall be identified, including but not limited to pedestrian walkways and trails, neighborhood parks, plazas, landscaped open spaces, recreational facilities, pools, clubhouses or community buildings, and any other site amenities.

*Comment: Submitted and acceptable*

2. The following information shall be shown on the same drawing within the 200-foot adjacent area:

- a. Any public streets, which are of record.

*Comment: Submitted and acceptable*

- b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City of Spring Hill, except those serving single-family houses.

*Comment: Submitted and acceptable*

- c. Any buildings, which exist or are proposed to the degree that their location and size are shown on plans on file with the City of Spring Hill. Single and two family residential buildings may be shown in approximate location and general size and shape.

*Comment: See aerial photo on page 1 of this staff report*

- d. The location and size of any drainage structure, such as culvert, paved or earthen ditches or storm water sewers and inlets.

*Comment: Location of storm water facilities shown on site plan. Sizes to be determined and submitted on final development plan.*

3. The following other relevant information including:

- a. Name, address, telephone number, and fax number of the landowner, as well as the architect, landscape architect, land planner, engineer, surveyor, or other person involved in the preparation of the plan, technical studies, and documents submitted with the application.

*Comment: Submitted and acceptable*

- b. Date of plan preparation.

*Comment: Submitted and acceptable*

- c. The boundary lines of the area included in the development plan, including bearings, dimensions and reference to a section corner, quarter corner, or point on a recorded plat.

*Comment: Submitted and acceptable*

- d. Existing land uses and current zoning districts.

*Comment: See zoning map on page 1 of this staff report*

- e. North arrow and small key map indicating the location of the property within the City.

*Comment: Submitted and acceptable*

- f. Engineering scale for site plans and standard architectural scale for building elevations.

*Comment: Submitted and acceptable*



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*NOTE: Rental agreements/contracts will prohibit the parking of boats, trailers, recreational vehicles, etc. on the property.*

6. Dimensions of Parking Area:

Minimum size 9 ft. x 19 ft.

90 degree pattern with single loaded aisle 42 ft. wheel stop to opposite curb

90 degree pattern with double loaded aisle 60 ft. wheel stop to wheel stop

*Comment: Parking shown on plan is compliant with regulations.*

7. Lighting of Parking Area: Any lights used to light the parking area shall be arranged, located, shielded and screened to direct light away from any adjoining or abutting residential districts, and shall be provided in accordance with Section 17.338.A.6.

*Comment: Parking lot lighting is not identified on the preliminary development plan. Any lighting to be installed will be detailed on the final development plan and in compliance with the section noted above.*

8. 17.338.A.4 Nonresidential uses which are proposed for the benefit of or as an amenity to a particular development and not for use by the general public should be centrally located within the interior of the development and accessible to a majority of residents or users of the development. Alternative locations where deemed appropriate may be approved by the Planning Commission and Governing Body.

*Comment: Nonresidential uses for this development include the garage bays, clubhouse and pool, and playground area. While not located in the center of the development, the playground, pool and clubhouse are located to minimize the impact on surrounding properties from noise and activity. With the highway located to the west of the development, locating the pool and playground on the western side of the development seems reasonable. The garage bays are centrally located throughout the development.*

9. 17.332.E.5 The design of all planned projects, whether residential or commercial shall be such that access and circulation by firefighting equipment is assured and may not be retarded by steep grades, heavy landscaping or building space.

*Comment: The layout of the project assures access throughout the development for firefighting equipment. This was verified by Johnson County Fire District #2 through their comments on plan review. As suggested by the Fire Department personnel, a temporary turn around will be provided on the south end of Harrison St. at the south property line of the subject tract.*

10. 17.332.E.8 Residential and commercial zoned planned developments are expected to use higher-quality durable building materials and architectural-design features that provide an increase in visual interest over conventional zoned developments.

*Comment: The building elevation drawings show the project utilizes brick and stucco and minimizes the amount of horizontal lap siding. The use of straight edge shingle siding panels in many of the roof gable ends also provides a higher quality product over conventional construction techniques. The variety of hips and gables in the roof structure work to break up any straight line affect many roofs tend to have and work to increase the visual interest of the development. The use of the combination of two and three story buildings also adds to the visual interest of the development.*

11. Landscaping:

*Comment: As shown on the preliminary landscape plan, the project is in compliance with the landscaping requirements of the zoning regulations. The final landscape plan will provide additional detail on tree and plant species*

**Recommendation:** Staff recommends approval of Preliminary Development Plan for Blackhawk Apartments.

Attachments: Site Plan, Floor Plans, Landscape Plan, 2003 Traffic Study, Building Elevations, Olsson & Assoc. Traffic Review and Update

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Staff also distributed a letter from the Spring Hill Chamber of Commerce that stated they were in favor of the proposed development.

Staff distributed a letter from BHC Rhodes for the BlackHawk Development Trip Generation Comparison.

The Chairman requested comments from the applicant.

Mr. Grant Merritt introduced his team of professionals as the following: Mr. Peter A. Opperman, of Opperman LandDesign; Mr. Jim Long P.E., Allenbrand-Drews and Associates, Inc.; Mr. Tom Fulton with Olsson Associates; Mr. Jeffrey H. Shinkle, AIA of BCS Design, Inc. He looks forward to a favorable vote tonight.

Mr. Peter A. Opperman, (with Opperman LandDesign) stated that he was representing the applicant Mr. Grant Merritt.

The development includes 7 apartment buildings that will house 228 units with a clubhouse and pool. The plan also includes a detention pond in the southwest corner of the site, a landscaped berm between the apartments and houses along Franklin Street and two entrances off of Harrison Street. They believe that the traffic would not negatively impact the Blackhawk residents as most vehicles will enter/exit directly onto Harrison, then travel north to 223<sup>rd</sup> Street. The buildings were designed to block the highway noise from the residents in the single family homes. In addition the Comprehensive Plan calls for 15% of open space and the applicant will have 48%. The pool was proposed on the far east side of the development to minimize noise and disturbance to area residents.

Ms. Squire asked for clarification on "open space". Her understanding was that 15% was the requirement and she has in her notes that this development will have 48%. Mr. Opperman confirmed that her numbers were correct. This was due to more units per building and less buildings taking away from the green space. Mr. Hendershot also read the definition of "open space" from our Comprehensive Plan.

The Chairman asked how deep the retention pond would be and if any fencing would be placed around it. Mr. Jim Long with Allenbrand-Drews and Associates, Inc., Professional Engineer for this project, stated that they do not have a specific size yet, but it would not be more than a couple feet deep. An aerator is proposed to be in the center of the retention pond, to help with water quality. Mr. Hendershot noted the details on the storm water would be included with the final development plan.

Mr. Sly inquired about the increased traffic at 223rd & Harrison. He inquired as to the probability of a stoplight being installed to aid in traffic in conjunction with an additional five hundred cars per day at this intersection? He also mentioned the concern that traffic would increase on 223rd & Victory Road causing a dangerous situation in his neighborhood. Mr. Opperman introduced Mr. Tom Fulton with Olsson Associates, consultant for this project. Mr. Fulton addressed the traffic question with information from previously completed traffic studies and recent traffic counts completed by Olsson & Associates. In his opinion there would be little impact to this intersection. A traffic signal would not be warranted at this intersection as the traffic counts do not reach established criteria and standards of the MUTCD.

Ms. Squire asked if the warrant is what gave the alphabetical traffic grading? Mr. Fulton said no, that designation is called Level of Service and is not to be confused with warrants.

Ms. Houpt challenged Mr. Fulton's answer on the need for a stop light at 223rd & Harrison. She stated that she experiences an accident at 223rd & Harrison on a weekly basis. She noted people coming and going from the Phillips 66 are in a hurry to pull out and get on the highway to go to work or to get home. In addition she mentioned elderly people that live in the outskirts that come in to the Price Chopper during the day to shop. She feels like you can always anticipate an accident at that stop sign. People barrel through the stop sign. Mr. Sly agreed with Ms. Houpt. Mr. Fulton stated that they did not do an accident study to know if this statement was accurate or not. Ms. Houpt stated that the alternative would be, that people leave the apartment complex and barrel through the residential neighborhood and get out on to Victory Road where there is no four way stop either. It will be a disaster with that many people. Mr. Fulton stated that when they did this study they looked at the statistics as if this development was fully occupied. He took the studies from 2003 and 2005 traffic studies and updated them with current information and the numbers are comparative. He said that the numbers are as close as they could possibly be, they did not change.

Mr. Weber asked for recent traffic count information. He was directed back to his agenda packet.

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Ms. Squire asked if her understanding of our limitations on traffic resolutions such as a roundabout or stop sign were due to KDOT. We are too close to the highway and there is not enough footage to make these improvements, is this not the case? Mr. Hendershot stated that options are available once the warrants for this area meet the needed criteria. Options are available, some may be more difficult than others. Mr. Roberts said that the issue is not that we can't put a light at that intersection. The issue is how would that stoplight affect the KDOT bridge. Ms. Squire asked if shutting down Webster at 223rd would be feasible or was it in the foreseeable future. Mr. Roberts stated that it would take many people to address this situation and he did not have an answer at this time.

Ms. Squire feels like the traffic numbers are down at that intersection because USD 230 is bussing kids from Blackhawk to Wolf Creek Elementary. Mr. Fulton said that traffic volume is also down because of the current economy.

The Chairman asked for a percentage of increase traffic to this area if we add 220 units of housing? Mr. Fulton said that in his best estimate would be less than 5% increase.

Mr. Sly again noted his concern for 223rd and Victory Road. Mr. Fulton said that his concern is valid, however it is more probable that the traffic is going to be at 223rd at Harrison.

Mr. Haupt asked if the study showed the need for additional turn lanes at 223rd & Harrison. Mr. Fulton said that the projected traffic counts do not meet the criteria for additional turn lanes.

The Chairman noted the time of evening and stated that he would like all public speaking to be limited to four minutes and opened the public hearing.

The following residents of Spring Hill and Joe Vader, Olathe Kansas stated that they were opposed to the multi-family development:

Leslie Wilson, 22640 S. Franklin Street  
Valerie Jenek, 22650 S. Franklin Street  
Michael Dellinger, 22673 Washington  
Joe Vader, Olathe Kansas

Emmy Hobart, 22630 S. Franklin Street  
Lisa Rush 21271 W. 227<sup>th</sup> Street  
Tobi Bitner 22680 S. Franklin Street

In summary, their reasons were as follows:

- Traffic concern – drivers currently speed and cut through the neighborhood to Victory Road
- Increase crime rate concern
- Prior to purchasing their home in BlackHawk, the developer explained that this area was zoned commercial and his plans called for a doctor's office with a landscaped berm; would not have purchased home in Blackhawk if they knew about multi-family proposal
- Concerned about the complex keeping up with property maintenance
- The majority of speakers have lived in apartment complexes, therefore they shared their experiences living in apartments
- Potential noise concern
- Believes there is a better place for this complex
- Burden on BlackHawk residents
- Prior denial of the same project in previous years, also resulting in a judgment in Miami County,
- Requested the hearing be continued without closing the public hearing
- Concern that the application is not valid due to lack of current traffic study, and that it was not professional and incomplete.

**Motion by** Cindy Squire to recess at 9:58PM for five minutes. Meeting to reconvene at 10:03PM

**Second by** Janell Pollom. Motion passed 8 yes 0 no 0 abstention.

Ms. Valerie Houpt excused herself from the meeting at 10:00PM

The meeting commenced at 10:04PM.

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The Chairman asked the commissioners if they had any additional information that they would need clarification.

Mr. Haupt wanted clarification from the traffic engineer if the traffic study was professional and complete? Mr. Fulton stated that he reviewed all studies and concurred with each of them. The studies were complete and professional in his opinion.

Ms. Squire inquired about a hypothetical accident at 226th & Franklin. If this were to occur and that road was compromised, would there be an alternate route into the apartments? Mr. Hendershot said that if the first access was blocked there would not be a secondary entrance at this current time.

Ms. Squire stated that since there are no basements, what will be used for a shelter during inclement weather. Mr. Opperman explained that there is a basement in the clubhouse that will provide shelter.

Mr. Haupt stated that he could count eight intersections in Blackhawk, that if they were blocked emergency vehicles would have a hard time reaching them as well. He was not sure that we have a fail- safe system in place anyway.

With clarification from the City Attorney Frank Jenkins, the chairman noted that closing the public hearing would result in no additional evidence being presented. He then asked the planning commission if additional evidence would affect their position on the application. The consensus of the planning commission was that no further evidence was necessary.

Mr. Haupt said that he was not looking for any additional evidence.

Ms. Squire said that she would want more information on the traffic off of Victory.

Mr. Sly agreed that he would like a complete traffic study for Victory, 223rd and a four way stop.

The chairman agreed that the intersection was congested, however he does not feel additional information will change their minds.

Mr. Sly said if they felt it was congested currently than what would an additional five hundred cars do to that intersection?

The Chairman asked Mr. Weber if additional information would change his mind at this time. He said no.

The Chairman asked Ms. Pollom if additional information would change her mind at this time. She said no.

Mr. Haupt did not see the need for additional traffic studies.

Ms. Squire asked if the applicant if he had any information or rebuttal to the comments made.

The applicant Mr. Grant Merritt, addressed the Planning Commissioners and listed several ways that he has tried to market this property. Unfortunately, this property has not produced any commercial interest. He said he thinks the City needs to look at what is going to be good for Spring Hill. Some people are not going to be pleased with this situation. However, it is a good transition between the highway and residential properties. He feels like the residents will not be satisfied with any growth that takes place in that area. He feels spending more money on a traffic study is not going to change anything. The City has an excellent opportunity with someone who wants to do something for this community. He noted his interest in the community as well. He owns property in Blackhawk and would not do anything that would devalue those properties. He gets phone calls all of the time asking him to make affordable housing in Spring Hill. This is his best shot and he urged them to make a decision tonight.

The Chairman closed the public hearing.

**Motion by** Brian Haupt to recommend the approval of Z-02-13 from C-2 to RP-4

Due to a lack of second, motion died.

**Motion by** Michael Weber to recommend denial of Z-02-13.

**Second by** Stephen Sly. Motion passed aloud Weber-Aye, Pollom-Aye, Haupt-Nay, Mitchell- Nay, Squire-Aye, Sly-Aye, 4 yes 2 no 0 abstention.

**Motion by** Janell Pollom to recommend denial of Preliminary Development Plan Z-02-13.

**Second by** Michael Weber. Motion passed aloud Weber-Aye, Pollom-Aye, Haupt-Nay, Mitchell- Nay, Squire-Aye, Sly-Aye, 4 yes 2 no 0 abstention.

## ANOUNCEMENTS

The Community Development Director participated in a MARC survey to collect interest in local and regional training for Planning Commissioners.

**ADJOURN**

**Motion by** Brian Haupt to adjourn

**Second by** Michael Weber. Motion passed unanimously.

Meeting adjourned at 11:03PM

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Natalie Lazenby, Secretary

DRAFT



**BACKGROUND:**

The applicant, Catch Development, has submitted an application for an additional phase of development in the Brookwood Farms Subdivision located west of Ridgeview on 199<sup>th</sup> St. The preliminary plat for this subdivision was submitted and approved in 2004 under the name Biltmore Farms Subdivision. Previous final plats were approved for the first phase of development and improvements to the subdivision entrance. Since that time the subdivision has been renamed to Brookwood Farms but the layout remains the same.

Brookwood Farms First Plat consists of 18 single family lots and is located to the south of the previously approved final plat now under development. A copy of the proposed final plat and approved preliminary plat is included with this packet for your review.

**STAFF COMMENT:**

As witnessed in other subdivisions in Spring Hill, this plat is a scaled down area as compared to the area identified as Phase II on the preliminary plat. Developers around the area are taking this approach to minimize expenses relating to infrastructure and to gradually react to the housing market demand.

The proposed final plat conforms with the Spring Hill Subdivision Regulations and is consistent with the approved preliminary plat.

Staff has submitted a draft Improvement Agreement to the developer for review. Once approved by all parties, this Improvement Agreement will be forwarded to the Governing Body along with final plat.

**RECOMMENDATION:**

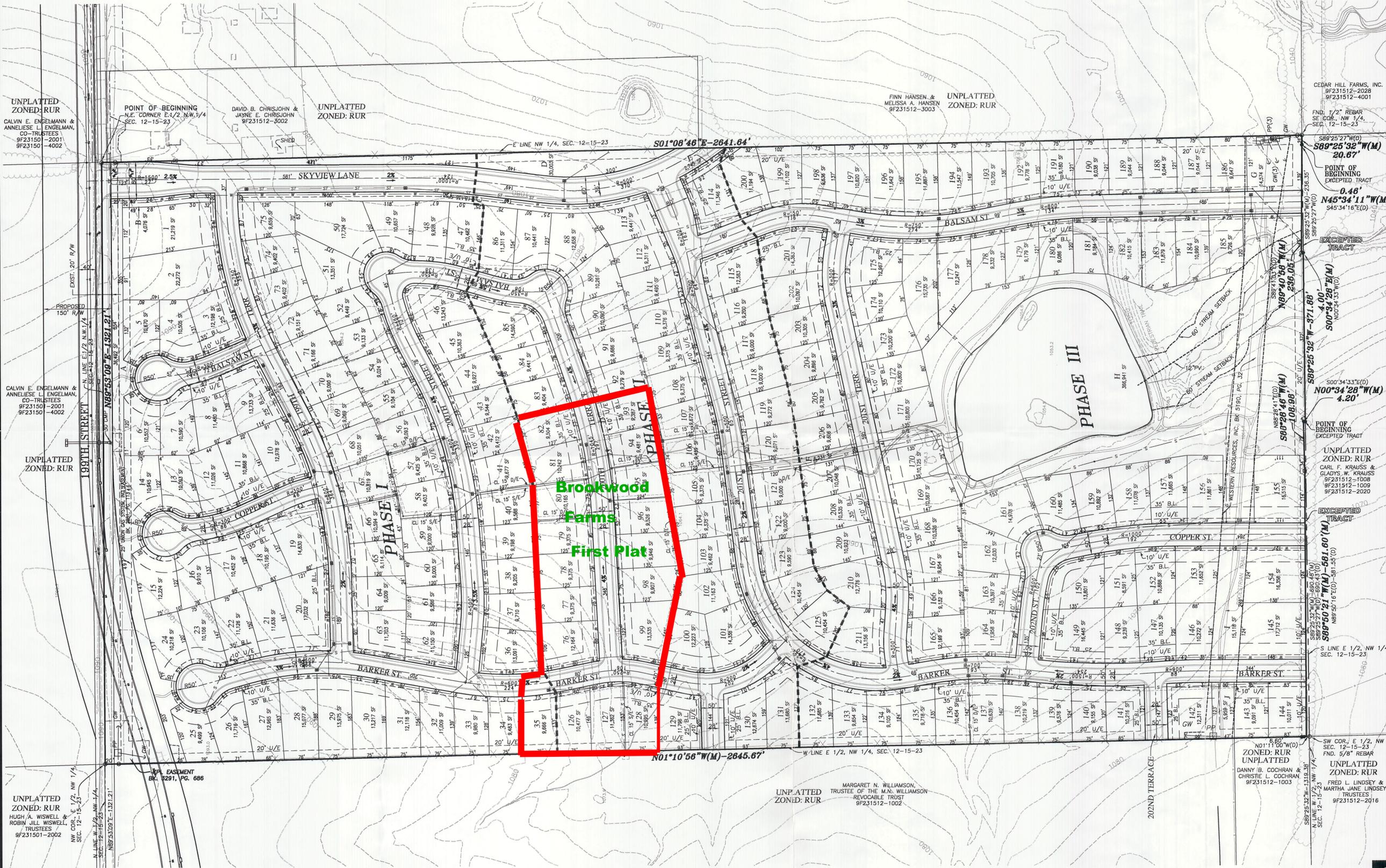
Staff recommends approval of FP-01-14, Brookwood Farms First Plat

Attachments: Final Plat Brookwood Farms First Plat  
Biltmore/Brookwood Farms Preliminary Plat

# PRELIMINARY PLAT OF BILTMORE FARMS

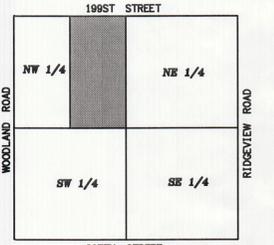
EAST ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 15, RANGE 23,  
IN SPRING HILL TOWNSHIP, JOHNSON COUNTY, KANSAS

10/21/2005

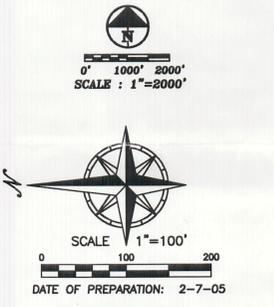


**LEGAL DESCRIPTION:**  
THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 15, RANGE 23, JOHNSON COUNTY, KANSAS, EXCEPT THAT PART IN ROADS AND EXCEPT BEGINNING AT THE SOUTHWEST CORNER OF THE NW 1/4 OF SECTION 12, T 15 S, R 23 E, JOHNSON COUNTY, KANSAS; THENCE S 89° 25' 32" W (MEASURED) (S 89° 25' 27" W (DEED)), ALONG THE SOUTH LINE OF SAID NW 1/4, A DISTANCE OF 20.67 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S 89° 25' 32" W (MEASURED) (S 89° 25' 27" W (DEED)), ALONG SAID SOUTH LINE, A DISTANCE OF 236.35 FEET; THENCE N 00° 34' 28" W (MEASURED) (N 00° 34' 33" W (DEED)) A DISTANCE OF 4.00 FEET; THENCE S 89° 40' 58" E (MEASURED) (S 89° 41' 03" E (MEASURED)) A DISTANCE OF 236.05 FEET; THENCE S 45° 34' 11" E (MEASURED) (S 45° 34' 16" E (DEED)) A DISTANCE OF 0.46 FEET TO THE TRUE POINT OF BEGINNING; AND EXCEPT BEGINNING AT THE SOUTHWEST CORNER OF THE NW 1/4 OF SECTION 12, T 15 S, R 23 E, JOHNSON COUNTY, KANSAS; THENCE S 89° 25' 32" W (MEASURED) (S 89° 25' 27" W (DEED)), ALONG THE SOUTH LINE OF SAID NW 1/4, A DISTANCE OF 628.90 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING S 89° 25' 32" W (MEASURED) (S 89° 25' 27" W (DEED)), ALONG SAID SOUTH LINE, A DISTANCE OF 690.48 FEET (MEASURED) (690.43 FEET (DEED)) TO THE SOUTHWEST CORNER OF THE E 1/2 OF SAID NW 1/4; THENCE N 01° 10' 56" W (MEASURED) (N 01° 11' 00" W (DEED)), ALONG THE WEST LINE OF SAID E 1/2, A DISTANCE OF 6.60 FEET; THENCE N 89° 50' 21" E (MEASURED) (N 89° 50' 16" E (DEED)) A DISTANCE OF 581.60 FEET (MEASURED) (581.55 FEET (DEED)); THENCE N 88° 28' 46" E (MEASURED) (N 88° 28' 41" E (DEED)) A DISTANCE OF 108.98 FEET; THENCE S 00° 34' 28" W (MEASURED) (S 00° 34' 33" W (DEED)) A DISTANCE OF 4.20 FEET TO THE TRUE POINT OF BEGINNING.

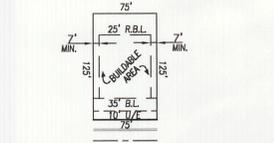
GROSS AREA = ±80.1398 ACRES  
NET AREA = ±79.5332 ACRES



VICINITY MAP  
SECTION 12-15-23



- LEGEND**
- DENOTES BAR TO BE SET
  - DENOTES BAR FOUND
  - DENOTES BUILDING LINE
  - - - DENOTES UTILITY EASEMENT
  - DENOTES EXISTING FENCE
  - DENOTES EXIST. TREE LINE
  - DENOTES PROPOSED STORM SEWER
  - DENOTES PROPOSED SAN. SEWER
  - DENOTES PROPOSED 4' SIDEWALK
  - DENOTES PROPOSED WATER



TYPICAL LOT SETBACKS

- UTILITY PROVIDERS**
- CEBRIDGE CONNECTIONS, 803 BAPTISTE DRIVE, (800) 999-8876
  - ATMOS ENERGY, 730 N. RIDGEVIEW ROAD, (913) 764-0531
  - JOHNSON COUNTY RURAL WATER DISTRICT NO. 7, 534 WEST MAIN, (913) 856-8876
  - KANSAS CITY POWER & LIGHT COMPANY, 8730 NIEMAN ROAD, (800) 223-0755
  - SPRINT, 435 EAST MAIN, (800) 788-3500
  - WESTAR ENERGY, 818 SOUTH KANSAS AVE, (913) 764-3500

UNPLATTED ZONED: RUR  
CALVIN E. ENGELMANN & ANNELESE L. ENGELMAN, CO-TRUSTEES  
9F231501-2001  
9F231501-4002

UNPLATTED ZONED: RUR  
CALVIN E. ENGELMANN & ANNELESE L. ENGELMAN, CO-TRUSTEES  
9F231501-2001  
9F231501-4002

UNPLATTED ZONED: RUR  
HUGH A. WISWELL & ROBIN JILL WISWELL, TRUSTEES  
9F231501-2002

FINN HANSEN & MELISSA A. HANSEN  
9F231512-3003  
UNPLATTED ZONED: RUR

CEDAR HILL FARMS, INC.  
9F231512-2028  
9F231512-4001

FIND. 1/2" REBAR  
SE COR., NW 1/4,  
SEC. 12-15-23

POINT OF BEGINNING EXCEPTED TRACT  
S89°25'32"W(M) 20.67'  
0.46'  
N45°34'11"W(M) 545'34"16"E(D)

EXCEPTED TRACT  
S89°25'32"W(M) 236.05'  
S89°40'58"W(M) 236.05'  
S00°34'28"W(M) 4.00'  
N00°34'33"E(D) 4.20'

POINT OF BEGINNING EXCEPTED TRACT  
S89°25'32"W(M) 236.35'  
N88°28'46"E(D) 108.98'  
S00°34'33"E(D) 4.20'

UNPLATTED ZONED: RUR  
CARL F. KRAUSS & GLADYS W. KRAUSS  
9F231512-1008  
9F231512-1009  
9F231512-2020

EXCEPTED TRACT  
S89°25'32"W(M) 680.48'(M)  
S89°25'27"W(M) 680.43'(M)  
S89°50'21"W(M) 581.60'(M)  
N89°50'16"E(D) 581.55'(D)

S LINE E 1/2, NW 1/4,  
SEC. 12-15-23

UNPLATTED ZONED: RUR  
DANNY B. COCHRAN & CHRISTIE COCHRAN  
9F231512-1003

UNPLATTED ZONED: RUR  
FRED L. LINDSEY & MARTHA JANE LINDSEY,  
TRUSTEES  
9F231512-2016

MARGARET N. WILLIAMSON,  
TRUSTEE OF THE M.N. WILLIAMSON  
REVOCABLE TRUST  
9F231512-1002

**PROJECT NOTES:**  
1. TRACTS A, B, C, D, E, F, G, H, I AND J, ARE TO BE OWNED AND MAINTAINED BY THE HOMES ASSOCIATION.  
2. TRACTS A, B, C, E, F, G, H, I AND J ARE TO BE DESIGNATED FOR REQUIRED MIN. 4% OPEN SPACE OF THE GROSS AREA. PLAN SHOWS A TOTAL OF 10.87 ACRES, WHICH EQUALS 14% OPEN SPACE TOTAL.

**FLOOD NOTE:**  
THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR UNINCORPORATED AREAS JOHNSON COUNTY, KANSAS, COMMUNITY NO. 200159, PANEL NO. 0320 F AND DATED JUNE 17, 2002.

**BUILDING SETBACKS:**  
FRONT BUILDING LINE: 35' BUILDING SETBACK  
SIDE BUILDING LINE: 7' MIN. SIDE YARD SETBACK  
REAR BUILDING LINE: 25' REAR YARD SETBACK

**PHASING SCHEDULE:**

PHASE	STARTING	HOME CONST. STARTS	# OF LOTS
1	2006	2006	76
2	2008	2009	56
3	2010	2011	81

**CONTRACT OWNER:**  
CATCH INVESTMENTS  
ATT: LEONARD MARKS  
1147 W. DENNIS AVENUE  
OLATHE, KS 66061  
(913) 681-3620  
(913) 681-5135 FAX

**ENGINEER/APPLICANT:**  
PHELPS ENGINEERING, INC.  
1270 N. WINCHESTER  
OLATHE, KS. 66061  
(913) 393-1155  
(913) 393-1166 FAX

**PEI** 10/21/05 PHELPS ENGINEERING, INC.  
1270 N. Winchester  
Olathe, Kansas 66061  
(913) 393-1155  
Fax (913) 393-1166  
www.phelpsengineering.com  
NOTED IN STAFF REPORT

