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Kansas State University)*

PLANNING COMMISSIONER TRAINING

OCTOBER 3, 2014 1:00-4:30 P.M.

Join us for Planning Commissioner
Training at the 2014 Kansas Planning
Conference in Wichita.

Training only price includes admission to two
sessions geared towards planning commissioners.

1:00-2:45 p.m. Planning Commissioner Training Session:
Prepare, Engage, Evaluate

AND

3:00-4:30 p.m. Choose 1 of the following sessions:

- Zoning from Enforcement to Incentives - For Planners and Experienced Planning Commissioners
- BUILT: An Engagement Tool for Community Planning - For Planners and New Planning Commissioners

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Questions? Contact
Bonnie Johnson at
bojojoh@ku.edu

Better yet, join us for the entire Kansas Planning Conference, beginning on October 2!

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On-site registration will be accepted, however a \$40 charge will be added to the full conference rate.



Memo

To: Spring Hill Planning Commission
From: Jim Hendershot, Community Development Director
CC: File
Date: August 28, 2014
Re: September 4, 2014 regular meeting

The following offers a brief explanation of items on the September 4, 2014, Planning Commission agenda. If you are unable to attend the meeting, please contact my office at 913-592-3664, or email at hendershotj@springhillks.com or lazenbyn@springhillks.com.

FORMAL COMMISSION ACTION

1. **APPROVAL OF MINUTES:** August 7, 2014 meeting
2. **PUBLIC HEARING, REZONING CASE Z-02-14:** Included with this packet you will find a staff report detailing a request to rezone a full city block from R-1 to R-2 for the construction of duplex apartments. All notifications to area property owners were distributed with no comments from the public received to date. In addition, notification of the hearing was published in the newspaper as required. As noted in the report, staff will recommend approval of the request be forwarded to the Governing Body for consideration on September 25, 2014.
3. **PUBLIC HEARING – Ordinance amendment on beekeeping:** *(Item tabled from June 5 and August 7, 2014)* Included with this packet you will find Section 17.336.B.2 of the Spring Hill Zoning regulations that address residential accessory uses in R-1 and R-2 districts. On page 5 of the document, highlighted in red, are suggested regulations allowing beekeeping in these districts. As directed, staff met with Ron Post and discussed these issues for consideration. It is staff's opinion that placing the regulations in this section of the zoning code clarifies the intent of allowing beekeeping only in R-1 and R-2 Districts and not city wide. Staff's recommendation continues to be not amending city code to allow beekeeping in districts other than RR and AG districts. If the Planning Commission recommends an amendment be forwarded to the Governing Body, staff will forward such recommendation as directed.

4. **Site Plan, Artistic Concrete Surfaces:** Included with this packet you will find a staff report and drawings detailing this application. The project includes an 11,800 sq. ft., 2 story, metal commercial office building with a covered entry, paved entrance drive and parking lot, landscaping and fencing. Staff recommends approval of the site plan with consideration by the Governing Body on September 25, 2014.
5. **Parking Regulations Amendment – Angle Parking:** As directed by the PC, staff has obtained measurements on Nichols and Main Streets for parking comparison. In addition, staff along with representatives from our on-call traffic consultant, BHC Rhodes, have viewed the areas noted above. Included with this packet, you will find a diagram of the area along with noted dimensions. BHC Rhodes was provided this information and asked to compare our parking lot regulations to accepted standards for angle parking with a single lane of traffic in a public street. A copy of their letter indicating our requirements are in compliance with area and nationally recognized standards is included in the packet. Staff will request a public hearing date be established to formally discuss possible amendments to the zoning code to allow for head-in (angle) parking on street right-of-way in specific situations.
6. **2014 Comprehensive Plan Review:** Annually the Planning Commission is required to conduct a review of the adopted Comprehensive Plan for the jurisdiction. Annual reviews can be as extensive or as simple as desired. The 2012 and 2013 reviews were extensive with respect to updates on information obtained in the 2010 US Census along with the termination of the Miami County Growth Area. I ask you to review the Comprehensive Plan for areas subject to review and updating. If no areas are noted, staff will ask for a motion to accept the current edition of the Comprehensive Plan. This motion, if passed by a vote of the PC, is acceptable as meeting requirements of the annual review.
7. **October 2 Planning Commission Meeting:** Hendershot will be attending the Annual Business Meeting of the International Code Council the week of October 2, 2014 and will not be available for the PC meeting. To date there is no business expected at this meeting and staff is requesting the October 2 meeting be canceled.

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
AGENDA
THURSDAY, September 04, 2014
7:00 P.M.
SPRING HILL CIVIC CENTER
401 N. MADISON – ROOM 15**

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

FORMAL ACTION

1. Approval of Minutes

August 7, 2014

2. Public Hearing – Rezoning

Case No.: Z-02-14

Request: Zoning Change from R1 to R2

Address: Lawrence & Jackson

Applicant: CRN Properties, Randall Nay

3. Public Hearing - Ordinance Amendment

Case: Beekeeping

4. Site Plan

Case No.: SP-01-14

Request: Commercial Facility

Address: Lone Elm Rd. & US169 Highway

Applicant: Artistic Concrete Services, Mike Denny

DISCUSSION

5. Parking Regulations Amendment

6. 2014 Comprehensive Plan Review

7. October 2, 2014 Planning Commission Meeting

ANNOUNCEMENTS and REPORTS

ADJOURN

City of Spring Hill, Kansas
Minutes of Planning Commission Regular Session
August 7, 2014

A Regular Session of the Planning Commission was held in the Spring Hill Civic Center, 401 N. Madison, Room 15, Spring Hill, Kansas on August 7, 2014. The meeting convened at 7:00p.m. with Chairman Mitchell presiding, and Natalie Lazenby, Planning Secretary recording.

Commissioners in attendance: Troy Mitchell
Brian Haupt
Cindy Squire
Michael Weber
Janell Pollom
Josh Nowlin

Councilmembers absent: Tobi Bitner
Stephen Sly

Staff in attendance: Community Development Director, Jim Hendershot
Planning Secretary, Natalie Lazenby

ROLL CALL

The secretary called the roll of the Planning Commissioners. With a quorum present, the meeting commenced.

APPROVAL OF THE AGENDA

Motion by Mr. Haupt, seconded by Ms. Squire, to approve the agenda as presented. Motion carried 6-0-0

FORMAL ACTION

1. Approval of Minutes: August 7, 2014

Motion by Ms. Squire, seconded by Mr. Haupt, to approve the minutes for August 7, 2014. Motion carried 5-0-0

Chairman Mitchell introduced Mr. Josh Nolin as the new appointed Planning Commissioner.

2. 2014 Capital Improvement Program (CIP)

The Finance Director presented the 2015-2019 Capital Improvement Program (CIP). This program includes all projects proposed to be completed over the next five years. While project costs are only estimates and can change during the course of design or construction, it is important to note that available funding will also drive the actual progress of these projects. Residential development over the course of the next few years may drive the need for additional projects and updates to this CIP will occur on an annual basis during the budget process.

Mr. Haupt noted that the Sanitary Sewer repairs were not recorded on the CIP.

Ms. Landis agreed to put them back into the CIP.

Ms. Squire asked if any repairs had been made in the last year to sidewalks and/or trails?

Ms. Landis stated that no improvements have been made at this time. All funds available have been allocated to the upkeep of the city streets.

Motion by Mr. Haupt, seconded by Ms. Squire, to approve the Capital Improvement Plan 2015-2019 as in conformance to the Comprehensive Plan.

Roll Call Vote: Nolin-yea, Haupt-yea, Mitchell-yea, Weber-yea, Pollom-yea, Squire-yea. Motion carried 6-0-0

The CIP will now be forwarded to the City Council for approval. The CIP will become an official City document and is viewable by citizens and will be made available on our website.

3. Public Hearing – Rezoning

Case No.: Z-01-2014
Request: Zoning Change from RR to R1 & C2
Address: Lone Elm Road & North Street
Applicant: ACS Concrete Construction

Chairman Mitchell asked if there were any contacts or conflicts of interest. There being none, Mr. Hendershot proceeded with his staff report.

**SPRING HILL PLANNING COMMISSION
ZONING STAFF REPORT**

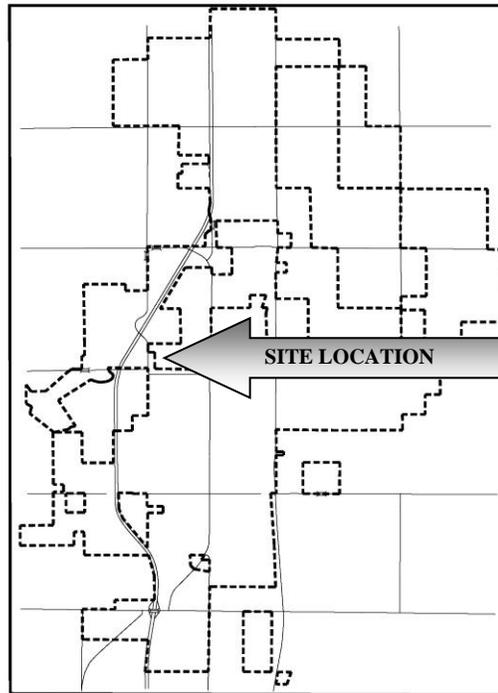
Case #: Z-01-14 **Meeting Date:** August 7, 2014

Description: Proposed Rezoning from R-R to C-2 and R-1
Location: 610 W. North Street
Applicant: ACS Concrete Construction, Mike Denny-President
Engineer: Allenbrand-Drews, Robert Layton

Current Zoning: "R-R" **Proposed Zoning:** C-2 & R-1
Site Area: 28.6 Acres (approx) **Number of Lots:** 4

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	R-R	Vacant & Residential	Residential
North:	C-2	Vacant	Residential
South:	R-1	Vacant	Residential
East:	County (RUR)	Comm./Resid./Vacant	Residential
West:	R-1 & M-1	Residential & Industrial	Residential
Proposed Use:	Residential and Commercial		

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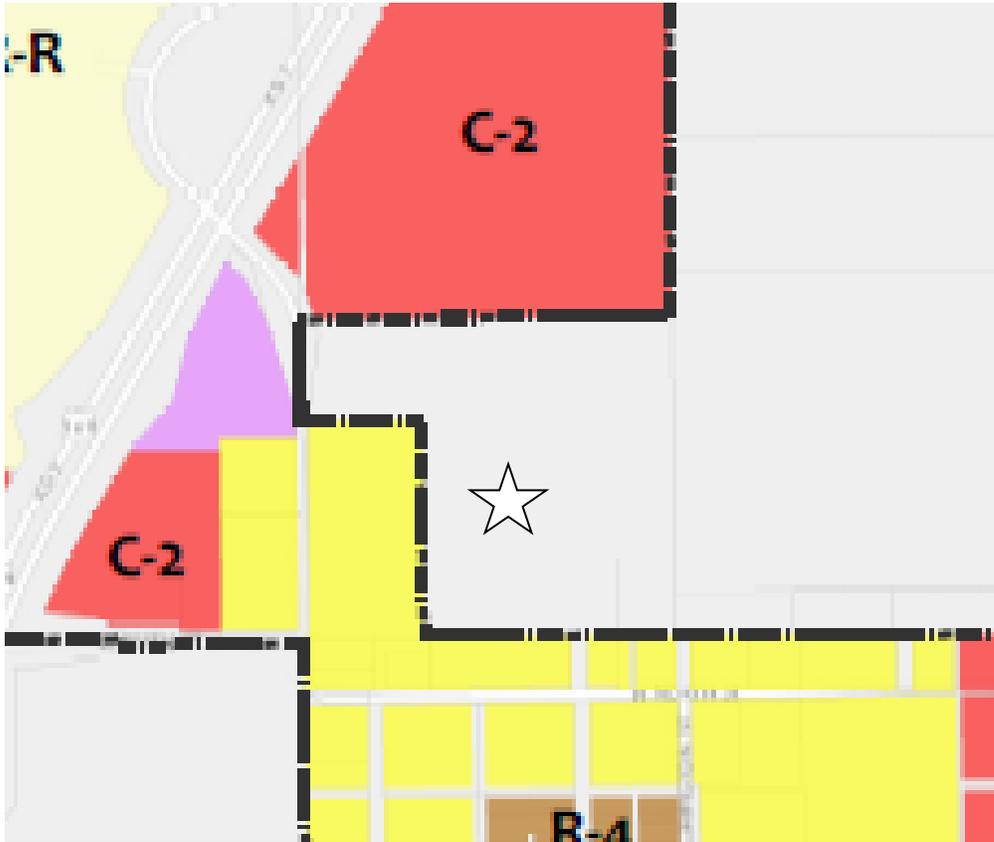


AREA PHOTO

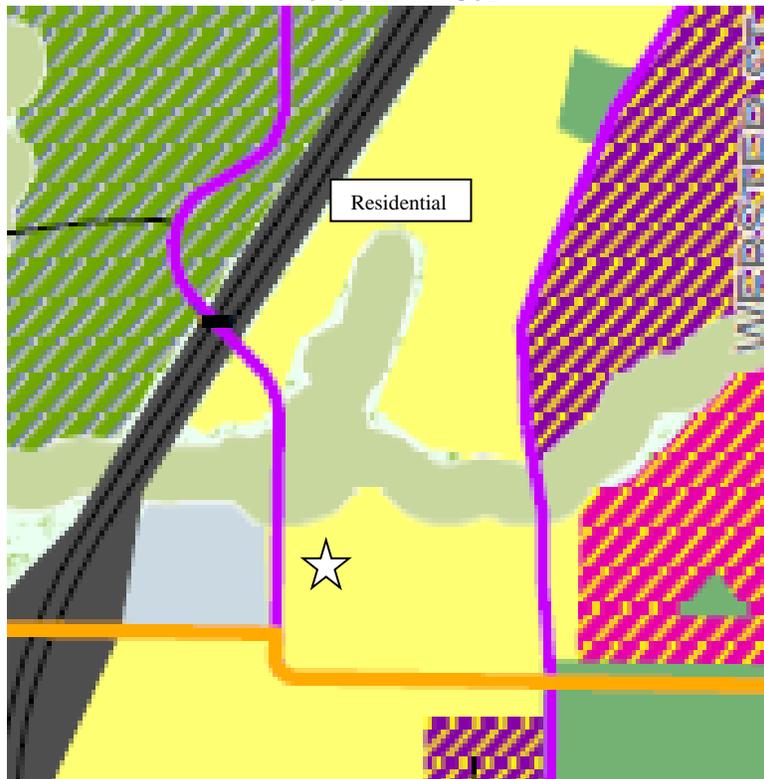


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AREA ZONING



FUTURE LAND USE



BACKGROUND:

An application has been received requesting the above shown property be rezoned from R-R (Rural Residential) to R-1 (Single Family) and C-2 (General Business). Following annexation into the city limits the applicant is now requesting rezoning to allow for the construction of two single family dwellings and a business location. The rezoning application is combined with applications for preliminary and final plats.

REZONING:

The review of the proposed rezoning's 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 rezoning is consistent with the purpose and intent of the regulations in that single family dwellings are an allowed use in R-1 Districts and the proposed business to be located within the C-2 District is consistent with these regulations.
- 2. Neighborhood Character:** As shown on the aerial photo above, the surrounding neighborhood is a combination of single family dwellings, agriculture lands and vacant open space.
- 3. Zoning and uses of nearby parcels:** As shown on the area zoning map above, the property to the north is zoned commercial, to the west is residential and industrial, and to the east is primarily rural Johnson County.
- 4. Requested because of changing conditions:** Request is based on a business and residential opportunity at a location conducive to the proposed uses.
- 5. Suitability of parcel for uses restricted by the current zone:** Current zoning following annexation is R-R (Rural Residential). The plan for the tract is for commercial to the north, adjacent to the currently commercial zoned property. The remainder of the tract would be R-1 for the construction of two dwellings. The current R-R zoning requires 250 feet of street frontage which is not available under the proposed property configuration.
- 6. Detrimental Effect of Zoning Change:** No detrimental effects are anticipated.
- 7. Proposed amendment corrects an error:** No error is being corrected.
- 8. Length of property has been vacant:** The property adjacent to North Street has been zoned R-1 for several years and currently has one dwelling on the property. The balance of the property has been vacant rural Johnson County for many years. Staff is unaware of any previous development on the property at any point in time.
- 9. Adequacy of facilities:** All utilities are available at the property with the exception of sewer. The configuration of the proposed lots would allow for private sewage systems as public sewer is not available to the property. The developer has been in contact with Johnson County Environmental for the details on septic installation.
- 10. Conformance with Comprehensive Plan.** The Future Land Use Map identifies this property and surrounding properties as residential however the property to the north is zoned commercial and is well suited for this zoning considering the proximity to the highway. It is staff's opinion that rezoning the northern area of the property does not constitute spot zoning as it would be an expansion of the current commercial zone.
- 11. Hardship if application is denied:** It is staff's opinion the applicant is better qualified to respond to this issue.

12. Recommendation: Staff recommends approval of rezoning case Z-01-14 from R-R to R-1 and C-2.

Mr. Hendershot noted that if the Commissioners had any questions for the property owner that Mr. Mike Denny was in attendance, and would be happy to answer any additional questions they may have.

Chairman Mitchell opened the Public Hearing and asked If anybody had any questions or concerns. There being none, Mr. Mitchell closed the Public Hearing

Motion by Mr. Haupt, seconded by Mr. Weber, to approve case Z-01-14 from R-R to C-2 and R-1.

Roll Call Vote: Squire-yea, Pollom-yea, Weber-yea, Mitchell-yea, Haupt-yea, Nolin-yea. Motion carried 6-0-0.

4. **Public Hearing – Preliminary Plat**

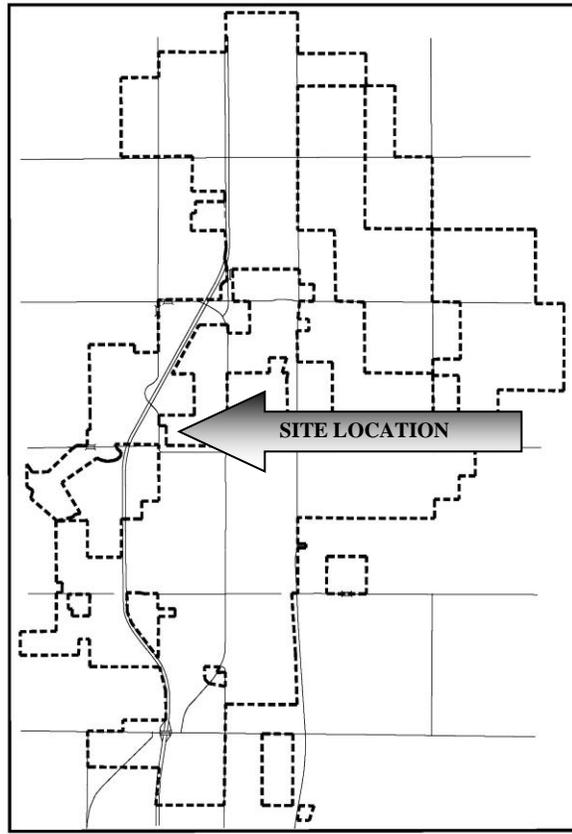
Case No.: PP-01-14, The Bowery
Request: Preliminary Plat
Address: Lone Elm Road & North Street
Applicant: ACS Concrete Construction

Chairman Mitchell asked if there were any contacts or conflicts of interest. There being none, Mr. Hendershot proceeded with his staff report.

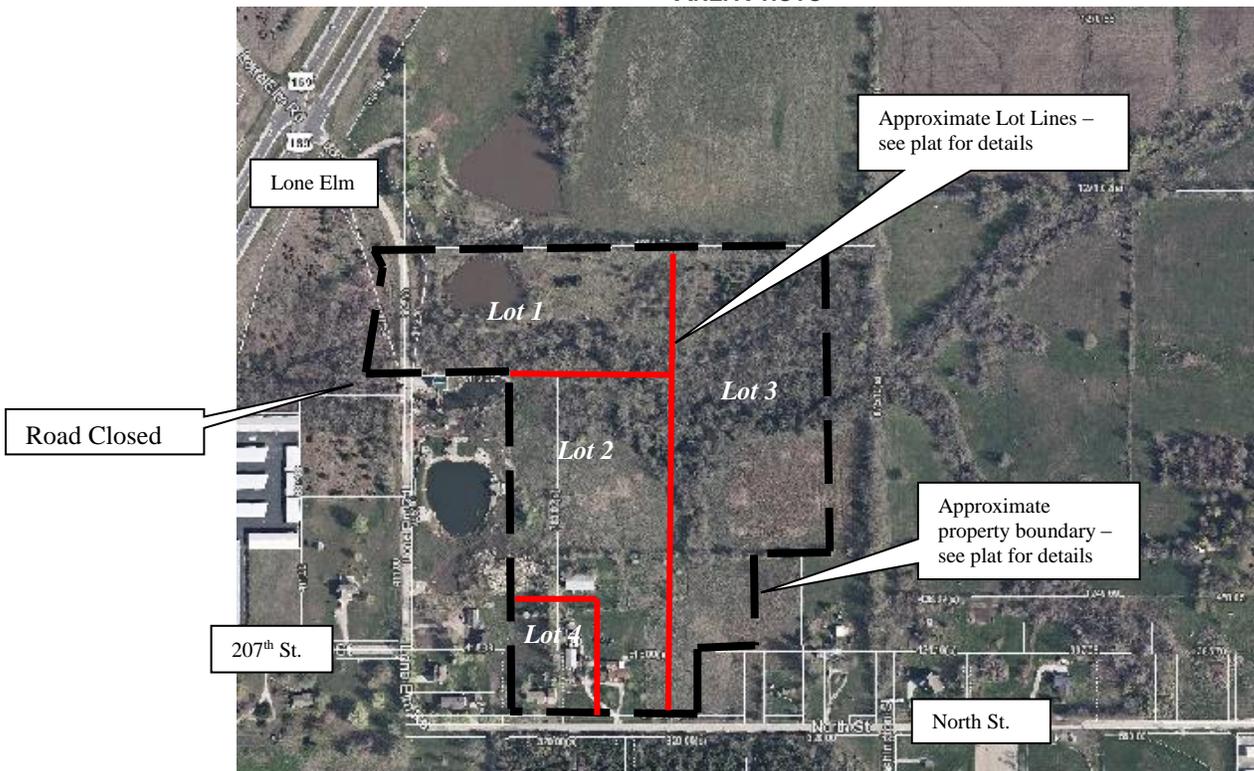
**SPRING HILL PLANNING COMMISSION
PRELIMINARY PLAT STAFF REPORT**

Case #:	PP-01-14	Meeting Date:	August 7, 2014
Description:	Preliminary Plat-The Bowery		
Location:	610 W. North St.		
Applicant:	ACS Concrete – Mike Denny, President		
Engineer:	Allenbrand-Drews, Bob Layton		
Site Area:	28.60 acres		
Minimum Lot Area:	C-2 = No minimum R-1 = 9,000 sq. ft.	Number of Lots:	4
Current Zoning:	R-R (Rural Residential)	Proposed Use:	Residential & Commercial
Related Applications:	Z-01-14		

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AREA PHOTO



BACKGROUND:

The preliminary plat for The Bowery consists of four lots situated within one 28.6 acre tract. The intent is to divide the tract into three lots for residential use and one for commercial. The preliminary plat included with this packet identifies Lot 1 on the Northwest portion of the property would be utilized for a business location, Lots 2 & 3 would be for the construction of one dwelling on each lot, and Lot 4 is a reconfiguration of property lines to accommodate the existing residential structure with acreage large enough for septic system repairs if necessary.

STAFF COMMENTS:

1. All required and applicable information as required by Section 17.372.C.3 is included with the preliminary plat.
2. Traffic Impact Study and Storm Drainage Study were not required to be submitted as the overall impact of the plat with respect to traffic and drainage is minimal.
3. Access to Lots 2, 3 & 4 will be from North Street. Access to Lot 1 will be from Lone Elm via US169 Highway. Thru traffic on Lone Elm is closed and will remain closed until replacement of a box culvert is completed. There are currently no plans, schedule or funding for this culvert replacement. This road closing has been in place for several years and, to the knowledge of staff, has caused no issues for neighboring properties.
4. The applicant submitted a certified listing of surrounding owners and all were notified of the hearing before the Planning Commission.
5. All utilities are available to serve the area with the exception of sanitary sewer. The applicant has contacted Johnson County Environmental Services and understands the requirements for septic system installation for each individual lot.
6. The preliminary plat was distributed to various consultants and city staff for review with their comments implemented into the plat as applicable.

RECOMMENDATION:

Staff recommends approval of the preliminary plat PP-01-14 for The Bowery.

Chairman Mitchell opened the Public Hearing and asked if anybody had any questions or concerns.

Cindy Toburen, of Paola, Kansas addressed the commissioners about the benefit that bringing sewer service to this area could provide for existing residents.

Mr. Hendershot informed Ms. Toburen, that if the neighbors were interested and have a desire to put sewer in that area, a benefit district would be established and the cost would be assessed to the property owners.

Mr. Mitchell closed the Public Hearing

Motion by Mr. Haupt, seconded by Ms. Squire, to approve PP-01-14, The Bowery.

Roll Call Vote: Squire-yea, Pollom-yea, Weber-yea, Mitchell-yea, Haupt-yea, Nolin-yea. Motion carried 6-0-0.

5. **Final Plat**
Case No.: FP-02-14, The Bowery
Request: Final Plat
Address: Lone Elm Road & North Street
Applicant: ACS Concrete Construction

Chairman Mitchell asked if there were any contacts or conflicts of interest. There being none, Mr. Hendershot proceeded with his staff report.

**SPRING HILL PLANNING COMMISSION
FINAL PLAT STAFF REPORT**

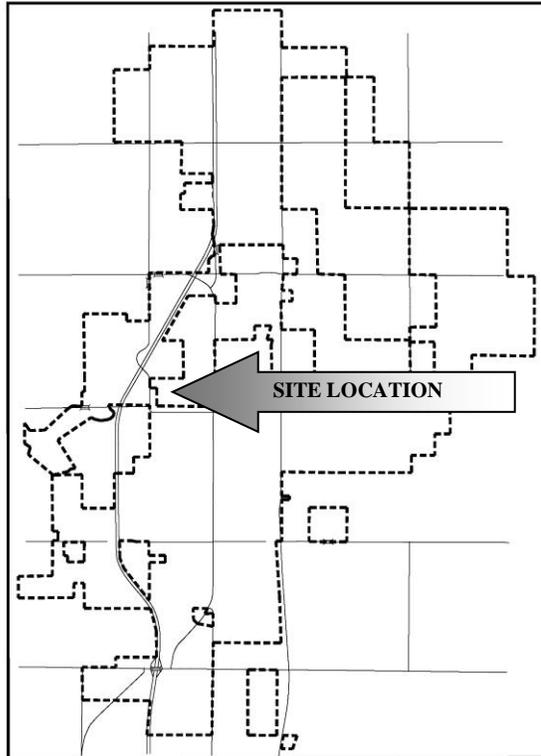
Case #: FP-02-14 **Meeting Date:** August 7, 2014

Description: Final Plat – The Bowery
Location: 610 W. North St.
Applicant: ACS Concrete – Mike Denny
Engineer: Allenbrand-Drews, Bob Layton
Site Area: 28.6 acres

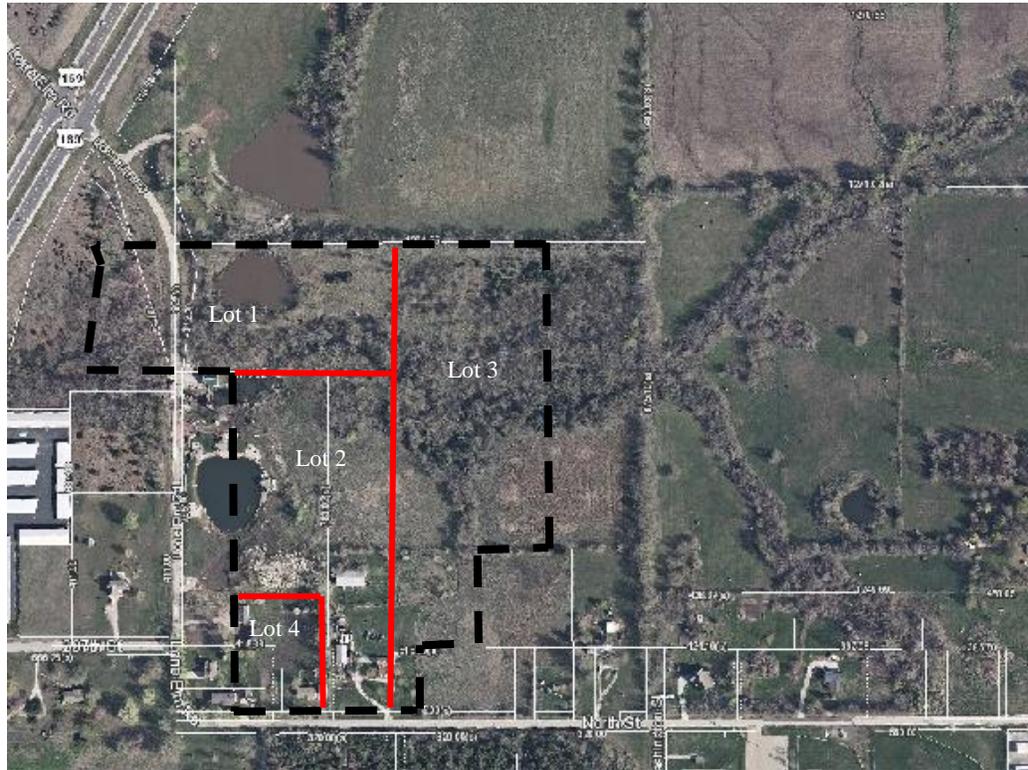
Minimum Lot Area: C-2 - No Minimum
R-1 – 9,000 sq. ft. **Number of Lots:** 3 Residential Tracts
1 Commercial Tract

Current Zoning: “R-R” **Proposed Use:** Single-Family Resid. & Commercial

Related Applications: Z-01-14, PP-01-14



Area Photo



BACKGROUND:

The applicant, ACS Concrete, has submitted an application for final plat approval for The Bowery located adjacent to 610 W. North Street. The plat creates four individual lots, three of which will be developed with single-family dwellings (one dwelling is existing), and one commercial tract.

STAFF COMMENT:

A copy of the final plat is included with this packet and has been reviewed by staff with the following comments:

1. There are no public dedications for right-of-way or utility easements.
2. There are no subdivision covenants applicable to this plat.
3. Public facilities are available to the platted area with the exception of sanitary sewer. Private sewage systems shall be installed on each tract in compliance with applicable codes of Johnson County and the City of Spring Hill.
4. The final plat is in compliance with the approved preliminary plat.
5. A Development Agreement is not required for this plat as there are no public improvements associated with the plat or future development.
6. Various city departments and consultants have reviewed with proposed final plat with comments being implemented into the plat as applicable.

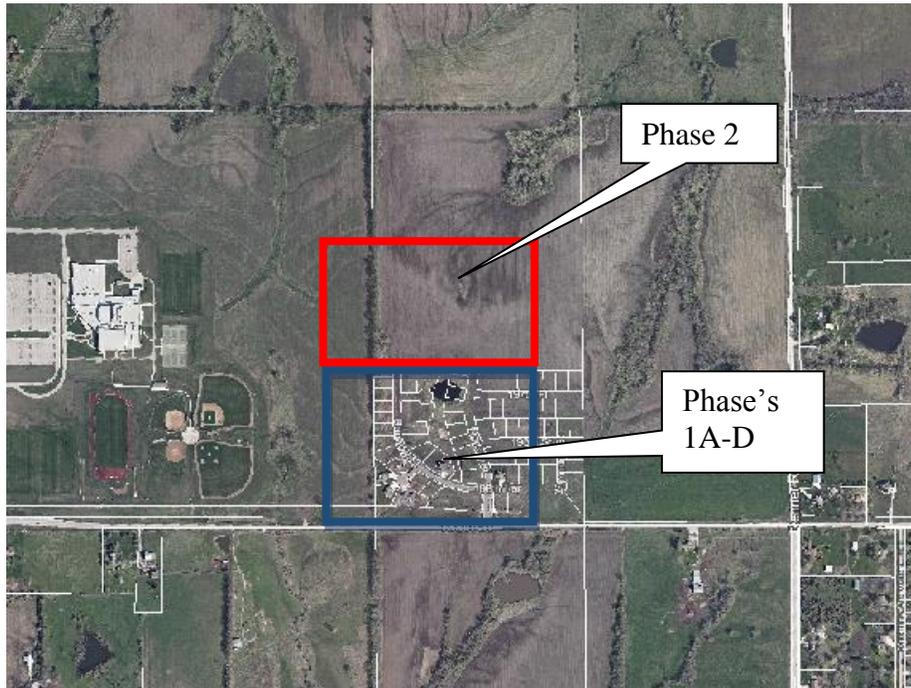
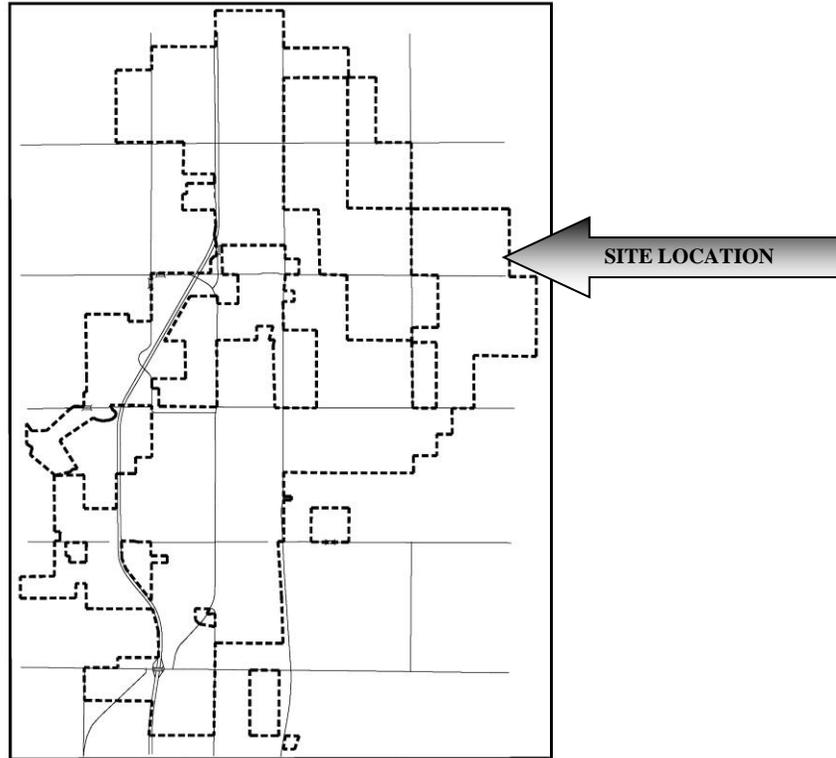
RECOMMENDATION:

Staff recommends approval of FP-02-14, The Bowery Final Plat.

Motion by Mr. Haupt, seconded by Ms. Squire, to approve FP-02-14, The Bowery.

Roll Call Vote: Squire-yea, Pollom-yea, Weber-yea, Mitchell-yea, Haupt-yea, Nolin-yea. Motion carried 6-0-0.

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BACKGROUND:

The applicant, Prairie Ridge Development has submitted an application for Phase 2 of Prairie Ridge Subdivision. In 2009 the Planning Commission approved a reduction in scope from Phase 1 due to economic conditions. Phase's 1A-D are complete with respect to infrastructure construction and homes are being built throughout these phases. The pool and clubhouse adjacent to the subdivision entrance are now

open for use and a large portion of the pedestrian trail with various amenities are complete. In addition, the required turn lanes from 199th Street are now under construction as required by the platting and improvement agreements.

STAFF COMMENT:

Phase 2 consists of 56 residential lots and 1 common area tract. Staff finds the final plat to be in compliance with the previously approved preliminary plat and offers the following review of Section 17.372.D of the Spring Hill Subdivision Regulations:

1. Separate drawings of profiles and cross section of streets, alley's and public use areas have been forwarded to the City Engineer for review,
2. Staff has verified the person or persons name on the plat are the owner(s) of the area subject to the final plat,
3. Certification has been received indicating all due or unpaid taxes have been paid in full,
4. Drainage areas are subject to maintenance of adjoining homeowners or the homeowners association,
5. Public facilities are adequate and available to the site,
6. Adequate control of storm water through appropriate BMP's have been detailed on drawings submitted to the City Engineer for approval,
7. Construction refuse will be disposed of in an appropriate manner,
8. The required Improvement Agreement is being prepared by staff and will be forwarded to the applicant, City Engineer and City Attorney for review and approval. This Agreement will be signed by the applicant prior to consideration of the final plat by the Governing Body. All required bonds and insurance documents will be submitted to the City prior to issuance of a Notice to Proceed from the City Engineer.

RECOMMENDATION:

Staff recommends approval of FP-03-14, Prairie Ridge Subdivision Phase 2 Final Plat.

Mr. Hendershot noted that if the Commissioners had any questions for the Developer that Mr. Don Margritier was in attendance, and would be happy to answer any additional questions they may have.

Mr. Margritier noted that the staff report stated that the total number of lots was 56, however it should be 58.

Ms. Squire asked what the common area was going to be?

Mr. Margritier stated that the common area would consist of an extension of the current trail, a playground and a volleyball court.

Motion by Ms. Squire, seconded by Mr. Weber, to approve FP-03-14, Prairie Ridge Phase 2.

Roll Call Vote: Squire-yea, Weber-yea, Mitchell-yea, Haupt-yea, Nolin-yea. Pollom – Abstain due to conflict of interest. Motion carried 6-1-0.

DISCUSSION

7. **Honey Bee's**

Mr. Hendershot advised the Commissioners that his recommendation remained, to not amend the current city code. Following the June public hearing on this issue, staff was directed to work with Ron Post to develop suggestions for beekeeping in Spring Hill. Unfortunately, after repeated attempts to meet with Mr. Post, a meeting was never successful. Mr. Post was able to send several articles on beekeeping including website postings from other communities across the country. Between these articles and staff's research, some common factors in regulations have surfaced including the following:

- Flyway barrier – fence, wall or plantings at least 6 feet in height

- Dedicated source of water in close proximity to hive(s)
- Re-queening of hives every 2-3 years
- Hive health and maintenance
- Permanent posting of ownership of hive(s)
- Hives located on the property where the hive owner resides
- Limit on number of hives, usually based on size of property
- Location on property varies from city to city but all had restrictions
- Size of hives
- Nearly all had some type of requirement for license, permit or registration

Staff has also found many states have active beekeeper associations and Kansas is no exception. The Northeastern Kansas Beekeepers Association (www.nekba.org) has been in existence since 1948 with meetings held in Lawrence. There is also the Kansas Honey Producers Association (www.kansashoneyproducers.org) founded in 1903. Other groups in Kansas include the Konza Beekeepers Association in Manhattan, Heartland Beekeepers Association of SE Kansas in Pittsburg, and the Flint Hills Beekeepers in Emporia.

With a general consensus from the Commissioners, Mr. Hendershot was directed to proceed with drafting an ordinance, with the assistance of Mr. Ron Post, to amend the current zoning requirements to allow honey bees in city limits. Mr. Hendershot will bring a draft ordinance to the September meeting for review.

8. Angle Parking at Spring Hill Police Department

Police Chief Mann requested an amendment to the City Code to allow angle parking in front of the new Police Department. Current code prohibits on-street angle parking with the exception of the downtown area. Chief Mann proposed that angled parking would add an additional 8-9 parking spots. Chief Mann stated that the addition of these spaces would not be police vehicles but for visitors of the Police Department. He is concerned for the safety of elderly citizens and victims of crimes walking an extended distance across the street.

Ms. Squire addressed the stigma of allowing the "City" to do something after it was already denied.

Ms. Pollom urged the commissioners to address that the City is only going to get larger. If parking is an issue now, it is sure to be an issue later. She sees no reason that this should be a problem.

Mr. Haupt was concerned for the safety of individuals backing out of angled stalls, with merging traffic coming from three directions.

Chairman Mitchell requested additional information to be brought back at the September meeting.

ADJOURN

Motion by Mr. Weber, seconded by Mr. Haupt, to adjourn.

The meeting adjourned at 9:13 p.m.

Natalie Lazenby, Planning Secretary

Approved by the Planning Commission on.

**SPRING HILL PLANNING COMMISSION
ZONING STAFF REPORT**

Case #: Z-02-14 **Meeting Date:** September 4, 2014

Description: Proposed Rezoning from R-1 to R-2

Location: Vacant city block, NW corner Lawrence and Jackson Streets

Applicant: CRN Properties – Randall Nay

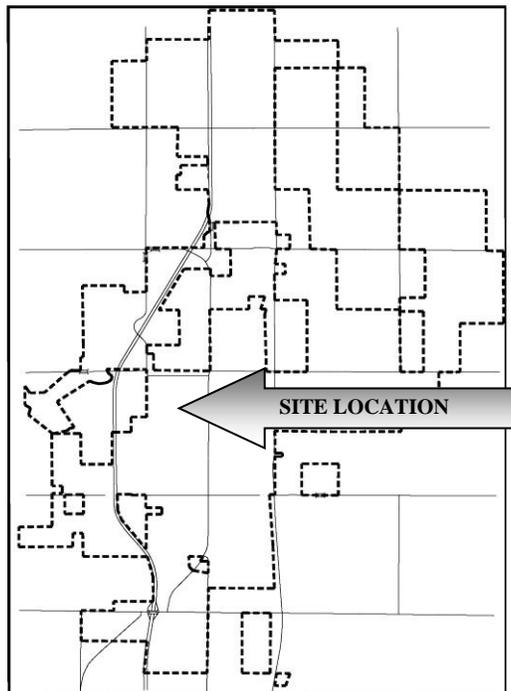
Engineer: Don Bozich

Current Zoning: R-1 **Proposed Zoning:** R-2

Site Area: 2.35 Acres **Number of Lots:** 10

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	R-1	Vacant	Residential
North:	R-1	Residential	Residential
South:	R-1	Residential	Residential
East:	R-1	Residential	Residential
West:	R-1	Residential	Residential

Proposed Use: Residential – 2 Family Duplex



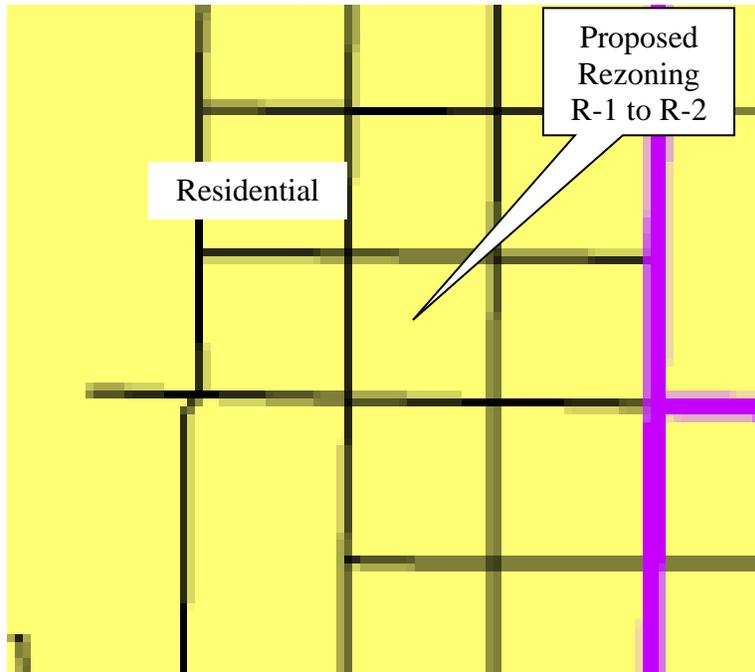
AREA PHOTO



AREA ZONING



FUTURE LAND USE



BACKGROUND:

An application has been received requesting the above shown property be rezoned from R-1 (Single-Family Residential) to R-2 (Two-Family Residential) for the purpose of constructing eight duplex homes. The homes would be slab-on-grade construction with a single attached garage for each unit, wood lap siding on the front and wood panel siding on the sides and rear of each unit..

Notifications to area owners were mailed as required and a notice was published in the newspaper. To date no comments have been received by staff.

REZONING:

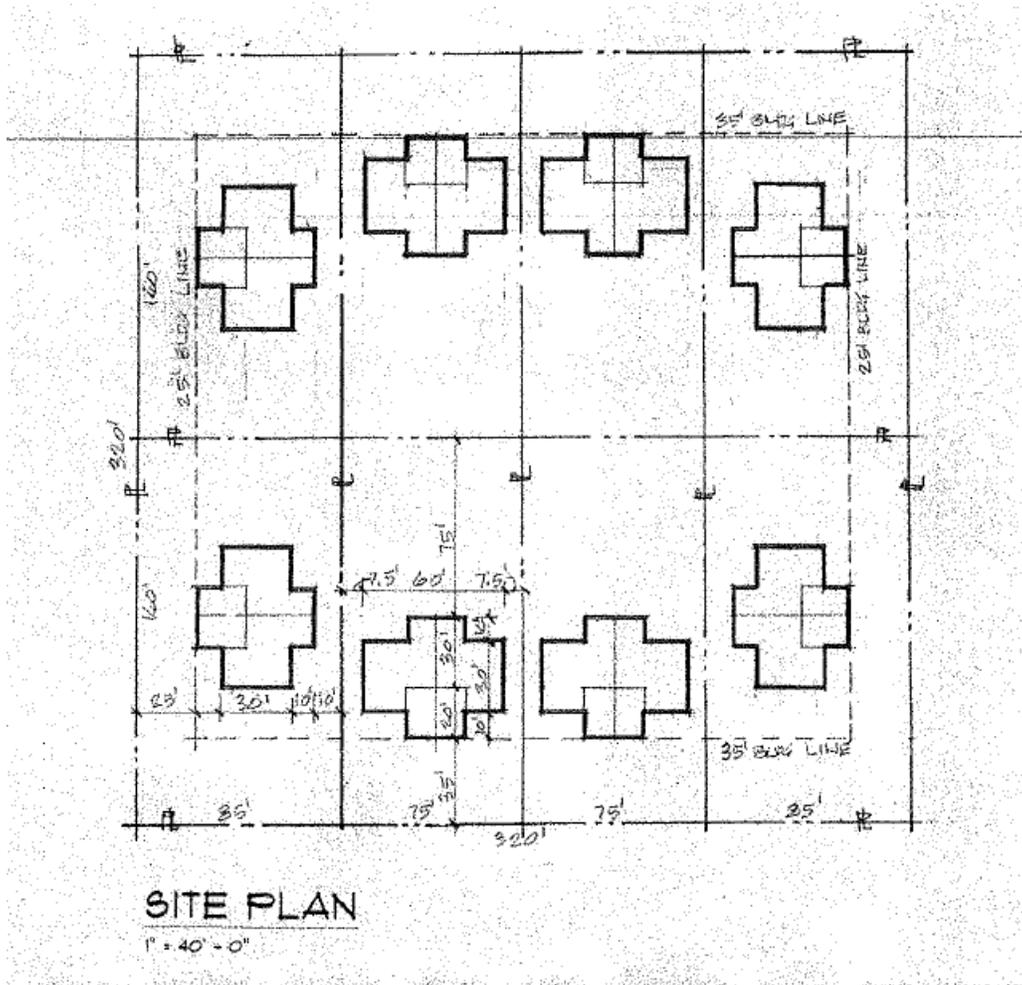
The review of the proposed rezonings are consistent with Golden v. City of Overland Park, 224 Kan. 591, 584 P. 2d 130 (1978).

- 1. Consistent with purposes of the regulations and intent and purpose of the proposed district:** The proposed rezoning is consistent with the purpose and intent of the regulations in that two-family dwellings are an allowed use in an R-2 District.
- 2. Neighborhood Character:** As shown on the aerial photo above, the surrounding neighborhood is primarily single family residential.
- 3. Zoning and uses of nearby parcels:** As shown on the area zoning map above the surrounding neighborhood is zoned R-1, single-family residential.
- 4. Requested because of changing conditions:** Request is based on a business and residential development opportunity at a location that has been historically vacant.

- 5. Suitability of parcel for uses restricted by the current zone:** The area of Spring Hill subject to this rezoning request is within the original town plat. The current zoning of R-1 restricts the development of this vacant city block from any residential development other than single family homes. Rezoning to R-2 would allow for both single and two-family residential construction. This project would include the construction of eight duplex homes with construction techniques and appearance that is compatible with the surrounding neighborhood.
- 6. Suitability of parcel for uses permitted by the proposed district:** As noted above it is staff's opinion the proposed infill of a vacant city block within the original plat of Spring Hill with duplex units is compatible with the surrounding neighborhood and permitted with an R-2 zoning designation.
- 7. Detrimental Effect of Zoning Change:** No detrimental effects are anticipated.
- 8. Proposed amendment corrects an error:** No error is being corrected.
- 9. Length of property has been vacant:** This property has been vacant for many years and staff has no records of previous land use.
- 10. Adequacy of facilities:** With respect to utilities, water, gas and electric are readily available. This block has remained vacant primarily because of the lack of adequate sewer service. Historically, home construction in Spring Hill consists of homes with basements. This type of construction requires sewers of sufficient depth for gravity flow or the installation of lift pumps which are subject to failure. Currently sewers are available on the south side of Lawrence Street that are too shallow for basements but adequate for slab-on-grade homes. North of Smith Street approximately 150 feet is a sewer manhole that is the end of a main line that flows north to an existing lift station (see area photo above). In the past year city crews have upgraded the lift station that serves the sewer line north of Smith Street to provide capacity for increased flows including the subject city block. Prior to this upgrade the lift station was operating at or beyond capacity. With the construction of slab-of-grade construction the developer has options of extending the sewer main from either the north or south.
- 11. Conformance with Comprehensive Plan.** The Future Land Use Map identifies this property and surrounding properties as residential which, by definition, is primarily characterized by a mix of single-family dwellings, moderate density with a mix of housing types. Two-family residential uses are primarily promoted in the Comprehensive Plan within Mixed Use Residential areas. While the proposed zoning of R-2 is not in full compliance with the guidelines of the Comprehensive Plan, consideration should be given to the scope of the proposed development of a full city block, as well as the age, character and style of existing homes in the area.

As shown on the drawing below each duplex will have a single wide attached garage with the garages adjoining one another in the center of the building. Staff has worked

diligently with the applicant with regards to the Comprehensive Plan guideline of the width of the garage as compared to the total building width, and the projection distance of the garage. The plan shows the total garage width is less than 50% of the building width and extends approximately ten feet from the front wall of the structure. The Comp. Plan recommends five to eight feet of projection. The applicant has been very cooperative to limit the projection distance of the garage by rearranging the floor plan of the units. The applicant will provide additional information and floor plans at the meeting.



12. Hardship if application is denied: It is staff's opinion the applicant is better qualified to respond to this issue.

13 Recommendation: Staff recommends approval of rezoning case Z-02-14 from R-1 to R-2.

- 2. Residential accessory uses (districts R-1 and R-2).** Residential and agricultural uses shall include, but not be limited to, the following accessory uses, activities and structures:
- a. Home occupations. The intent of this Section is to maintain the residential character of the neighborhood while allowing for home occupations that would only be discernable by the allowed sign. The harmony of the neighborhood must not be affected by the home occupation. A residence may be used for a home occupation under the following conditions:
 - i. The home occupation shall be conducted wholly within the home. No home occupation shall be conducted in any accessory building except in the AG district.
 - ii. No alteration of the principal residential building shall be made which changes the character thereof as a residence.
 - iii. No sign other than a one square foot non-illuminated sign, mounted flat on the wall of the principal structure, are allowed.
 - iv. No assistant other than an immediate member of the family household residing in the dwelling unit is employed.
 - v. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right-of-way or to infringe upon the right of the neighbors.
 - vi. No commodities shall be displayed or sold on the premises except that which is produced on the premises in the AG district.
 - vii. No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes. The primary uses of the building or structure in which the occupation is situated is clearly the dwelling used by the person as his or her private residence.
 - viii. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
 - ix. No manufacturing or processing of any sort shall be done, and no stock-in-trade shall be displayed or sold on the premises, except for those items identified in Section 17.336.B.2.b.ix.
 - x. No equipment or machinery used in such activities is perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference, or vibration.

b. Customary home occupations include, but are not limited to, the following list of occupations, provided that each listed occupation is subject to the requirements Section 17.336.B.2.a. The Governing Body may approve a home occupation that is not listed below.

- i. Dressmaker, seamstresses, and tailors.
- ii. Teaching or instruction provide not more than three students are taught at any one time and not more than twelve students per day.
- iii. Artists, sculptors, and authors or composers.
- iv. Offices for architects, engineers, lawyers, real estate agents, insurance agents, brokers and members of similar professions.
- v. Ministers, rabbis, and priests.
- vi. Offices for salesmen, sales representatives, manufactures' representatives, when no exchange of tangible goods is made on the premises.
- vii. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, provided that no machinery or equipment shall be used other than that which would customarily be used in connection with the above home crafts when pursued as a hobby or a vocation, but not wholesale manufacturing.
- viii. Day-care homes or baby-sitters caring for less than six unrelated children or adults, or more than six if all state and county licensing requirements are met.
- ix. Barber shops and beauty parlors.
- x. Services such as small appliance, radio, and TV repair.
- ix. Sale of seeds, farm chemicals, and fertilizer including liquid fertilizer (only in the AG district).

c. Permitted home occupations shall not in any event include the following:

- i. Funeral homes.
- ii. Restaurants.
- iii. Retail services such as antiques, secondhand merchandise, groceries, and the like.
- iv. Renting or leasing of trailers or equipment.

- v. Animal hospitals.
 - vi. Auto and other vehicular repair for retail purposes.
 - vii. Bed and breakfast facilities, except if permitted as a conditional use.
- d. Noncommercial greenhouses may be attached to the house or contained within the house. When attached, the character of the construction shall be in keeping with the character of the house and be a well-designed element. Such an attachment shall not violate yard setbacks. When not attached to the house, the maximum size shall not exceed the size allowed for an accessory building (120 square feet) and shall be treated as an accessory building.
- e. One accessory building with a maximum size of 120 square feet by 12 feet maximum height may be allowed in the rear yard only. A minimum of a five-foot setback from the side and/or rear yard line is required. It shall be anchored properly to the ground to resist wind forces of 25 lbs. per square foot on roof or wall surfaces. Such accessory building shall be maintained comparable to the maintenance of the main dwelling structure. (Ord.2007-24)
- f. Private swimming pools may be located in the rear yard provided the following conditions are met:
- i. The pool shall not be closer than seven feet to the side or rear yard line.
 - ii. The pool enclosure is properly fenced in accordance with Section 4-202.R102.5 of the Code of the City of Spring Hill. Swimming pools, hot tubs and spas in existence as of the 30th day of April, 2008, and protected with a four-foot fence and locking gate may continue their current level of pool protection provided the fence and gate are in good repair. Any substantial repair, maintenance or replacement of the fence or gate must be in compliance with Section 4-202.R102.5 of the Code of the City of Spring Hill.
 - iii. The pool is not under or over electric service line, telephone lines, gas lines, and sewer lines.
 - iv. Provisions are made to drain the pool to the storm sewers.
 - v. The pool is properly engineered in relation to health and safety features, including filtering, chlorination, location to other structures, fencing, screening, and drainage, to be of a minimal hazard to the neighborhood.
 - vi. There is no violation of the City's noise regulations connected with its use. (Ord. 2008-13 amended section 17.336B.2.f)
- g. Private garages/carports (attached or detached to the dwelling unit) for passenger cars

and other vehicles shall be provided for single-family and two-family dwellings. Such building shall be in keeping with the character of the main building and be residential in appearance. This includes, but not limited to clapboards, simulated clapboards such as conventional vinyl or metal siding (including raised panel with nine inch width siding), wood shingles, shakes, or similar material, but excluding ribbed metal or plastic panels. A detached garage shall not exceed a maximum area of 1,000 square feet, a sidewall height of nine feet, and a footwall of one foot above grade. The applicant must furnish drawings to scale along with the application. A minimum of a seven-foot setback from the side and/or rear yard line is required.

- h. Temporary real estate sales offices/contractor's construction offices, located on the property to be sold and limited to the period of sale, but not exceeding two years without a conditional use permit.
- i. Additional uses.
 - i. Gardens.
 - ii. Garage, yard, basement or porch sales. The sale of merchandise shall be permitted, provided that such use shall not exceed three consecutive days, nor shall it occur more than four times per year at any particular location.
 - iii. Gates and guardhouses.
 - iv. Storm shelters and fallout shelters.
 - v. Playhouses, patios, cabanas, porches, and gazebos.
 - vi. Radio and television receiving antennas and support structures.
 - vii. Solar energy systems.
 - viii. Temporary parking for loading motor homes, camping trailers or pickup campers for a period not to exceed 48 hours in as 30 day period and they do not occupy any part of a required front yard.
 - ix. Flagpoles.
 - x. Signs as permitted by ordinance.
 - xi. Beekeeping subject to the following conditions:
 - 1. Hives may be located only on lots with residential use
 - 2. Parties responsible for the maintenance of hives shall reside on the property where the hives are located.
 - 3. A flyway barrier at least six (6) feet in height shall surround all hives and be located a minimum of six (6) feet from any hive. The flyway barrier shall

consist of a wall, fence, dense vegetation or a combination thereof.

4. Hives shall be located a minimum of twenty-five (25) feet from any property line and located so that they are not visible from the public right-of-way.
 5. Permanent posting of ownership or individuals responsible for the maintenance of hives including name, address and phone number shall be posted in a conspicuous location on the residential structure, fence or flyway barrier.
 6. Hives are limited in size to no more than six square feet of ground coverage area and six feet in height, and shall not extend above the height of the required flyway barrier.
 7. Hives shall be maintained in a responsible manner and in conformance with accepted best management practices. Hives not being actively maintained shall be removed.
 8. No more than two hives shall be located on any property in an R-1 or R-2 district.
 9. Annually, the owner or individual responsible for the hives shall register the hives with the City of Spring Hill and shall pay a registration fee as established by the Governing Body.
 10. Upon registration of hives with the City of Spring Hill the applicant shall notify the Animal Control Officer when the installation of the hives is complete. The Animal Control Officer shall inspect the property for compliance with this code and shall reinspect the site annually or as required to maintain compliance with this code.
- j. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinated to the principal use on the lot.



BACKGROUND: The applicant, Artistic Concrete Surfaces, Mike Denny, President, has submitted a site plan application to construct a two story metal frame commercial building to be used as offices for his concrete business (see attached drawings). The site consists of an asphalt drive, paved parking stalls, gravel work area behind a fence with a concrete apron, landscaped areas and a covered entry.

STAFF REVIEW:

Staff has reviewed the site plan under the requirements of Section 17.340 of the Spring Hill Zoning Ordinance as follows:

- All lot lines and rights-of-way are identified
- All proposed structures with applicable data are identified
- Paved parking is provided as required
- Trash receptacles are screened from view by a six foot wood privacy fence
- The exterior finish of the building is metal with the front entry highlighted with heavy timbers and stone.
- The building sidewalls are 17 feet in height and an overall building height of 34 ft. 9 inches, which is in compliance with the C-2 regulations of 45 feet.
- Exterior lighting is not shown on the plan sheets. If provided, the lighting must meet the requirements of Section 17.338.A.6 and Section 17.350.H.
- The setbacks shown on the site plan are in compliance with the regulations of an C-2 district.
- Consultants, utility providers and city staff have reviewed the site plan and provided comments. These comments and recommendations have been implemented into the site plan as applicable

STANDARDS OF REVIEW

In addition to the above noted items the site plan has been reviewed for compliance with the following standards:

1. *The extent to which the proposal conforms to the provisions of the Code.*
The proposed use is an allowed use in an C-2 General Business District.
2. *The extent to which the proposal conforms to the provisions of the Spring Hill Subdivision Regulations.*
The property is located on a recently approved final plat known as the Bowery, and rezoning to C-2 was approved by the City Council on August 28, 2014. The proposed project is in compliance with the Spring Hill Subdivision Regulations.
3. *The extent to which the development would be compatible with the surrounding area.*
The project is compatible with the surrounding area when considering the location and distance to any other structure or land uses.
4. *The extent to which the proposal conforms to the recommendations of the Spring Hill Comprehensive Plan including but not limited to the Vision Plan, the Community Development Recommendations, and the Planning and Principles and Design Guidelines.*
As noted during the rezoning hearings, the area is shown on the Future Land Use Map as residential, however existing C-2 zoning adjacent to the north of this property indicates a long range plan of commercial rather than residential. This is especially true when considering the location and proximity to US169/K7 Highway.
5. *The extent to which the proposal conforms to customary engineering standards used in the City.*
The building has been designed by recognized and licensed architects and/or engineers.
6. *The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.*
Access to the property is from Lone Elm Road which has direct connection to US169/K7 Highway which is appropriate for the type of traffic anticipated to this facility.
7. *All structures shall be required to have permanent or continuous footings and foundations.*
All structures are adequately designed and engineered.

RECOMMENDATION:

It is the recommendation of staff that the Planning Commission approve site plan SP-01-14.



helling architecture, llc
 15954 Mur-Len, Suite 122
 Olathe, KS | 66062
 913.568.4488

CONSULTANT INFORMATION

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artistic concrete surfaces
 Springhill, KS

ISSUE DATE
 08.28.14

REVISIONS

NO.	DATE	DESCRIPTION

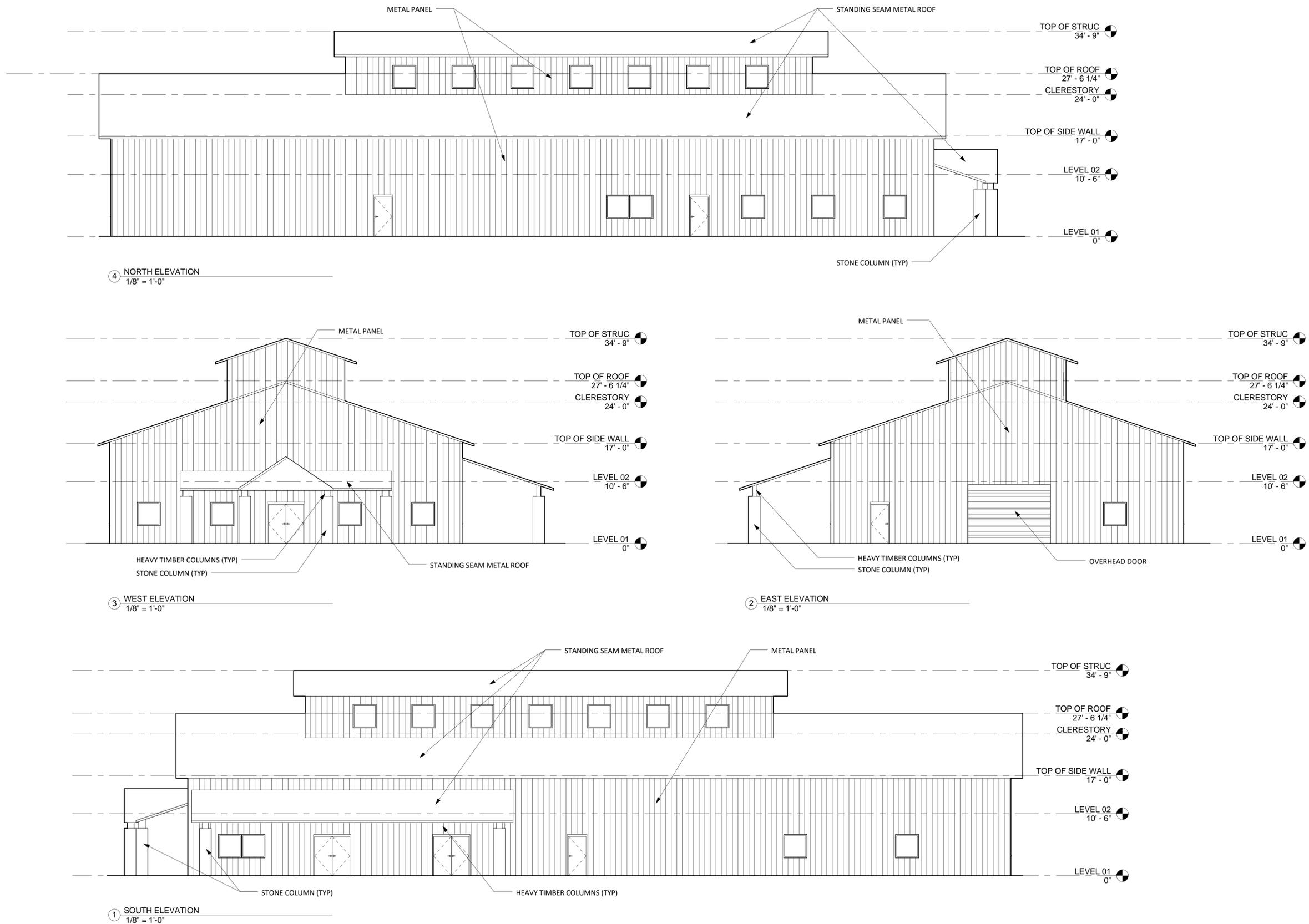
ARCHITECTURAL PROJECT NUMBER
 14011

exterior elevations

SHEET NUMBER

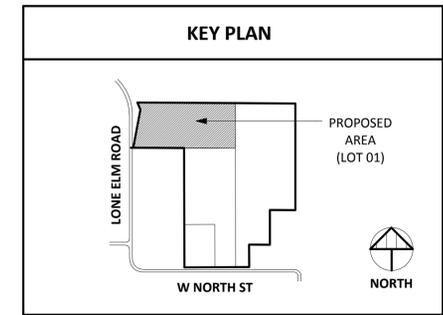
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LEGAL DESCRIPTION:

All that part of the Southwest Quarter of Section 11, Township 15 South, Range 23 East, Sixth Principal Meridian, City of Spring Hill, Johnson County, Kansas, described as follows: Commencing at the Southwest corner of said Section 11; thence North 00 degrees 10 minutes 57 seconds West along the West line of the Southwest Quarter of said Section 11, a distance of 785.50 feet to the point of beginning; thence South 89 degrees 38 minutes 08 seconds East, parallel to the South line of the Southwest Quarter of said Section 11, a distance of 856.88 feet; thence North 00 degrees 10 minutes 57 seconds West parallel to the West line of the Southwest Quarter of said Section 11, a distance of 369.50 feet; thence North 89 degrees 38 minutes 08 seconds West, parallel to the South line of the Southwest Quarter of said Section 11, a distance of 802.43 feet to a point on the East right of way line Lone Elm Road as now established; thence South 22 degrees 41 minutes 57 seconds East, along said right of way, a distance of 63.27 feet; thence South 10 degrees 39 minutes 03 West along said right of way, a distance of 312.20 feet; thence South 89 degrees 49 minutes 03 seconds West, a distance of 20.00 feet to a point on the West line of the Southwest Quarter of said Section 11; thence South 00 degrees 10 minutes 57 seconds East, along the West line of the Southwest Quarter of said Section 11, a distance of 3.90 feet to the point of beginning, containing 297,571 square feet or 6.83 acres more or less, subject to that part in roads or easements.



PREPARED FOR:
 ARTISTIC CONCRETE SURFACES
 MIKE DENNY
 18901 W 158TH STREET
 OLATHE, KS | 66062
 913.829.7222
 mike.denny@kansascityconcrete.com



helling architecture, llc
 15954 Mur-Len, Suite 122
 Olathe, KS | 66062
 913.568.4488

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artistic concrete surfaces
 Springhill, KS

ISSUE DATE
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REVISIONS

NO.	DATE	DESCRIPTION

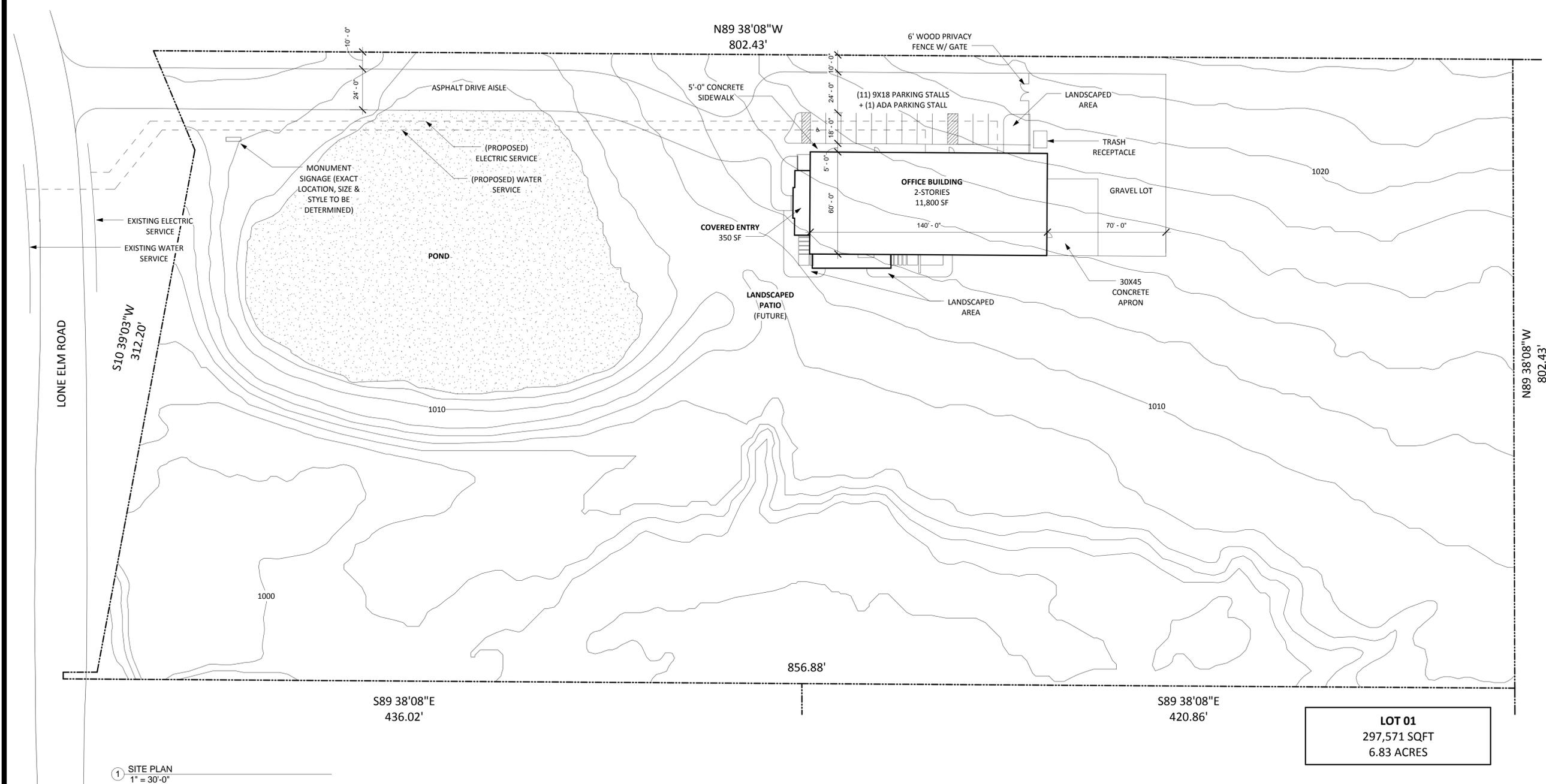
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site plan

SHEET NUMBER

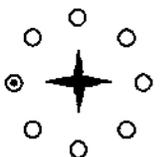
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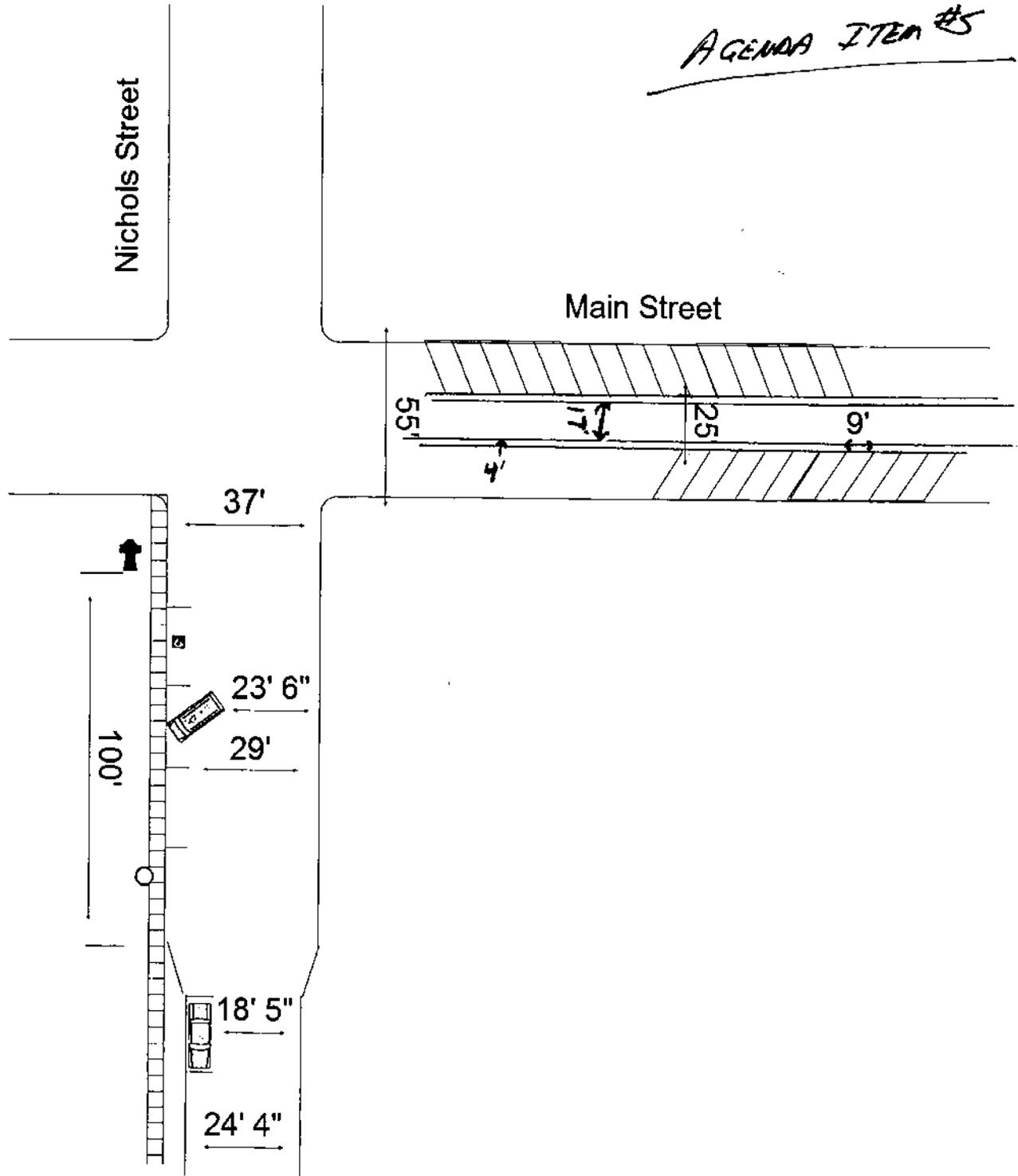
① SITE PLAN
 1" = 30'-0"

LOT 01
 297,571 SQFT
 6.83 ACRES

Accident Diagram 850A continued		SPECIAL EVENT		SPECIAL DATA		Local Case No.	Page of 1
ON	ROADWAY NUMBER OF LANES AT	ON	ROAD CHARACTER AT	SPECIAL JURISDICTION		A basic diagram is required for all state reportable accidents showing movements, direction, and positions of all traffic units in relationship to the trafficway. Identify (label) the street(s) and traffic unit(s) along with the area of impact (AOI) where possible. Refer to vehicles and pedestrians by unique numbers assigned in this report.	
	01 One 02 Two 03 Three 04 Four to Six 05 Seven or more 88 Other: _____ 99 Unknown		01 Straight & Level 02 Straight on grade/slope 03 Straight on hillcrest 04 Curved & level 05 Curved on grade/slope 06 Curved on hillcrest 88 Other: _____ 99 Unknown	00 Normal Jurisdiction (Not Special) 01 National Park Service 02 Military 03 Indian Reservation 04 College / University Campus 05 Other Federal property 88 Other: _____ 99 Unknown		<p>Indicate North Direction</p> 	

Draw scene as observed or recreate per statements and evidence available

AGENDA ITEM #5



August 29, 2014

Jim Hendershot
Community Development Director
City of Spring Hill
401 N. Madison Street
P.O. Box 424
Spring Hill, KS 66083

Dear Mr. Hendershot:

Thank you for the opportunity again to assist the City of Spring Hill.

The City has measured a street width of 37' along Nichols Street, just west of Main Street. This area provides adequate room for safe vehicular travel with the installation of 45-degree angled parking. As shown in the City's Design Criteria for Public Improvement Projects, Standard Detail 8-1 (Type I), a width of 36.5' is required.

The City of Olathe utilizes an identical parking lot standard detail. Also, the City of Overland Park's Unified Development Ordinance (UDO) Chapter 18.430.040.A requires a 31' width for 45-degree angled parking. Finally, the Transportation Research Board (TRB) requires a 29.5' width for 45-degree angled parking.

Based on the City's standard detail and concurrence from Olathe's standard detail, Overland Park's UDO, and guidelines from the TRB, BHC Rhodes supports the installation of 45-degree angled parking along Nichols Street, just west of Main Street.

If you have any questions, please contact me at david.smalling@ibhc.com or 913-663-1900.

Sincerely,



David Smalling, P.E., PTOE