

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
AGENDA
THURSDAY, December 4, 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: November 6, 2014**
2. **Public Hearing - Conditional Use Permit – CU-05-14**

DISCUSSION

3. **Comprehensive Plan Review 2014**
4. **Regulations on storage containers**

ANNOUNCEMENTS and REPORTS

ADJOURN

1. Chairperson opens the public hearing.
2. Commission members describe what, if any, ex-party contacts they might have had regarding this case; indicating the nature of the communication and *whom* it was with.
3. Commission members describe what, if any, conflicts of interest they may have and dismiss themselves from the hearing.
4. Staff presents a report and comments regarding the case.
5. Applicant or agent of the applicant makes brief presentation of the case or request.
6. Commission members ask for any needed clarification of the applicant or agent.
7. Public comments are solicited from the audience. Each member of the audience must fill out a Citizen Participation/Comment Form.
8. Commission members ask for any further clarifications from applicant or staff.
9. Public Hearing is closed.
10. Members deliberate the request.
11. 14-day Protest Period begins after the Planning Commission Public Hearing is closed. *

* **Protest Petitions:** Any protest petition must be filed in the Office of the Spring Hill City Clerk within 14 days from the conclusion of the public hearing held by the Planning Commission. Sample copies of protest petitions may be obtained from the City Clerk Office at 401 N. Madison, Spring Hill, KS 66083 (913-592-3664).

**City of Spring Hill, Kansas
Minutes of Planning Commission Regular Session
November 06, 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 November 06, 2014. The meeting convened at 7:00p.m., with Chairman Mitchell presiding, and Natalie Lazenby, Planning Secretary recording.

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

Councilmembers absent: Tobi Bitner

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. Weber, seconded by Ms. Squire, to approve the agenda as presented.
Motion carried 7-0-0

FORMAL ACTION

1. Approval of Minutes: October 2, 2014

Motion by Ms. Squire seconded by Mr. Haupt, to approve the minutes as presented.
Motion carried 6-0-1(Sly – abstained due absence of the October 2, 2014 meeting)

2. Public Hearing – Rezoning, Estates of Wolf Creek

Case: Z-03-14
Request: RP-1 to RP-4
Address: Southwest Corner of 191st & Ridgeview
Applicant: Phelps Engineering, Inc.

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
ZONING STAFF REPORT**

Case #:	Z-03-14	Meeting Date:	November 6, 2014
Description:	Proposed Rezoning from RP-1 to RP-4		
Location:	Southwest corner of 191 st & Ridgeview (approx.)		
Applicant:	Wolf Creek Development/191 st St. Investors – Robert Garver		

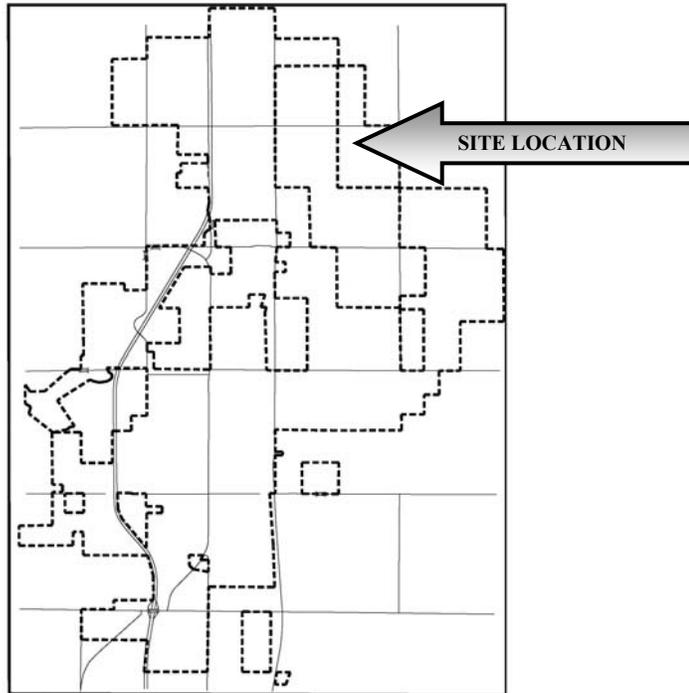
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Engineer: Phelps Engineering

Current Zoning: "RP1" **Proposed Zoning:** "RP-4"

Site Area: 15.5 Ac. **Number of Lots:**

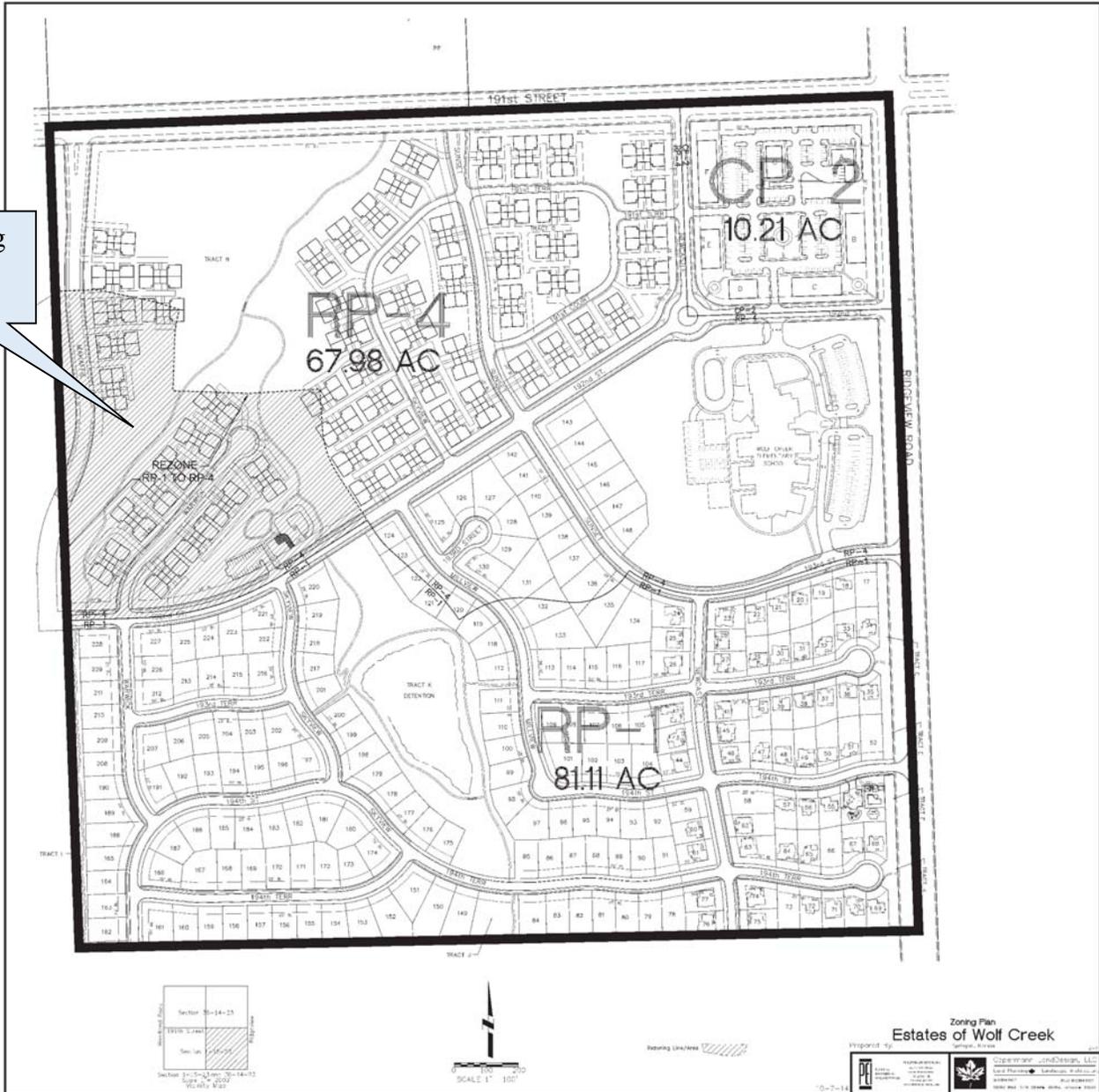
	Current Zoning	Existing Land Use	Future Land Use Map
Site:	"RP-1"	Vacant	Mixed Use Residential
North:	"RP-4"	Vacant	Mixed Use Residential
South:	"RP-1"	Vacant	Residential
East:	"RP-4"	Single Family Residential	Residential
West:	County	Agriculture	N/A
Proposed Use:	Planned Multi-Family		



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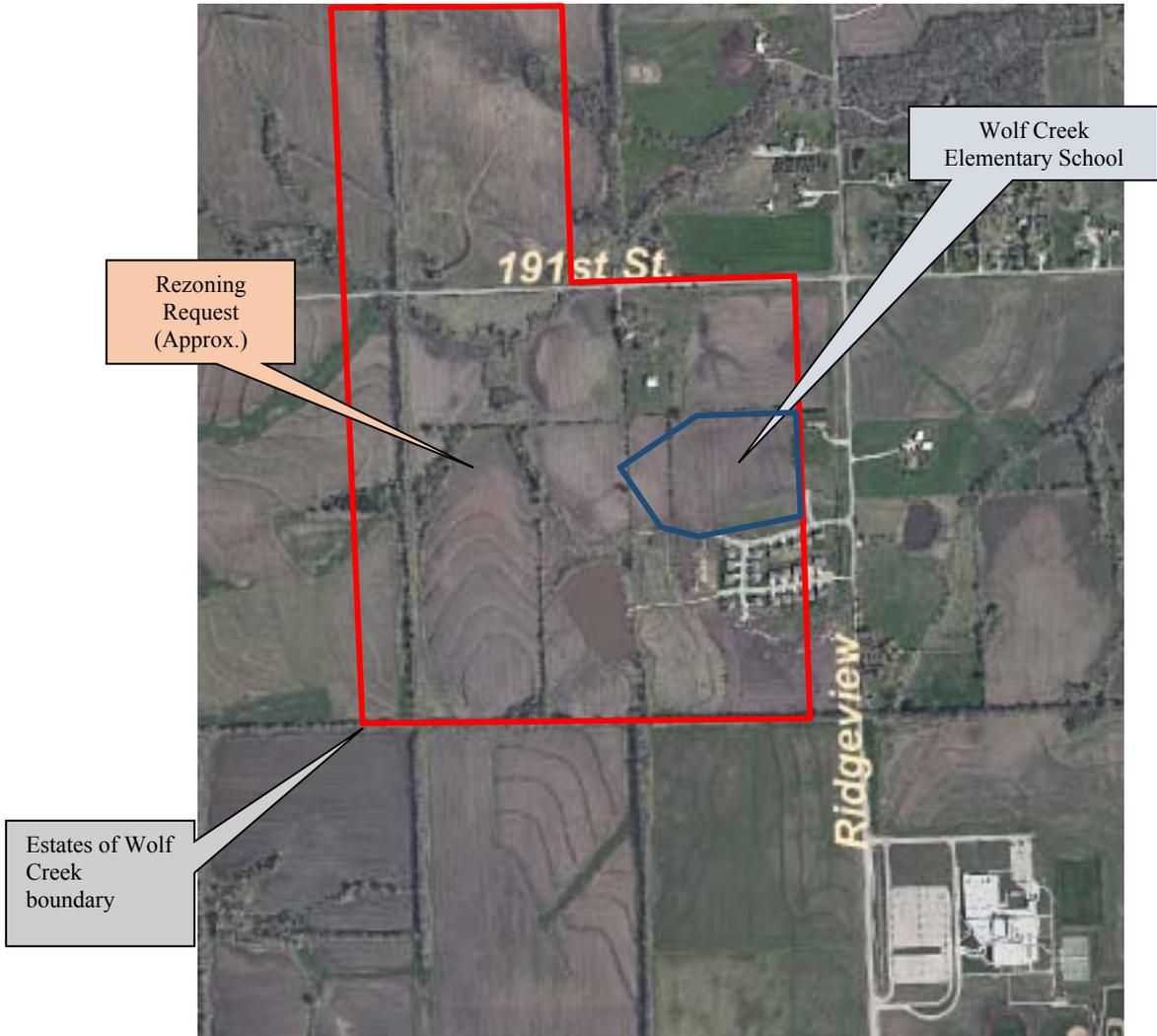
Existing and Proposed Zoning
(Larger drawing included with packet)

Rezoning Request

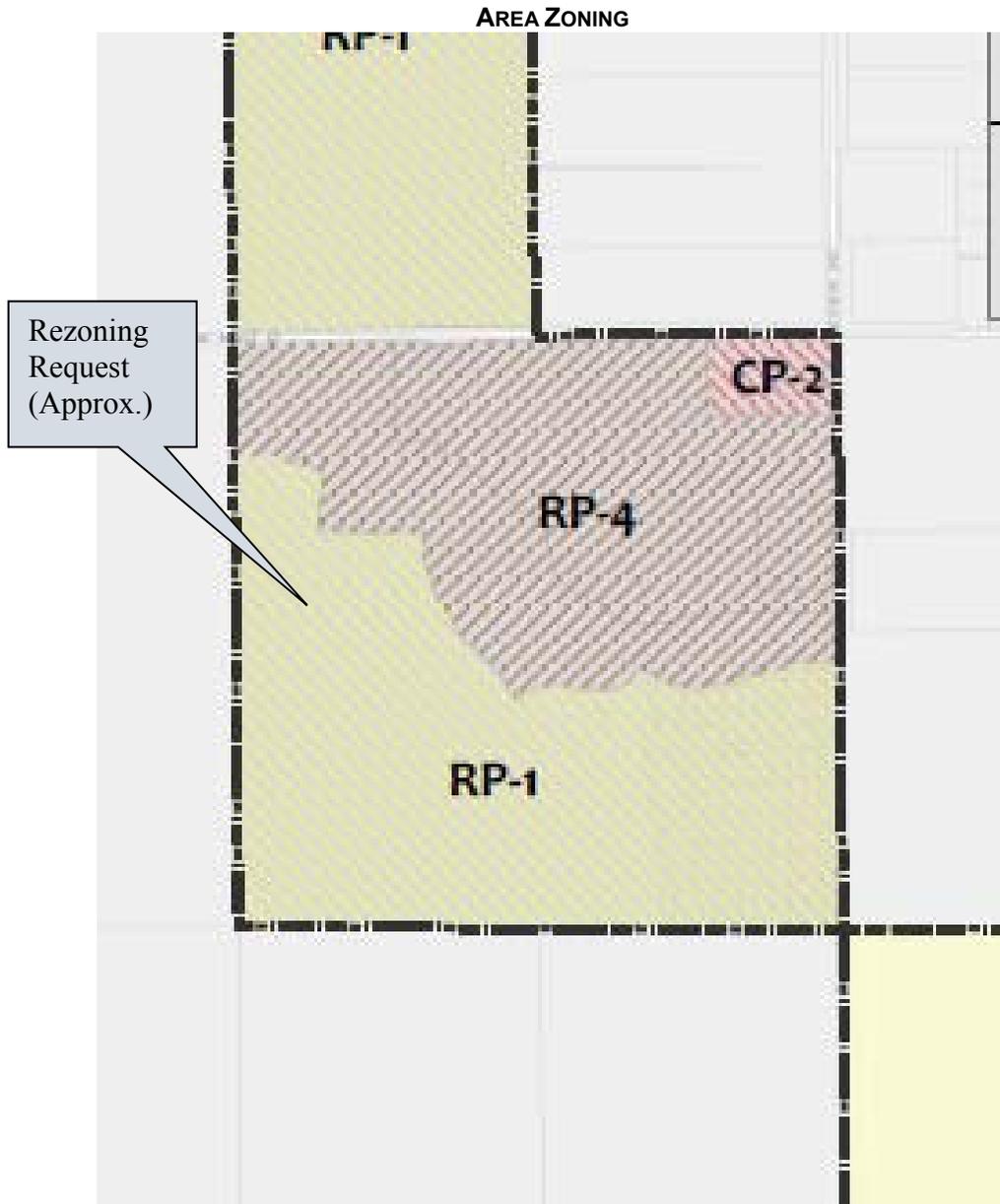


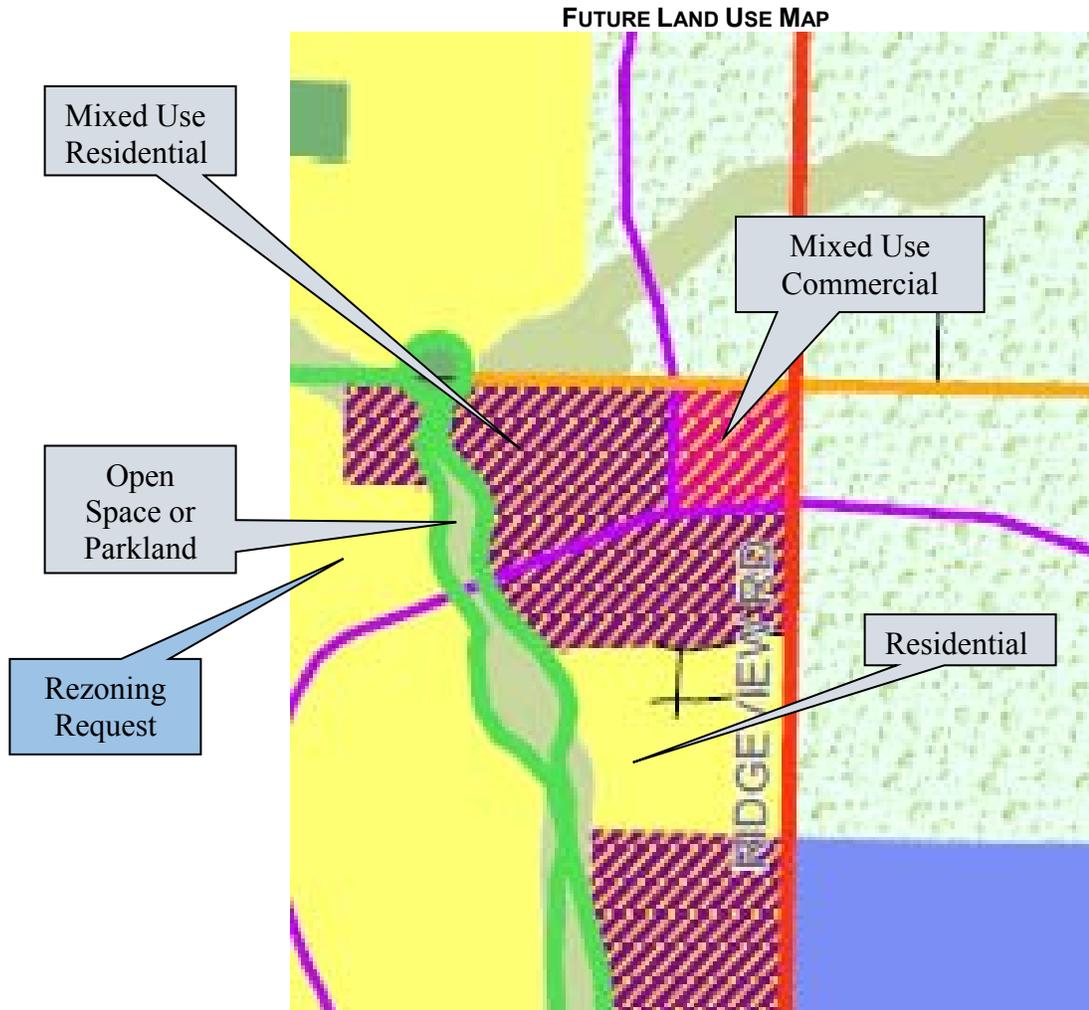
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AREA PHOTO



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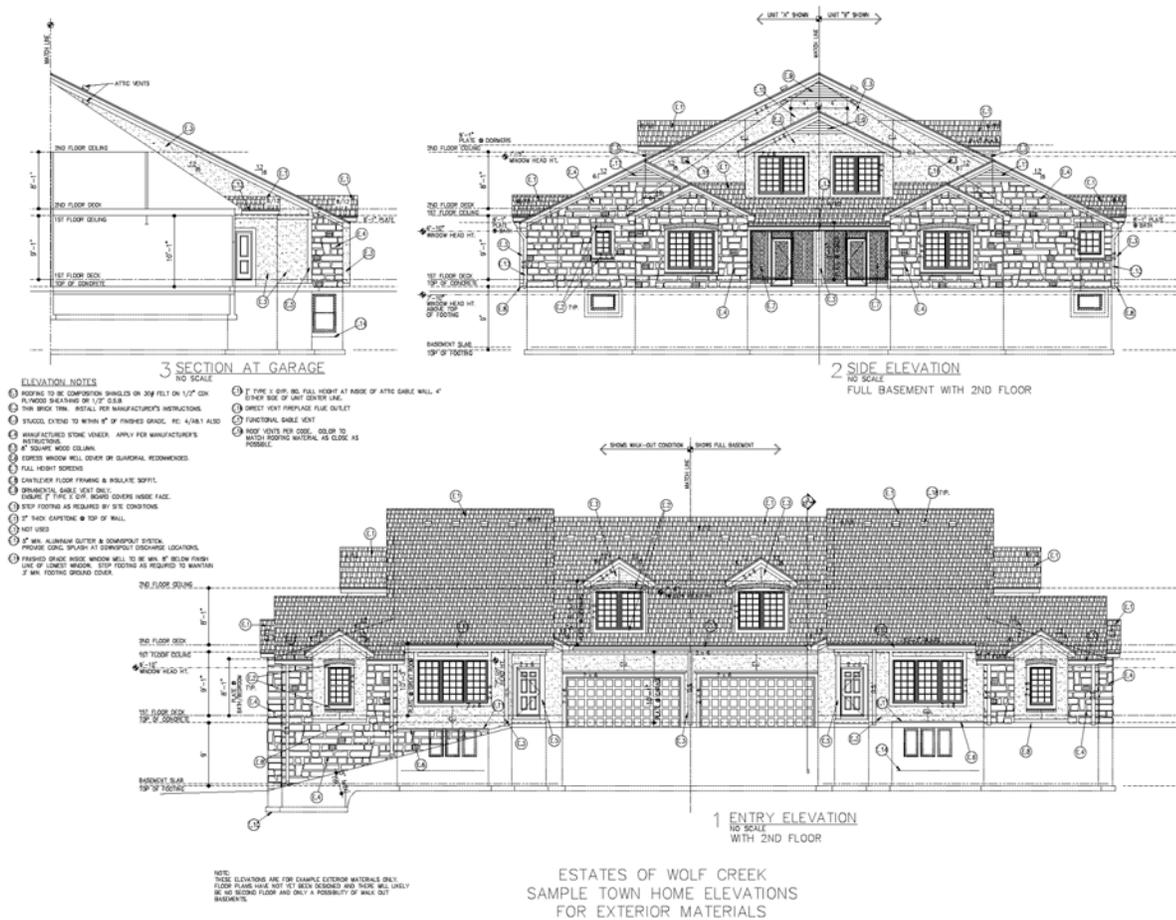


BACKGROUND:

An application has been received requesting the above shown property be rezoned from RP-1 (Planned Single Family District) to RP-4 (Planned Multi-Family District). The property located south of 191st St. and west of Ridgeview is a 15.5 acre tract located within a 159.3 acre tract that is currently approved for a planned development. This request is based on a market reassessment by the developers. The area subject to rezoning is an extension of the RP-4 District to the east and north and will be bordered on the south by 192 Street providing a transition area from single to multi-family districts.

The area subject to rezoning will contain approximately 14, four-plex, or pinwheel style townhomes. The townhomes will be owner occupied with exterior maintenance provided by the homes association being considered. The sketch below is a representation of the exterior of these units. (Larger drawing included with packet)

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As noted on the drawing above the exterior of the units will consist of composition shingles, stone veneer, brick and stucco. The drawing also notes the units may be single or two story and the drawing is a representation of the exterior materials with floor plans to be determined.

As detailed in the Spring Hill Zoning Code and Comprehensive Plan areas zoned as Planned Developments are expected to use higher quality durable building materials and architectural features that provide an increase in visual interest over conventional zoned districts. This is accomplished with the noted use of the building materials noted above. As per the Planning Principles and Design Guidelines of the Spring Hill Comprehensive Plan the following has been implemented into the proposed project.

1. The exterior of the townhomes give the appearance of a large single-family dwelling with varied rooflines and façade depths.
2. The townhomes will be no more than 2 stories in height.
3. All sides of the townhomes display a similar level of quality and architectural interest.
4. Garages are integrated into the building design and do not project in front of the habitable living space.
5. A majority of the buildings and garages are oriented away from street frontage and face onto internal drives that are similar to public streets and provide a direct connection to public streets.
6. Open space and amenities are provided with the close proximity of the area to the centrally located swimming pool facility. In addition, the area has direct connection to open space and trails that extend from north to south thru the entire property.

REZONING: RULES OF PROCEDURE (SECTION 17.364)

1. Complete application received 10/7/14

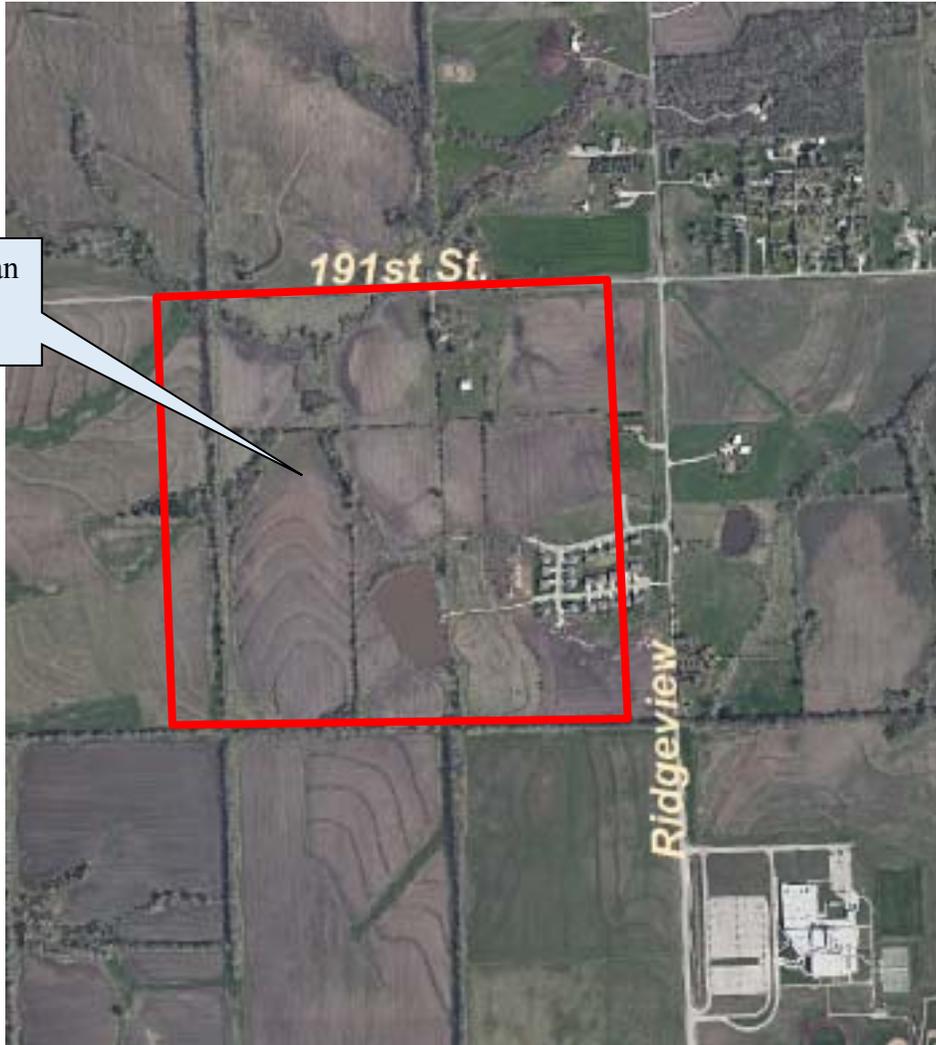
2. Newspaper Publication: Notice of hearing published 10/15/14
3. Hearing notification mailed to property owners within the notification area on 10/16/14. The notification area consists of property owners within 200 ft. of the rezoning area within the city limits, and 1,000 ft. for owners of property in the county.
4. Signs (2) posted at or near the rezoning area on 10/20/14. Signs identified the date, time and location of the public hearing along with requested zoning district.

THE REVIEW OF THE PROPOSED REZONING IS 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. See Section 17.318 of the Spring Hill Zoning and Subdivision Regulations for the base regulations and Section 17.332 for Planned Developments.
2. **Neighborhood Character:** As shown on the aerial photo (page 3), the surrounding area is vacant with zoning districts described in #3 below.
3. **Zoning and uses of nearby parcels:** As shown on the area zoning map (page 4), the area to the east and north is zoned RP-4 (Planned Multi-Family Residential), the area to the south is zoned RP-1 (Planned Single Family Residential) and to the west is unincorporated Johnson County.
4. **Requested because of changing conditions:** The area was previously zoned RP-1 to reflect the developer's preliminary plan that was developed in 2006. This request is based on changing conditions of the current economy and a change in marketing strategy or business plan.
5. **Suitability of parcel for uses restricted by the current zone:** This request is based on a revised preliminary plan that expands the existing RP-4 district currently in place on the property. As a result of the revised plan that includes new street patterns the request creates a separation from single and multi-family districts with the construction of 192 Street.
6. **Suitability of parcel for uses permitted by the proposed district:** The proposed use of the parcel for multi-family homes is consistent with allowed uses 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:** Staff has identified no detrimental effect of the zoning change as the request is an extension of existing RP-4 zoning and 192nd Street will separate the district from the RP-1 district to the south.
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 required infrastructure are identified on the preliminary development plan.
11. **Conformance with Comprehensive Plan.** As noted above the Future Land Use Map (page 5) identifies this property as "Residential". The Comprehensive Plan recognizes moderate density residential areas including two-family, three-family, townhomes and condominiums as areas which may be integrated into low-density areas with planned developments to ensure architectural compatibility (See Section 4.2.2 Spring Hill Comprehensive Plan). This combined with the fact the request is an extension of an existing RP-4 district results in staff's opinion the proposed district is in compliance with the Comprehensive Plan.
12. **Hardship if application is denied:** It is staff's opinion the applicant is better qualified to respond to this issue.

AREA PHOTO

Preliminary Plan
Application
Area



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 RP-1 to RP-4.

Section 17.332.B Spring Hill Zoning Regulations:

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.

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.
5. Commercial areas will be planned and developed so as to result in attractive, viable and safe centers and clusters, as opposed to strip patterns along thoroughfares. Control of vehicular access, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on the street system and other services of the community.
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.
8. Any building or portion thereof may be owned in condominium under KSA 58-3101.
9. For purposes of this title, the term "shopping center", "office park", or other grouping of buildings shall mean developments that were planned as an integral unit or cluster on property under unified control or ownership at the time the zoning was approved by the City. The size and/or subdivision of other partitions of the site after zoning approval does not exempt the project or portions thereof from complying with development standards, architectural quality, sign concepts and other conditions that were committed at the time of rezoning.
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 revised preliminary development plan for Estates of Wolf Creek and will be considered during the public hearing for rezoning the subject tract from RP-1 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 a portion of the area shown above be rezoned from RP-1 to RP-4. Accompanying this rezoning application is a revised preliminary plan for the subdivision.

Originally approved in 2006, Estates of Wolf Creek has progressed thru six final plat phases for residential construction and the construction of Wolf Creek Elementary School. A change in market conditions due to the recent housing and financial recession, along with the construction of the elementary school has created the need for the developer to reassess the marketing strategies for the subdivision. The 2006 plan contained amenities such as a traffic circle on 191st that are now proving to be financially unreasonable. In addition the 2009 FEMA Floodplain maps for the City of Spring Hill has caused revisions in previous plans.

Staff has worked with the developer and his design team over the past several months to formulate the application being presented to the Planning Commission. This plan revises the configuration of roads and decreases the density in both the RP-1 and RP-4 areas. The plan has 27% open space and implements the "pinwheel" style of townhomes not found anywhere in the area.

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 the following:

1. Revised Preliminary and Rezoning Plan
2. Preliminary Plat/Plan
3. Concept Plan
4. Preliminary Utility Routing Plan
5. Zoning Plan
6. Preliminary Landscape Plan
7. Sample Townhome Elevations

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 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.
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: Submitted and acceptable

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

Comment: Submitted and acceptable

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 staff report for Z-03-14

- 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

- g. Proof of adequate public facilities as set forth by Section 17.370.F of the City of Spring Hill Subdivision Regulations.

Comment: Submitted and acceptable

G. Studies. The applicant shall furnish a traffic impact study and a storm water runoff study pertaining to the planned district.

Comment: Staff has reviewed the Traffic Impact Study submitted with the previous application. It is important to note the study was prepared prior to the implementation of the traffic circle on 191st. St. The street layout for this study is very similar to the current proposed layout, however, the density for the current application has decreased by 71 single family units and 116 multi-family units. Therefore, a revised traffic study was not required.

Comment: With respect to the Storm Water study, staff has reviewed the study submitted with the previous preliminary plan. Storm water runoff beyond the perimeter of the development have remained constant. With the reduction of density noted above the impervious area of the proposed development has been reduced significantly. Therefore, a revised storm water study was not required as the recommendations of the study will be implemented into the final design of the development.

OTHER REVIEW CRITERIA:

1. 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: Architectural design features for single-family dwellings will remain constant from previously approved plans that are used in the construction of homes previously built in the subdivision. Architectural features for the townhomes are show on the attached drawings. These include the use of stone, stucco and composition shingles. Please note the units depicted on the drawings are for two-story townhomes. As noted on the drawings two-story townhomes are an option however, single story homes with the possibility of walkout basements are more likely to be constructed. In any case, the materials identified on the drawings are consistent with both one and two story units.

2. 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 application PP-02-14, Revised Preliminary Development Estates of Wolf Creek.

End of Staff Report

The Chairman requested comments from the applicant.

Mr. Peter A. Opperman of Opperman LandDesign, Land Planner for the Estates of Wolf Creek, introduced the professionals working on this project: Mr. Bob Garver, Developer of Estates of Wolf Creek, Mr. Doug Ubben, P.E. of Phelps Engineering.

Mr. Peter A. Opperman with Opperman LandDesign, explained that the original plan is outdated and less favorable in today's economy and market.

The Chairman requested comments from the public.

The following residents of Spring Hill stated that they were opposed or concerned about this project.

Brian North, 18302 W. 194th Terrace
Troy Girrens, 18415 W. 193rd Street
Kim Thompson, 17850 W. 191st Street

Neil Schriener, 19312 Newcastle
Kristi Girrens, 18415 W. 193rd Street
Wendy North, 18302 W. 194th Terrace

In Summary, their reasons were as follows:

- Traffic concerns – drivers currently speed down Ridgeview and the dense traffic during school hours. A current traffic study needs to be addressed.
- Price range and square footage of the proposed multi-family housing.
- Concerned about property values once multi-family housing is established. Will the developer continue to build single-family homes once the multi-family construction begins?
- Entrance into subdivision is hidden by hills and Ridgeview is increasingly busy.
- Concerned about safe access for children to walk to school - "you cannot underestimate the safety of the children"

Mr. Hendershot noted that a traffic study was completed and gives recommendations as to various ways to safely get across Ridgeview. Currently staff is looking into the details of implementing a remedy to this situation. Updates regarding this issue will be made available at City Hall and on the website once a decision has been made.

Commissioner Pollom inquired about a crossing guard and who determines the need and placement.

Mr. Robert Garver, Developer of Estates of Wolf Creek noted that the multi-family homes are expected to be similar in price to the single family homes minus the lot cost. He anticipates that the units will be approximately 1,575sqft and most likely 3 bedrooms.

Commissioner Haupt noted that housing demands are changing and a mix of housing options are needed.

Commissioner Squire asked if all units are expected to have basements. Mr. Garver stated that it is his intention at this time.

Commissioner Squire asked if a possible speed limit reduction on Ridgeview from 191st to 199th could be implemented. Mr. Hendershot noted that the City and County are in discussion about various possibilities and safety is a top concern.

Chairman Mitchell closed the public hearing

Motion by Mr. Haupt seconded by Mr. Sly, to recommend approval of rezoning application Z-03-14 for Estates of Wolf Creek from RP-1 to RP-4.

Motion passed aloud Squire-Aye, Pollom-Aye, Weber-Aye, Mitchell-Aye, Sly-Aye, Haupt-Aye, Nowlin-Aye, 7 yes 0 no 0 abstention

Chairman Mitchell requested that the Commissioners state the reason behind their vote.

Squire – No reason not to

Pollom – This looks like a preferred plan.

Weber – This looks like a better use of the original approved plan.

Mitchell – He likes the plan as presented

Sly – Likes the plan better than the original. It is good to have a mix of housing options. It will help the area and the value of homes in the area.

Haupt – The market trends are changing and this is a good plan

Nowlin – The plan looks like an upgrade.

Chairman Mitchell requested a motion for agenda item 2A.

Motion by Mr. Haupt seconded by Ms. Squire, recommends approval of application PP-02-14, Revised Preliminary Development Estates of Wolf Creek.

Chairman Mitchell requested that the Commissioners state the purpose behind their vote. He stated that they could just say “same” if it was the same as mentioned in last agenda item.

Motion passed aloud Squire-Aye “Ditto”, Pollom-Aye “same as last time”, Weber-Aye “same as the rezoning”, Mitchell-Aye “same”, Sly-Aye “same”, Haupt-Aye “same”, Nowlin-Aye “same”, 7 yes 0 no 0 abstention

3. Amended Final Plat, Oak Woods Subdivision

The Community Development Director presented the request for Final Plat, FP-05-14, Oak Woods Subdivision. The owner of Oak Woods Subdivision has filed an application for an amended final plat. An

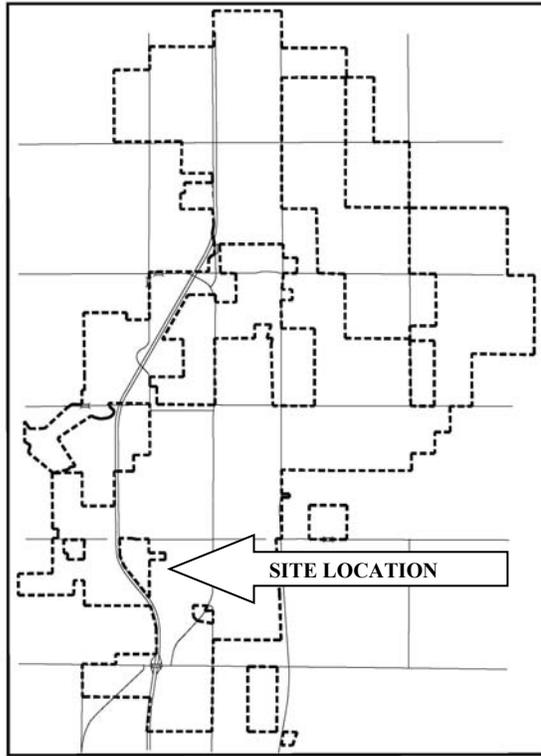
error was found in the recorded plat that can only be corrected with Planning Commission review and Governing Body approval, followed by filing of the amended plat with Miami County. The error is administrative in nature but involves ownership of property and cannot be corrected without submittal, review and approval.

Beginning of Staff Report

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

Case #:	FP-05-14	Meeting Date:	November 6, 2014
Description:	Final Plat – Oak Woods Second Plat		
Location:	South of South St., and east of Lone Elm Road		
Applicant:	Tri Star Developers of Spring Hill, LLC		
Engineer:	Phelps Engineering		
Site Area:	25.9493 Ac.		
Minimum Lot Area:	Planned Development	Number of Lots:	79
Current Zoning:	RP-1, & RP-4	Proposed Use:	Single-Family & Multi- Family Residential
Related Applications:	FP-07-04		

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Background:

In 2005 Oak Woods First Plat was approved and recorded with Miami County and the infrastructure was installed over the next 2-3 years. Since then there has been no construction activity on site. Recently, the owner, Tri-Star Developers (Lynn Baker) noted an error on the recorded plat. In the statement section of the plat is the following statement: "Tracts A thru D as shown hereon will be owned and maintained by the Oak Woods Homes Association. These tracts are intended to be used as private open space and common areas and may include landscaping, fencing, subdivision monuments, storm water detention and amenities".

The owner claimed this statement is incorrect in that Tract C was planned for multi-family construction and Tract D was intended for a day care facility.

Staff Comment:

Staff has researched this issue thoroughly by reviewing three files containing several hundred pages of information on the approval process of both the preliminary and final plat for this subdivision. Staff has determined the claim of the owner is correct and the error is administrative in nature. Thru extensive review of the minutes from numerous Planning Commission and City Council meeting minutes, as well as preliminary drafts of the plats it is apparent the intent for Tract C was always to be multi-family residential and Tract D was to be a day care.

The City was then requested to approve an affidavit to be filed with the final plat that corrected this error. City Attorney Frank Jenkins reviewed the affidavit and found it is not applicable for this error on the plat. State Statute allows for an affidavit to be used to correct minor errors such as measurements, angles, street names, misspelling, etc., but the affidavit cannot be used for any type of change of ownership or transfer of land rights. As a result the plat must be amended by being reviewed by the Planning Commission and approved by the Governing Body.

To copy the material reviewed to validate staff's opinion the plat is incorrect would create a very large packet. In an effort to save time and money, staff will make a presentation of pertinent information related to this issue. All documents will be available at the November 6 Planning Commission Meeting.

Included with this packet you will find a copy of the Preliminary Plat, First Final Plat and proposed Second Final Plat.

The proposed Second Final Plat contains the correct language for Tracts A and B to be owned by the Homes Association, and Tracts C and D designated as areas for development. Signature lines have also been updated for those required to sign the plat after approval.

Recommendation:

Staff recommends approval of the FP-05-14 Oak Woods Second Plat

End of Staff Report

Motion by Ms. Squire seconded by Mr. Haupt, recommends approval of the FP-05-14 Oak Woods Second Plat.

Motion passed aloud Squire-Aye, Pollom-Aye, Weber-Aye, Mitchell-Aye, Sly-Aye, Haupt-Aye, Nowlin-Aye, 7 yes 0 no 0 abstention

Chairman Mitchell requested that the Commissioners state the reason behind their vote.

Squire – As stated in the staff report

Pollom – Needs to be corrected.

Weber – In the staff report and should be done.

Mitchell – Appropriate correction

Sly – Obvious correction of a mistake

Haupt – An error that needs to be corrected

Nowlin – Needs correction.

4. Public Hearing – Parking Regulations

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.

At the August Planning Commission meeting a public hearing was determined to be necessary to formally discuss parking regulations in the Zoning Code. In particular the discussion revolves around the need for head-in parking. The following revisions were made:

Section 17.350 Parking and Loading Regulations

- G. Head-in Parking.** Head in parking from any public right-of-way shall not be permitted. Head in parking that exists at the time of the adoption of this Code may continue to be used as a nonconforming use.

Exception: Head in parking shall be permitted in C-2 Districts when reviewed by the Planning Commission and approved by the Governing Body. Applications for head in parking shall be submitted to the Community Development Department and shall include plans and specifications prepared by a licensed architect or engineer unless waived by the Department Director. Plans may be submitted with a site plan or individually. The Department Director shall forward the application to the City Engineer, Public Works Department and Traffic Consultant for review and recommendation(s). The Planning Commission shall review the application and forward the plan to the City Council for consideration with recommendation(s).

If approved or amended and approved the language would be inserted into ordinance form and presented to the Governing Body for consideration. Staff is recommending approval

Chairman Mitchell opened the public hearing. With no comments made, the public hearing was closed.

Motion by Mr. Haupt seconded by Mr. Nowlin, recommends approval of change to Section 17.350 G., as presented by staff.

Motion passed aloud Squire-Aye, Pollom-Aye, Weber-Aye, Mitchell-Aye, Sly-Aye, Haupt-Aye, Nowlin-Aye, 7 yes 0 no 0 abstention

Chairman Mitchell requested that the Commissioners state the reason behind their vote.

Squire – As stated in the staff report

Pollom – Needs to be corrected.

Weber – In the staff report and should be done.

Mitchell – Appropriate correction

Sly – Obvious correction of a mistake

Haupt – An error that needs to be corrected

Nowlin – Needs correction.

DISCUSSION

5. January 1, 2015, Meeting Schedule

Mr. Hendershot noted that the first meeting in January falls on a holiday and City offices will closed. He recommended that an alternate date be set for an as needed basis for any business that arises.

Chairman Mitchell noted that a meeting for January 7th at 7:00p.m., would be established for business, if needed.

ADJOURN

Motion by Ms. Pollom, seconded by Mr. Weber, to adjourn.

The meeting adjourned at 9:45 p.m.

Natalie Lazenby, Planning Secretary

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

Case #: CU-05-14 **Meeting Date:** December 4, 2014

Description: Conditional Use Permit – Drinking Establishment & Micro-Brewery

Location: 20559 Lone Elm Road

Applicant: RCBC, LLC – Mistie Roberts

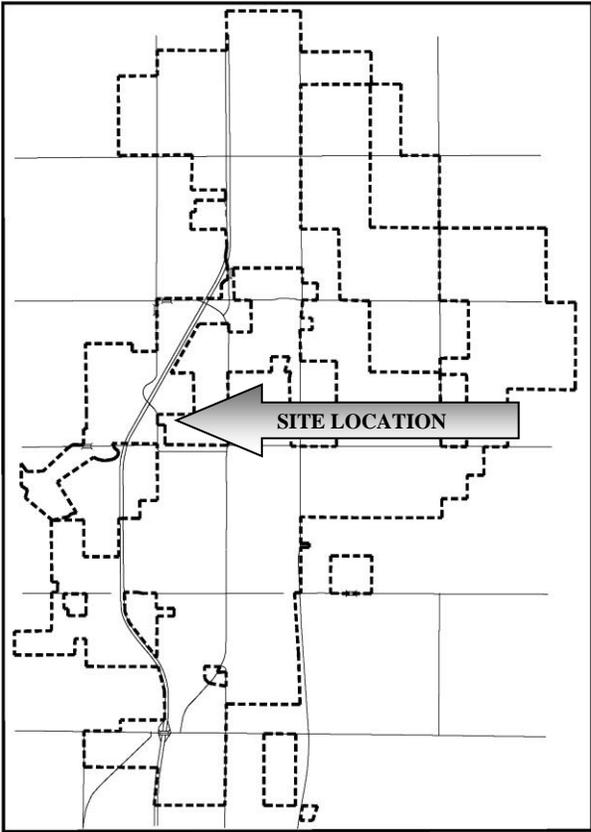
Engineer: n/a

Current Zoning: “C-2” General Business District

Site Area: 6.83 acres **Number of Lots:** 1

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	C-2	Vacant	Residential
North:	C-2	Vacant	Residential
South:	R-R & R-1	Vacant	Residential
East:	R-R	Vacant	Residential
West:	M-1	Vacant	Industrial

Related Applications: CU-06-12



BACKGROUND:

The applicant, RCBC, LLC has submitted a request for a conditional use permit for a drinking establishment and micro-brewery to be located at 20559 Lone Elm Road. A site plan was recently approved at this location for the construction of an office building for a construction sales and service use, Artistic Concrete Services. The site plan was approved with the concept of an additional business being located in the building. As per Section 17.326.B.4 the construction sales and service facility is an allowed use in a C-2 district. However, a tavern/drinking establishment is permitted with an approved conditional use permit (Section 17.326.C.4). As a result, this staff report will concentrate only on the tavern/drinking establishment portion of the building.

APPLICATION AND PROCEDURE FOR CUP (SECTION 17.354)

1. Complete application received 11/4/14
2. Newspaper Publication: Notice of hearing published 11/12/14 (21 days prior to public hearing)
3. Hearing notification mailed to property owners within the notification area on 11/12/14 (21 days prior to public hearing). The notification area consists of property owners within 200 ft. of the rezoning area within the city limits, and 1,000 ft. for owners of property in the county.

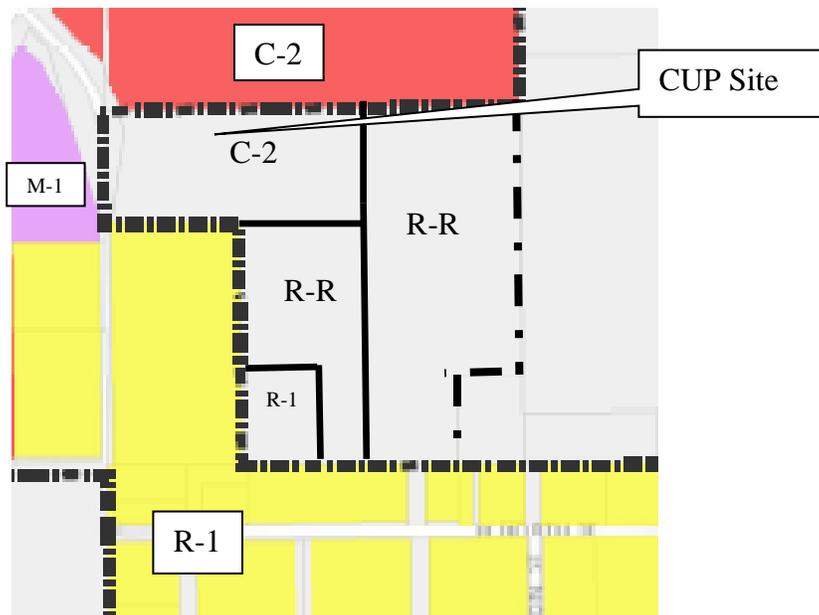
GOLDEN FACTORS:

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. Consistent with purposes of the regulations and intent of the district:** The purpose of the C-2 District is to provide a zone which will accommodate retail shopping, service and offices. The proposed use of the building is consistent with this purpose statement and the tavern/drinking establishment is an allowed use with an approved Conditional Use Permit.
- 2. Character of the neighborhood:** As shown on the photo below, the neighborhood is generally vacant and undeveloped. The nearest occupied structure to the location is approximately 1,000 feet.



2. **Zoning and uses of nearby parcels:** The subject property was recently annexed into the city limits and rezoned to C-2 with adjacent properties rezoned to R-R as noted on the map segment below. Additional zoning and use information is detailed on Page 1 of this staff report.



3. **Suitability for Current Zoning.** The site is suitable for the proposed use as a tavern/drinking establishment is an allowed use in a C-2 district with a conditional use permit.
4. **Detrimental Effect of Zoning Change.** Staff anticipates no detrimental effect on the nearby properties.
5. **Length of Time at Current Zoning.** The site was rezoned to C-2 in August, 2014.
6. **Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit.
7. **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 tavern/drinking establishment is allowed in a C-21 zone with a conditional use permit.

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 vacant and undeveloped.

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

The proposed project is in compliance with zoning and uses of nearby parcels as the location of the building will be isolated from adjoining residential uses (see aerial photo above).

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

The proposed project is not requested because of changing conditions.

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

The proposed project is suitable for this particular parcel when considering zoning, existing neighborhood character and use of the property.

F. *Review detrimental effects on nearby parcels.*

Considering the distance from adjoining parcels and land uses the proposed use should have no detrimental effect on the area.

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 building will be served by an approved private septic system installed in compliance with Johnson County and City of Spring Hill regulations. Fire protection is available with the installation of a fire hydrant adjacent to Lone Elm Road and acceptable to Johnson County Rural Fire District #2.

I. Hardship if application is denied.

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

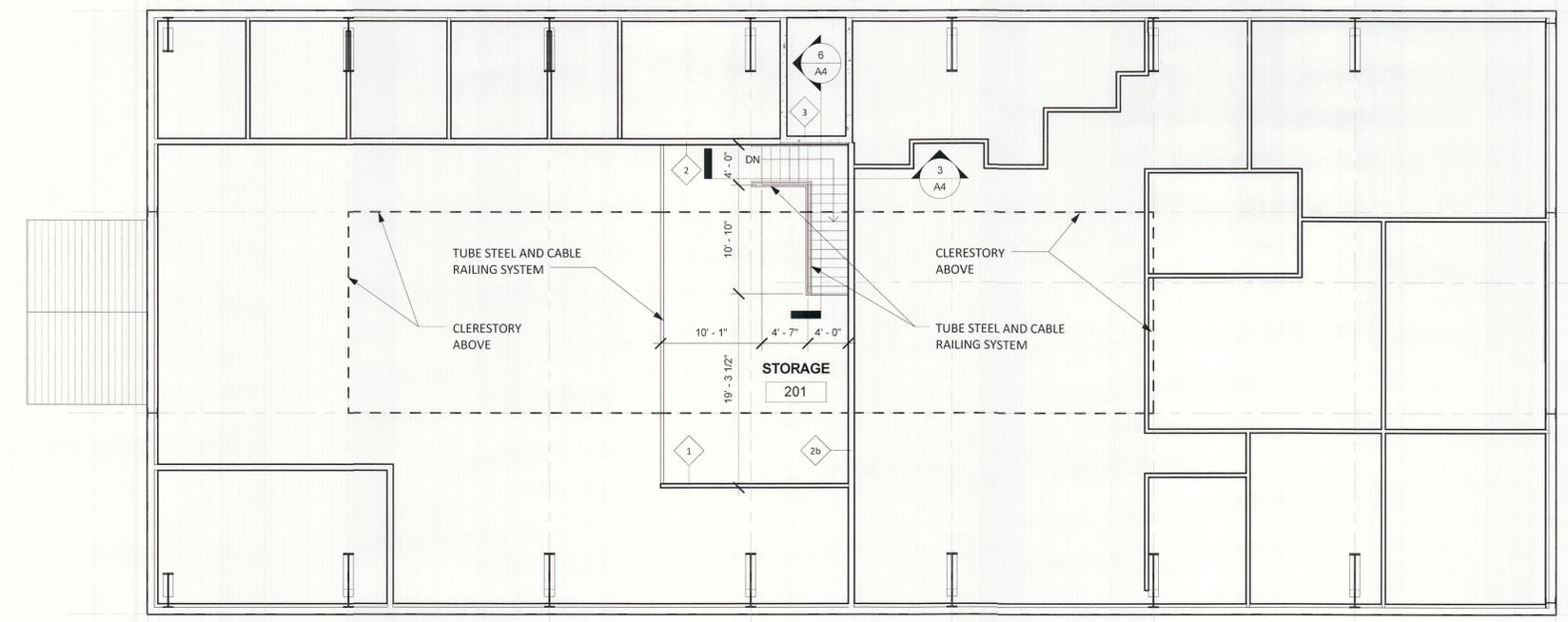
J. Parking

As shown on the attached site plan, paved parking is provided and compliant with Spring Hill regulations.

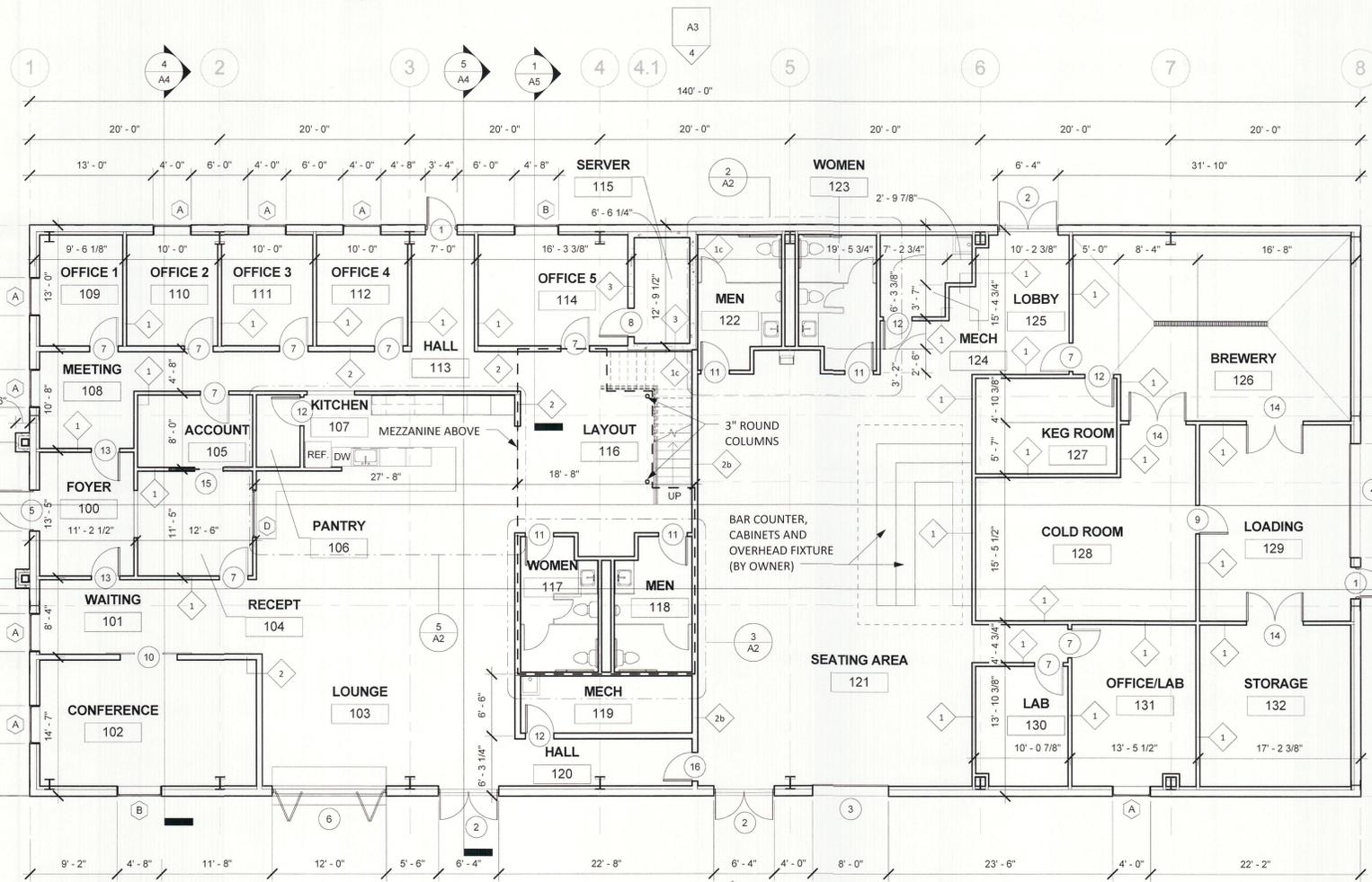
RECOMMENDATION:

Staff recommends the Planning Commission approves CU-05-14 as presented with final action by the Governing Body on January 8, 2015.

1 2 3 4 5 6 7 8



2 MEZZANINE
1/8" = 1'-0"



1 FLOOR PLAN
1/8" = 1'-0"

GENERAL CONSTRUCTION NOTES

- IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO BECOME AWARE OF THE LOCATION OF ALL UNDERGROUND UTILITIES ON THE SITE BEFORE ANY DRILLING OR EXCAVATION BEGINS.
- ALL DIMENSIONS ARE TO BE FIELD VERIFIED FOR CORRECTNESS. IF ANY VARIANCE OCCURS, THE ARCHITECT SHALL BE CONTACTED FOR VERIFICATION. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. ALL EXTERIOR DIMENSIONS ARE TO BE FACE OF FINISH OR CLEAR OPENING, UNLESS OTHERWISE NOTED.
- PLUMBING, HVAC AND ELECTRICAL CONTRACTORS ARE TO PROVIDE ALL ENGINEERING REQUIRED TO PROVIDE COMPLETE OPERATING SYSTEMS. PROVIDE SHOP DRAWINGS AS REQUIRED BY THE SPECIFICATIONS AND CITY.
- GENERAL CONTRACTOR SHALL FOLLOW ADA GUIDELINES TO MEET LOCAL REQUIREMENTS FOR ACCESSIBILITY.
- ALL WORK SHALL BE IN COMPLIANCE WITH NATIONAL, LOCAL CODES, ORDINANCES APPLICABLE AND UNDERWRITER REGULATION HAVING JURISDICTION. CONTRACTORS TO COMPLY WITH ALL RULES AND REGULATIONS OF THE BUILDING OWNER.
- GENERAL CONTRACTOR TO VISIT THE SITE TO DETERMINE AND FAMILIARIZE THEMSELVES WITH EXISTING CONDITIONS. ANY DISCREPANCIES ON THE CONSTRUCTION DOCUMENTS AND EXISTING CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY TO SOLVE THE SITUATION.
- OWNER / TENANTS OR THEIR APPOINTED REPRESENTATIVE SHALL PROCURE ALL PERMITS AND CERTIFICATION OF OCCUPANCY OR LOCAL EQUIVALENT.
- THE SAME WORK INCLUDES, FURNISHING LABOR, MATERIALS, EQUIPMENT AND SERVICES NECESSARY FOR THE INCIDENTAL COMPLETION BASED ON ALL DRAWINGS AND SPECIFICATIONS AS DESCRIBED IN THE DOCUMENTS.
- ALL CONDITIONS SHOWN ON THE DRAWINGS HAVE BEEN COMPILED FROM AVAILABLE INFORMATION AND MUST BE VERIFIED WITH SITE CONDITIONS, WRITTEN DIMENSIONS ON DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO RECEIVE, HANDLE, STORE AND ACCOUNT FOR MATERIALS PROVIDED BY OTHERS, ANY MISSING OR DAMAGED PARTS SHALL BE REPORTED TO THE ARCHITECT AND/OR OWNER.
- NO WORK SHALL START WITHOUT APPROVAL AND REVIEW BY THE ARCHITECT ON ALL SHOP DRAWINGS, PREPARED BY THE GENERAL CONTRACTOR AND SUPPLIERS FOR COMPLIANCE TO THE CONSTRUCTIONS DOCUMENTS.
- ALL ROOF AND EXTERIOR WALL PENETRATIONS SHALL BE SEALED WATERTIGHT PER CONSTRUCTION TO MEET ARCHITECT'S APPROVAL.
- ANY MODIFICATIONS TO THE BUILDING SHALL BE COORDINATED WITH THE ARCHITECT AND/OR BUILDING OWNER.
- GENERAL CONTRACTOR TO PROVIDE MINOR ITEMS NECESSARY FOR THE COMPLETION OF THE WORK AT NO ADDITIONAL COST TO THE OWNER/TENANT.
- ALL MANUFACTURED ITEMS, MATERIALS AND EQUIPMENT SHALL BE INSTALLED BY THE GENERAL CONTRACTOR IN COMPLIANCE WITH THE MANUFACTURERS RECOMMENDATION.
- ANY MECHANICAL AND ELECTRICAL CONFLICT ON FLOORS, WALLS, ROOF OPENING, FLASHING CURBS OR VARIATION PRIOR TO START WORK; GENERAL CONTRACTOR SHALL INFORM THE ARCHITECT OF THE CONFLICT.
- MECHANICAL AND ELECTRICAL SHALL VERIFY ALL PENETRATIONS AND INSTALL APPROPRIATE FIRE DAMPERS IN ALL RATED ASSEMBLIES WHETHER SHOWN OR NOT.
- IN ACCORDANCE WITH GOOD CONSTRUCTION PRACTICE: ALL WORKMANSHIP AND MATERIALS SHALL BE OF FIRST QUALITY.
- GENERAL CONTRACTOR TO SUBMIT SAMPLES OF ALL FINISHES TO ARCHITECT OR OWNER/TENANT REPRESENTATIVE PRIOR TO INSTALLATION FOR APPROVAL
- ALL DIMENSIONS ARE SUBJECT TO CONVENTIONAL BUILDING INDUSTRY TOLERANCE FOR FIELD CONDITIONS.
- SUBSTITUTION MATERIAL, PRODUCT EQUIPMENT ITEMS OR SYSTEMS, CONTRACTOR MUST DETERMINE AND INVESTIGATE THE PROPOSED SUBSTITUTION IS EQUAL OR SUPERIOR IN ALL RESPECTS TO THAT OF SPECIFIED PRODUCT. CREDIT TO THE CONTRACT PRICE WILL BE PROVIDED WITHOUT SACRIFICE TO QUALITY, FUNCTION OR APPEARANCE.
- GENERAL CONTRACTOR TO WARRANTY ALL PRODUCTS AND WAIVES ALL CLAIMS FOR ADDITIONAL COST RELATED TO SUBSTITUTED ITEM TO COMPLETE WORK IN ALL RESPECT.
- ALL WOODS IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED.
- GENERAL CONTRACTOR SHALL PLACE 2A10BC FIRE EXTINGUISHERS AS SHOWN ON PLANS OR AS DIRECTED AND APPROVED BY THE LOCAL FIRE DEPARTMENT AND/OR OTHER AUTHORITIES HAVING JURISDICTION AS PER IFC 2012 AND NFPA.

WALL TYPES

- 1 4" NOM (3 1/2") WOOD STUDS @ 16" OC WITH ACOUSTICAL BATT INSULATION & 5/8" TYPE X GYP BOARD EACH SIDE
- 1b 4" NOM (3 1/2") WOOD STUDS @ 16" OC WITH 5/8" MOLD A& MILDWE RESISTANT GYP BOARD ONE SIDE
- 1c 2" NOM (1 1/2") WOOD FURRING @ 16" OC WITH 5/8" TYPE X GYP BOARD ONE SIDE
- 2 6" MTL STUDS @ 16" OC WITH ACOUSTICAL BATT INSULATION & 5/8" TYPE X GYP BOARD EACH SIDE
- 2b 6" MTL STUDS @ 16" OC WITH ACOUSTICAL BATT INSULATION & 5/8" TYPE X GYP BOARD EACH SIDE -EXTEND TO ROOF DECK FILLING ALL VOIDS WITH SOUND INSULATION BATTS AND ACOUSTICAL SEALANT
- 3 8" CONCRETE WALL



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

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artistic concrete surfaces
Lone Elm Road, Springhill, KS

ISSUE DATE
11.13.14

NO.	REVISIONS

ARCHITECTURAL PROJECT NUMBER
14011

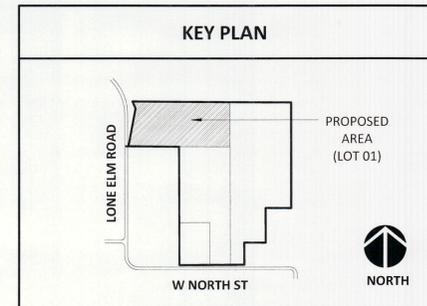
floor plan

SHEET NUMBER
A1

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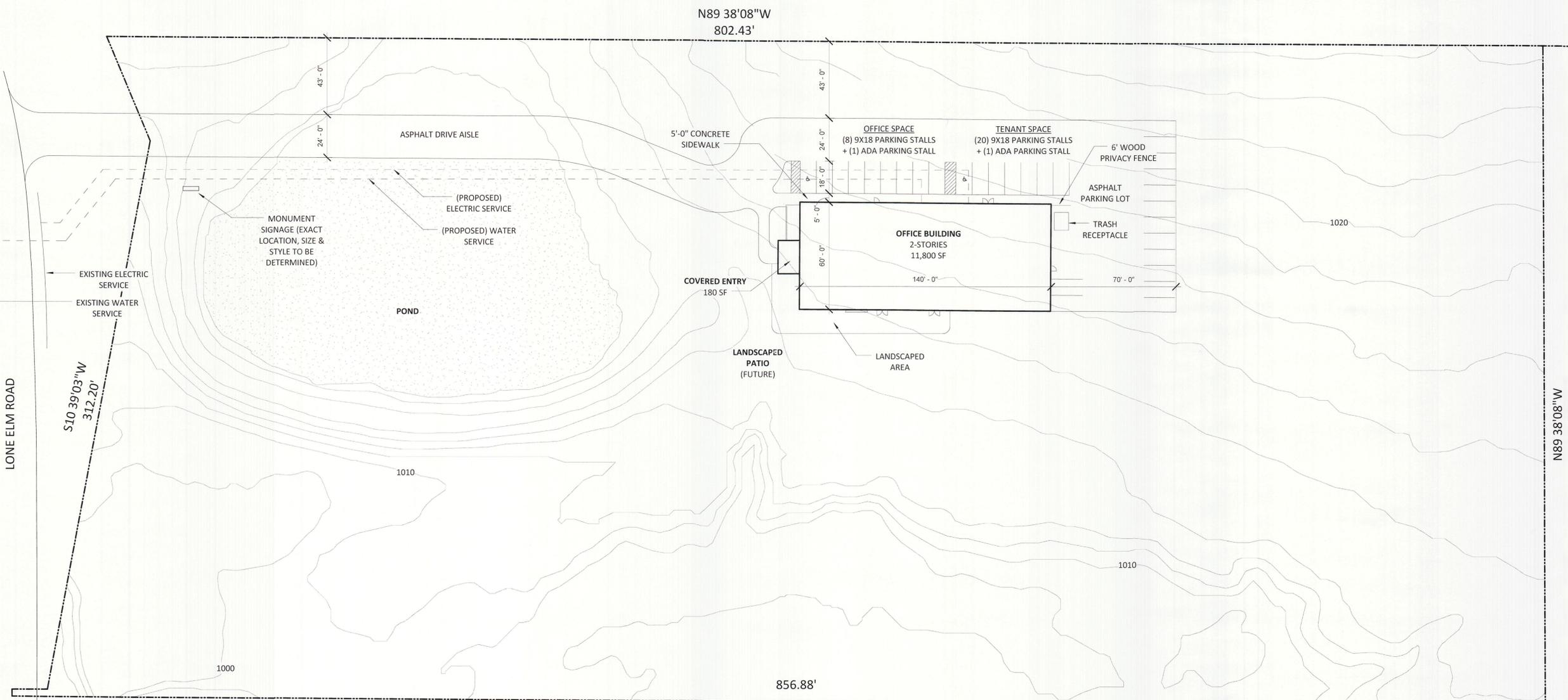
LEGAL DESCRIPTION:

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

N89 38'08"W
802.43'



S89 38'08"E
436.02'

S89 38'08"E
420.86'

LOT 01
 297,571 SQFT
 6.83 ACRES

1 SITE PLAN
 1" = 30'-0"



11/14/2014 11:00:49 PM



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artistic concrete surfaces
 Lone Elm Road, Springhill, KS

ISSUE DATE
 11.13.14

REVISIONS

NO.	DATE	DESCRIPTION

ARCHITECTURAL PROJECT NUMBER
 14011

site plan

SHEET NUMBER
AS1

City of Spring Hill Comprehensive Plan

Updated 10/13/2014, C. Splichal, Spring Hill School District

12.1 Education

The Spring Hill School District provides quality educational opportunities for students in three municipalities, including Spring Hill, Olathe, Overland Park, Overland Park and unincorporated areas of Johnson and Miami Counties. The district encompasses 71 square miles and includes much of the southern future growth area identified by the city of Olathe, as well as a portion of Overland Park's future growth area.

Approximately 3,500 students attend classes in six schools: three elementary schools, a middle school, a high school and an online school. The district has been recognized nationally for its academic and technology programs. Schools in the Spring Hill School District have consistently achieved high academic results, meeting or exceeding both state level and national academic benchmarks. In addition, students and teachers are surrounded by a technology-rich environment that is geared to support learning opportunities and enhance engagement.

With advancing technologies, a traditional classroom is no longer the only forum for learning. In the fall of 2008, the Spring Hill School District launched the Insight School of Kansas, which is housed in the renovated Hilltop Education Center. Nearly 1,000 students, ranging in age from 14 to 60-plus years old, are tapping into the 120 educational courses and 14 Advanced Placement classes offered by the school. Students currently attending Kansas schools may also take advantage of courses that may not be currently available to them, such as Advanced Placement classes, through the virtual school. The Insight School also is broadening into vocational training, including apprentice programs.

Without well-trained teachers, none of the continued academic gains would be possible. The district has worked diligently to recruit teachers with extensive educational experience and a commitment to developing students into lifelong learners. About 70 percent of Spring Hill's faculty members hold master's degrees or higher and have an average of 15 years of experience. Retaining this staff and giving them opportunities to advance professionally also are a priority for the Board of Education.

In addition, Spring Hill School District provides a full range of inclusive special education services for students with disabilities and gifted capabilities. Services can start as early as age 3 and continue to age 21, as appropriate.

A few statistics about the district include:

- The Spring Hill, Kansas School District has been recognized nationally for its academic and technology programs.
- More than 3,500 students are enrolled in the district's five traditional schools and one on-line school.

- The six schools include Prairie Creek Elementary (K-5), Spring Hill Elementary (PreK-5), Wolf Creek Elementary (K-5), Spring Hill Middle (6-8), Spring Hill High School (9-12) and Insight School of Kansas (high school, any age).
- The district employs nearly 400 employees including teachers, nurses, classified staff and administrators.
- About 70% of the faculty hold Masters Degrees or higher, and have an average of 15 years experience.
- The district’s 2011 bond issue supported expanded classroom capacity, technology enhancements and much-needed maintenance. Achieving a 15 percent savings on the program also allowed significant upgrades to physical security measures along with other school renovations.
- Practicing responsible financial stewardship has resulted in one of the lowest school mill levies in Johnson County, with the levy dropping the last seven consecutive years.

Table 12.A identifies the schools, enrollments and capacities as of Sept. 2014.

Table 12.A: Spring Hill Educational Facilities Facility	Enrollment	Capacity
Prairie Creek Elementary School	361	528
Spring Hill Elementary School	466	616
Wolf Creek Elementary School	455	528
Spring Hill Middle School	533	828*
Spring Hill High School	696	804
Insight School of KS	Approx. 1,000	Unlimited

**Note the total capacity for the Spring Hill Middle School campus includes the North and South buildings.*



Spring Hill
SCHOOL DISTRICT

VISUALIZING SUCCESS

PLANNING FOR THE FUTURE

STATUS OF ENROLLMENT – MAY 12, 2014

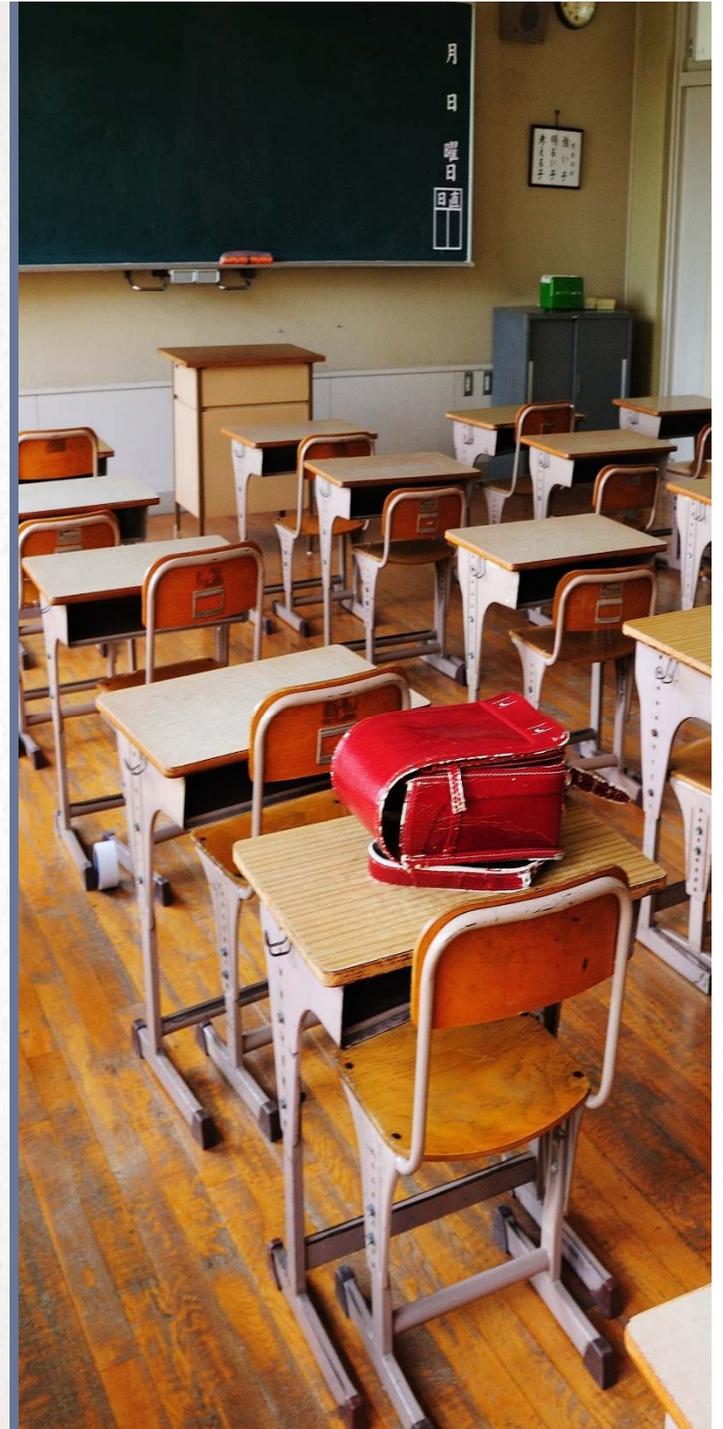


Agenda

- Part 1: Introductions
- Part 2: Enrollment, Development and Demographics Discussion
 - Planning Areas
 - Sophisticated Forecast Model (SFM)
 - Model Components
 - Past Enrollment
 - Baseline Data
 - Issues and Assumptions
 - Where Growth has been
 - Where Growth Likely Will Be
- Part 3: Enrollment Projections Discussion
 - Projection Accuracy
 - District
 - Elementary
 - Secondary
- Part 4: Question/Discussion/Next Steps



PART 1: INTRODUCTIONS





VISUALIZING SUCCESS

- Founded in 2003
- Professional educational planning firm
- Expertise in multiple disciplines
- Over 20 years of planning experience
- Over 80 years of education experience
- Over 20 years of GIS experience
- Clients in Arkansas, Iowa, Illinois, Kansas, Missouri, Nebraska, and North Dakota
- Projection accuracy of 97% or greater

Planning



Robert Schwarz
CEO, AICP, REFP

Educators



Mark Porter
Ed.D



Jay Harris



Susan Swift
Ph.D.

GIS Analysts

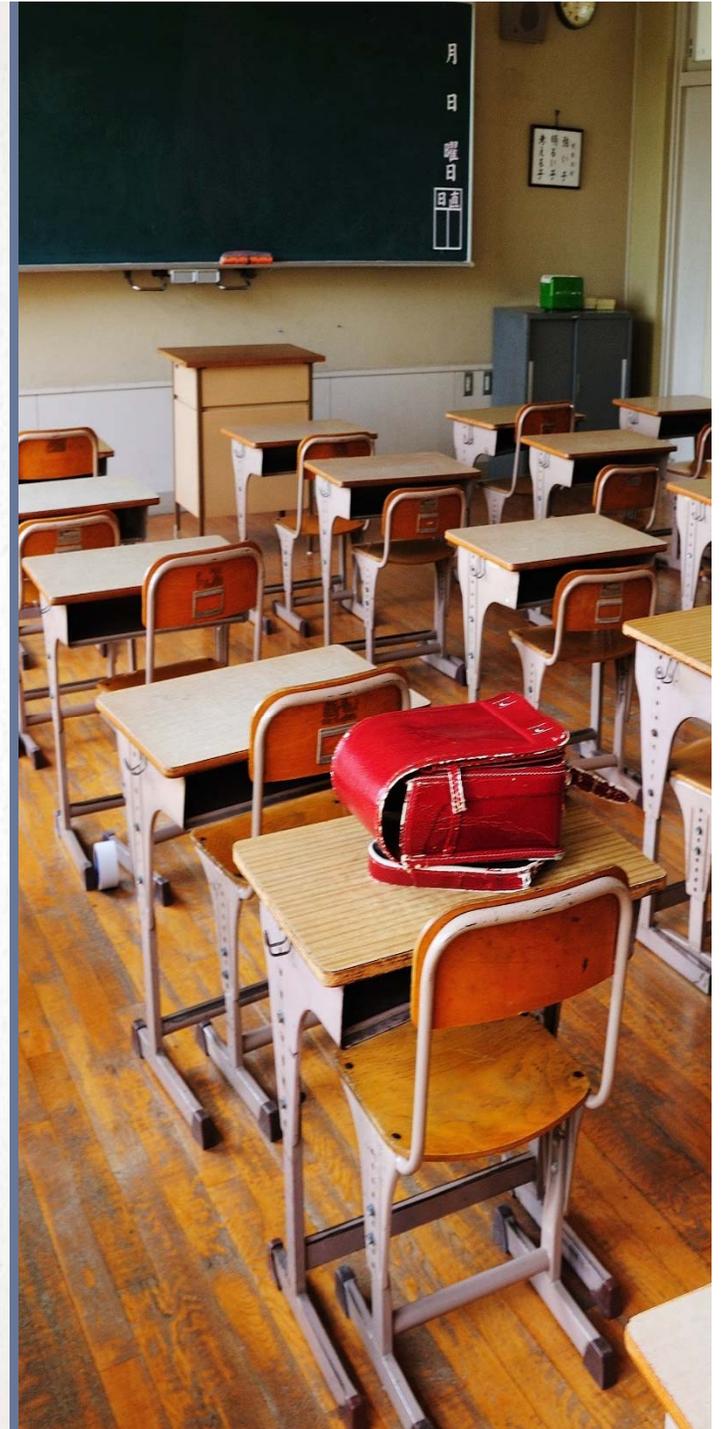


Cole Andrews



Grady Morrison

**PART 2:
ENROLLMENT, DEVELOPMENT,
AND DEMOGRAPHICS DISCUSSION**



MAKING IT HAPPEN

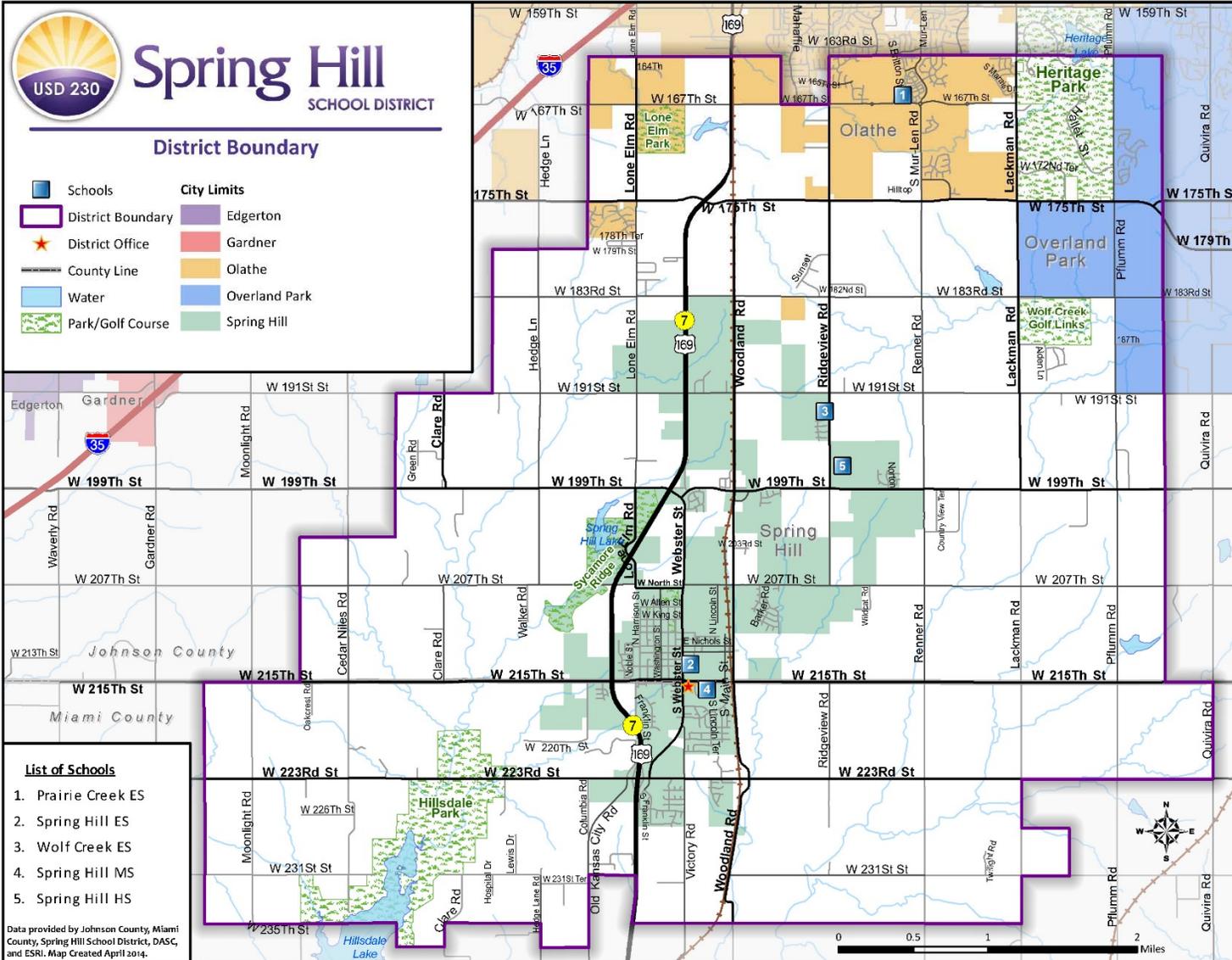
Spring Hill School District

- Administration

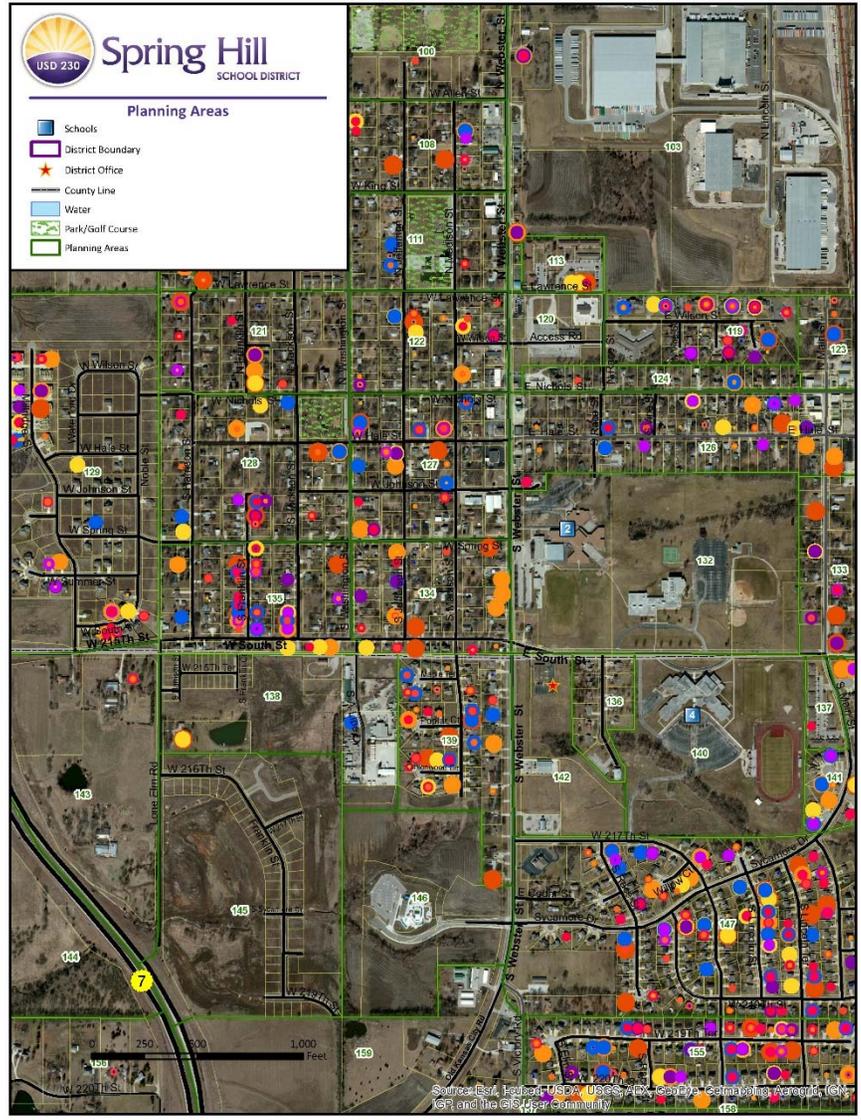
County, City & Others

- City of Spring Hill
- City of Olathe
- City of Overland Park
- Johnson County
- Miami County
- Census Bureau
- ESRI





- District Boundary (purple line)
- City Limits (Olathe : Orange, Overland Park : Blue, Spring Hill : Green)
- Major Streets
- Major water features



PLANNING AREA DETAIL MAP

- Zoomed into Spring Hill Middle School Area
- Show the power of GIS information
- See where students are located in relation to streets, subdivisions, parcels
- Illustrates how the planning areas are tied to the parcel

SOPHISTICATED FORECAST MODEL (SFM)

This is the central focus of everything RSP does. The model is based on what is happening in a school district. The best data is statistically analyzed to provide an accurate enrollment forecast. The District will be able to use RSP's reports and maps to better understand demographic trends, school utilization, and the timing of construction projects.

Built-Out

$$S_{c, t, x} = S_{c-1, t-1, x} * GC$$

- S = The number of students, either an actual count or a projected count
- x = A subscript denoting a planning area
- c = Grade level
- t = Time
- GC = Growth component, either modeling enrollment increase or decrease based on historical information, expressed as a student enrollment ratio of cohort c in planning area x

Developing

$$S_{c, t, x} = S_{c-1, t-1, x} + (BP_{t, x} \times R_{c, x})$$

Where

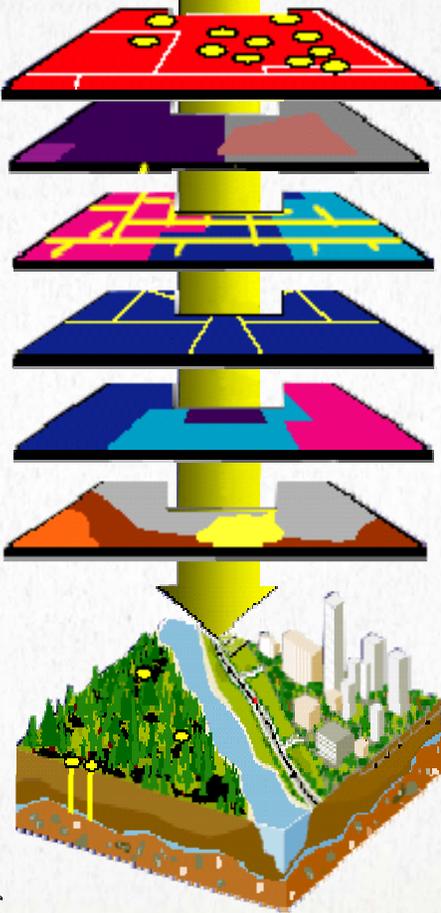
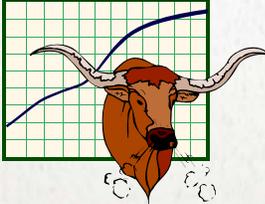
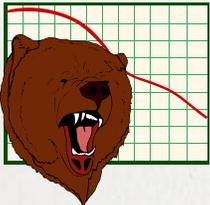
$$BP_{t, x} = \frac{CP_x \times BT_x}{\sum CP_x \times BT_x} \times CT$$

- S = The number of students, either an actual count or a projected count
- x = A subscript denoting a planning area
- c = Grade level
- t = Time
- BP = Building permit forecast as given by the BPAM model
- $R_{c, x}$ = Student enrollment ratio of cohort c in planning area x.
- CP = Capacity of a planning area as expressed by available housing units
- BT = Building history trend of a planning area
- CT = Building permit control total forecast



MODEL COMPONENTS

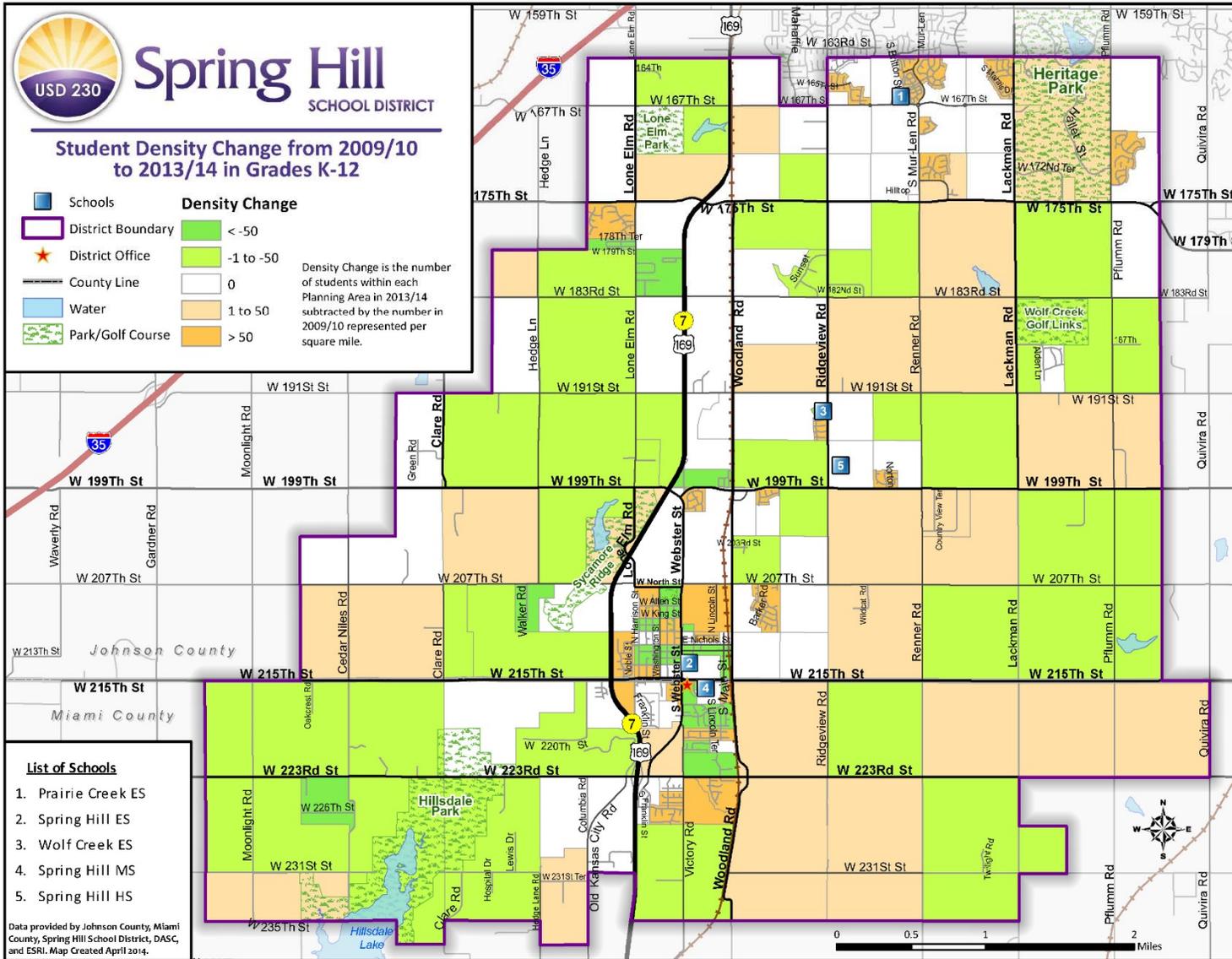
- Cohort Growth
- External Growth
- Kindergarten Change
- Economic Scenarios



STUDENTS/PEOPLE
DEVELOPMENT
STREETS
ATTENDANCE AREAS
CITY
COUNTY

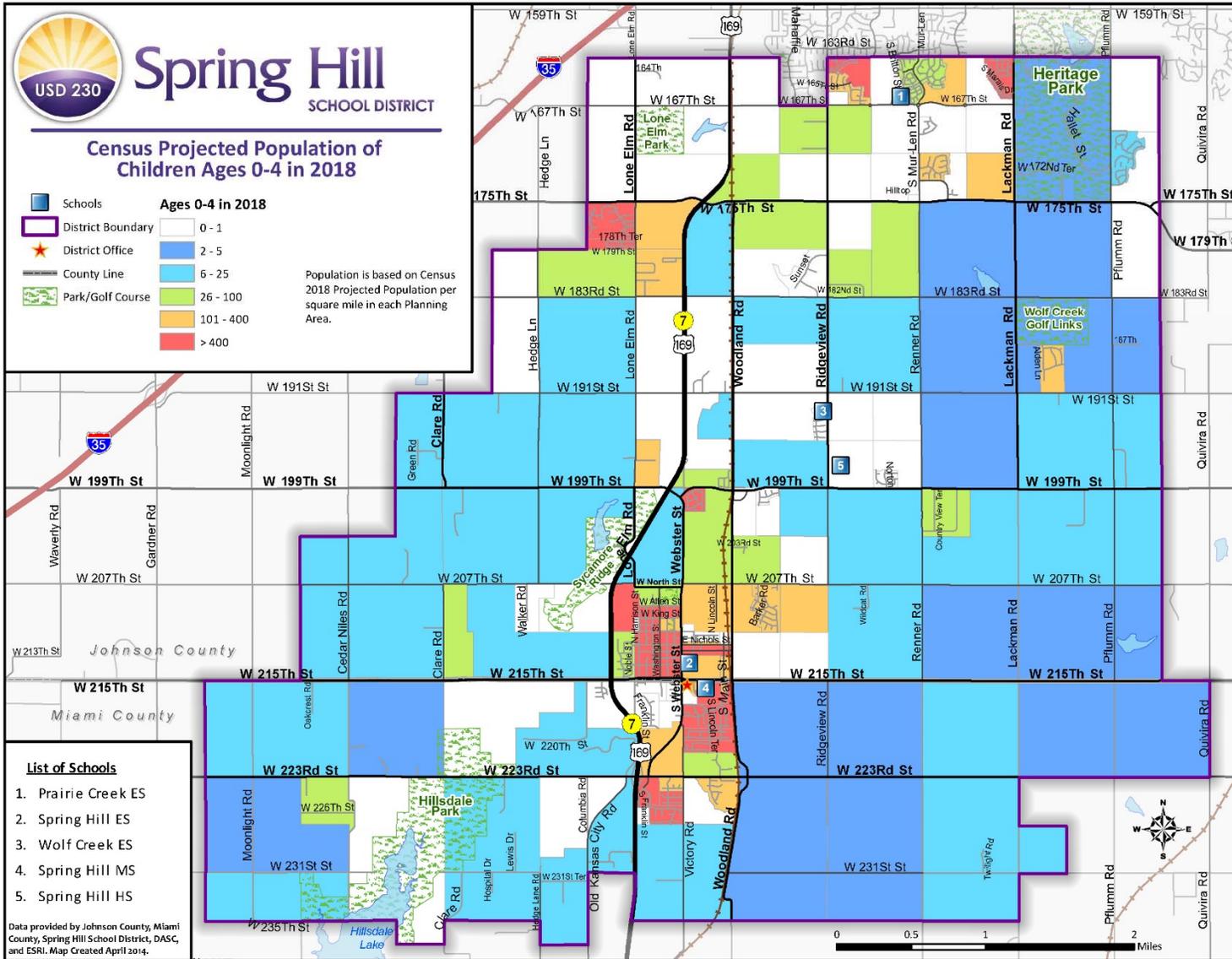
WHAT HAS OR IS CHANGING

- **Housing market changes** (*what is being built and where*)
- **Economic conditions** (*New Economy*)
- **Infrastructure Enhancements** (*sewer, water*)
- **Future residential growth patterns** (*Many areas*)
- **Demographic trends** (*Who is moving here – do they have students*)
- **Enrollment trends** (*Are things tracking low or high*)
- **Capacity of Facilities** (*Many changes made and will need to be made*)

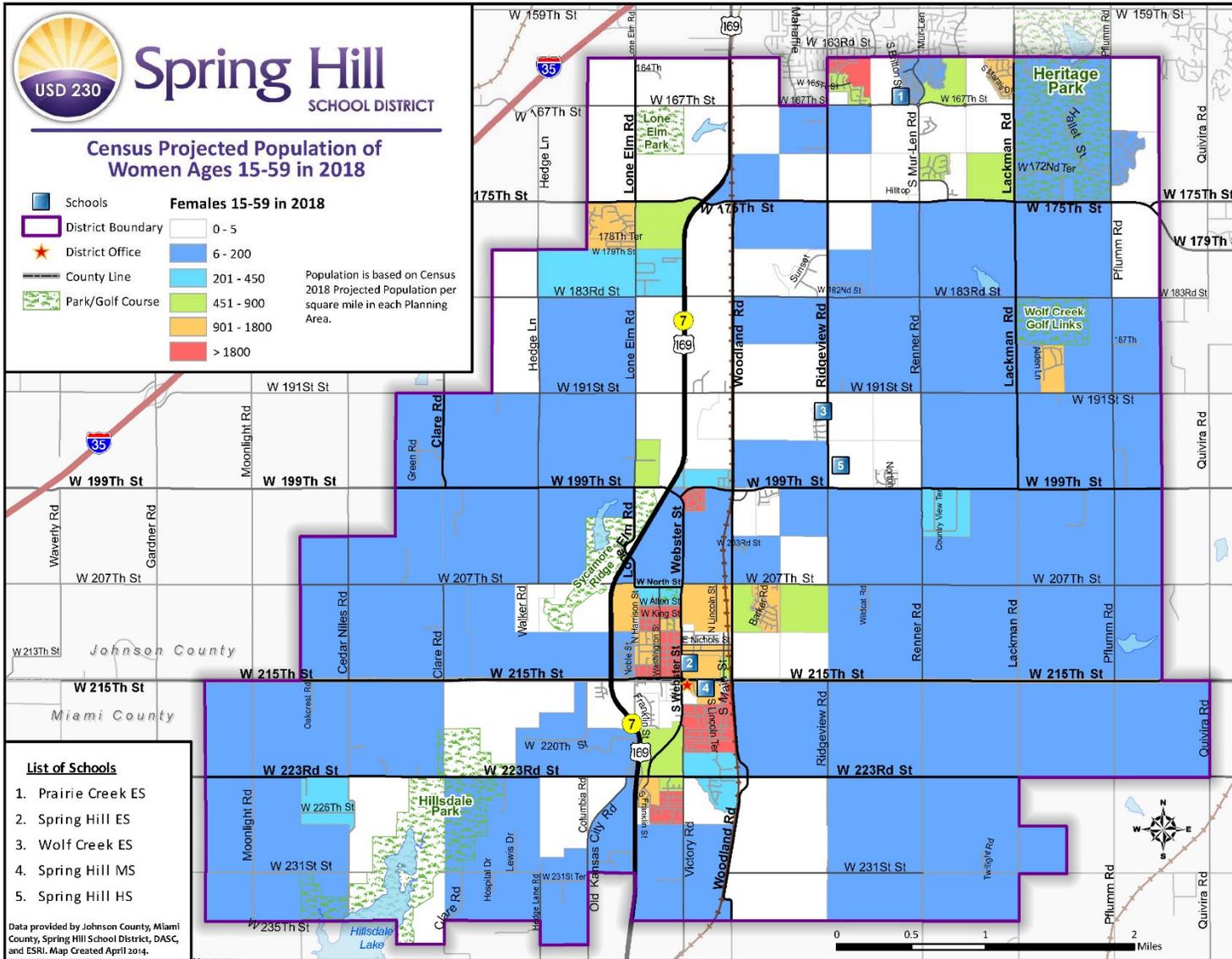


PLANNING AREAS CHANGE MAP (DENSITY)

- Depicts student movement at each planning area from 2009/10 to 2013/14
- Planning areas enrollment associated by density of each planning area (Square mile) to normalize the geographic size of each planning area
- Green areas experienced a decrease
- Orange areas experienced an increase



- Depicted by Planning Areas with 2018 estimates, weighted by density
- Red areas greatest density and Blue areas least density
- Census data likely not yet factoring in the change that is taken place in the latest residential developments



CENSUS FEMALES IN 2018 MAP

15

- Depicted by Planning Areas with 2018 estimates, weighted by density
- Red areas greatest density and Blue areas least density
- Census data likely not yet factoring in the change that is taken place in the latest residential developments

PAST SCHOOL ENROLLMENT

Enrollment By Grade

Year	K	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	Total
2000/01	83	119	108	95	108	124	121	111	109	126	123	109	96	1,432
2001/02	117	109	119	109	102	107	135	121	115	111	121	114	95	1,475
2002/03	120	124	109	132	115	112	117	140	132	121	116	111	111	1,560
2003/04	116	135	125	109	132	125	119	118	145	137	121	110	107	1,599
2004/05	111	126	138	133	115	147	130	124	120	144	123	114	109	1,634
2005/06	122	117	128	139	135	121	150	135	135	126	144	116	111	1,679
2006/07	120	129	135	126	148	139	126	159	136	133	131	140	116	1,738
2007/08	127	140	135	140	138	158	151	130	160	145	139	131	147	1,841
2008/09	164	134	152	152	143	139	154	148	136	171	143	131	133	1,900
2009/10	181	169	142	160	151	152	142	164	149	138	164	139	126	1,977
2010/11	172	193	186	148	161	154	163	152	166	153	137	161	139	2,085
2011/12	169	177	189	188	154	167	164	167	158	166	156	140	170	2,165
2012/13	177	187	175	191	196	157	169	171	165	162	177	158	138	2,223
2013/14	184	187	185	180	193	203	158	165	171	170	168	175	159	2,298

Source: KSDE 2000/01 to 2003/04, SHSD Student Data from 2004/05 to 2013/14



Pig in the Snake Effect:

- Largest class in 2013/14 – 5th grade (203)
- Smallest class in 2013/14 – 12th grade (159)
- Graduating senior class will likely be similar or smaller than the next year incoming Kindergarten class

*The above enrollment totals are Kindergarten to 12th grade
The above numbers are not the Certified Enrollment Count
Does not include Home School, Private School, or Parochial School*

PAST SCHOOL ENROLLMENT

Change By Grade from the Previous Year

From	To	K	K 1st	1st 2nd	2nd 3rd	3rd 4th	4th 5th	5th 6th	6th 7th	7th 8th	8th 9th	9th 10th	10th 11th	11th 12th
2000/01	2001/02	34	26	0	1	7	-1	11	0	4	2	-5	-9	-14
2001/02	2002/03	3	7	0	13	6	10	10	5	11	6	5	-10	-3
2002/03	2003/04	-4	15	1	0	0	10	7	1	5	5	0	-6	-4
2003/04	2004/05	-5	10	3	8	6	15	5	5	2	-1	-14	-7	-1
2004/05	2005/06	11	6	2	1	2	6	3	5	11	6	0	-7	-3
2005/06	2006/07	-2	7	18	-2	9	4	5	9	1	-2	5	-4	0
2006/07	2007/08	7	20	6	5	12	10	12	4	1	9	6	0	7
2007/08	2008/09	37	7	12	17	3	1	-4	-3	6	11	-2	-8	2
2008/09	2009/10	17	5	8	8	-1	9	3	10	1	2	-7	-4	-5
2009/10	2010/11	-9	12	17	6	1	3	11	10	2	4	-1	-3	0
2010/11	2011/12	-3	5	-4	2	6	6	10	4	6	0	3	3	9
2011/12	2012/13	8	18	-2	2	8	3	2	7	-2	4	11	2	-2
2012/13	2013/14	7	10	-2	5	2	7	1	-4	0	5	6	-2	1
3-Yr Avg		4.0	11.0	-2.7	3.0	5.3	5.3	4.3	2.3	1.3	3.0	6.7	1.0	2.7
3-Yr Wavg		5.7	11.8	-2.3	3.5	4.7	5.5	2.8	1.0	0.3	3.8	7.2	0.2	1.3

Source: KSDE 2000/01 to 2003/04, SHSD Student Data from 2004/05 to 2013/14

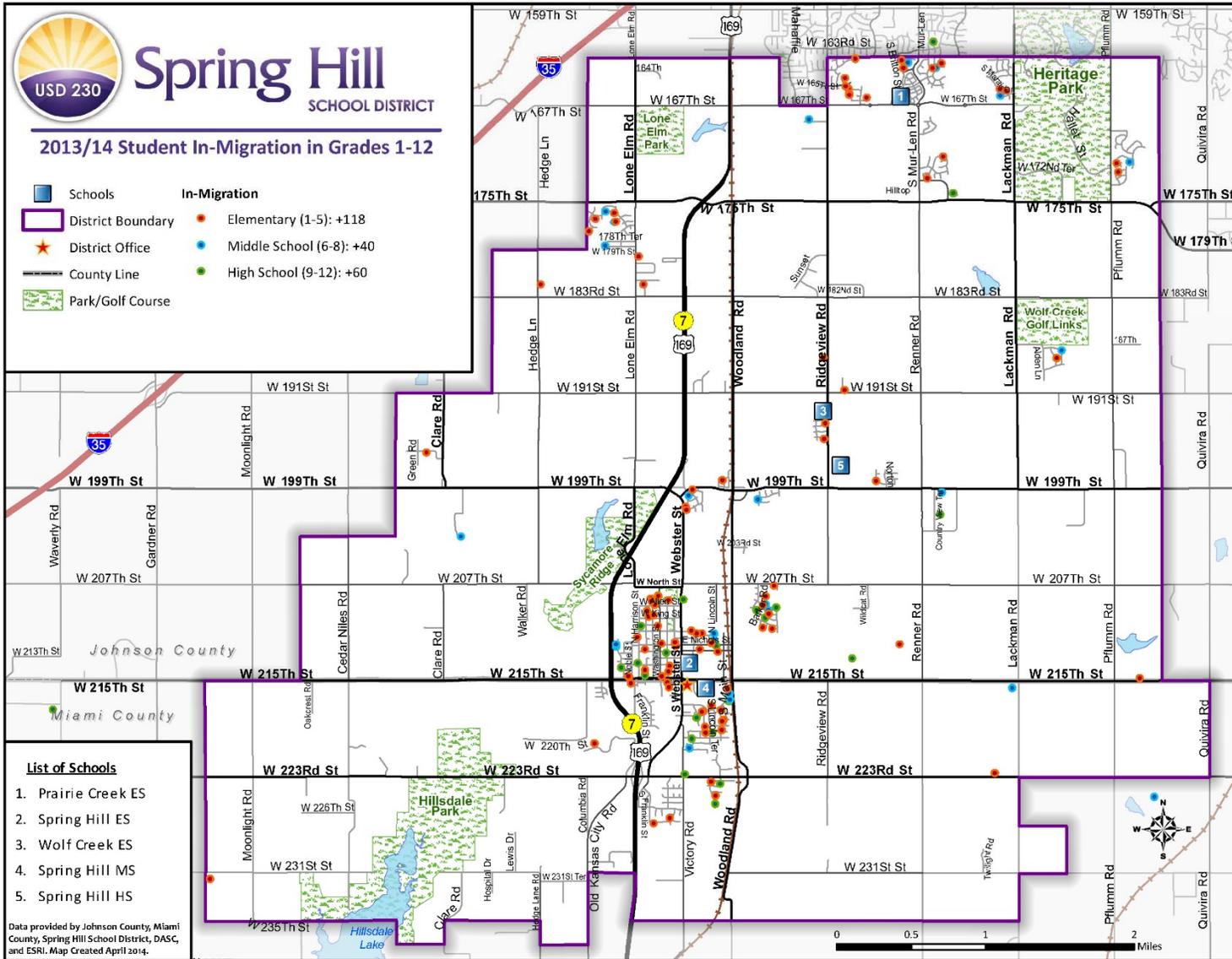
Examining the Trends:

- Largest average class increase – Kdg to 1st grade (+11 students)
- Largest average class decrease – Likely no decreases – this is atypical for a District
- Propensity for all grades to have cohort increase from year to year

The above enrollment totals are Kindergarten to 12th grade

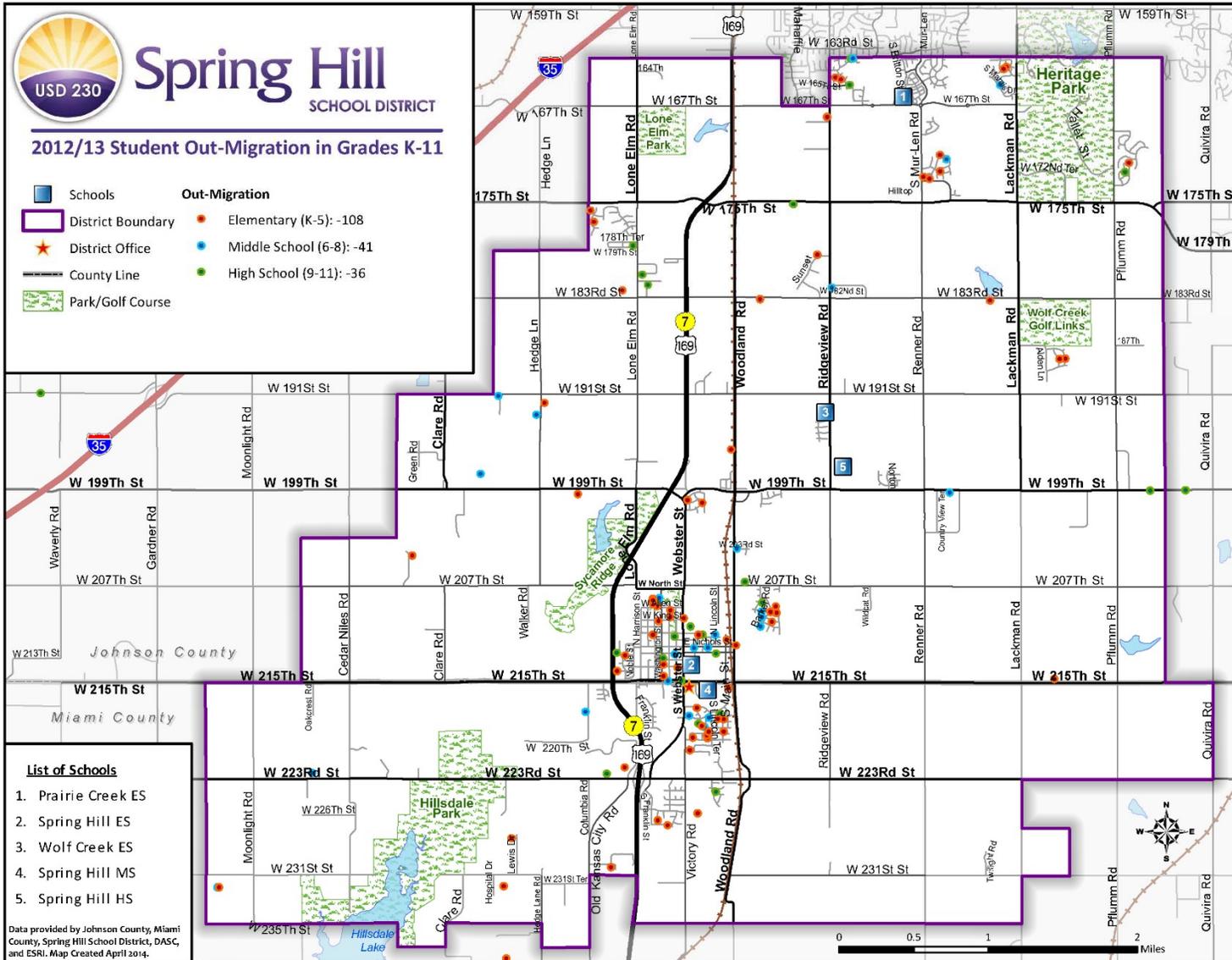
The above numbers are not the Certified Enrollment Count

Does not include Home School, Private School, or Parochial School



IN-MIGRATION MAP

- 2013/14 students who are in 1st through 12th grade that were not attending the District in 2012/13 as Kindergarten through 11th grade
- Who is new to the District that was not attending in previous years?
- Is it related to changes in the community?
- 218 students were new in 2013/14 (174 in 2011/12)



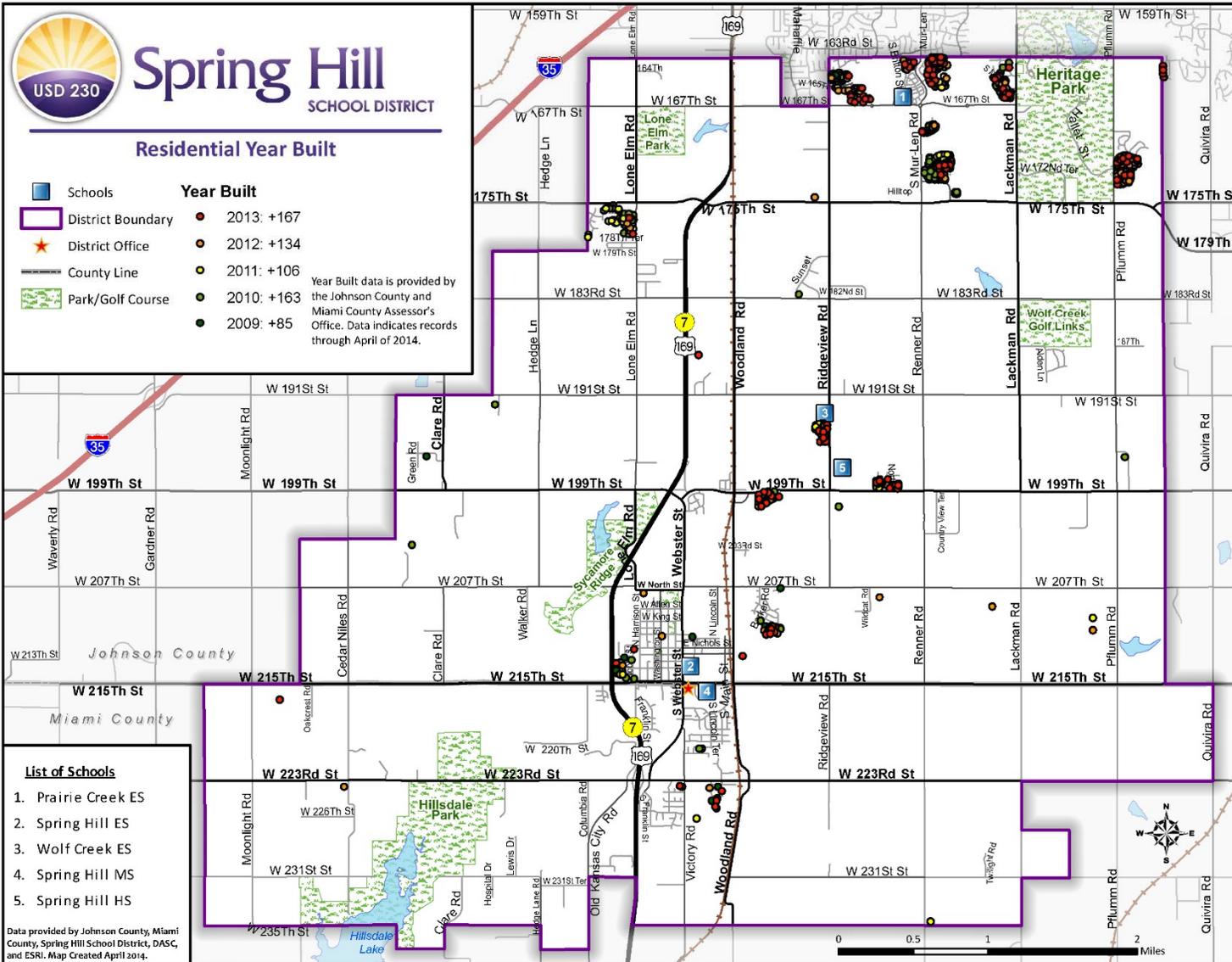
OUT-MIGRATION MAP

- Students attending the District in 2012/13 who were in Kindergarten through 11th grade that did not attend in 2013/14 as 1st through 12th graders
- Who was in the District that is not attending now?
- Is it related to perceptions of a school building?
- Is it related to changes in the community?
- 185 students left the district (127 in 2011/12)

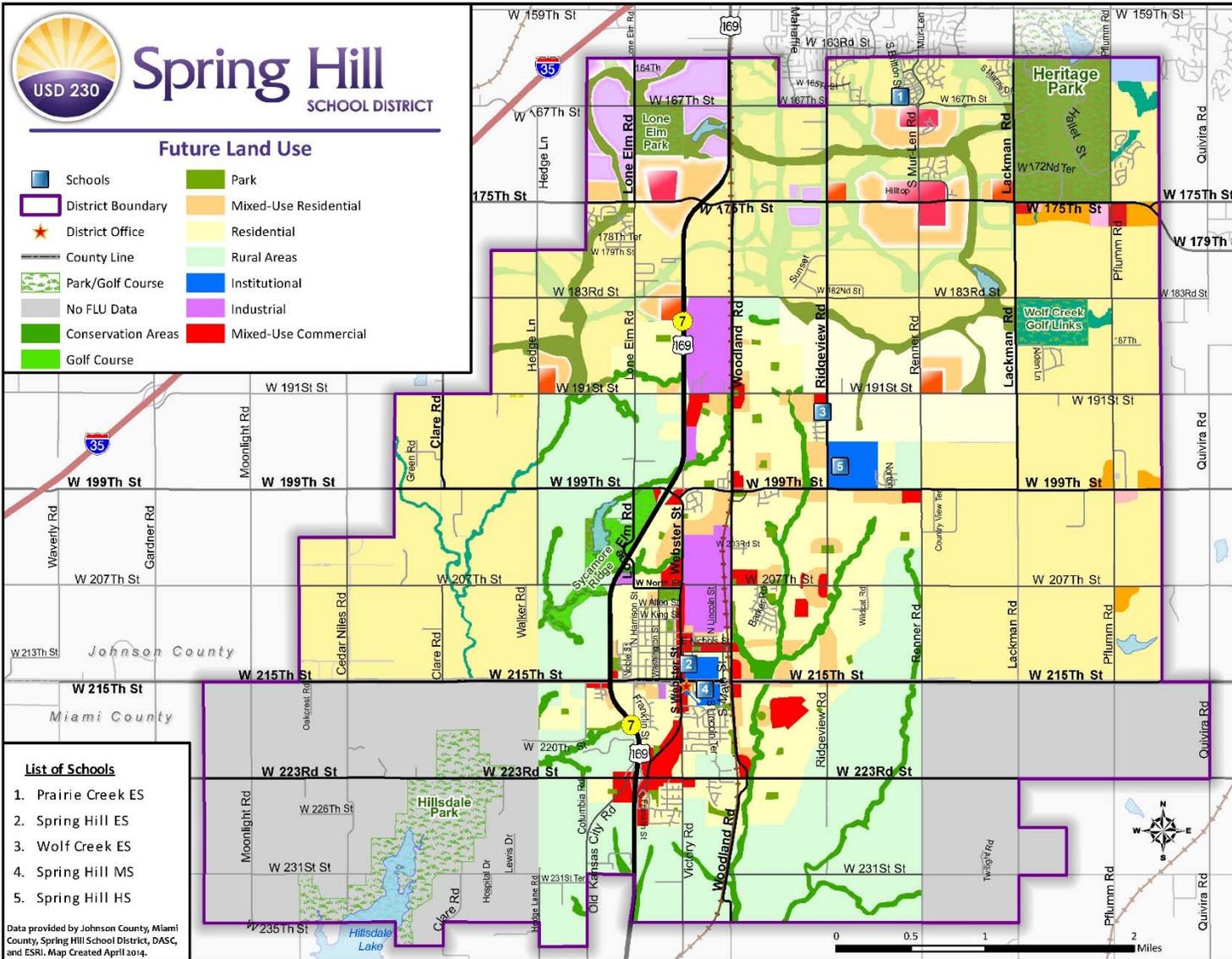
ENROLLMENT CONCLUSIONS

- Enrollment is projected to increase over the next 5 years
 - 2018/19 exceed 3,000 Kdg to 12th grade students
 - Capacity concerns develop at Prairie Creek and Wolf Creek
- Future kindergarten classes will likely be greater than 250 students
- Midpoint data indicates enrollment will continue to increase
- Continue to monitor student transfers impact on school utilization
- Enrollment tends to increase from grade to grade each year from grades Kdg to 12th grade
- Enrollment increases are less likely to happen in the older developed areas of the community, but more likely to happen in the emerging new developments
- The District should continue to annually monitor enrollment





- Will the development continue as initially planned?
- Colors of dots represent a specific year according to County Assessor
- Map represents conditions as of 2013
- There is a delay in the data being reported for 2014 – when Johnson and Miami County posts this information later in the year



FUTURE LAND USE MAP

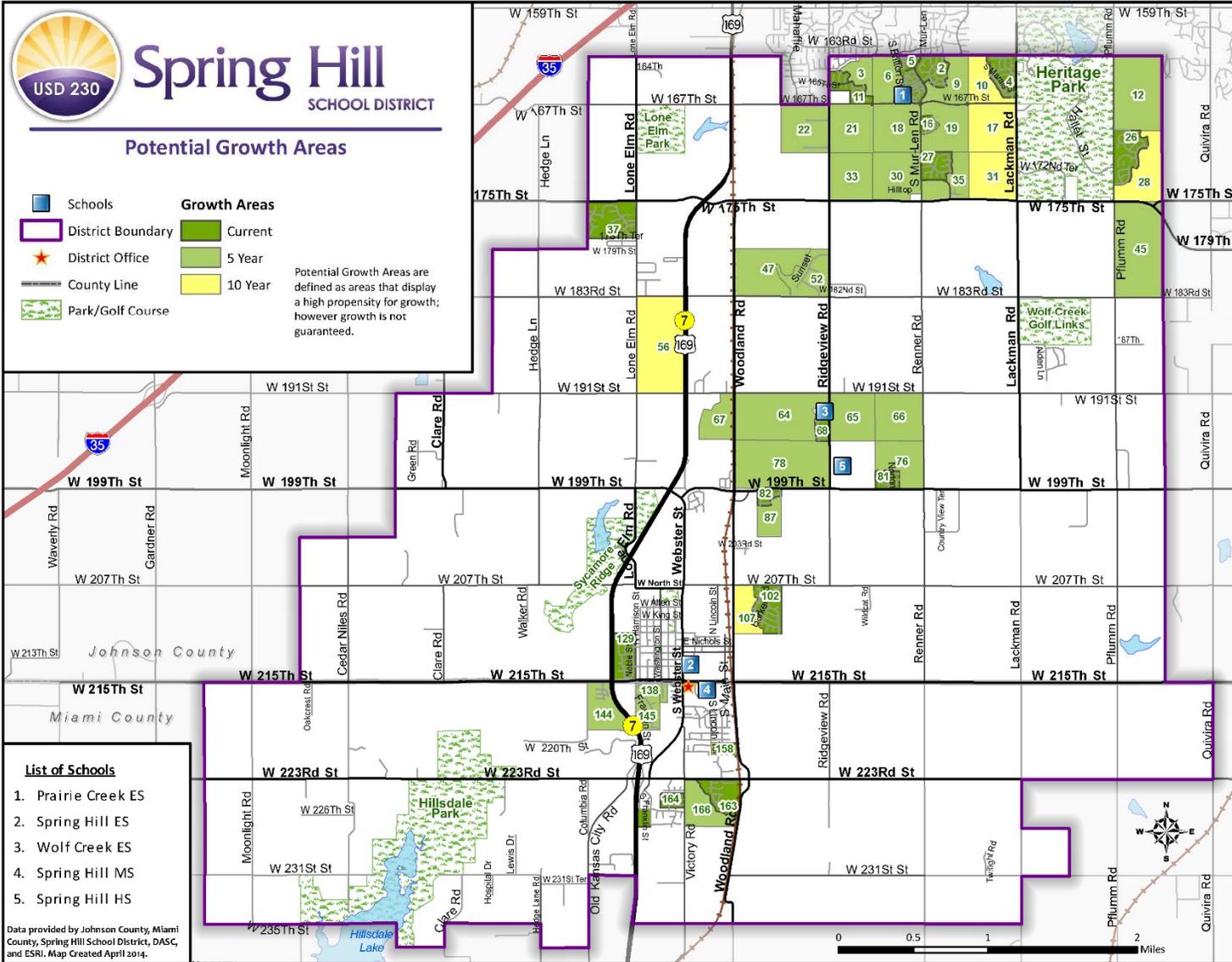
- Is development changing – will it impact enrollment and use of facilities?
- Will residential development continue to build out into the rural/agricultural areas of the District?
- How will new projects impact the number of jobs and subsequently housing inventory.



Potential Growth Areas

- Schools
- District Boundary
- District Office
- County Line
- Park/Golf Course
- Growth Areas**
- Current
- 5 Year
- 10 Year

Potential Growth Areas are defined as areas that display a high propensity for growth; however growth is not guaranteed.



- List of Schools**
1. Prairie Creek ES
 2. Spring Hill ES
 3. Wolf Creek ES
 4. Spring Hill MS
 5. Spring Hill HS
- Data provided by Johnson County, Miami County, Spring Hill School District, DASC, and ESRI. Map Created April 2014.

- Identifies where development activity is happening Now(Dark Green)
- Identifies possible areas that could develop (5-year Light Green, > 5-Year Yellow)
- The market and property owner desire to build guides the timing of development
- Other properties might develop not shown while some shown might not develop

GROWTH AREAS MAP

YIELD RATES

Yield Rates

School Year	Grade Configuration				Total Units	Yield Rate			
	K-5	6-8	9-12	District		K-5	6-8	9-12	District
2000/01	637	341	454	1,432	1,903	0.335	0.179	0.239	0.752
2001/02	663	371	441	1,475	1,994	0.332	0.186	0.221	0.740
2002/03	712	389	459	1,560	2,013	0.354	0.193	0.228	0.775
2003/04	742	382	475	1,599	2,084	0.356	0.183	0.228	0.767
2004/05	770	374	490	1,634	2,178	0.354	0.172	0.225	0.750
2005/06	762	420	497	1,679	2,318	0.329	0.181	0.214	0.724
2006/07	797	421	520	1,738	2,495	0.319	0.169	0.208	0.697
2007/08	838	441	562	1,841	2,624	0.319	0.168	0.214	0.702
2008/09	884	438	578	1,900	2,752	0.321	0.159	0.210	0.690
2009/10	955	455	567	1,977	2,834	0.337	0.161	0.200	0.698
2010/11	1,014	481	590	2,085	2,995	0.339	0.161	0.197	0.696
2011/12	1,044	489	632	2,165	3,097	0.337	0.158	0.204	0.699
2012/13	1,083	505	635	2,223	3,227	0.336	0.156	0.197	0.689
2013/14	1,132	494	672	2,298	3,382	0.335	0.146	0.199	0.679
Three Year Average						0.336	0.153	0.200	0.689
Three Year Weighted Average						0.335	0.152	0.199	0.686

Source: KSDE 2000/01 to 2003/04, SHSD Student Data from 2004/05 to 2013/14

Yield rates are holding steady with about 68 students for every 100 units

Overall the district yield rate is lower than it was in 2000/01

Adding more newer housing inventory tends to lower the overall yield rate of students

The above enrollment totals are Kdg to 12th grade

The above numbers are not the Certified Enrollment Count

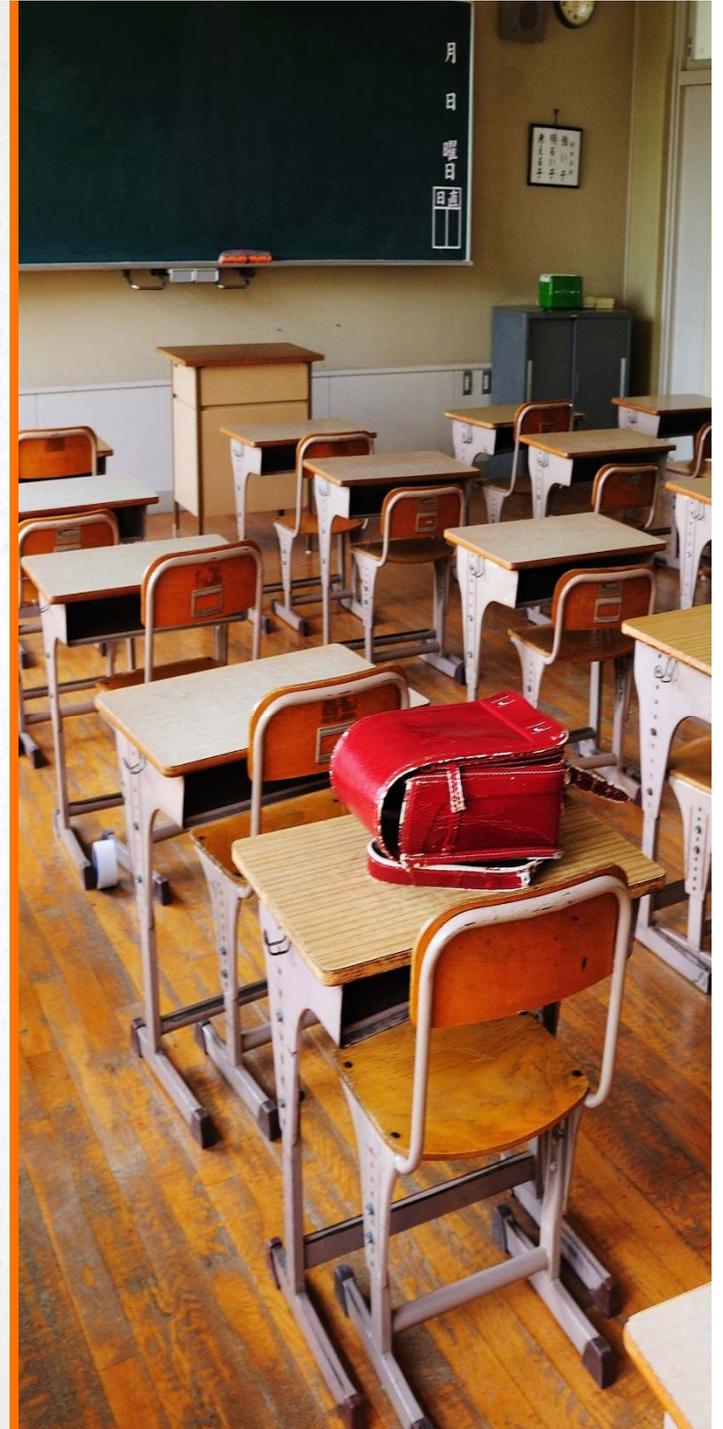
Does not include Home School, Private School, or Parochial School

DEVELOPMENT CONCLUSIONS

- There is a considerable amount of development opportunity
- Future residential development activity is dependent on the economy, specifically employment, interest rates, and home foreclosures
- Development opportunities inside the district, particularly in two areas
 1. North of 175th Street (Olathe and Overland Park)
 2. Areas around Spring Hill High School
- Builders have indicated increasing the amount of activity in the areas where infrastructure is available
- Over the next three years, building permit activity will be between 200 and 400 units
- Economic conditions must be closely monitored – the Federal Reserve has expressed caution about the longevity of the current housing spike



PART 3: ENROLLMENT PROJECTIONS



PROJECTION ACCURACY

Projections made in May 2012 – these are the 2nd year of that 5-year projection

Elementary

- Projected 1,157
- **Actual 1,132**
- 97.8% Accuracy



High School

- Projected 616
- **Actual 672**
- 91.7% Accuracy

Middle School

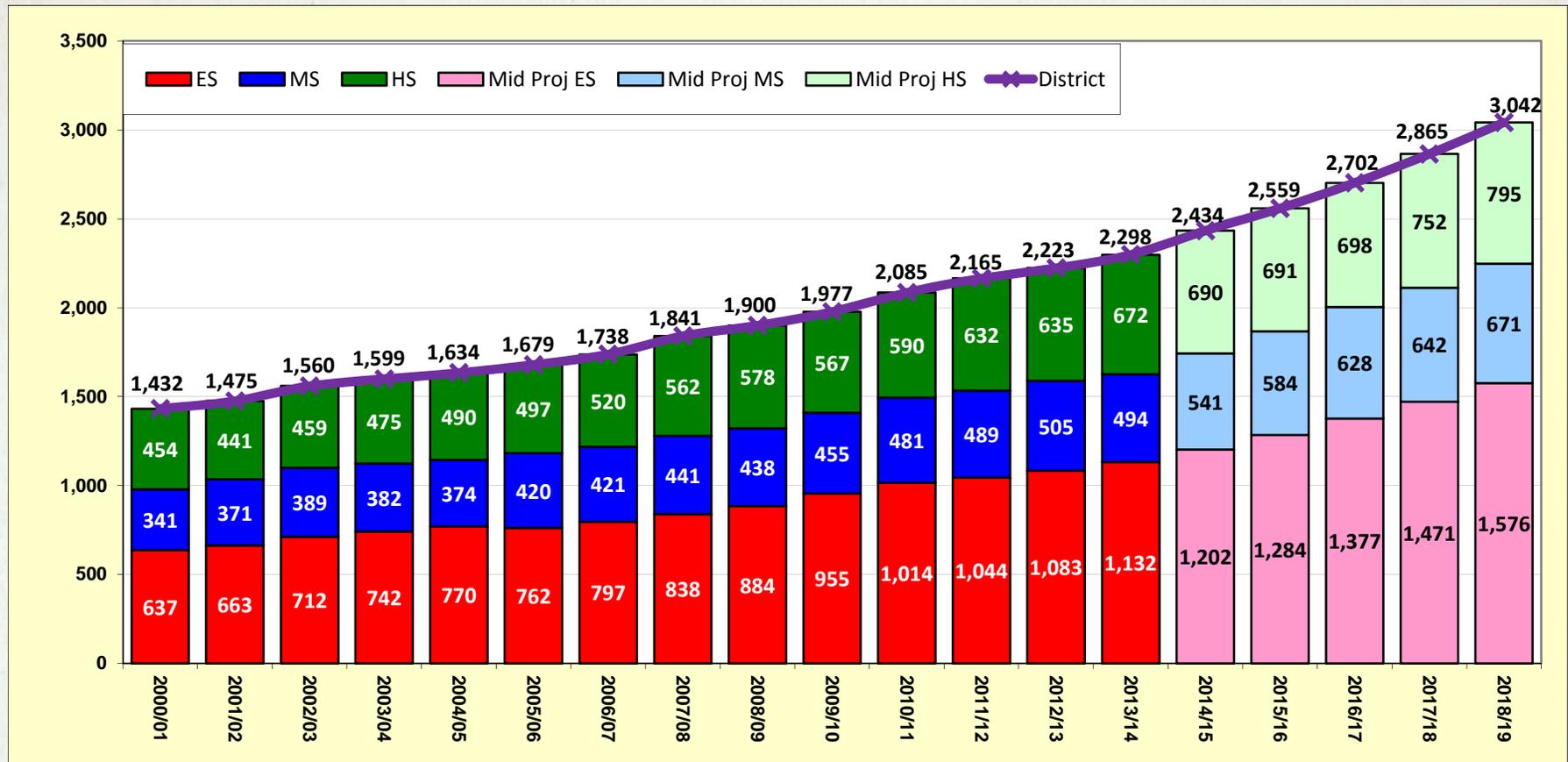
- Projected 510
- **Actual 494**
- 96.8% Accuracy

District

- Projected 2,283
- **Actual 2,298**
- 99.4% Accuracy

Economic, development, demographic, and enrollment trends will change and are factored into future projections

PAST, CURRENT, AND FUTURE ENROLLMENT



Source: Spring Hill School District and RSP SFM & Demographic Models

The above enrollment totals are PreK to 12th grade
 The above numbers are not the Certified Enrollment Count
 Does not include Home School, Private School, or Parochial School

ENROLLMENT PROJECTIONS

School	Student Location	Past School Enrollment			Future Enrollment By Student Residence				
		2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Prairie Creek Elementary <i>Capacity 528</i> Grades K-5	Res/Att			285					
	Reside	226	250	289	344	418	481	553	628
	Attend	264	282	320					
Spring Hill Elementary <i>Capacity 616</i> Grades K-5	Res/Att			350					
	Reside	434	444	399	386	370	370	364	361
	Attend	404	387	379					
Wolf Creek Elementary <i>Capacity 528</i> Grades K-5	Res/Att			393					
	Reside	384	389	444	472	496	525	553	587
	Attend	0	0	433					
Spring Hill Intermediate <i>Changed to Spring Hill North MS 13/14</i> Grades 3-5	Res/Att			0					
	Reside	0	0	0	0	0	0	0	0
	Attend	376	415	0					
Spring Hill MS North <i>Capacity 301</i> Grade 6	Res/Att			0					
	Reside	164	169	158	207	201	201	220	229
	Attend	0	0	158					
Spring Hill MS South <i>Capacity 527</i> Grades 7-8	Res/Att			0					
	Reside	325	336	336	334	383	426	422	443
	Attend	489	504	336					
Spring Hill HS <i>Capacity 804</i> Grades 9-12	Res/Att			0					
	Reside	632	635	672	690	691	698	752	795
	Attend	632	635	672					
ELEMENTARY TOTAL <i>Capacity 1,672</i> Grades K-5	Reside	1,044	1,083	1,132	1,202	1,284	1,376	1,471	1,576
	Attend	1,044	1,084	1,132					
MIDDLE TOTAL <i>Capacity 828</i> Grades 6-8	Reside	489	505	494	542	584	628	642	671
	Attend	489	504	494					
HIGH TOTAL <i>Capacity 804</i> Grades 9-12	Reside	632	635	672	690	691	698	752	795
	Attend	632	635	672					
DISTRICT K -12 TOTALS <i>Capacity 3,304</i> Grades K-12	Reside	2,165	2,223	2,298	2,434	2,559	2,702	2,865	3,042
	Attend	2,165	2,223	2,298					

Source: RSP & Associates, LLC - April 22 2014

Note 1: Student Projections are based on the residence of the student

 Exceed Building Capacity

Note 2: School Choice Options between ES Schools are not depicted in the Projections (ESL, SPED, Other)

Note 3: PreKindergarten students (Early Childhood) are not in the enrollment projections

Note 4: Capacity of each facility provided by SHSD Administration - Intermediate is now Spring Hill North MS for 6th grade

Note 5: Reside is based on the student address in relation to an attendance area

Note 6: Attend is based on which facility a student did attend and may attend

Note 7: Res/Att is are students who reside in the attendance area and attend that corresponding facility

PART 4: QUESTIONS



NEXT STEPS

- Start some of the long range planning strategy to address school site location, timing of new schools, additions, and future educational programming
- Continue to focus on decisions that will provide World Class Education to every student



BRIEFING SHEET

To: Board of County Commissioners
Hannes Zacharias, County Manager
Penny Postoak Ferguson, Deputy County Manager

From: Dean C. Palos, FAICP, Director of Planning, Development, and Codes
Paul K. Greeley, AICP, Deputy Director of Planning

Date: May 1, 2014

Submitted: April 17, 2014

ISSUE: Consider adopting certain amendments to the Johnson County Zoning and Subdivision Regulations (Regulations) to establish and provide standards for cargo containers as storage units in designated zoning districts.

BACKGROUND: In February 2012, the BOCC adopted regulations to establish and provided standards for cargo container business uses. Subsequently, the Planning Commission began a discussion of cargo containers when used for storage units. The Planning Commission held a public hearing on March 25, 2014 and recommended the BOCC adopted the draft regulations.

INTENT: The proposed regulations are to manage the number, appearance, location and screening of cargo containers when proposed for use as storage units in designated zoning districts.

Legal Review: Legal staff has reviewed the proposed changes as submitted.

Funding Review: This action has no funding issues.

Alternatives:

1. Approve as recommended by the Planning Commission.
2. Amend and approve the proposed changes.
3. Do not approve the proposed changes.
4. Continue for more study and consideration.

Recommendation: The Planning Commission and Planning Staff recommend approval of the proposed regulations, as presented, to establish and provide standards for cargo containers as storage units in designated zoning districts.

Recommended Motion: "I move that the Board adopt Resolution No. 022-14 which approves certain amendments to the County's Zoning and Subdivision Regulations to establish and provide standards for cargo containers as storage units in designated zoning districts, as set forth within the Resolution."

Zoning Regulation Amendments Recommended by the Planning Commission

Article 2, Section 3 of the Zoning and Subdivision Regulations of Johnson County, Kansas, shall be, and hereby is amended by adding the following definitions:

1. “Permanent, Container” Means a time limit that exceeds sixty days.
2. “Stacking, Container”: Means a method of placing Containers in a vertical manner where the floor of the Container remains parallel to the ground.

ARTICLE 16 SUPPLEMENTARY USE REGULATIONS

Article 16, Section 6 (D) (4) of the Zoning and Subdivision Regulations of Johnson County, Kansas, shall be, and hereby is amended to read as follows:

~~4. Temporary Storage: A hauling trailer or temporary structure may be used for storage during construction on site.~~

4. Temporary Storage:

- a. Cargo container, hauling trailer, similar enclosed box or temporary structure, whether on-wheels or off-wheels, may be placed on a tract or lot during construction on site. Construction is when a building permit has been issued.
- b. One cargo container, hauling trailer or similar enclosed box, whether on-wheels or off-wheels, may be placed on a tract or lot not to exceed 60 days during a calendar year.

ARTICLE 18 ACCESSORY USES AND STRUCTURES

Article 18, Section 7 of the Zoning and Subdivision Regulations of Johnson County, Kansas, shall be, and hereby is amended, by adding the following:

E. Cargo Containers as Permanent Storage Units:

1. Cargo Containers for Storage Uses in Designated Zoning Districts.
 - a. In any district on property 10 acres or greater the number of cargo containers, hauling trailers or similar enclosed boxes (hereinafter “Containers”) used for

personal or agricultural uses shall not be regulated, except for compliance with the Appearance and Setback/Separation requirements set forth below in subsection (b)(i) and (b)(vi). Containers shall not be rented or used for business use. Containers that are empty are not allowed.

b. In the Rural, Residential, Planned Rural or Planned Residential districts, on tracts or lots greater than 3 acres but less than 10 acres, cargo containers, hauling trailers or similar enclosed boxes (hereinafter "Containers") are allowed as an accessory use on a permanent basis for personal storage subject to the accessory building size, use, number, height, and location requirements set forth in Article 18, Section 6, (B) & (C) except as modified herein. Containers shall not be rented or used for business use. Containers that are empty are not allowed. In addition, all permanent Containers shall be subject to the following provisions:

- i. Appearance: All Containers shall have the wheels and chassis removed. All signage on the Container shall be removed and the Container shall be painted an earth tone color. Containers shall not be stacked on top of each other and shall be safe, structurally sound, stable, in good repair, and in compliance with any other applicable County requirements, including building codes e.g., tie downs, foundations, etc. Containers shall be continually maintained in accordance with these regulations. Any Container that is not maintained in accordance with these regulations, as determined by the Zoning Administrator, shall immediately be brought into compliance or removed by the property owner to a location that can legally accept it. Any Container that becomes unsound, unstable or otherwise dangerous, as determined by the Building Official, shall be immediately repaired or removed by the property owner to a location that can legally accept it. Adequate means for fire and emergency vehicles access to Containers shall be provided.
- ii. Access: Containers shall not be stored in a manner that impedes access to public right-of-ways, public utility or drainage easements, adjacent structures, and buildings.
- iii. Personal Materials Stored: Materials stored inside the Container shall be limited to normal personal household items. No agricultural, commercial or business products, equipment or materials shall be stored in a Container.
- iv. Pad Site: Containers shall be placed on a stable surface or foundation.
- v. Screening and Landscaping: Visual screening shall be placed adjacent to the Container(s) to obscure, shield or mitigate the view of the Container from adjacent property or street. Alternatively, the perimeter of the tract or lot on which Container(s) are placed shall be screened. Screening shall be at least seventy-five percent visually solid, shall consist of dense landscaping, landforms, fences or walls with a height of at least 8 ft. All screening shall be continually maintained.

vi. Setbacks and Separation distance:

1. Containers shall be setback a minimum of 100 ft. from all property lines.
2. In addition, if there is an existing house or residence on adjacent property, Containers shall be separated by a distance of at least 300 ft. feet from the existing house or residence. Therefore, this does not apply to adjacent houses that are established after the Container use.

2. Cargo Containers for Storage Uses in the PRB and PEC Districts. In the PRB and PEC zoning districts, cargo containers, hauling trailers or similar enclosed boxes (hereinafter "Containers) for storage uses are allowed as an accessory use subject to the requirements of the zoning district in which they are located and subject to the accessory building size, number and location requirements set forth in Article 18, Section 6, (B) & (C) except as modified herein. Containers not used for storage are not allowed under the provisions of this Section. All Containers shall have the wheels and chassis removed. All signage on the Container shall be removed and the Container shall be painted an earth tone color. Containers shall not be stacked on top of each other and shall be safe, structurally sound, stable, in good repair, and in compliance with any other applicable County requirements, including building codes e.g., tie downs, foundations, etc. Containers shall be continually maintained in accordance with these regulations. Any Container that is not maintained in accordance with these regulations, as determined by the Zoning Administrator, shall immediately be brought into compliance or removed by the property owner to a location that can legally accept it. Any Container that becomes unsound, unstable or otherwise dangerous, as determined by the Building Official, shall be immediately repaired or removed by the property owner to a location that can legally accept it. Adequate means for fire and emergency vehicles access to Containers shall be provided. In addition, all permanent Containers shall be subject to the following provisions:

- a. Access: Containers shall not be stored in a manner that impedes access to public right-of-ways, public utility or drainage easements, adjacent structures, and buildings.
- b. Materials Stored: Materials stored inside the Container shall be limited to items normally associated with the PRB or PEC use of the property.
- c. Minimum Lot Size: Property on which the Container(s) are placed shall have a minimum lot size of 10,000 sq. ft.
- d. Pad Site: Containers shall be placed on a stable surface or foundation.
- e. Screening and Landscaping: Visual screening shall be placed adjacent to the Container(s) to obscure, shield or mitigate the view of the Container from adjacent property or street. Alternatively, the perimeter of the tract or lot on

which Container(s) are placed shall be screened. Screening shall be at least seventy-five percent visually solid, shall consist of dense landscaping, landforms, fences or walls with a height of at least 8 ft. All screening shall be continually maintained.

f. Setbacks and Separation distance:

- i. Containers shall be setback 50 ft. from all property line.
- ii. Containers may be placed in side-by-side grouping not to exceed twenty (20) Containers in width. End-to-end grouping shall not exceed two (2) Containers in length.
- iii. No stacking of Containers shall be allowed.

g. Development Plan. In addition to the requirements in this Section, Containers shall comply with Article 15, Development Plan Procedures prior to placement of a Container(s) on a tract or lot zoned PRB or PEC District.

3. Conditional Use Permit. Containers that are: a) larger than allowed, b) in greater quantities than allowed, c) do not meet the appearance and performance standards, or d) do not meet the minimum setback and separation requirements as provided in (E)(1) and (E)(2) above, may be approved by conditional use permit per Article 23, Section 4, (A), (1), plus 3 (a)-(d) above; or Article 23, Section 4, (I) and (J); and in all cases, Article 23, Section 6, (C).

EXHIBIT A
BOARD OF COUNTY COMMISSIONER'S RESOLUTION NO. 004-12

ARTICLE 2
DEFINITIONS

A. Article 2, Section 3 of the Zoning and Subdivision Regulations of Johnson County, Kansas, shall be, and hereby is amended by adding the following definitions:

“Cargo Containers”, also referred to as “Containers” or “Storage Containers”
An industrial, standardized reusable vessel that is not permanently attached to a semi-trailer and wheels:

- a. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and,
- b. Designed for or capable of being mounted or moved on a rail car, and,
- c. Designed for or capable of being mounted on a chassis for movement by truck, train or loaded on a ship.

“Cargo Container Storage Facilities”

Any site engaged in the storage of cargo containers, semi-trailers or chassis in which either the principal or secondary use is the movement, storage, staging or redistribution of cargo containers or semi-trailers (either on or off a chassis), or chassis, but not to include railroad operations that are subject to the jurisdiction of the U. S. Department of Transportation, Surface Transportation Board.

“Cargo Container Repair and Maintenance Facilities”

Any site engaged in the repair and maintenance of cargo containers, semi-trailers, or chassis located within, or separate from, a cargo container storage facility. This may include facilities or operations engaged in the conversion of cargo containers for a secondary use or sale.

“Chassis”

The portion of a semi-trailer configuration that is non-powered and consisting of only a bed (frame) and the trailer wheels.

“Chassis Racking”

A method of storing a chassis in an upright position (on end) where the bed is perpendicular to the ground.

“Chassis Stacking”

A method of storing a chassis where the bed of the chassis remains parallel to the ground.

“Semi-Trailer”

The portion of a semi-trailer configuration that is non-powered and consisting of an enclosed cargo box that is permanently attached to the trailer wheels.

“Truck Trailer”

See Chassis or Semi-Trailer.

- B. All of the terms and provisions of Article 2, Section 3 of the Zoning and Subdivision Regulations of Johnson County, Kansas, shall remain the same, except for the above designated amendments and additions.

**ARTICLE 23
CONDITIONAL USE PERMITS**

- A. Article 23, Section 4 (H) of the Zoning and Subdivision Regulations of Johnson County, Kansas, shall be, and hereby is amended to read as follows:
- H. GROUP H: In the following two Planned Employment Center Districts: the Planned Research, Development and Light Industrial Park District (PEC-3) and the Planned Industrial Park District (PEC-4), conditional uses, such as the following, may be approved by the Board:
1. Automotive Repair Shop, Repair Garage or Machinery Repair Shops for maintenance or repair of vehicles or equipment owned or not owned by the property/business owner.
 2. Cargo Container Storage Facilities
Any site engaged in the storage of cargo containers, semi-trailers or chassis in which either the principal or secondary use is the movement, parking, storage, staging or redistribution of cargo containers or semi-trailers (either on or off a chassis), or chassis, provided that the provisions of Section 6 (B)(13) of this Article are satisfied.
 3. Cargo Container Repair and Maintenance Facilities
Any site engaged in the repair and maintenance of cargo containers, semi-trailers, or chassis located within, or separate from, a cargo container storage facility, shall be subject to the same requirements as a cargo container storage facility. This may include facilities or operations

engaged in the conversion of cargo containers, semi-trailers or chassis for a secondary use or sale.

- B. All of the terms and provisions of Article 23, Section 4 of the Zoning and Subdivision Regulations of Johnson County, Kansas, shall remain the same, except for the above designated amendments and additions.

ARTICLE 23 CONDITIONAL USE PERMITS

- A. Article 23, Section 6 (B) of the Zoning and Subdivision Regulations of Johnson County, Kansas, shall be, and hereby is amended, by adding the following:
13. All cargo container storage and cargo container repair and maintenance facilities (collectively referred to as "facilities") shall be subject to the following provisions:
- a. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public right-of-ways, public utility or drainage easements, structures, and buildings.
 - b. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved in conjunction with the permit. Said Plan shall be prepared in accordance with the requirements of the Supplementary Performance Standards of Article 11, Section 7 (D) of these regulations.
 - c. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres.
 - d. Noise: Facilities shall comply with the noise requirements of the Supplementary Performance Standards of Article 11, Section 7 (G) (1) of these regulations.
 - e. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dustfree. For purposes of this stipulation:
 - 1. Paving shall mean concrete, asphalt, chip seal or milled asphalt surfaces; and
 - 2. Dustfree shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.

- f. Parking: Facilities shall comply with the Off Street Parking Requirements of Article 19 of these regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
- g. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number.
- h. Chassis Stacking/Racking. Empty chassis may be stored on end (racking), or may be stacked. When stacked, chassis shall not be more than five (5) in number.
- i. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with the Supplementary Performance Standards of Article 11, Section 7 (A) and (C) of these regulations.
- j. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 14, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the different scenarios set forth below:
 - 1. When abutting (touching), or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked or stacked);
 - 2. When abutting (touching) public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked);
 - 3. When abutting (touching), or across the street from, residentially zoned property, such parking and storage shall be setback a minimum of 250 ft. from the nearest property line of the residentially zoned property;
 - 4. When abutting (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 ft. from the nearest dwelling; and
 - 5. For purposes of Stipulations 3 & 4 above, measurements shall be made between the nearest property line of the residentially zoned property or the

nearest edge of a dwelling, and the nearest cargo container, semi-trailer (either on or off a chassis), or chassis.

- k. Signage: Business signs shall be allowed according to Article 20, Sign Regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis.
- l. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 15 of these regulations.
- m. Other Rules and Regulations. All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.
- n. Deviations: In the event that an applicant desires to deviate from the “Special Development and Performance Standards, plus Special Provisions for certain Conditional Uses”, the applicant shall submit written information to the BOCC indicating the circumstances which are believed to necessitate the need for a deviation(s), and the applicant shall provide a list of alternative materials, designs or methods that are equivalent to the Special Development and Performance Standards prescribed in the Regulations. The application may only be approved if findings are made by the Board of County Commissioners that a) due to the circumstances of the application, it would be unnecessary to impose the standard(s) and equivalent alternatives should be allowed, b) that the spirit and intent of the Regulations are being met, c) that granting the deviation shall not adversely affect adjacent or nearby property, and d) the application shall otherwise comply with all building code(s) and safety requirements.

B. All of the terms and provisions of Article 23, Section 6 of the Zoning and Subdivision Regulations of Johnson County, Kansas, shall remain the same, except for the above designated amendments and additions.