SPRING HILL PLANNING COMMISSION
REGULAR MEETING
AGENDA
THURSDAY, APRIL 2, 2015
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: February 4, 2015 (*No meeting on March 5, 2015*)

2. Public Hearing regarding the proposed amendments to the zoning regulations designated "Spring Hill Unified Zoning Ordinance" addressing Cargo Container Storage and Cargo Container Maintenance Facilities, and Cargo Container Use in individual zoning districts.

3. Lot Split – Tom Beachner

DISCUSSION

4. Overview of 223rd Street Transportation Plan

5. Review of the Planning Commission By-Laws

REPORTS

6. Annual review on Conditional Use Permit CU-01-14 (Ad Trend Off-Premise Billboard)

ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

ADJOURN

PUBLIC HEARING PROCEDURE

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 Special Session
February 4, 2015

A Special Session of the Planning Commission was held in the Spring Hill Civic Center, 401 N. Madison, Room 15, Spring Hill, Kansas on February 4, 2015. The meeting convened at 7:32 p.m. with Chairman Mitchell presiding, and Christie Campbell, Planning Secretary recording.

Commissioners in attendance:	Troy Mitchell Brian Haupt Cindy Squire Michael Weber Janell Pollom Stephen Sly
Commissioners absent:	Tobi Bitner Josh Nowlin
Staff in attendance:	Jim Hendershot, Community Development Director Christie Campbell, Planning Secretary Natalie Lazenby, Human Resources Specialist
Public in attendance:	Barb Bernritter
Others:	Don Dusselier, Catch Investments, LLC Grant Merritt and members of design team, Blackhawk Development

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

APPROVAL OF THE AGENDA
Motion by Mr. Haupt, seconded by Mr. Weber, to approve the agenda as presented.
Motion carried 6-0-0

FORMAL ACTION

1. **Approval of Minutes: January 7, 2015**

   Mr. Haupt noted that the word *Councilmembers* should be changed to *Commissioners* on page 1.

   Motion by Mr. Weber, seconded by Ms. Pollom, to approve the minutes with correction for January 7, 2015.
   Motion carried 6-0-0

2. **Site Plan (SP-02-14) – Brookwood Farms Pool and Cabana**

Beginning of Staff Report

SPRING HILL PLANNING COMMISSION
SITE PLAN STAFF REPORT

Case #: SP-02-14 **Meeting Date:** February 4, 2015

Description: Brookwood Farms Pool and Cabana

Location: 19110 W 199th Ter.

Applicant: Catch Investments, LLC

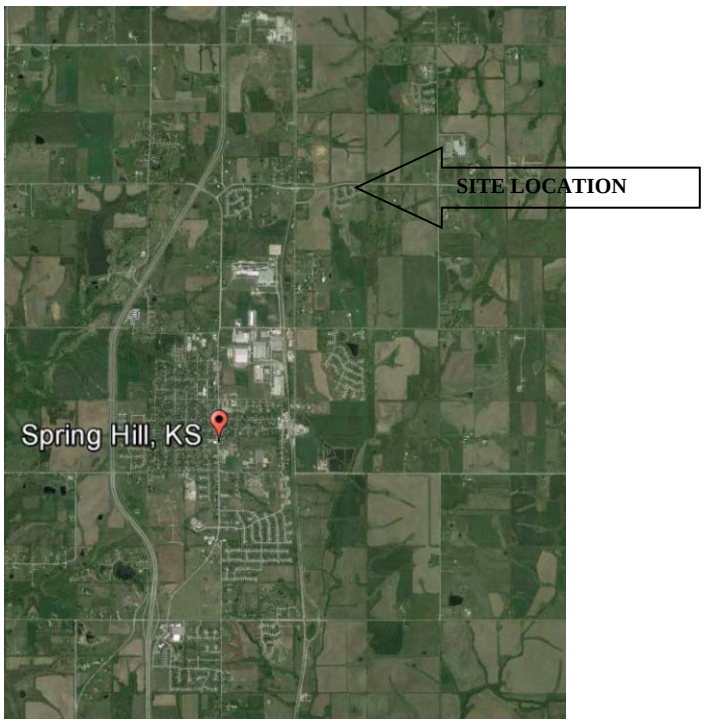
Engineer: Phelps Engineering

Site Area: 38,837 sq. ft. (.89 ac.)

Minimum Lot Area:	9,000	**Related Case:**	FP-04-07, PP-04-05
Current Zoning:	R-1	**Proposed Use:**	Subdivision Pool

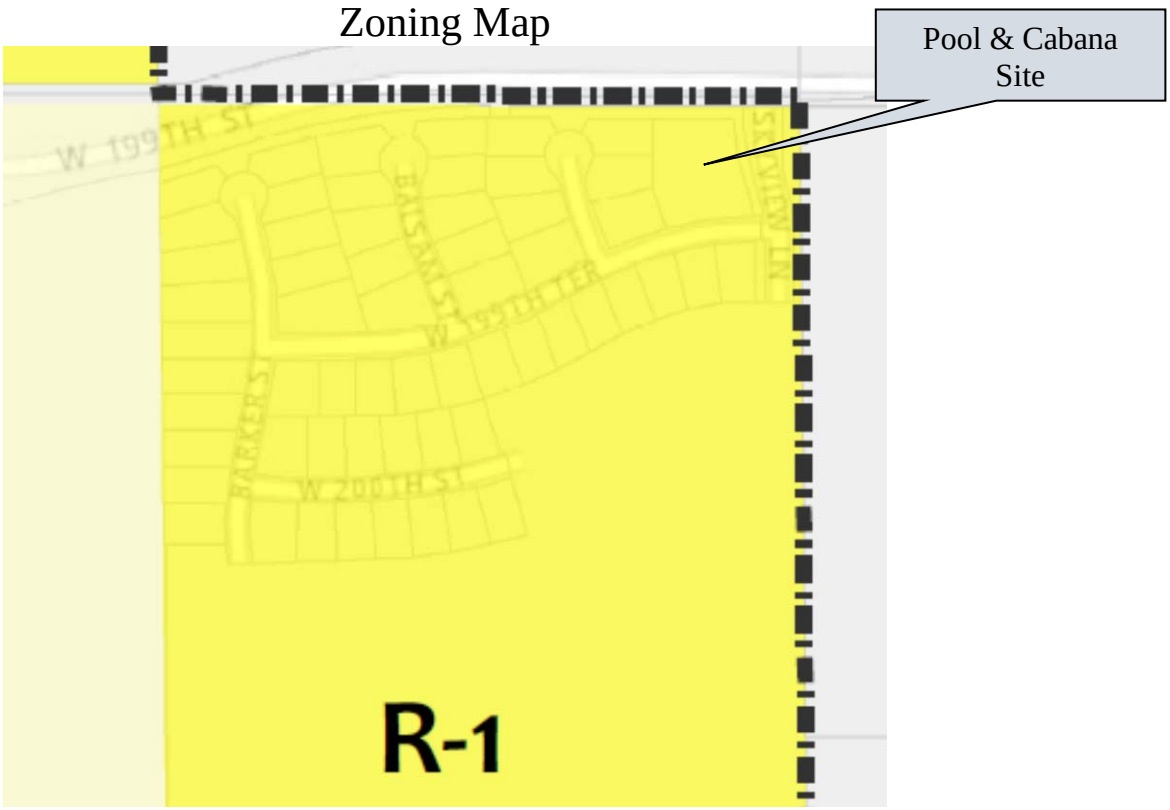
	Current Zoning	Existing Land Use	Future Land Use Map
Site:	R-1	Vacant	Residential
North:	199th St. R-O-W & County	Vacant	Residential
South:	R-1	Residential	Residential
East:	Street R-O-W & County	Residential	Residential
West:	R-1	Residential	Residential

Aerial Photo

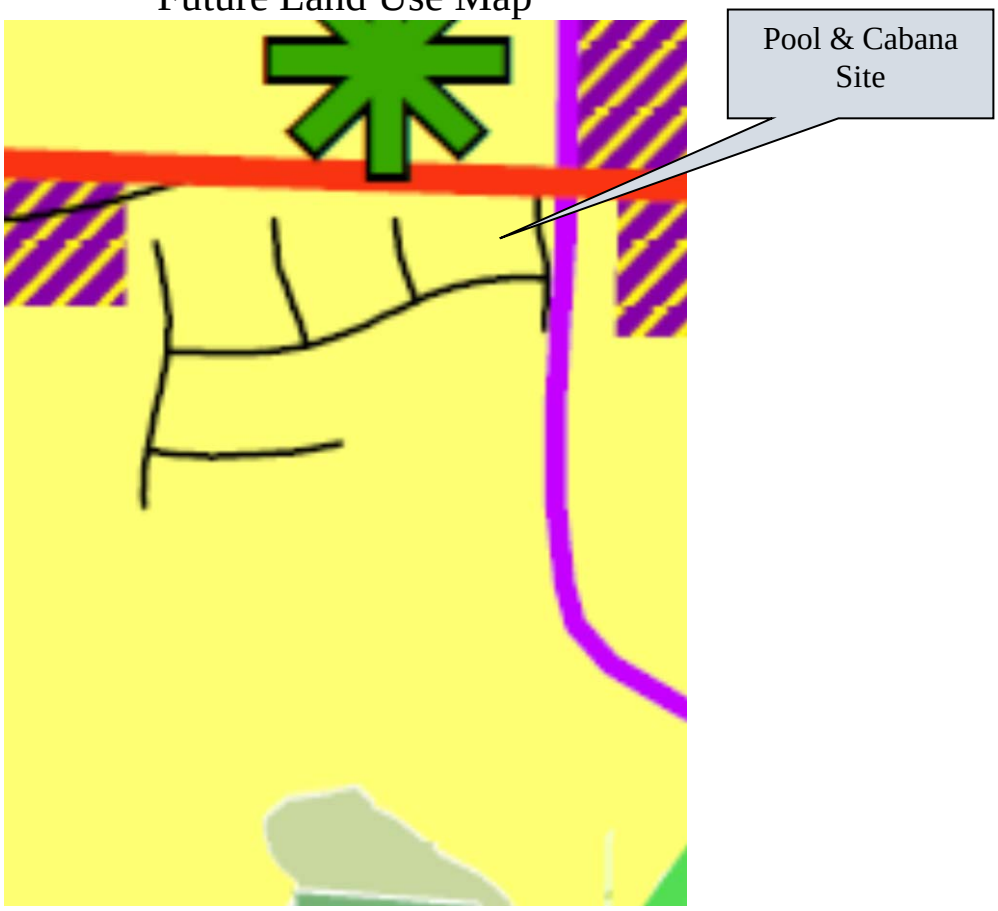


Pool & Cabana Site
199th St.

Zoning Map


Pool & Cabana Site
W 199TH ST
W 199TH TER
W 200TH ST
R-1

Future Land Use Map



BACKGROUND: The applicant, Catch Investments, LLC, has submitted an application for site plan approval for a neighborhood pool in Brookwood Farms Subdivision located at the southwest corner of 199th St. and Skyview Lane.

The preliminary plat for the subdivision was approved by the Planning Commission in 2005 and identified this location for the pool. Current regulations placing emphasis on neighborhood pools being located toward the center of the subdivision were approved in Ordinance 2006-48 dated December 2006.

As per Section 17.336.A.12 of the Spring Hill Zoning Regulations, neighborhood pools identified in the platting process as "reserves" are exempt from a conditional use permit.

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

- All lot lines and rights-of-way are identified
- All proposed structures with applicable data are identified
- All parking areas have been identified and the type of surface and base course identified
- There are no outside trash receptacles
- The exterior finish of the building is stucco and stone veneer, with composition shingles on the roof
- Utilities are available, identified and in compliance with regulations
- There is no exterior lighting.
- Landscaping is identified and compliant with code requirements
- The pool will be enclosed with a 6 foot ornamental iron fence in compliance with code requirements for pool enclosures.

- Consultants, utility providers and city staff have reviewed the site plan and provided comments. These comments and recommendations have been implemented into the site plan as applicable
- Parking is provided and in compliance with applicable regulations
- Setbacks from property lines are in compliance with applicable regulations

STANDARDS OF REVIEW

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

1. *The extent to which the proposal conforms to the provisions of the Code.*

   The proposed use is an allowed use in an R-1, Single Family Residential District. A C.U.P is not required as the site was approved with the preliminary plat prior to adoption of Ordinance 2006-48 dated December 2006.

2. *The extent to which the proposal conforms to the provisions of the Spring Hill Subdivision Regulations.*

   The site is in compliance with the Subdivision Regulations adopted in 2006.

3. *The extent to which the development would be compatible with the surrounding area.*

   The project is compatible with the surrounding area and will be utilized by subdivision residents.

4. *The extent to which the proposal conforms to the recommendations of the Spring Hill Comprehensive Plan including but not limited to the Vision Plan, the Community Development Recommendations, and the Planning and Principles and Design Guidelines.*

   The proposal is in conformance with the recommendations of the Comprehensive Plan in place at the time of preliminary plat approval in September 2006.

5. *The extent to which the proposal conforms to customary engineering standards used in the City.*

   The building has been designed by recognized and licensed architects and engineers.

6. *The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.*

   The parking lot entrance is located as to not create an adverse effect on traffic, in particular the intersection of Skyview and 199th Terrace. The parking lot and walkways are designed for the safety of traffic and pedestrian movements and are compliant with ADA regulations.

7. *All structures shall be required to have permanent or continuous footings and foundations.*

   All structures are adequately designed and engineered.

RECOMMENDATION:

It is the recommendation of staff that the Planning Commission recommend approval of site plan SP-02-14.

Suggested Motion: *Motion to approve application SP-02-14, Site Plan for Brookwwood Farms Pool and Cabana, as per staff's report and presentation.*

End of Staff Report

Mr. Hendershot addressed the Planning Commission to recommend the approval of application SP-02-14. The applicant, Catch Investments, LLC, has submitted an application for site plan approval for a neighborhood pool in Brookwood Farms Subdivision located at the southwest corner of 199th St. and Skyview Lane.

Mr. Hendershot reminded the Planning Commission that current regulations placing emphasis on neighborhood pools being located toward the center of the subdivision were approved in Ordinance 2006-48 dated December 2006. The preliminary plat for the subdivision was approved by the Planning Commission in 2005 and identified this location for the pool; thus, the pool location as outlined in SP-02-14 is grandfathered in as an acceptable building location.

It is the recommendation of staff that the Planning Commission recommend approval of Site Plan SP-02-14.

Mr. Mitchell asked what type of equipment would be available in the playground area. Per Mr. Dusselier, applicant in attendance, the specific equipment has not been selected at this time.

Ms. Pollom stated that there is no exterior lighting. She asked if there would be exterior lighting in the pool area. Mr. Hendershot stated that he was not aware of any lighting, which is not uncommon, as pools generally close before it is dark. He also stated that there is no required parking lot lighting, as there is lighting from the overhead street lights in the subdivision.

Mr. Haupt suggested that applicant might want to put up some sort of lighting with the stipulation that any lighting would have to be fully shielded and compliant with code regulations.

Motion by Mr. Weber, seconded by Ms. Squire, to approve the SP-02-14 as presented.
Roll Call Vote: Haupt-Aye, Sly-Aye, Mitchell-Aye, Weber-Aye, Pollom-Aye, Squire-Aye
Motion Carried 6-0-0

The Site Plan SP-02-14 for Brookwood Farms Pool and Cabana will be forwarded to the City Council for approval on February 26, 2015.

3. Final Development Plan (FP-01-15) – Blackhawk Apartments

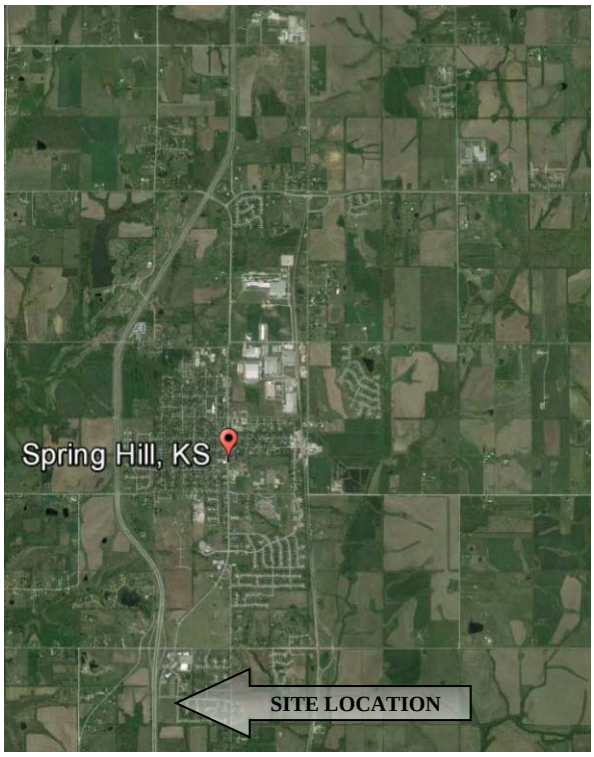
Beginning of Staff Report

SPRING HILL PLANNING COMMISSION
FINAL PLAT STAFF REPORT

Case #:	FP-01-15	**Meeting Date:**	February 4, 2015
Description:	Final Development Plan– Blackhawk Apartments		
Location:	SW corner Franklin & 226th Streets		
Applicant:	Blackhawk Apartments, LLC		
Engineer:	Allenbrand-Drews & Assoc., Inc		
Site Area:	13.68 acres (approx.)		

Minimum Lot Area:	Planned Development	**Number of Lots:**	1

Current Zoning:	RP-4	**Proposed Use:**	Multi-Family Residential
Related Applications:	Z-02-13		



Background:

The applicant, Blackhawk Apartments, LLC, has submitted the Final Development Plan for Blackhawk Apartments. A final development plan is required any time a preliminary development plan is required and approved for zoning to a planned district. Rezoning from C-2 to RP-4, along with the Preliminary Development Plan, was approved by the Governing Body on February 27, 2014.

The property, located at the southwest corner of 226th and Franklin Street, is a 13.68 acre site for a planned development consisting of 228, one and two bedroom apartments contained in seven buildings. The buildings will be a combination of two and three story buildings with exterior finishes consisting of a combination of stone, stucco, horizontal cement siding, straight edge shingle siding panels, and will have architectural laminated asphalt shingles (weathered wood) on the roof. The property will also have a clubhouse, pool, detention basin, enclosed trash compacter, mail box facilities and a play area.

Included with this staff report are the following drawings and diagrams:

- Site Development Plan
- Site Grading Plan
- Final Landscape Plans
- Site Photometric Plan
- Floor Plans
- Apartment Building Elevations (Black & White)
- Clubhouse Building Elevations
- Apartment Building Elevations (color)

Staff Comment:

Copies of the above plan sheets as well as design drawings for the infrastructure have been made available to the City Engineer, Fire Department, Public Works and Utility Companies for review and comments. All comments have been implemented into the drawings as applicable.

All information required to be submitted as per Section 17.332.L of the Spring Hill Zoning Regulations is included with the drawings. Deeds of dedication for all rights-of-way or easements required for the construction are being obtained by the City Engineer and will be made available upon request.

STAFF REVIEW:

One of the primary staff functions required in review of a final development plan is to verify the final development plan is in substantial compliance with the approved preliminary development plan. A final development plan which contains modifications from the approved preliminary development plan, but is in substantial compliance with the preliminary plan, may be considered and approved by the Planning Commission and Governing Body without a public hearing, provided the Planning Commission determines all submission requirements have been satisfied and conforms with the recommendations of the *Comprehensive Plan* including the Planning Principles and Design Guidelines. For purposes of this section, lack of "substantial compliance" shall have the same meaning as "substantial or significant changes" as set forth in Section 17.332.J.2. Staff has addressed each item identified in Section 17.332.J.2 which defines "substantial or significant changes" as follows:

a. Increases density or intensity of residential uses more than five percent.
Staff Comment: No change from the preliminary development plan

b. Increases the floor area of nonresidential buildings by more than 10 percent.
Staff Comment: No change from the preliminary development plan

c. Increases the ground cover of buildings by more than five percent.
Staff Comment: No change from the preliminary development plan

d. Increases the height of a building of more than 5 percent.
Staff Comment: No change from the preliminary development plan

e. Involves changes in ownership patterns or stages of construction that will lead to a different development concept, lessens architectural harmony or quality or imposes substantially greater loads on streets and neighborhood facilities.
Staff Comment: No change from the preliminary development plan

f. Changes in architectural style and building materials which make the project less compatible with surrounding uses.
Staff Comment: Changes have been made in the rooflines of the buildings. Some of the valleys and hips have been replaced with dormers, gables and variations in the finished height of the rooflines. Architectural laminated Shingles provide a high quality and durable roofing system on all buildings. This overall roof design is in compliance with the recommendations of the Comprehensive Plan and are compatible with construction in the surrounding area.

Changes have also been made to the exterior finish of the buildings. In the interest of tenant safety, enclosed stairways are now more open and highlighted with weather resistant aluminum trim. Brick has been replaced with stone veneer with the balance of the exterior finished with stucco, horizontal cement siding and straight edge shingle siding panels. This variety of exterior building materials along with variations in color achieve the recommendations of the Comprehensive Plan.

g. Decreases in any peripheral setback of more than 5 percent.
Staff Comment: No change from the preliminary development plan

h. Decreases of areas devoted to open space of more than 5 percent or the significant relocation of such areas.
Staff Comment: No change from the preliminary development plan

i. Modification or removal of conditions or stipulations to the planned zoning preliminary development plan approval.
Staff Comment: No change from the preliminary development plan

PARKING: One final change in the final development plan from the preliminary is a reduction in parking stalls. Code currently requires 2 parking stalls per unit regardless of the number of bedrooms or occupants. This requirement equates to 456 parking stalls. The proposed parking arrangement shown in the final development plan provides 394 parking stalls for the project. The owner and staff have researched area communities for parking regulations for multi-family

projects. Seven communities were researched with one, Louisburg, having equivalent parking regulations to Spring Hill. The following is a review of area communities parking regulations followed by the total stalls required by each city for a 228 unit facility with identical numbers of one and two bedroom units:

City	Parking Ratio	Total Required
Paola	1/bedroom	312
Louisburg	2/unit	456
Overland Park	1/bedroom	312
Eudora	1/unit & 1/6 units for guests	350
De Soto	1.5/1 bedroom & 2/2 bedroom	384
Gardner	1.5/1 bedroom & 2/2 bedroom	384
Olathe	1.5/unit	342

The owner acknowledges that inadequate parking will result in reduced satisfaction from tenants. However, it is interesting that most communities, including Overland Park and Olathe that have considerably more multi-family developments than any other area communities, require less parking stalls for this facility than does Spring Hill.

LANDSCAPE PLAN: The landscape plan is compliant with the requirements of the zoning regulations and recommendations of the Comprehensive Plan.

PHOTOMETRIC PLAN: Lighting identified on the plans is compliant with the zoning code and the photometric study shows appropriate levels of lighting on the perimeter of the property while maintaining proper levels of lighting on the site for safety of the residents.

RECOMMENDATION:

Staff recommends approval of application FP-01-15, Final Development Plan for Blackhawk Apartments as presented in the staff report.

Suggested motion for approval: *Motion to approve the Final Development Plan for Blackhawk Apartments, file FP-01-15, finding the Plan to be in substantial compliance with the approved Preliminary Development Plan, in conformance with the Comprehensive Plan, and as per staff's report and presentation.*

End of Staff Report

- Ms. Squire inquired as to how many one (1) bedroom units are included in the plan. Per Grant Merritt, owner of Blackhawk Development, confirmed that the plans include 144 one (1) bedroom units.
- Mr. Mitchell asked if the 394 parking stalls included the clubhouse parking. Per Mr. Merritt, yes, the 394 stalls does include clubhouse parking.
- The plan provides more parking stalls than what surrounding communities require for multi-family developments.
- Initial plan used a wide variety of materials for exterior siding on buildings; Mr. Hendershot stated that anytime you break up material at multiple levels, the possibility for water leaks increases; Mr. Hendershot and Mr. Merritt agreed that the exterior siding should be limited in differentiation of materials. Instead, the use of multiple color schemes would provide a nice appearance.

- As Mr. Merritt values the safety of tenants, the final plans changed the enclosed stairways to open stairways, as the enclosed stairways can be a potential safety hazard for the tenants. The stairways will be trimmed out with aluminum trim which will give the appearance that stairways are enclosed.
- The exterior materials used for buildings and clubhouse will be compatible with the single-family homes in the surrounding subdivision.
- The berm, along with a large amount of landscaping to include trees and shrubs, are still included in the final plan along Franklin St. This will provide a buffer between the apartments and the existing single-family subdivision.
- Mr. Haupt had a question on the lighting plan, referencing the light fixture schedule on the site photometric plan PHI. With regards to the A-Fixtures that are on the building; is this the fully shielded type of lights that are compliant with City Code? Per Mr. Merritt, the light fixtures are fully shielded.
- Ms. Pollom inquired about the parking. Will the street that goes down the west side of the development (Harrison St.) allow for overflow parking? She is concerned about overflow parking and does not want to see the overflow impeding the existing single-family development traffic. Mr. Hendershot indicated that the city code does require two (2) parking stalls per unit. He also indicated that the owner will prohibit the parking of specific types of vehicles such as boats, campers, and trailers, through lease agreements.
- Mr. Sly used the example outlined below to address some of the concern for overflow parking. In his evaluation, he sees the potential for 82 open stalls which could handle the potential for overflow parking:
  - 144 one (1) bedroom units, in which tenants may only have 1 car = 144 parking stalls in use
  - 84 two (2) bedroom units with the potential for two cars each = 168 parking stalls in use
  - Potential stalls in use for all units at any given time = 312
  - Total stalls for development = 394
  - Potential open stalls = 82
- Ms. Pollom indicated that the site development plan states, "*market conditions may dictate switching a 1 and 2 bedroom building with the 2 bedroom building to even out the 1 bedroom and 2 bedroom ratio*." Does this mean that the development could end up with more 2 bedroom units than what is initially being planned for? She is concerned that if there ends up being more 2 bedroom units, then it could become a parking issue.
- Ms. Squire stated that she is more concerned about adequate parking when there are tenant visitors, special events going on at the clubhouse, and the potential for more two (2) bedroom units.
- Mr. Haupt asked where additional parking could be added in the development plan, and the only way to do that is reducing the green space. He's concerned that if the project is required to have more parking, then the appearance of the overall development would suffer. If there is too little parking, then project will suffer. He thinks that we need to find somewhere in the middle. It would seriously compromise the appearance to add more parking.
- Ms. Pollom reiterated the concern of overflow parking along Harrison Street. She wanted to make sure the width of the street can handle the potential overflow. Mr. Hendershot stated that he will communicate with the police department once the street has been constructed to decide if parking will be restricted to just one side or neither side of the street. It was noted by Mr. Hendershot that the width of Harrison Street will be 36' from curb to curb.
- Mr. Mitchell inquired as to the projected occupancy rate. Mr. Merritt stated that the standard in this area is about 96% occupancy.
- It was noted by Mr. Hendershot that the research and analysis of the development plan done by Mr. Merritt and his team of experts included a detailed evaluation of available parking. Mr. Merritt understands that providing adequate parking is a necessity for the site development. It was also noted that if there is a change in the number of two (2) bedroom versus one (1) bedroom units, it is safe to assume that there won't be a significant change in the need to add parking.

- Ms. Squire indicated that it would be a good idea for signage to be displayed when there is a scheduled event at the clubhouse that might increase traffic volume. Mr. Hendershot stated that this would be an issue for the facility management to address, as this is private parking not public parking.
- Mr. Weber asked if the plan is designed for additional parking to be developed if needed in the future. Mr. Pete Oppermann, landscape architect, pointed out places on the development plan in which additional parking could be added.
- Ms. Squire asked Mr. Merritt why there were no three (3) bedroom units. Mr. Merritt indicated that there is not much of a demand for those units, as he is seeing more of a demand in one (1) bedroom units in Spring Hill.
- Mr. Sly inquired as to whether or not a lease would allow for more than two (2) cars per unit. Mr. Merritt stated that he has not addressed that scenario at this time, but will take a good look at this situation.
- Ms. Squire asked if in the event that Mr. Merritt had to change any of the 144 one (1) bedroom units to two (2) bedroom units, does he have to call City Staff and tell them he is changing those plans; what is that process? Mr. Hendershot stated that as long as the footprint does not change, then he is not required to get formal approval. He also noted that any changes from 1 to 2 bedroom units will be identified in each of the building plans that Mr. Merritt submits to City Staff.
- Mr. Mitchell wanted to verify that if there were changes to the footprints for parking, would those plans need to come back to the Planning Commission for approval? Mr. Hendershot stated that there can be expansions/adjustments to the parking lot without taking away much green space; thus, there is not a need to get approval for those changes.
- Mr. Mitchell asked if there was a plan for installing electric car charging stations. Mr. Merritt stated that he had thought of that, but is not planning to install as this time.

Motion by Mr. Weber, seconded by Mr. Sly, to approve the Final Development Plan for Blackhawk Apartments, file FP-01-15, finding the Plan to be in substantial compliance with the approved Preliminary Development Plan, in conformance with the Comprehensive Plan, and as per staff's report and presentation.
Roll Call Vote: Squire-Aye, Pollom-Aye, Weber-Aye, Mitchell-Aye, Sly-Aye, Haupt-Aye
Motion carried 6-0-0

The Final Development Plan FP-01-15 for Blackhawk Apartments will be forwarded to the City Council for approval on February 26, 2015.

DISCUSSION

Container Storage

- Mr. Haupt referred to the following Definitions as needing to be revised:
  #108 – Suggested it should read as "Permanent Cargo Container means a cargo container located on a property in excess of 60 days."
  #125 – Suggested that we sharpen up the definition of semi-trailers as being described as an enclosed cargo box; not all semi-trailers are an enclosed box.
  #136 – Should there be a comma between *Stacking Container*? Does it need a comma or is *Stacking Container* a term?

- Mr. Hendershot discussed the questions that Ms. Pollom posed at the January 7, 2015 meeting. Is this something that we want to allow in Spring Hill? Is it in the city's best interest? After further review of Gardner and Edgerton's regulations relating to cargo containers, Mr. Hendershot proposed a regulations draft to allow for cargo containers in Industrial Districts only. It was agreed that there needs to be uniformity with surrounding communities in regards to these regulations.

Planning Commission Appointment

- Ms. Squire asked if Planning Commission appointment packets had been mailed, as she had not received a packet. Planning Secretary will follow up on status and notify Ms. Squire.

ANNOUNCEMENTS and REPORTS

Discussion of the Planning Commission By-Laws will be added to the March 5, 2015 meeting agenda, as requested by Mr. Haupt, to review as a group.

Mr. Mitchell wanted to know the status of the crosswalk across from the high school. Mr. Hendershot stated that he will follow up with Mayor Ellis on this project.

Mr. Hendershot is hoping to provide overview of the results of the study at 223rd Street from Columbia to Victory Road, pending the results are available for review.

ADJOURN

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

The meeting adjourned at 8:37 p.m.

17. **Best Management Practice (BMP)** mean physical facilities, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution associated with land disturbance activities regulated by this Ordinance.

18. **Board of Zoning Appeals** means the Board, which has been created by the Governing Body to hear and determine appeals, and variances, to the zoning regulations as set out in Section 17.366.

19. **Boarding House or Lodging House** means a building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

20. **Building** means a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, horticultural products, animals, or property. When separated by division walls from the ground up without openings, each portion of such building shall be considered a separate building with separate occupancy requirements.

21. **Building Line** means the exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.

22. **Building permit** means an official document or certificate issued by the City Building Inspector or duly authorized representative which authorizes any owner or authorized agent to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to install, enlarge, alter, remove, replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by Chapter IV of the Spring Hill, Kansas City Code, or to cause any such work to be done. A building permit may also specifically authorize land disturbance and installation of site improvements in lieu of separate site development and land disturbance permits.

23. **Car Wash** means an establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

24. **Cargo Containers**, also referred to as **Containers** or **Storage Containers** means 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

25. **Cargo Container Storage Facililties** means any site engaged in the storage of cargo containers, semi-trailers or chassis in which either the principal of secondary use in the movement, storage, staging or redistribution of cargo containers or semi-trailers (either on or off a chassis), or chassis, but not to include operations that are subject to the jurisdiction of the U.S. Department of Transportation, Surface Transportation Board.

26. **Cargo Container Repair and Maintenance Facilities** means 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.

27. **Cemetery** means land used or intended to be used for burial of the dead, whether human or animal, including a mausoleum or columbarium. A funeral home may be included as an accessory use to a cemetery.

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

29. **Chassis Racking** means a method of storing chassis in an upright position (on end) where the bed is perpendicular to the ground.

30. **Chassis Stacking** means a method of storing a chassis where the bed of the chassis remains parallel to the ground.

31. **City** means the City of Spring Hill, Kansas.

32. **Church or Place of Worship** means a premises or site used primarily or exclusively for religious worship and related religious services or established place of worship, convent, seminary or similar facility owned or operated by a bona fide religious group for religious activities.

33. **Club, Class A** means premises owned or leased by a corporation, partnership business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal, or war veterans' club, as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them.

34. **Club, Class B** means premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for food, alcoholic beverages or dancing.

35. **Commercial vehicle** means a vehicle with or without its own motive power; with a chassis rated at one (1) ton or more; dimensions exceeding twenty (20) feet in total length, eight (8) feet in width, or seven (7) feet in height; and used primarily for the carrying of equipment, livestock, minerals, liquids, other commodities, or people in the form of a transportations service. Commercial vehicles include hauling and advertising trailers in excess of twenty (20) feet in total length measured from the back to the end of the tongue. Commercial vehicles include trucks regardless of capacity which do not have a pickup bed. (Ord. 2006-33)

36. **Communication Tower,** means commercial, non-commercial, and government AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and buildings.

37. **Community Assembly** means an establishment providing meeting, recreational, educational, or social facilities for a private membership or non-profit association, primarily for use by members and guests. Typical uses include fraternal organizations, "Class A Clubs," philanthropic and eleemosynary institutions.

38. **Comprehensive Plan** means the *Spring Hill Comprehensive Plan*, as adopted by the Spring Hill City Council in April 1996, and as amended from time to time.

39. **Construction Sales and Service** means an establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards (only allowed in the industrial zone districts), home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction and trade contractors' storage yards.

40. **Container Stacking** means a method of placing containers in a vertical manner where the floor of the container remains parallel to the ground.

41. **Convenience Store** means an establishment, engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use and which may specifically include a car wash as an accessory use, but shall not include motor vehicle repair.

42. **Cultural Group** means a facility providing cultural services to the public. Typical uses include museums, art galleries, community centers, observatories, planetariums, botanical gardens, arboretums, zoos and aquariums.

109. **Permanent Container** means a cargo container located on a property in excess of 60 days

110. **Personal Care Service** means an establishment primarily engaged in the provision of frequently or recurrently needed services involving the care of a person or their personal goods or apparel. Typical uses include beauty and barbershops, electrolysis studios, optical shops, shoe shining and/or repair operations, seamstress and tailors, and neighborhood laundry and dry cleaning operations.

111. **Personal Improvement Service** means an establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include portrait shops, photography studios, art schools, dance and music schools, licensed massage therapists, health and fitness studios, swimming clubs and handicraft or hobby instruction.

112. **Planning Commission** means the Spring Hill Planning Commission.

113. **Post Office Substation** means a facility or structure owned by the U.S. Postal Service that is used for the collection, sorting and distribution of mail and having limited retail services for the general public, such as the sale of stamps, postcards and postal insurance.

114. **Printing and Copying, Limited** means an establishment engaged in photocopying reproduction, photo developing or blueprinting services.

115. **Printing and Publishing, General** means the production of books, magazines newspapers and other printed matter, as well as record pressing and publishing, engraving and photoengraving, but excluding "Printing and Copying, Limited" uses.

116. **Recreation and Entertainment, Indoor** means a privately owned establishment offering recreation, entertainment or games of skill to the general public or members that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts, indoor archery ranges, and amusement rides. It does not include building typically accessory to a subdivision, which are for use by the subdivision's residents and their guests.

117. **Recreation and Entertainment, Outdoor** means a privately owned establishment offering recreation entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf course, tennis courts, riding stables, skating rinks, campgrounds for overnight camping, trap and skeet shooting, gun clubs, target ranges, and amusement rides. It does not include parks, open space and recreational facilities typically accessory to a subdivision, which are for use by the subdivision's residents and their guests.

124. **Right-of-way permit** means an official document or certificate issued by the City Public Works Director authorizing the property owner/permit holder or his designated agent to perform various utility, excavation or general public improvements work in the City's Road Right-of-Way.

125. **School, Elementary, Middle and High** means the use of a site for instructional purposes on an elementary or secondary level, including both public schools as well as private schools, which have curriculums similar to those in public schools.

126. **Semi-Trailer** means a detachable, non-powered trailer without a front axle with a large proportion of its weight supported either by a road tractor or by a detachable front axle called a dolly. A semi-trailer is used for hauling freight and usually equipped with legs that can be lowered to support it when unhooked from the tractor.

127. **Service Station** means an establishment primarily engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, the minor adjustment or repair of motor vehicles.

128. **Setback** means the distance that is required by this code to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. (Note: while the term setback refers to a required minimum area the term yard refers to the actual open area.) See Section 17.338.A.1.

129. **Setback, Front** means a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the street right-of-way line and a line parallel thereto on the lot. See Section 17.338.A. 1.

130. **Setback, Interior Side** means a setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot. See Section 17.338.A. 1.

131. **Setback, Rear** means a setback that is to extend across the full width of a lot the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot. See Section 17.338.A. 1.

132. **Setback, Street Side** means a setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to a street or street right-of-way line, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot. See Section 17.338.A.l.

133. **Secondhand Store** means a retail establishment other than an antique store, which engage in the purchase and resale of used goods such as clothing, furniture, appliances, books, and other household items.

c. Collector. A street, also called an "avenue", which provides for traffic movement between arterials and local streets, with direct access to abutting property. These formally designed roadways create special character and identity within a development.

d. Local. A street, which provides direct access to abutting property.

e. Parkway. A wide roadway that may vary in character and traffic carrying capacity ranging from a collector street (avenue) through a neighborhood to an arterial street with a boulevard character. A parkway design typically consists of a meandering divided roadway with special features incorporated in a varying sized median. In limited locations a parkway may not include a median where the parkway extends through or along side a park, drainage corridor, or natural open space area.

142. **Structural Alteration** means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

143. **Structure** means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

144. **Subdivision** means the division of a lot, tract or parcel of land into two or more parts for the purpose, whether immediate or future, of sale or building development, including re-subdivision.

145. **Subdivision Regulations** mean the lawfully adopted subdivision ordinances of the City of Spring Hill.

146. **Transient Guest** means a person who occupies a room for a period of less than one week at a time.

147. **Tavern and Drinking Establishment** means an establishment engaged in preparation and retail sale of alcoholic liquor or cereal malt beverage for consumption on the premise. Typical uses include taverns, beer halls, discotheques, dance clubs.

148. **Truck Trailer** see Chassis or Semi-Trailer

149. **Underlying District** means the existing base zoning district classification that is applied to land in an overlay district.

150. **Utility, Major** means generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term "utility" shall not be construed to include corporate or general

SECTION 17.328

MP INDUSTRIAL PARK DISTRICT

C. **Conditional uses.** The following uses shall be permitted in the MP district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. **Agriculture uses**
   NONE

2. **Residential uses**
   NONE

3. **Public and civic uses**
   Cemetery
   Day care, subject to Section 17.336.A.9
   Utility, major

4. **Commercial uses**
   Adult business subject to Chapter VIII, Article 3 of the Spring Hill City Code
   Airport or airstrip
   Animal care, limited, subject to Section 17.336.A.2
   Animal care, general
   Broadcast/recording studio
   Car wash, subject to 17.336.A.4
   Communication tower, subject to Section 17.336.A.7
   Freeway sign, subject to Chapter XVIII, Article 7, Section 17.730.A.5.g, Sign Regulations of Spring Hill, Kansas
   Hotel/motel, subject to Section 17.336.A.10
   Off-Premise Billboard Signs, subject to Chapter XVIII, Article 7, Section 17.730.A.6, Sign Regulations of Spring Hill, Kansas
   Service station

5. **Industrial manufacturing and extractive uses**
   Auto wrecking or salvage yard, subject to Section 17.336.A.3
   Cargo Container Storage Facilities, subject to Section 17.336.A.5
   Cargo Container Maintenance Facilities, subject to Section 17.336.A.5
   Manufacturing, general
   Extraction of mineral

Section 17.330.C M-1 General Industrial District

C. **Conditional uses.** The following uses shall be permitted in the M-1 district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. **Agriculture uses**
   NONE

2. **Residential uses**
   NONE

3. **Public and civic uses**
   Cemetery
   Utility, major

4. **Commercial uses**
   Adult business subject to Chapter VIII, Article 3 of the Spring Hill City Code
   Airport or airstrip
   Animal care, limited, subject to Section 17.336.A.2
   Animal care, general
   Broadcast/recording studio
   Car wash, subject to 17.336.A.4
   Communication tower, subject to Section 17.336.A.7
   Freeway sign, subject to Chapter XVIII, Article 7, Section 17.730.A.5.g, Sign Regulations of Spring Hill, Kansas
   Hotel/motel, subject to Section 17.336.A.10
   Off-Premise Billboard Signs, subject to Chapter XVIII, Article 7, Section 17.730.A.6, Sign Regulations of Spring Hill, Kansas
   Service station

5. **Industrial manufacturing and extractive uses**
   Auto wrecking or salvage yard, subject to Section 17.336.A.3
   Cargo Container Storage Facilities, subject to Section 17.336.A.5
   Cargo Container Maintenance Facilities, subject to Section 17.336.A.5
   Basic industry
   Extraction of mineral

NOTE: Section 17.336 addresses accessory uses in various zones. Staff recommends amendments to agricultural, residential and commercial zoning districts to specifically identify and prohibit the use of cargo containers as accessory buildings.

Section 17.336.B Accessory Uses

B. **Accessory Uses.** Building and structures may be erected and land may be used for purposes, which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise vibration, or glare which are injurious, damaging unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

In any zoning district, permanent cargo containers are prohibited except where otherwise specified. Cargo containers shall not be modified or retrofitted for on-site habitation. Cargo containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet the minimum codes and standards for lighting and air circulation for storage purposes.

Section 17.336.B.1 (Accessory Uses AG and R-R)

1. **Agricultural accessory uses (districts AG and R-R).** In addition to the accessory uses in Section 17.336.B.2. agricultural uses shall include:

a. Accessory uses and activities customarily associated with agricultural operations, including farm equipment repair, and as determined by the Zoning Administrator. Even though agricultural uses are allowed in all districts accessory agricultural buildings, such as barns will only be allowed in districts AG and R-R. All detached accessory buildings shall provide a minimum rear yard and side yard setback of 20 feet. Cargo containers are prohibited for use as an accessory building or as a component of an accessory building.

Section 17.336.B.2.e (Residential Accessory Uses R-1 and R-2)

e. One accessory building with a maximum size of 120 square feet by 12 feet maximum height may be allowed in the rear yard only. A minimum of a five-foot setback from the side and/or rear yard line is required. It shall be anchored properly to the ground to resist wind forces of 25 lbs. per square foot on roof or wall surfaces. ~~Such accessory building shall be maintained comparable to the maintenance of the main dwelling structure~~. Cargo containers are prohibited for use as an accessory building or as a component of an accessory building. (Ord.2007-24)

Section 17.336.B.3.a (Residential Accessory Uses R-3 and R-4)

3. **Multifamily accessory uses (districts R-3 and R-4).** Multifamily uses shall include, but not be limited to; the following accessory uses activities and structures:

   a. One accessory building per multifamily structure with a maximum size of 120 square feet by 12 feet maximum height may be allowed in the rear yard only. A minimum of a seven-foot setback from the side and/or rear yard line is required (or not less than twenty-five feet setback shall be provided on the street side of a corner lot). Such building shall be in keeping with the character of the residential dwelling(s). It shall be anchored properly to the ground to resist wind forces of 25 lbs. per square foot on roof or wall surfaces. ~~Such accessory building shall be maintained comparable to the maintenance of the main dwelling structure~~. Cargo containers are prohibited for use as an accessory building or as a component of an accessory building. (Ord. 2007-24)

Section 17.336.B.4.a (Commercial Accessory Uses C-O, C-1 and C-2)

4. **Commercial accessory uses (districts C-O, C-1, and C-2).** Commercial uses shall include, but not be limited to; the following accessory uses activities and structures:

   a. One accessory building per business with a maximum size of 120 square feet by 12 feet maximum height may be allowed in the rear yard only. A minimum of a seven-foot setback from the side and/or rear yard line is required (or not less than twenty-five feet setback shall be provided on the street side of a corner lot). Such building shall be in keeping with the character of the main building. It shall be anchored properly to the ground to resist wind forces of 25 lbs. per square foot on roof or wall surfaces. ~~Such accessory building shall be maintained comparable to the maintenance of the main dwelling structure~~ Cargo containers are prohibited for use as an accessory building or as a component of an accessory building. A building permit will be required for the construction of an accessory building in the commercial districts.(Ord. 2007-24)

Section 17.336.B.5 (Industrial Accessory Uses MP and M-1)

5. **Industrial accessory uses (districts MP and M-1).** Industrial uses shall include, but not be limited to; the following accessory uses activities and structures:

   a. Parking and loading areas.

   b. Signs as permitted by ordinance.

   c. Security and screen fencing and/or walls.

   d. Radio and microwave towers to heights as set out in this Code.

   e. Gate house.

f. Loading equipment.

g. Radio and television receiving antennas and support structures.

h. Recreation area and facilities for the use of employees.

i. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinated to the principal use on the lot.

j. On platted lots larger than one acre, a maximum of two permanent cargo containers may be used as cargo container storage sheds; provided that,

1. The cargo containers must be located within an outdoor storage area that is properly screened according to the use limitations for outdoor storage areas (Section 17.330.E) and screening requirements (Section 17.360).
2. No cargo container may be located within 20 feet of any property line.
3. All signage on the cargo container shall be removed and the cargo container shall be painted an earth tone color.
4. Cargo containers shall be anchored to the ground and must be maintained such that that are safe, structurally sound, stable and in good repair. Any cargo container that becomes unsound, unstable or otherwise dangerous shall be immediately removed from the property to a location that can legally accept it.
5. Cargo containers shall not be modified or retrofitted for on-site habitation. Cargo containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet minimum codes and standards for lighting and air circulation for storage purposes.

SECTION 17.336.A.5

USE REGULATIONS

NOTE: New section for cargo container storage facilities and cargo container maintenance facilities added

5. Cargo container storage facilities and cargo container maintenance facilities (collectively referred to as "facilities") may be approved as a conditional use in MP and M-1 districts, 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-way, public utility or drainage easement, 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 Section 17.338.A.6.

c. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres.

d. 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.

e. Parking: Facilities shall comply with the Off Street Parking Requirements of Section 17.350.A of these regulations.

f. Cargo Container Stacking: Cargo containers shall not be stacked more than three (3) in number. When stacked, an additional 30 feet shall be added to all setbacks for each additional level of stacked cargo containers.

g. 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. Racking of a chassis shall be limited to 57 feet in height. When a racked chassis exceeds 30 feet in height, an additional foot shall be added to all setbacks (from property line) for each additional foot of height for a racked chassis.

h. 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 Section 17.360 of these regulations.

1. A landscape plan shall be submitted with the conditional use permit application. The landscape plan shall identify the number, species, and location of all existing and proposed landscaping material.

2. Berms shall have a minimum height of 12 feet and shall not have a slope of greater than 3:1 (three feet horizontal per one foot vertical).

3. The required security fence shall be located on the interior side of perimeter landscaping.

4. Landscaping, fencing, and berming shall be installed prior to a certificate of occupancy being issued.

5. Maintenance of perimeter landscaping shall be the responsibility of the property owner and shall continue to meet the minimum standards for landscaping established by the City.

i. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property shall be subject to the setback requirements in Section 17.328 (MP District) or Section 17.330 (M-1 District). In addition, cargo container facilities shall be subject to the following setback standards:

1. Storage of cargo containers and chassis shall be set back at least 1,000 feet from any property zoned or used for residential land uses.

2. Storage of cargo containers and chassis shall be at least 25 feet from any structure or building on site.

3. No side-by-side grouping shall exceed 20 cargo containers or 20 chassis in width and no end-to-end grouping shall exceed two cargo containers or two chassis in length. Groupings shall be spaced at least 24 feet apart.

4. Storage of cargo containers and chassis shall be setback at least 10 feet from interior edge of the required landscape easements.

j. Signage: Business signs shall be allowed according to Section 17.710 thru 17.770 of these regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis.

k. Traffic Study: A Traffic Impact Study shall be submitted with the Conditional Use Permit application. The study shall place emphasis on the impact of the traffic generated by such a facility with regards to safety, quantities and type of traffic generated, and the impact of such facilities on existing infrastructure. The study shall also make recommendations on improvements to be made to infrastructure including but not limited to: roadway improvements, traffic control devices, turn lanes and location of entrances into the facility. When applicable the Traffic Impact Study shall be reviewed by the County Engineering and/or Public Works Department of Johnson or Miami County.

l. Platting: Cargo container facilities must be located on a platted lot.

m. Right-of Way Dedication: Where applicable, cargo container facilities and cargo container maintenance facilities shall dedicate adequate right-of-way to the City of Spring Hill for public streets and other purposes. The dedication shall be in a form acceptable to the City and shall be at no expense to the City.

n. Public Improvements: Cargo container facilities shall design and install, at no expense to the City of Spring Hill, public improvements adjacent to the facility at the time and in the manner specified by the City in conjunction with the development or subdivision of the

parcel, whichever comes first. The improvements shall be engineered, reviewed, approved and installed according to the procedures and conditions set forth by the City.

o. Storm Water: Cargo container facilities shall submit a storm water study with the application for a conditional use permit. Drainage shall be designed and storm water detention required in accordance with City standards.

p. Security: The facility shall be completely enclosed by gated security fencing. The fence shall be between six and twelve feet in height, and shall not include any barbed or razor wire. The gates may remain open when the facility is open, and shall be closed and locked when the facility is closed. The gate shall be located to prevent stacking on the streets. Minimum stacking requirements shall be based on the results of the required traffic analysis, but in no case shall the driveway between the gate and the street be less than 150 feet in length and 24 feet in width.

q. Materials Stored: Materials stored in cargo containers shall not include any material that would be required to be placarded Class 7 (radioactive materials) according to the US Department of Transportation (DOT) Emergency Response Guidebook (ERG), or any other material generally considered to be hazardous, explosive or poisonous. All material stored at the facility shall be properly placarded according to the ERG. Each terminal manager shall maintain adequate and current bills of lading for the contents of all cargo containers stored on site.

r. Fire Code and Insurance: All facilities shall comply with the locally adopted fire code and provide adequate means for fire and emergency vehicles access to cargo containers both on and off a chassis. All facilities engaged in storage and stacking of cargo containers must carry adequate insurance and provide a Certificate of Insurance prior to the issuance of a certificate of occupancy.

s. Modification and Retrofit: Cargo containers may not be modified or retrofitted for on-site habitation. Cargo containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet minimum codes and standards for lighting and air circulation for storage purposes.

t. Time Limitation: The initial Conditional Use Permit for cargo container facilities may be issued for a maximum time period of five years, with subsequent renewals issued for a maximum of five years. All facilities are subject to an annual review by city staff for compliance with the provisions of the Conditional Use Permit.

u. 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.

Agenda Item No. 3

SPRING HILL PLANNING COMMISSION
SITE PLAN STAFF REPORT

Case #: LS-01-15 **Meeting Date:** April 2, 2015

Description: Proposed Lot Split

Location: K7/US169 Highway north of 191st St.

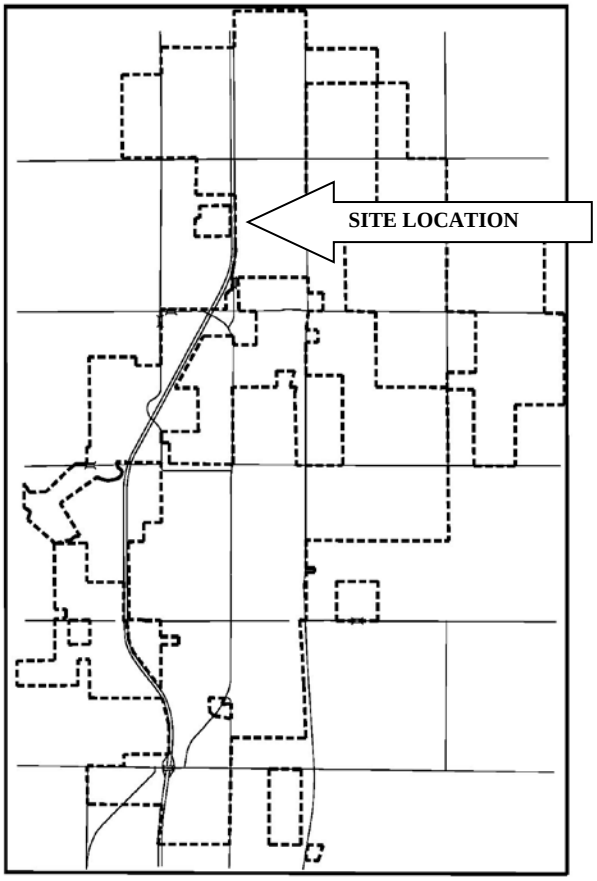
Applicant: Tom Beachner

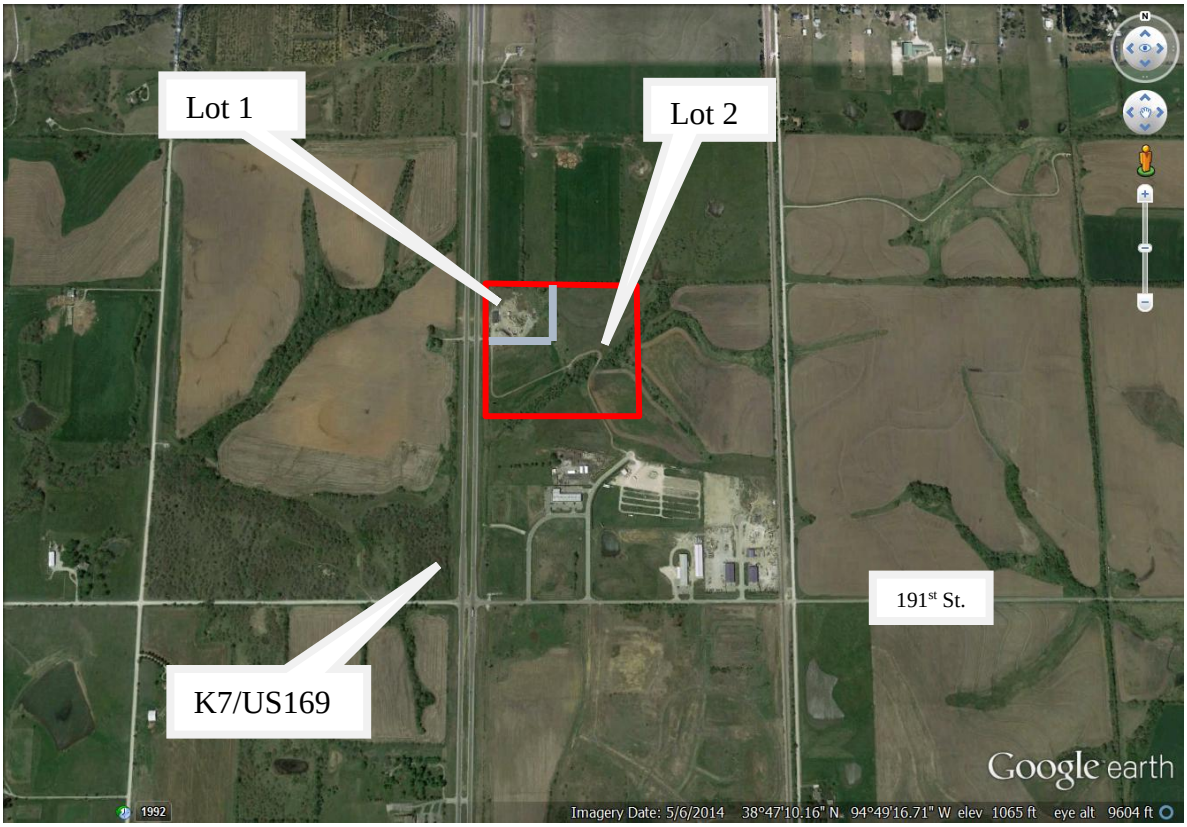
Engineer: Allenbrand-Drews & Associates

Site Area: 26.25 Ac. Total: Lot 1 = 5.0 Ac., Lot 2 = 21.25 Ac.

Minimum Lot Area:	No minimum		
Current Zoning:	M-1 General Industrial	**Proposed Use:**	Farm ground and industrial business

Related Applications: None





BACKGROUND:

The applicant, Tom Beachner, has submitted an application for a lot split for the 26.25 acre tract located on US169 Highway approximately ½ mile north of 191st Street. The existing drive to the property will be a common entrance to both properties and the applicant is aware of the future concept improvements along the highway.

STAFF COMMENT:

The applicant is requesting a lot split to create two tracts with one being 5 acres and the second being 21.25 acres in area. Lot 1 will remain industrial in use and Lot 2 will remain vacant farm land. The property is currently zoned "M-1" General Industrial.

The Subdivision Regulations of Spring Hill, Section 17.374 provides for the division of a tract of land or lot into not more than two tracts or lots without having to comply with the platting requirements described in Section 17.372.

STAFF REVIEW

Section 17.374.D of the Subdivision Regulations provides for the following review criteria for a proposed lot split:

No lot or tract split shall be approved if one of the following applies:

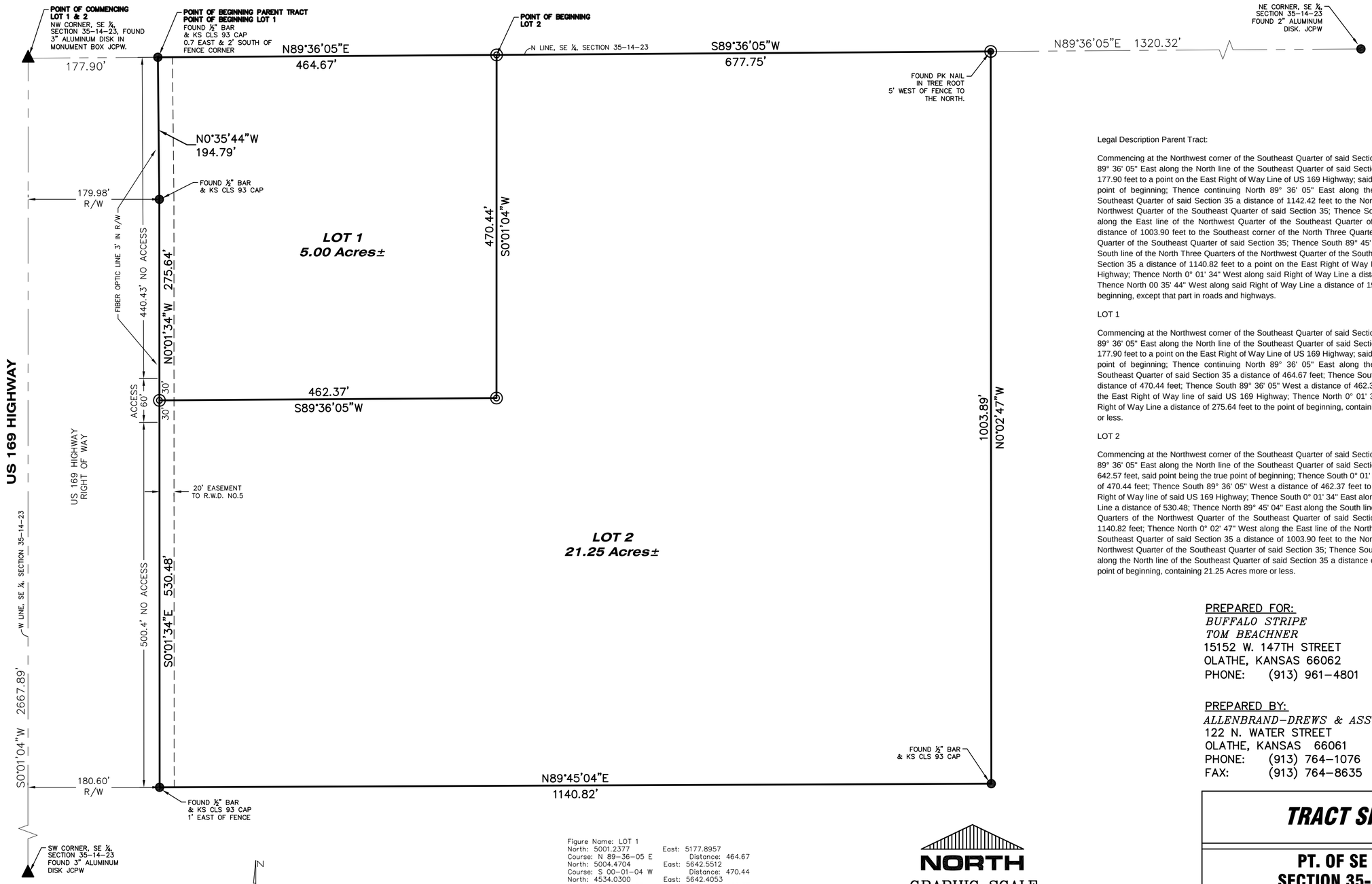
1. A new street or alley is needed or proposed.
2. Such action will result in significant increases in service requirements or will interfere with maintaining existing service levels.

3. There is less street right-of-way than required by the Subdivision Regulations unless such dedication can be made a separate instrument.
4. All easement requirements have not been satisfied.
5. Such split will result in a tract without direct access to and less than 75 feet of frontage on a street.
6. A substandard sized lot or parcel will be created according to the Subdivision Regulations or the Spring Hill Zoning Regulations.
7. The lot split does not have a plan on how it will be served by water and sanitary sewers.

It is staff's opinion that none of the items listed in 1-7 above apply to this application

RECOMMENDATION: Staff recommends approval of the lot split application LS-01-15.

TRACT SPLIT



Legal Description Parent Tract:

Commencing at the Northwest corner of the Southeast Quarter of said Section 35; Thence North 89° 36' 05" East along the North line of the Southeast Quarter of said Section 35, a distance of 177.90 feet to a point on the East Right of Way Line of US 169 Highway; said point being the true point of beginning; Thence continuing North 89° 36' 05" East along the North line of the Southeast Quarter of said Section 35 a distance of 1142.42 feet to the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 35; Thence South 0° 02' 47" East along the East line of the Northwest Quarter of the Southeast Quarter of said Section 35 a distance of 1003.90 feet to the Southeast corner of the North Three Quarters of the Northwest Quarter of the Southeast Quarter of said Section 35; Thence South 89° 45' 04" West along the South line of the North Three Quarters of the Northwest Quarter of the Southeast Quarter of said Section 35 a distance of 1140.82 feet to a point on the East Right of Way Line of said US 169 Highway; Thence North 0° 01' 34" West along said Right of Way Line a distance of 806.12 feet; Thence North 00 35' 44" West along said Right of Way Line a distance of 194.79 to the point of beginning, except that part in roads and highways.

LOT 1

Commencing at the Northwest corner of the Southeast Quarter of said Section 35; Thence North 89° 36' 05" East along the North line of the Southeast Quarter of said Section 35, a distance of 177.90 feet to a point on the East Right of Way Line of US 169 Highway; said point being the true point of beginning; Thence continuing North 89° 36' 05" East along the North line of the Southeast Quarter of said Section 35 a distance of 464.67 feet; Thence South 0° 01' 04" West a distance of 470.44 feet; Thence South 89° 36' 05" West a distance of 462.37 feet to a point on the East Right of Way line of said US 169 Highway; Thence North 0° 01' 34" West along said Right of Way Line a distance of 275.64 feet to the point of beginning, containing 5.00 Acres more or less.

LOT 2

Commencing at the Northwest corner of the Southeast Quarter of said Section 35; Thence North 89° 36' 05" East along the North line of the Southeast Quarter of said Section 35, a distance of 642.57 feet, said point being the true point of beginning; Thence South 0° 01' 04" West a distance of 470.44 feet; Thence South 89° 36' 05" West a distance of 462.37 feet to a point on the East Right of Way line of said US 169 Highway; Thence South 0° 01' 34" East along said Right of Way Line a distance of 530.48; Thence North 89° 45' 04" East along the South line of the North Three Quarters of the Northwest Quarter of the Southeast Quarter of said Section 35 a distance of 1140.82 feet; Thence North 0° 02' 47" West along the East line of the Northwest Quarter of the Southeast Quarter of said Section 35 a distance of 1003.90 feet to the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 35; Thence South 89° 36' 05" West along the North line of the Southeast Quarter of said Section 35 a distance of 677.75 feet to the point of beginning, containing 21.25 Acres more or less.

PREPARED FOR:
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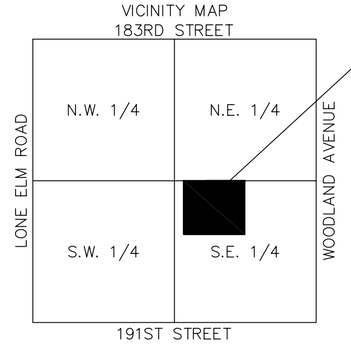
VICINITY MAP
183RD STREET



191ST STREET
SCALE: 1" = 2000'

Figure Name: PARENT TRACT
North: 5001.2377 East: 5177.8957
Course: N 89–36–05 E Distance: 1142.42
North: 5009.1855 East: 6320.2880
Course: S 00–02–47 E Distance: 1003.89
North: 4005.2939 East: 6321.1008
Course: S 89–45–04 W Distance: 1140.82
North: 4000.3383 East: 5180.2878
Course: N 00–01–34 W Distance: 806.12
North: 4806.4582 East: 5179.9204
Course: N 00–35–44 W Distance: 194.79
North: 5001.2377 East: 5177.8957
Perimeter: 4288.05
Area: 1143567.46 26.25 acres
Mathematical Closure – (Uses Survey Units)
Error of Closure: 0.000 Course: S 26–33–54 E
Precision 1: 4288045765.18

Figure Name: LOT 1
North: 5001.2377 East: 5177.8957
Course: N 89–36–05 E Distance: 464.67
North: 5004.4704 East: 5642.5512
Course: S 00–01–04 W Distance: 470.44
North: 4534.0300 East: 5642.4053
Course: S 89–36–05 W Distance: 462.37
North: 4530.8133 East: 5180.0460
Course: N 00–01–34 W Distance: 275.64
North: 4806.4582 East: 5179.9204
Course: N 00–35–44 W Distance: 194.79
North: 5001.2377 East: 5177.8957
Perimeter: 1867.91
Area: 217785.28 5.00 acres
Mathematical Closure – (Uses Survey Units)
Error of Closure: 0.000 Course: S 26–33–54 E
Precision 1: 1867912451.99

Figure Name: LOT 2
North: 5004.4704 East: 5642.5512
Course: S 00–01–04 W Distance: 470.44
North: 4534.0300 East: 5642.4053
Course: S 89–36–05 W Distance: 462.37
North: 4530.8133 East: 5180.0460
Course: S 00–01–34 E Distance: 530.48
North: 4000.3383 East: 5180.2878
Course: N 89–45–04 E Distance: 1140.82
North: 4005.2939 East: 6321.1008
Course: N 00–02–47 W Distance: 1003.89
North: 5009.1855 East: 6320.2880
Course: S 89–36–05 W Distance: 677.75
North: 5004.4704 East: 5642.5512
Perimeter: 4285.75
Area: 925782.18 21.25 acres
Mathematical Closure – (Uses Survey Units)
Error of Closure: 0.000 Course: S 11–18–36 E
Precision 1: 4285754879.89

NO TITLE POLICY FURNISHED

BEARINGS BASED ON SURVEY BY ALLENBRAND–DREWS & ASSOCIATES PROJECT NO. 15226 DATED 1–28–2002

EASEMENT SHOWN FROM A&D SURVEY DATED 1–28–2002

NO OVERLAPS OR GAPS UNLESS OTHERWISE NOTED.

NORTH

GRAPHIC SCALE

100 0 50 100 200

(IN FEET)
1 inch = 100 ft.

THIS IS TO CERTIFY THAT ON THE 23RD DAY OF FEBRUARY, 2015, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74–7037.

ROBERT M. LAYTON
REGISTERED
L.S. -1266
KANSAS
LAND SURVEYOR

TRACT SPLIT

PT. OF SE 1/4
SECTION 35-14-23
JOHNSON COUNTY, KANSAS

Allenbrand-Drews & Associates, Inc.
CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS
122 N. WATER STREET
OLATHE, KANSAS 66061
PHONE: (913) 764-1076 FAX: (913) 764-8635

Scale: 1"=100'	Drawn By: MBH	Project: 30494
Date: 2/16/2015	Checked By: RML	Section: 35–14–23

T:\DRAWINGS_30000\30494-buffalostripe\dwg\Buffalo Stripe Tract Split.dwg Scale=1:100 Drawn February 24, 2015 - 9:02am By laytonb

SPRING HILL PLANNING COMMISSION
BYLAWS, RULES AND REGULATIONS

The following rules and regulations governing the procedures of the Planning Commission of Spring Hill, Kansas, are adopted in accordance with the planning laws of the State of Kansas.

ARTICLE I - OFFICERS

1. The Planning Commission shall organize annually at the first regular meeting in March.
2. The Commission shall elect a Chairperson and a Vice-Chairperson from among the appointed members at the annual organization meeting. The officers shall serve for one year.
3. A Secretary shall be elected for an indefinite term and it is not required that person be a member of the Commission.
4. The Chairperson shall preside at all meetings and public hearings of the Planning Commission; shall decide all points of order and procedure; shall certify subdivision plats.
5. The Vice-Chairperson shall assume the duties of the Chairperson in their absence.
6. The Secretary shall be responsible for keeping the minutes of the Planning Commission; sending agendas to members of the Planning Commission; carrying out written correspondence; transmitting and maintaining the records of the Commission; and performing such other duties as the Planning Commission may require understanding that if the secretary is on the city staff, that such other duties are subject to appropriate City personnel policy and procedure as administered by the City Administrator.

ARTICLE II - MEETINGS

1. The Planning Commission shall meet on the first Thursday of each month at 7:00 P.M. This date, time and/or place may be changed by the Chairperson due to conditions beyond control of the Planning Commission, i.e., holidays, scheduling conflicts, etc. (after consultation with the staff). In the absence of substantive agenda items, the Chairperson may cancel the meeting.

2. Special meetings of the Planning Commission may be called by the Chairperson upon request.

3. A majority of the Commission shall constitute a quorum for the transaction of business. If a quorum is not present at a regular or special meeting, those present may either adjourn the meeting or hold the meeting to consider such matters as are on the agenda. No action at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present.

4. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

5. An affirmative vote of a majority of a required quorum by roll call vote shall be necessary to authorize any official action of the Commission on rezoning, preliminary plats, or conditional use permits unless otherwise specified by statute or as requested by the Chairperson. (Some official actions require the affirmative vote of a majority of all the members on the total Planning Commission.) Where such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the governing body with an explanation of the failure to establish an official vote on the subject in question. All members, shall have a vote and shall vote "yea", "nay" or "abstain" when present; except that any member shall automatically disqualify himself from voting on any decision in which there might be a conflict of interest and should state the nature of that conflict for the minutes.

6. When procedural and parliamentary rules adopted by the Planning Commission do not conflict, "Robert's Rules of Order" shall be used as a guide.

ARTICLE III - AGENDA SUBJECTS

1. Upon receipt of a complete written application and appropriate city staff review, the item will be placed on the agenda for the next scheduled Planning Commission meeting.

2. Where the volume of the Planning Commission subjects may require such action, the Chairperson of the Commission may postpone discussion of certain subjects until sufficient time is available for the members to give proper review to such subjects.

3. Agendas shall ordinarily be mailed to the members of the Planning Commission so that they may review them prior to the Planning Commission meeting.
4. Subjects not requiring a roll call vote and are not listed on a Planning Commission agenda, may be considered for discussion.

ARTICLE IV - HEARINGS

1. Public Hearings for rezoning, preliminary plats and conditional use permit, shall be conducted in conformance with state statutes.

ARTICLE V - COMMITTEES

1. The Planning Commission may establish such committees, as it deems advisable and assign each committee specific duties or functions.
2. The Chairperson shall designate the members of each committee and shall name the Chairperson of each committee. The Planning Commission Chairperson shall fill vacancies on committees as they are created.

ARTICLE VI - RECORDS AND REPORTS

1. The Commission shall keep a record of its resolutions, transactions, findings and determinations.
2. The Commission shall annually review the comprehensive plan to determine if any portion has become obsolete and shall make a report to the governing body regarding same on or before the first day of June of each year.

ARTICLE VII - AMENDMENTS

1. These rules of procedure may be amended by an affirmative vote by a majority of the planning Commission members provided such proposed amendment has been submitted in writing with a proposed copy of the amendment provided to each member of the Commission; and placed on the agenda.

APPROVED at the Planning Commission meeting on the 2nd day of June, 2005.

By: _____
Chairperson

Attest: Mary Nolen
Secretary Mary Nolen