

**SPRING HILL PLANNING COMMISSION  
REGULAR MEETING  
AGENDA  
THURSDAY, NOVEMBER 5, 2015  
7:00 P.M.  
SPRING HILL CIVIC CENTER  
401 N. MADISON – ROOM 15**

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**FORMAL COMMISSION ACTION**

1. **Approval of Minutes: August 6, 2015** (no meetings in September and October)
2. **Conditional Use Permit – Verizon Wireless**  
Case No: CU-2015-0001  
Request: Renewal of Conditional Use for operation and maintenance of telecommunications facility at city water tower location  
Location: 20250 N. Webster Street  
Applicant: Verizon Wireless, Overland Park
3. **Conditional Use Permit – The Bowery Events, LLC**  
Case No: CU-2015-0002  
Request: Conditional Use for outdoor recreation and entertainment (event center), with the option of offering food and alcoholic beverages  
Location: 20559 Lone Elm Road  
Applicant: Lana Harrell, License Consulting Inc.

**DISCUSSION**

**REPORTS**

**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 Regular Session**  
**August 6, 2015**

A Regular Session of the Planning Commission was held in the Spring Hill Civic Center, 401 N. Madison, Room 15, Spring Hill, Kansas on August 6, 2015. The meeting convened at 7:03 p.m. with Chairman Stephen Sly presiding, and Christie Campbell, Planning Secretary recording.

Commissioners in attendance: Stephen Sly  
Troy Mitchell  
Josh Nowlin  
Janell Pollom  
Paul Ray  
Cindy Squire  
Tyler Vaughan  
Michael Weber

Commissioners absent: Tobi Bitner

Staff in attendance: Jim Hendershot, Community Development Director  
Christie Campbell, Planning Secretary

Public in attendance: Mr. Mark Davies, Design Group Facility Solutions, Inc. (Representing A&M)  
Design Team and A&M Management Staff (Representing A&M)  
Mr. Chris George, Residential Developer  
Mr. John Brann, City Engineer  
Mr. Frank Jenkins, City Attorney  
Ms. Melanie Landis, City Director of Administrative Services

**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 Mr. Ray, to approve the agenda as presented.**

**Roll Call Vote:** Nowlin-Aye, Ray-Aye, Mitchell-Aye, Sly-Aye, Weber-Aye, Pollom-Aye, Vaughan-Aye, Squire-Aye

**Motion carried 8-0-0**

**FORMAL ACTION**

**1. Approval of Minutes: July 9, 2015**

**Motion by Ms. Squire, seconded by Mr. Weber, to approve the minutes as presented.**

**Roll Call Vote:** Nowlin-Aye, Ray-Aye, Mitchell-Aye, Sly-Aye, Weber-Aye, Pollom-Aye, Vaughan-Aye, Squire-Aye

**Motion carried 8-0-0**

**2. Site Plan – A & M Products, Inc. (SP-03-15)**

*Beginning of Staff Report*

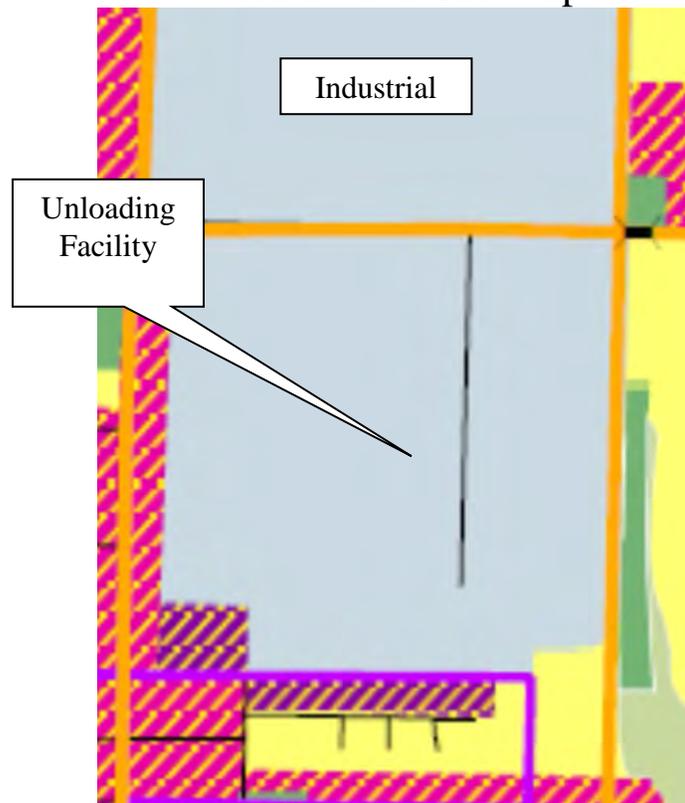
**SPRING HILL PLANNING COMMISSION  
SITE PLAN STAFF REPORT**

<b>Case #:</b>	SP-03-15	<b>Meeting Date:</b>	August 6, 2015
<b>Description:</b>	A & M Products - Limestone Truck Unloading Facility		
<b>Location:</b>	701 N Lincoln St.		
<b>Applicant:</b>	A & M Products		
<b>Engineer/Architect:</b>	Design Group Facility Solutions, Inc., Concord, NH – Mark Davies		
<b>Site Area:</b>	35.4 ac.		
<b>Minimum Lot Area:</b>	N/A	<b>Related Case:</b>	
<b>Current Zoning:</b>	M-1 (Industrial)	<b>Proposed Use:</b>	Truck Unloading Facility
	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map</b>
<b>Site:</b>	M-1	Industrial	Industrial.
<b>North:</b>	M-1	Industrial	Industrial
<b>South:</b>	M-1	Industrial	Industrial
<b>East:</b>	M-1	Industrial	Industrial
<b>West:</b>	M-1	Industrial	Industrial





## Future Land Use Map



**BACKGROUND:** The applicant has submitted a request to construct a metal building, 37'W x 156'L x 18'H, with an overhead conveyor system to the west of Lincoln Street, south of the existing railcar unloading facility. The project includes the building, overhead conveyor, storm water drainage, concrete driveways on each end of the building, along with utility extensions for the project.

### **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 right-of-ways are identified
- All proposed structures with applicable data are identified
- All parking and traffic areas have been identified and the type of surface and base course identified
- Utilities are available, identified, and in compliance with regulations
- Exterior lighting on the proposed structure is compliant with regulations as per the photometric diagram and will not negatively affect surrounding properties or traffic.
- Consultants, utility providers, and City Staff have reviewed the site plan and provided comments. These comments and recommendations have been implemented into the site plan as applicable.

### **STANDARDS OF REVIEW**

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

1. *The extent to which the proposal conforms to the provisions of the Code.*  
The proposed use is in compliance with the Spring Hill Zoning Code.
2. *The extent to which the proposal conforms to the provisions of the Spring Hill Subdivision Regulations.*  
The site is in compliance with the Spring Hill Subdivision Regulations.
3. *The extent to which the development would be compatible with the surrounding area.*  
The project is compatible with the surrounding area that is industrial in use.
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 including the Future Land Use map that identifies this area as industrial.
5. *The extent to which the proposal conforms to customary engineering standards used in the City.*  
The building and overall project 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.*  
Existing truck traffic on Lincoln Street has damaged the road to the point the City of Spring Hill is exploring options for a total replacement of the street. Heavy haul traffic along with subsurface moisture continue to cause further deterioration of the road resulting in routine maintenance that is unsuccessful in withstanding the traffic. A&M estimates this facility will generate approximately 16 trucks per day each with a gross weight of approximately 80,000 pounds. This additional truck traffic will undoubtedly result in additional damage to the roadway. Staff understands this facility must utilize Lincoln Street to access the facility. To reduce the expected wear on the street, trucks should use Lincoln Street after their material has been unloaded. Therefore, staff is recommending all loaded trucks utilizing this proposed unloading facility enter the A&M property on the access road located approximately 525 ft. west of Lincoln Street. Trucks would maneuver through the A&M property entering the unloading facility traveling west to east. Once unloaded, trucks would exit to Lincoln Street and north to 207<sup>th</sup> Street.
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-03-15 for A&M Products Truck Unloading Facility subject to the following condition:

1. All loaded trucks destined for the truck unloading facility must enter the A&M property on the private access road located approximately 525 ft. west of Lincoln Street - 207<sup>th</sup> Street intersection. Trucks must enter the unloading facility traveling west to east, exiting onto Lincoln Street after unloading all material.

*Suggested Motion: Motion to recommend approval of application SP-03-15, Site Plan for A&M Products Unloading Facility subject to the following condition:*

1. *All loaded trucks destined for the truck unloading facility must enter the A&M property on the private access road located approximately 525 ft. west of the Lincoln Street - 207<sup>th</sup> Street intersection. Trucks must enter the unloading facility traveling west to east, exiting onto Lincoln Street after unloading all material.*

Attachments: Site plans

**Revised recommendation and suggested motion for SP-03-15**

# Memo

To: Spring Hill Planning Commission  
From: Jim Hendershot, Community Development Director  
CC: File, SP-03-15  
Date: August 6, 2015  
Re: Amended recommendation and suggested motion, SP-03-15

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Since the distribution of the staff report for the site plan for A&M Products (SP-03-15) I have had discussions with the design team for the project and management of the company. The primary issue of the discussions was my recommendation that all truck traffic utilizing the unloading facility enter the property from 207<sup>th</sup> west of Lincoln Street and proceed in a counterclockwise direction entering the unloading facility from west to east and exiting onto Lincoln Street after unloading raw materials.

It has been drawn to my attention the difficulties this traffic flow pattern will place on A&M Products as follows:

1. The plant is designed for traffic flow in a clockwise direction from Lincoln Street
2. The access road thru the property is one lane in width and not designed for two-way traffic
3. Two-way traffic will create safety concerns throughout the property
4. Trucks will have difficulty entering the property at the recommended access point due to lack of adequate room to maneuver the right hand turns at 207<sup>th</sup>
5. If trucks utilizing the unloading facility enter from west to east they will be in conflict with all other trucks that use the same road from Lincoln Street. Cross-over traffic will be created at the unloading facility creating a safety issue.

As noted in the staff report the primary issue of concern from the City is the accelerated deterioration of Lincoln Street caused by the additional loaded trucks. Staff understands the importance of A&M Products along with the entire industrial park to the City of Spring Hill. Currently city staff is pursuing funding opportunities for the replacement of Lincoln Street. The individuals from the design team and company management understand the importance of Lincoln Street to their facility and the industrial park but reversing the flow of trucks thru the facility at this time will create an undue hardship for the company.

As a result, staff is amending the recommendation in the staff report to the following:

Suggested Motion: *Motion to recommend approval of application SP-03-15, Site Plan for A&M Products Unloading Facility subject to the following condition:*

1. *Future additions, remodels or alterations to the A&M Products facility be designed with emphasis on traffic flow throughout the property to lessen the impact of truck traffic on Lincoln Street.*

***End of Staff Report***

Mr. Hendershot presented the staff report to the Planning Commission. The truck unloading facility work consists of installing a metal building with an overhead conveyor system to unload and transport raw materials used in the plant. The addition of the unloading facility will increase daily truck traffic by approximately 16 trucks. Staff initially recommended approval of the site plan application conditioned with specific traffic flow patterns to reduce the impact of additional trucks on Lincoln Street. However, Mr. Hendershot noted that since the distribution of the initial staff report of site plan, SP-03-15, there have been discussions with the design team and management of A & M Products, Inc. As outlined in the above amended recommendation and suggested motion on August 6, 2015, the primary issue of the discussions were staff's recommendation that all truck traffic utilizing the unloading facility enter the property from 207<sup>th</sup> Street west of Lincoln Street and proceed in a counterclockwise direction and exiting onto Lincoln Street after unloading raw materials; thus, reducing deterioration of Lincoln Street with fully loaded trucks.

Further discussions with the team led to awareness of the difficulties that the initial traffic flow pattern presented. As a result, staff recommended a revised motion for approval of SP-03-15, allowing for trucks to enter the facility on Lincoln Street and proceed in a counterclockwise direction with the condition that future additions, remodels, or alterations to the A & M Products, Inc. facility be designed with emphasis on traffic flow throughout the property to lessen the impact of truck traffic on Lincoln St.

Representatives with A & M Products, Inc., along with the design team and City engineer, were all present for the meeting. They were available to answer questions regarding the site plan.

Mr. Vaughan asked what percentage of an increase in traffic would there be with the 16 additional trucks to the current traffic conditions in the vicinity of 207<sup>th</sup> Street.

Ms. Squire expressed concerns about how future plans/additions in the industrial park would affect the decision for Lincoln Street improvements. She posed the question as to who would ensure that the road improvements are actually done in the future. Mr. Hendershot indicated that it is difficult to put a timeframe on road improvements for many reasons, one being available funds. Mr. Hendershot reiterated that the goal is to bring it to everyone's attention that future improvements to Lincoln Street are needed, but not to hinder the current business practices for existing companies.

Mr. Vaughan asked if the City has communicated with surrounding businesses regarding present condition of Lincoln Street. Mr. Hendershot stated that he and the City Administrator are currently in the process of contacting these business owners.

Mr. Sly inquired as to how many businesses use Lincoln Street. Mr. Hendershot said there are approximately six at this time.

Mr. Mitchell expressed concerns about timeframe of accelerated deterioration to Lincoln Street and when money would be allocated to make long term repairs.

**Motion by** Mr. Weber, seconded by Ms. Pollom, to approve the application SP-03-15, Site Plan for A & M Products Unloading Facility, subject to the following condition: *Future additions, remodels, or alterations to the A & M Products facility be designed with emphasis on traffic flow throughout the property to lessen the impact of truck traffic on Lincoln Street.*

**Roll Call Vote:** Nowlin-Aye, Ray-Aye, Mitchell-Aye, Sly-Aye, Weber-Aye, Pollom-Aye, Vaughan-Aye, Squire-Aye

**Motion Carried 8-0-0**

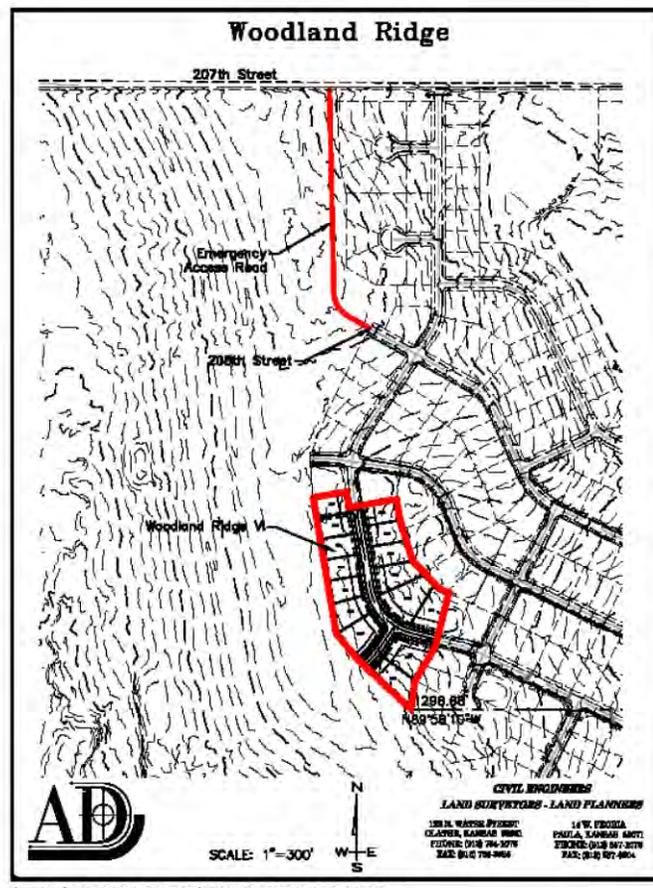
The Site Plan (SP-03-15) for A & M Products, Inc. Limestone Truck Unloading will be forwarded to the City Council for review on August 27, 2015.



THE FOLLOWING MINUTES ARE SUBJECT TO MODIFICATION  
AND ARE NOT OFFICIAL MINUTES  
UNTIL APPROVED BY THE SPRING HILL PLANNING COMMISSION



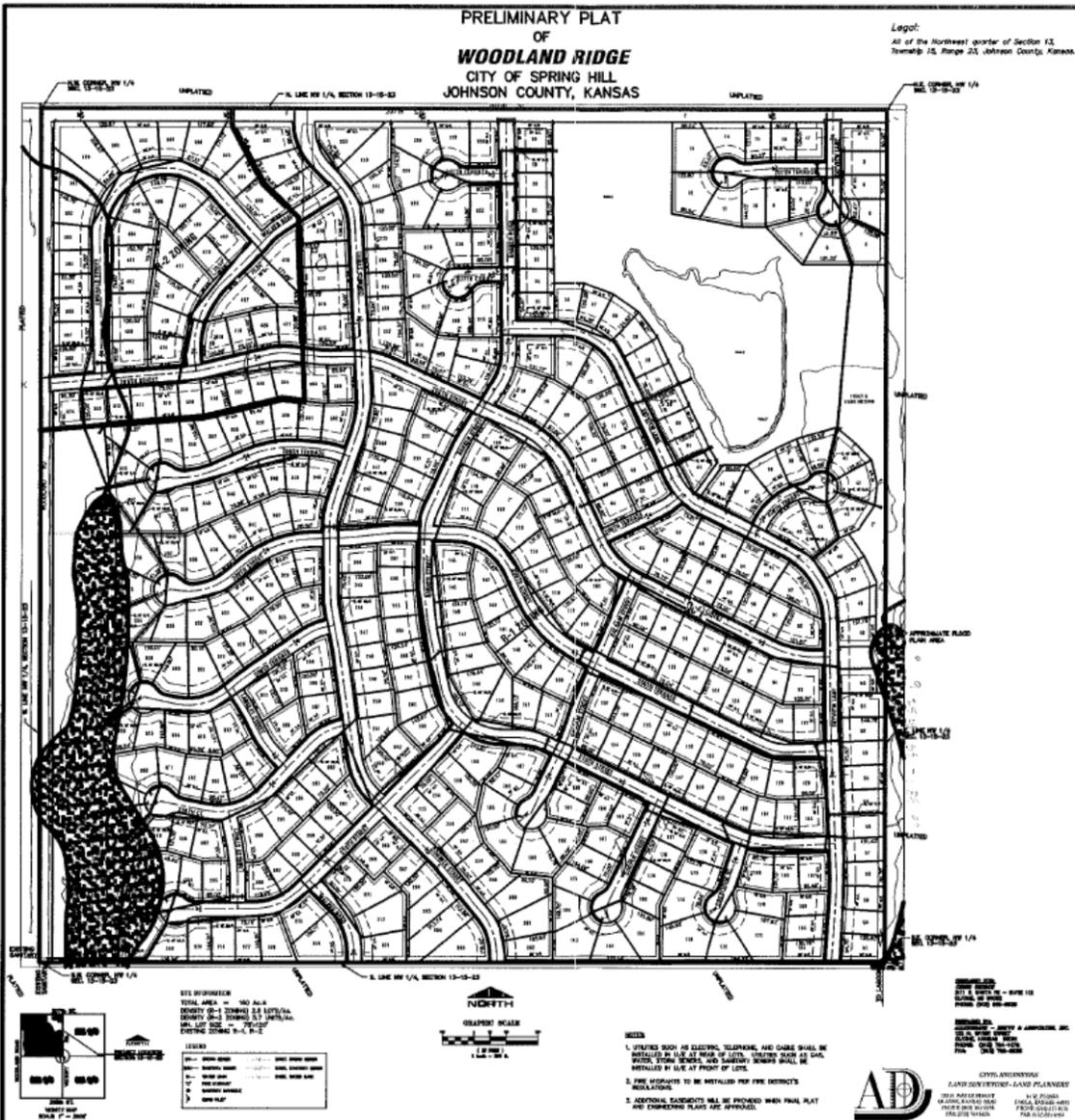
### EMERGENCY ACCESS ROAD LOCATOR



**BACKGROUND:**

The applicant, Chris George Homes, Inc., has submitted an application for an additional phase of development in the Woodland Ridge Subdivision located west of Woodland Road on 207<sup>th</sup> St. The preliminary plat for this subdivision (see below) was submitted and approved in 2002 with previous final plats approved in 2002, 2003, 2004 and 2006.

The aerial view (see above) of the property identifies the location Woodland Ridge VI that consists of 15 single family lots. A copy of the proposed final plat is included with this packet for your review.



**STAFF COMMENT:**

Staff has submitted the proposed final plat to utility providers, consultants, Spring Hill Public Works and JOCO Fire District #2 for review and comment. Comments from these individuals have been implemented into the plat. Staff finds the proposed final plat in compliance with the approved preliminary plat and with the Spring Hill Subdivision Regulations.

Staff will submit a draft Improvement Agreement to the developer for review. Once approved by all parties, this Improvement Agreement will be forwarded to the Governing Body along with final plat. Anticipated action by the Governing Body is August 27, 2015.

In addition to the final plat, the applicant has submitted the required drawings showing cross sections and profiles of all streets, alleys and public use areas. Also submitted were drawings for the construction of storm drains, sanitary sewer lines and water lines. These drawings are being reviewed by the City Engineer, Public Works and applicable utility companies.

Of particular interest with this application was the need for emergency access to the entire property. As shown on the preliminary plat above, at full build out the subdivision will have three access roads with two on 207<sup>th</sup> and one on Woodland Road. Currently the subdivision is served one point of ingress/egress, that being Barker Road from 207<sup>th</sup>. The subdivision has progressed to the point a temporary access road for emergency response vehicles is required. While not a part of this plat, the developer will be installing an extension of 209<sup>th</sup> Street to 207<sup>th</sup> to serve as this emergency access road. Please see the drawing above denoting the location of this point of access. Details on access to any locked gates will be coordinated with the developer, fire department and police department personnel.

#### **RECOMMENDATION:**

Staff recommends approval of FP-03-15, Woodland Ridge VI final plat.

Suggested motion: *Motion to recommend approval of Woodland Ridge VI final plat, application FP-03-15 as presented by staff subject to the following condition:*

- 1. A temporary access road for use by emergency response vehicles shall be constructed extending from 207<sup>th</sup> Street, south and east to 209<sup>th</sup> Street. This road is to be 10'-12' in width with a properly compacted subbase and a minimum of 4 inches of AB3 gravel, constructed and maintained by the owner and shall be properly maintained until additional permanent ingress/egress roads are constructed within the subdivision as per the approved preliminary plat. The owner shall install locked gates on each end of the temporary access road with the type of lock as determined by Johnson County Rural Fire District #2. Johnson County Fire District #2 and Spring Hill Police Department shall be provided keys for the locks.*

Attachments: Woodland Ridge VI final plat.

#### ***End of Staff Report***

Mr. Hendershot presented the staff report to the Planning Commission, indicating that Mr. Chris George, developer for Woodland Ridge Subdivision, was present and available for answering questions.

The Woodland Ridge VI Plat contains fifteen (15) residential lots. Currently, the subdivision is served by only one ingress/egress road located at 207<sup>th</sup> and Barker Road. At full build out, the development will have three access roads. However, the additional access roads are not included with this phase of development. With the growth of the subdivision, staff is requiring a temporary access road be constructed for use by emergency response vehicles. This road is to be installed and maintained by the owner until additional access roads are constructed. Staff is recommending approval of the plat with consideration given to this temporary access road.

Mr. Sly asked how many homes are currently in the Woodland Ridge Subdivision. The developer, Mr. George, indicated that there are about 200 homes at this time. Mr. Sly also wanted to know if the construction of the temporary access road would require a lot of trees to be torn down. Mr. George stated that there are not many trees in the path of the road.

Mr. Mitchell, Mr. Nowlin, and Ms. Squire inquired as to why the developer decided to put in a temporary access road instead of building the permanent roads right now. Mr. George indicated that after consulting with his engineers, it made most sense to wait until development along the northwest side of the subdivision is ready. Due to the fact that development in the northwest section of the subdivision will require the road to be torn out, they decided to put in a temporary gravel road for emergency response vehicles. Permanent roads will be constructed once development starts in the northwest section of the subdivision.

**Motion by Mr. Mitchell**, seconded by Mr. Weber, to approve the Woodland Ridge VI Final Plat application FP-03-15 as presented by staff subject to the following condition: *A temporary access road for use by emergency response vehicles shall be constructed extending from 207<sup>th</sup> Street, south and east to 209<sup>th</sup> Street. This road is to be 10'-12' in width with a properly compacted subbase and a minimum of 4 inches of AB3 gravel, constructed and maintained by the owner and shall be properly maintained until additional permanent ingress/egress roads are constructed within the subdivision as per the approved preliminary plat. The owner shall install locked gates on each end of the temporary access road with the type of lock as determined by Johnson County Rural Fire District #2. Johnson County Fire District #2 and Spring Hill Police Department shall be provided keys for the locks.*

**Roll Call Vote:** Nowlin-Aye, Ray-Aye, Mitchell-Aye, Sly-Aye, Weber-Aye, Pollom-Aye, Vaughan-Aye, Squire-Aye

**Motion carried 8-0-0**

The Final Plat (FP-03-15) for Woodland Ridge Residential Development Phase VI will be forwarded to the City Council for review on August 27, 2015.

#### **4. 2016 – 2020 Capital Improvement Plan (CIP)**

Melanie Landis, Director of Administrative Services for the City of Spring Hill, discussed the 2016-2020 Capital Improvement Plan (CIP) as presented to the Governing Body in budget discussion earlier this summer. The CIP serves as a guide to city projects for planning and budgeting purposes. State Statute requires the Planning Commission to review the CIP and find it to be in compliance with the Comprehensive Plan. All projects listed in the CIP relating to infrastructure, building construction or other land use issues have been reviewed by staff and are compliant with the Comprehensive Plan. As a result, staff is recommending the Planning Commission find the CIP in compliance with the Comprehensive Plan.

In the future, staff will provide a CIP draft to the Planning Commission in April of each year for review, prior to the presentation in August to allow ample time to address questions or concerns.

As discussed in this meeting, staff will take the following topics to the City Council for further discussion:

- Sidewalks along South Street and Victory Road
- How the park fee funds collected from subdivision developers are allocated and used in relation to areas that would most benefit children
- The importance of a traffic light at the intersection of 199<sup>th</sup> and Ridgeview Road, or explore an alternative solution
- Explore the possibility of building tunnels/catwalks for pedestrians

**Motion by Mr. Weber**, seconded by Ms. Squire, to approve the 2016-2020 Capital Improvement Plan as being in conformance with the Spring Hill Comprehensive plan.

**Roll Call Vote:** Nowlin-Aye, Ray-Aye, Mitchell-Aye, Sly-Aye, Weber-Aye, Pollom-Aye, Vaughan-Aye, Squire-Aye

**Motion carried 8-0-0**

**DISCUSSION**

**REPORTS**

**ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF**

**ADJOURN**

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

The meeting adjourned at 8:50 p.m.

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

**Case #:** CU-2015-0001

**Meeting Date:** November 5, 2015

**Description:** Conditional Use Permit Renewal – Operation and maintenance of telecommunications facility at city water tower location

**Location:** 20250 N. Webster

**Applicant:** Verizon Wireless, Overland Park

**Engineer:** Selective Site Consultants, Overland Park

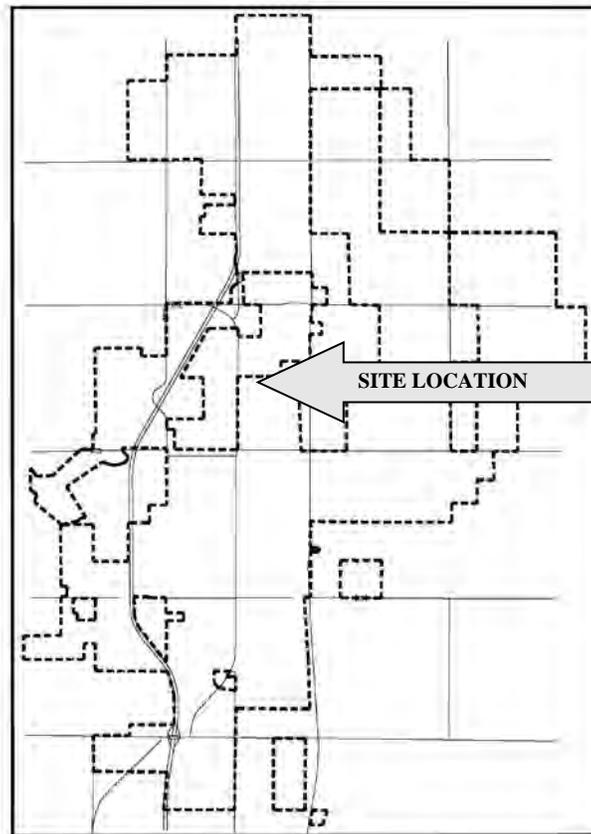
**Current Zoning:** M-1 Industrial

**Site Area:** 360 sq. ft..

**Number of Lots:** 1

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map</b>
<b>Site:</b>	M-1	General Industrial	Industrial
<b>North:</b>	M-1	General Industrial	Industrial
<b>South:</b>	M-1	General Industrial	Industrial
<b>East:</b>	M-1	General Industrial	Industrial
<b>West:</b>	M-1	General Industrial	Industrial

**Related Applications:** CU-02-09



**BACKGROUND:**

The applicant, Verizon Wireless, has submitted an application for the renewal of a conditional use permit for operations and maintenance of a telecommunications facility at the site of the Spring Hill Water Tower. The City of Spring Hill entered into a contract with CMT Partners in 1998 for the use of the water tower for locating transmission equipment. Since then there have been subsequent CUP renewals with the latest (2009) resulting in the installation of an equipment building and security fence. Delays in this renewal application are primarily due to the uncertainty of the extent and scheduling of the water tower repairs. These repairs were completed in 2015.

Currently Verizon maintains several antennae on the water tower along with a ground level equipment building and security fence. To maintain security at the site, the City has an agreement with Verizon to provide 24 hour notification (except in emergency situations) when entry is required into the facility.



**GOLDEN FACTORS:**

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

1. **Neighborhood Character.** The surrounding area is primarily undeveloped except to the north where AGC is located.
2. **Adjacent Zoning.** The leased area is contained within a tract of land maintained by the City of Spring Hill and is located within the AGC property. All property immediately adjacent to the water tower site is zoned M-1, general industrial.
3. **Suitability for Current Zoning.** The site has been used for a water tower and is consistent with “M1” General Industrial zoning. The use of a water tower as a communication tower is compatible with the conditional use requirements of an M-1 district.
4. **Detrimental Effect of Zoning Change.** The proposed conditional use permit will not have a detrimental effect on the nearby properties, which are vacant or industrial in use. There is no indication that nearby properties have been detrimentally affected by current uses, nor does staff believe that the continued use will create land use conflicts with existing or planned future uses.
5. **Length of Time at Current Zoning.** The site has been zoned “M1” General Industrial for many years.
6. **Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit.
7. **Conformance with Comprehensive Plan.** The proposed conditional use permit would be in conformance with the Spring Hill Comprehensive Plan, which shows the parcel as industrial.

**RECOMMENDATION:**

Recommend to the City Council the approval of the conditional use request CU-2015-0001 for the renewal of a conditional use permit allowing the operation and maintenance of a telecommunications facility subject to the following:

1. Annual site review by staff

Attachments: Application  
Draft Ordinance

*NOTE: Planning Commission recommendation will be forwarded to the Governing Body for action on December 10, 2015.*



### Conditional Use Permit Application

Community Development/Planning Dept.  
401 N. Madison St., Spring Hill, KS 66083  
(913) 592-3657 • (913) 592-5040 FAX  
planning@springhillks.gov • www.springhillks.gov

ADDRESS OR VICINITY 20250 N. Webster St.  
PURPOSE FOR CONDITIONAL USE PERMIT Renewal of Conditional Use Permit  
No. 02-09 (K.C.V. Spring Hill)

PRESENT ZONING M-1  
LEGAL DESCRIPTION \_\_\_\_\_

REAL ESTATE PARCEL NUMBER See ATTACHED  
PROPERTY SIZE 63.86 acres (Leased 360 ft<sup>2</sup>)

**APPLICATION FEE - \$600.00**

#### APPLICANT

NAME Verizon Wireless CONTACT Justin Anderson  
ADDRESS 10740 Nall Ave. SUITE 400  
CITY Overland Park STATE KS ZIP 66211  
PHONE 913.438.7700 FAX \_\_\_\_\_  
EMAIL N/A -

#### OWNER

NAME ABC Flat Glass <sup>North</sup> America CONTACT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ SUITE \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
EMAIL \_\_\_\_\_

#### ARCHITECT/ENGINEER

NAME SSC CONTACT Justin Anderson  
ADDRESS 9900 W. 109th St. SUITE 300  
CITY Overland Park STATE KS ZIP 66210  
PHONE 913.438.7700 FAX 438.7777  
EMAIL janderson@ssc.us.com

APPLICANT SIGNATURE [Signature] DATE 10/6/15

CU-2015-0001	<b>OFFICE USE ONLY</b>	
FILE CODE	FEE RECEIVED BY <u>Christie Campbell</u>	DATE <u>10/6/15</u>
PLANNING COMMISSION MEETING DATE	<u>11/5/15</u>	<u>\$600.00 Receipt # 3285 04</u>
CITY COUNCIL MEETING DATE	<u>12/10/15</u>	
CITY COUNCIL DECISION (circle) Approved or Denied		

**Please refer to the back side of this application for permit submittal information.**

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING CONDITIONAL USE PERMIT CU-2015-0001  
(COMMUNICATION TOWER).**

**WHEREAS**, the Spring Hill Planning Commission did hold a public hearing on November 5, 2015, in accordance with the requirements as set forth in Section 17.354 of the Spring Hill Zoning Ordinance to consider a Conditional Use Permit to permit a communication tower, on the real property described in Section One below; and

**WHEREAS**, fourteen (14) days have passed since the hearing before the Planning Commission and no sufficient protest has been filed with the office of the City Clerk; and

**WHEREAS**, after reviewing all written and oral testimony presented at said hearing, the Planning Commission did recommend that the City Council approve Conditional Use Permit No. CU-2015-0001 (Communication Tower); and

**WHEREAS**, the City Council has reviewed the Conditional Use Permit along with the recommendations of the Planning Commission and professional planning staff.

**NOW, THEREFORE, BE IT ORDAINED THAT THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** Conditional Use Permit No. CU-2015-0001 is hereby approved for a communication tower located on the following tract of land located within Johnson County, Kansas:

All that part of the Southeast Quarter of Section 11, Township 15, Range 23, Johnson County, Kansas described as follows: Commencing at the Southwest corner of the Southeast Quarter of said Section 11 thence N 90° E along the south line of said section 11, a distance of 1,263.73 feet; thence north a distance of 1,352.51 feet to the true point of beginning; thence N 0° 45' 36" W, a distance of 122.52 feet; thence N 88° 22' 13" E, a distance of 119.97 feet; thence S 0°47'44"E, a distance of 125.97 feet thence N 89° 58' 52" W, a distance of 120.05 feet to the point of

beginning. This location is more commonly known as the City of Spring Hill water tower located at 20250 N. Webster St.

Subject to the following:

1. Annual site review by city staff

**SECTION TWO:** The real property described in Section One shall be deemed to be authorized for a communication tower, pursuant to Section 17.354 of the Spring Hill Zoning Ordinance.

**SECTION THREE:** The zoning administrator is hereby authorized to amend the Official Zoning District Map of the City of Spring Hill, Kansas, in accordance with the above and foregoing changes in land use.

**SECTION FOUR:** This Ordinance shall take effect upon publication in the official city newspaper. All zoning regulations of Spring Hill, Kansas, affecting the use of the real property heretofore described, which are inconsistent with this ordinance are hereby made inapplicable to said property until the Conditional Use Permit is vacated or is declared null and void.

**PASSED BY THE CITY COUNCIL** this 10<sup>th</sup> day of December 2015.

**APPROVED BY THE MAYOR** this 10<sup>th</sup> day of December 2015.

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**Steven M. Ellis, Mayor**

**ATTEST:**

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**Glenda Gerrity, City Clerk**

APPROVED AS TO FORM:

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Frank H. Jenkins, Jr.,  
City Attorney





**BACKGROUND:**

The applicant, The Bowery Events, LLC has submitted a request for a conditional use permit for an outdoor recreation and entertainment business at 20559 Lone Elm Road. Over the course of the past several months this property was approved for a construction sales and service business (ACS Concrete) and a drinking establishment (Red Crow Brewery). These businesses are now in operation. The site plan was approved with the concept of an additional business being located in the building. This staff report will concentrate on the new business, The Bowery Events, LLC.

The Bowery Events, LLC is a separate entity from both ACS and The Red Crow Brewery. The Bowery is an entity that schedules and provides outdoor space for events such as weddings, class reunions, parties, etc. The Bowery has an office in the ACS portion of the building and rents space from ACS as needed. An option being offered by The Bowery is the sale of food and alcohol.

When an application for a business use is received by city staff it is our responsibility to review the application for compliance with the zoning code. When the application is for a business that is not specifically addressed in the code, staff must place the business in a category that most closely resembles the proposed use. In this case, Recreation and Entertainment, Outdoor is the zoning classification that best describes the proposed business. Because alcohol is an option available with The Bowery staff also considered Drinking Establishment as the zoning classification. However, drinking establishments by definition are assumed to be an indoor business closely regulated by state and local laws. As a result, this application is focusing on review of the business as Recreation and Entertainment,

Outdoor. Additional details of the business will be discussed in the remainder of the staff report.

### **APPLICATION AND PROCEDURE FOR CUP (SECTION 17.354)**

1. Complete application received 10/8/15
2. Newspaper Publication: Notice of hearing published 10/14/15 (21 days prior to public hearing)
3. Hearing notification mailed to property owners within the notification area on 10/15/15 (21 days prior to public hearing). The notification area consists of property owners within 200 ft. of the CUP area within the city limits, and 1,000 ft. for owners of property in the county.

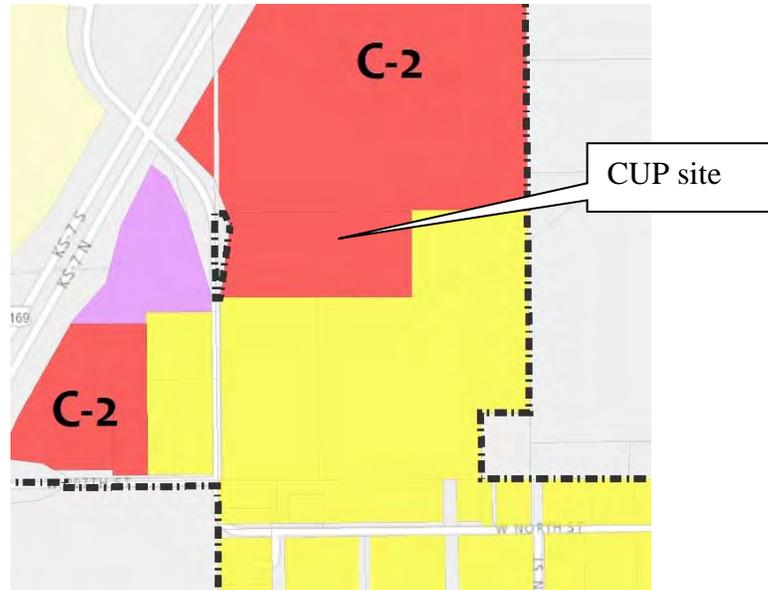
### **GOLDEN FACTORS:**

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 is consistent with this purpose statement as Recreation and Entertainment, Outdoors 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 recreation and entertainment, outdoor use 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 recreation and entertainment, outdoor use is allowed in a C-2 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 primarily 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 use 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 and land uses of adjoining parcels 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.*

All necessary facilities are available on site

*I. Hardship if application is denied.*

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

*J. Parking*

See additional comments below.

**8. Additional Review Criteria:** Recreation and Entertainment, Outdoor uses are subject to the regulations found in Section 17.336.A.14. A review of this sections is as follows:

- a. *The property shall be contiguous to an arterial or expressway.*

Lone Elm Road is a minor arterial connecting to a 4-lane highway

- b. *All surfaces shall be of dust free nature.*

The areas intended for use for events are either concrete or sod.

- c. *Alcoholic and cereal malt beverages may be sold on the premises only after the Planning Commission, Governing Body, and any other appropriate authority have approved a Conditional Use Permit.*

It is the intent of The Bowery, LLC to offer the sale of alcohol as an option to those utilizing the facility. For a State of Kansas license to be issued the city clerk must indicate on the license application that all local zoning regulations have been met. With the approval of this CUP including the sale of alcohol, the facility will meet all city zoning requirements.

- d. *Any noise, light, commotion or structure, which may adversely affect adjoining property, shall be screened or otherwise treated in a fashion approved through the Site Plan process.*

As shown on the aerial photos above, the property is well secluded from adjoining properties by not only distance but also trees and topography creating a natural screen or buffer area.

- e. *All driveways, parking, loading and vehicle circulation areas shall be paved with concrete or asphalt. (See attached parking lot diagram)*

Currently the driveway entrance to the property remains unpaved but staff is working with the ownership to have this completed as soon as possible. Additional parking required for events will be provided on the east side of the building as per the attached diagram. It is the desire of the ownership to request phasing of this asphalt work as follows:

Phase 1, to be completed by

Phase 2, to be completed by

In addition, The Bowery, LLC has a written agreement with the adjoining property owner to the north for overflow parking if necessary. Event staff will be on site to direct event attendees to the parking areas to ensure safe and orderly parking.

- f. *The Planning Commission may establish operating hours as part of Conditional Use Permit process if the property is located in close proximity to residential area.*

As noted above, the property is not located in close proximity to a developed residential area. In addition, the issuance of state and local licenses for alcohol will establish the hours of operations. Additional limitations on the hours of operation are at the option of the Planning Commission in the form of a recommendation to the Governing Body.

- g. *The area shall be properly policed to insure proper maintenance and removal of trash from the premises to eliminate problems to adjacent or public property.*

Each event will have staff provided by The Bowery that will assure compliance with this requirement.

**Additional Information: (See attached site plan)**

- The primary use of the property by The Bowery Events, LLC is for outdoor events such as weddings, reunions, birthday parties, etc. They will offer an option for small indoor events that will be held in the showroom as identified on the site plan. They also offer dressing rooms on the second floor of the building for weddings or other activities where attire changing is required.

The shaded area on the attached site plan is the area available for use by The Bowery Events, LLC. As per State licensing regulations, the areas for Red Crow and The Bowery cannot be shared and must remain separate.

- Restrooms are available inside the ACS portion of the building. For events with an attendance of greater than 75 portable facilities will be brought on site.
- Security will be provided by The Bowery Events, LLC and all events are coordinated with local law enforcement.
- Outside staff are hired for events as needed

**RECOMMENDATION:**

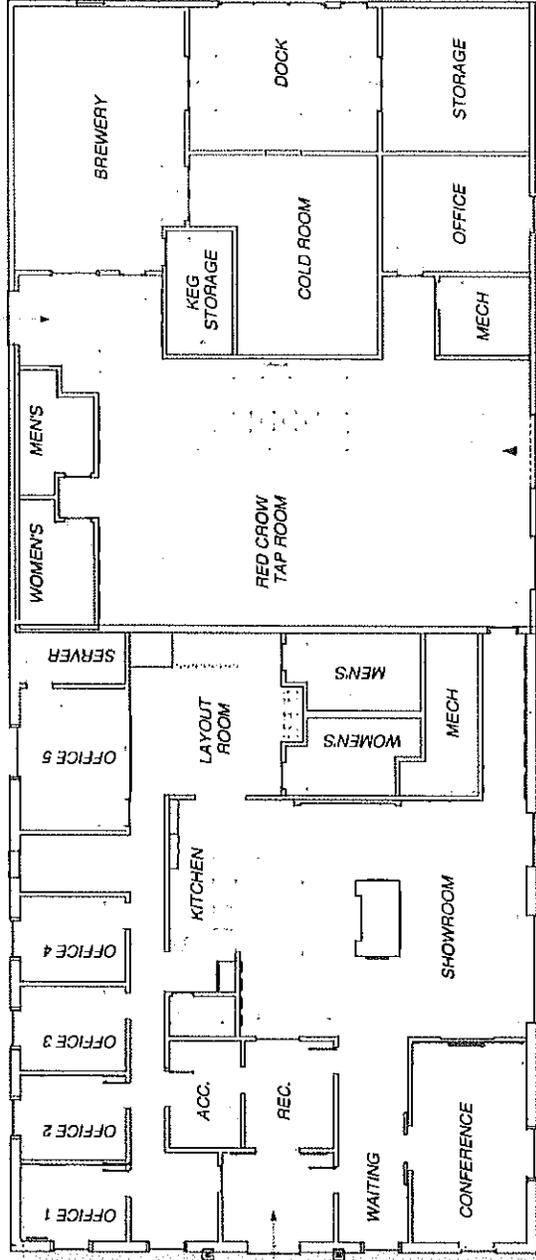
Staff recommends the Planning Commission approves CU-2015-0002 as presented subject to the following:

1. Annual review by city staff

Attachments: Application  
Site Plan  
Parking diagrams (2)  
Draft Ordinance

NOTE: Planning Commission recommendation will be forwarded to the Governing Body for action on December 10, 2015

RED CROW  
ENTRY



ACS  
ENTRY

PATIO

WATER  
FEATURE

LANDSCAPING

OUTDOOR KITCHEN  
(SHADES ABOVE)

OUTDOOR SEATING

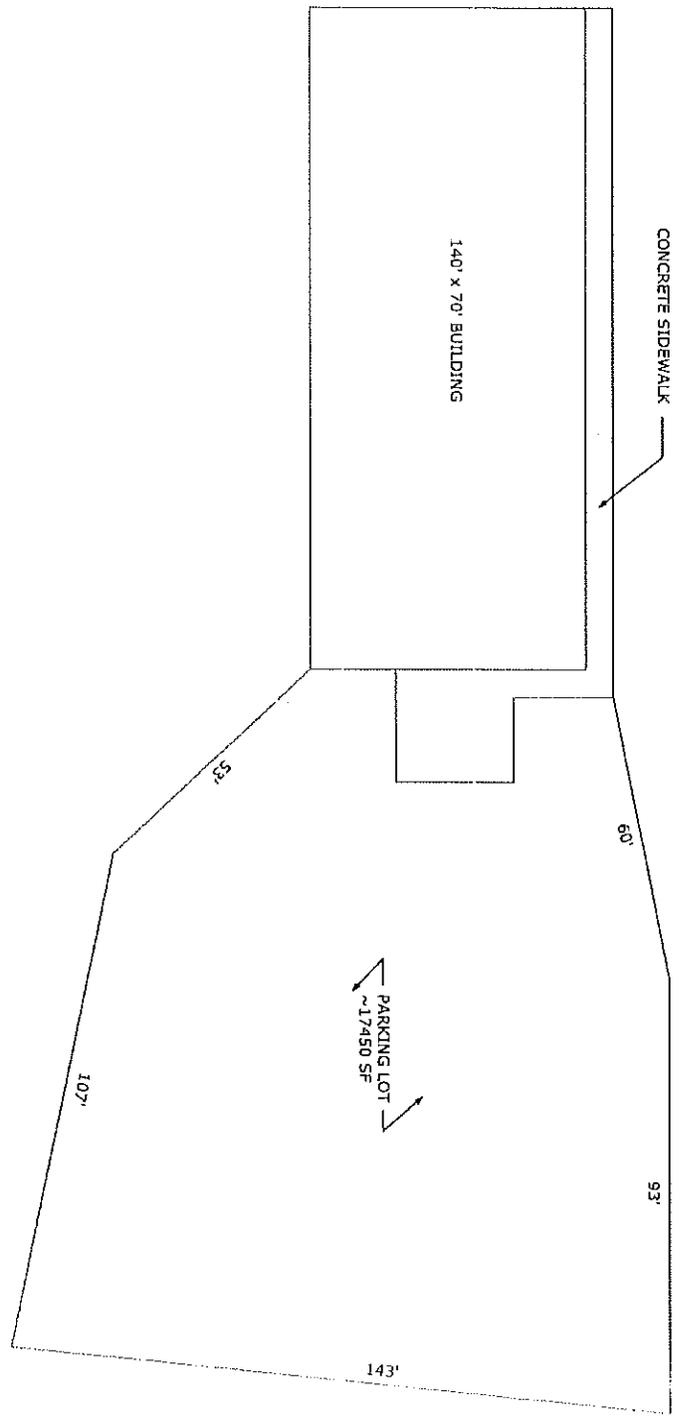
PATIO  
(PERGOLA ABOVE)

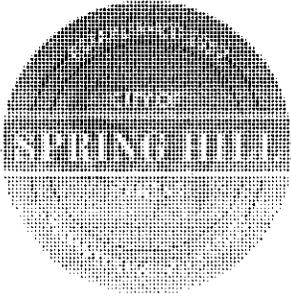
SUNKEN FIRE PIT  
FLAGSTONE PATIO

THE BOWERY - ACS OFFICES + RED CROW BREWING CO.



THE BOWERY  
PARKING LOT  
10/7/15





# Conditional Use Permit Application

Community Development/Planning Dept.  
401 N. Madison St., Spring Hill, KS 66083  
(913) 592-3657 • (913) 592-5040 FAX  
planning@springhillks.gov • www.springhillks.gov

ADDRESS OR VICINITY 20559 S. Lone Elm Rd.  
PURPOSE FOR CONDITIONAL USE PERMIT Drinking Establishment

PRESENT ZONING C-2  
LEGAL DESCRIPTION Lot 1, The Bowery, a subdivision in Spring Hill, Johnson County, Kansas.

REAL ESTATE PARCEL NUMBER EP93800000 0001  
PROPERTY SIZE 6.83 AC.

**APPLICATION FEE - \$600.00**

### APPLICANT

NAME Lana Harrell CONTACT 816-222-4260  
ADDRESS PO Box 45 SUITE \_\_\_\_\_  
CITY Liberty STATE MO ZIP 64069  
PHONE 816-222-4260 FAX 816-792-4389  
EMAIL lana@licenseconsultinginc.com

### OWNER

NAME Bowery Events, LLC CONTACT Lindsey Benny  
ADDRESS 20559 S. Lone Elm Rd. SUITE \_\_\_\_\_  
CITY Spring Hill STATE KS ZIP 66083  
PHONE 913-706-3911 FAX \_\_\_\_\_  
EMAIL lindsey@thebowerykc.com

### ARCHITECT/ENGINEER

NAME \_\_\_\_\_ CONTACT \_\_\_\_\_  
ADDRESS \_\_\_\_\_ SUITE \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
EMAIL \_\_\_\_\_

APPLICANT SIGNATURE Lana Harrell, consultant DATE 10/8/15

<b>OFFICE USE ONLY</b>	
FILE CODE <u>CU-2015-0002</u>	FEE RECEIVED BY <u>Christie Campbell</u> #1600.00 DATE <u>10/8/15</u>
PLANNING COMMISSION MEETING DATE <u>11/3/15</u>	
CITY COUNCIL MEETING DATE <u>12/10/15</u>	
CITY COUNCIL DECISION (circle) <input type="checkbox"/> Approved or <input type="checkbox"/> Denied	

Please refer to the back side of this application for permit submittal information.

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING CONDITIONAL USE PERMIT CU-2015-0002  
(RECREATION AND ENTERTAINMENT, OUTDOOR).**

**WHEREAS**, the Spring Hill Planning Commission did hold a public hearing on November 5, 2015, in accordance with the requirements as set forth in Section 17.354 of the Spring Hill Zoning Ordinance to consider a Conditional Use Permit to permit a recreation and entertainment outdoor use, on the real property described in Section One below; and

**WHEREAS**, fourteen (14) days have passed since the hearing before the Planning Commission and no sufficient protest has been filed with the office of the City Clerk; and

**WHEREAS**, after reviewing all written and oral testimony presented at said hearing, the Planning Commission did recommend that the City Council approve Conditional Use Permit No. CU-2015-0002; and

**WHEREAS**, the City Council has reviewed the Conditional Use Permit along with the recommendations of the Planning Commission and professional planning staff.

**NOW, THEREFORE, BE IT ORDAINED THAT THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:**

**SECTION ONE:** Conditional Use Permit No. CU-2015-0002 is hereby approved for a communication tower located on the following tract of land located within Johnson County, Kansas:

Lot 1, The Bowery, a subdivision in Spring Hill, Johnson County, Kansas

This location is more commonly known as the City of Spring Hill water tower located at 20559 S. Lone Elm Road.

Subject to the following:

1. Annual site review by city staff
2. Parking lot pavement completed by September 2016

**SECTION TWO:** The real property described in Section One shall be deemed to be authorized for a communication tower, pursuant to Section 17.354 of the Spring Hill Zoning Ordinance.

**SECTION THREE:** The zoning administrator is hereby authorized to amend the Official Zoning District Map of the City of Spring Hill, Kansas, in accordance with the above and foregoing changes in land use.

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**PASSED BY THE CITY COUNCIL** this 10<sup>th</sup> day of December 2015.

**APPROVED BY THE MAYOR** this 10<sup>th</sup> day of December 2015.

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**Steven M. Ellis, Mayor**

**ATTEST:**

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**Glenda Gerrity, City Clerk**

**APPROVED AS TO FORM:**

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**Frank H. Jenkins, Jr.,  
City Attorney**

