

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA**

**Thursday August 7, 2008
7:00 p.m.
Spring Hill Civic Center
401 N. Madison**

CALL TO ORDER

ROLL CALL

Tobi Bitner
Janet Harms
Brian Haupt
Bill Kiesling
Michael Newton
Tim Pittman
Steven Sebasto
Cindy Squire

APPROVAL OF AGENDA

FORMAL COMMISSION ACTION

1. Approval of Minutes

June 5, 2008

- **Non-Public Hearing Items**

2. Lot Split

Case No. : LS-01-08
Request: Taylor Design Group
Address: 110 E. Wilson St.
Applicant: Spring Hill Plaza, LLC

3. Review of Comprehensive Plan changes (BNSF) for compliance to Comprehensive Plan

OTHER BUSINESS

4. Discussion of Zoning Ordinances related to residential parking of vehicles

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).

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
June 5, 2008**

The Spring Hill Planning Commission met in a regular session on Thursday, June 5, 2008, at 7:00 P.M., in room 15, at the Civic Center located at 401 N. Madison.

CALL TO ORDER

Chair Bitner called the meeting to order at 7:00 P.M.

ROLL CALL

Roll call by Mary Nolen.

Members Present: per role call	Tobi Bitner Bill Kiesling Janet Harms Michael Newton Cindy Squire	Members absent	Brian Haupt Tim Pittman Steven Sebasto One vacant seat
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Staff Present: Jim Hendershot, Community Development Coordinator
Frank H. Jenkins, Jr., City Attorney
Mary Nolen, Planning Secretary

FORMAL COMMISSION ACTION

1. Approval of Minutes:
May 1, 2008
May 15, 2008

Motion by Cindy Squire to approve the May 1 minutes.
Seconded by Janet Harms. Motion passed 3 yes; 0 no; 2 abstention

Motion by Michael Newton to approve the May 15 minutes.
Seconded by Bill Kiesling. Motion passed 3 yes; 0 no; 2 abstention

• **Public Hearing Items**

2. Review of Comprehensive Plan changes (BNSF) for compliance to Comprehensive Plan

Chair Bitner asked if anyone had any contact or conflict of interest, there being none, she asked Mr. Hendershot to proceed. Mr. Hendershot noted that Mr. Michie was not at the meeting yet, would we be able to change the agenda.

Motion by Cindy Squire to move item #4, and switch that with item # 2.
Seconded by Michael Newton. Motion passed 5 yes; 0 no; 0 abstention

• **Non-Public Hearing Items**

4. Site Plan
 Case No.: SP-2-08
 Request: 911 Communication Tower
 Address: 20500 W. 207th St.
 Applicant: Johnson County

Beginning of staff report

BACKGROUND:

The applicant, Johnson County Emergency Management, has submitted a site plan application for a communications tower located at 20500 W. 207th Street, adjacent to and behind Johnson County Fire Station #4. A copy of the site plan is included with this report.



STAFF COMMENT:

The applicant proposes to construct a 40 ft. by 45 ft. fully enclosed area for a 180 ft. self-supporting communications tower. The compound will be enclosed with a wooden 8 ft. privacy fence that will surround the tower, an equipment shelter, fuel tank and generator.

Various firms including consultants, city staff, Johnson County Fire District No. 2 and utility providers have reviewed the site plan and provided comments. These comments and recommendations have been implemented into the site plan as applicable.

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

The following information is offered in connection to the site plan review:

- All lot lines and rights-of-way are identified.
- All existing and proposed structures with applicable dimensions are identified.
- All parking, and loading areas have been identified and the type of surfacing and base course has been identified.
- Existing and proposed landscaping on the property has been identified

In addition to the above noted items the site plan has been reviewed for conformance with the Spring Hill Comprehensive Plan as follows:

- The proposed project is in conformance with the provisions of the zoning code and subdivision regulations as communications towers are allowed in an M-1 zoning district. Private towers are required to obtain a conditional use permit, however Section 17.336.A.7.k states "communication towers shall be allowed as an accessory use to Government Services or Cemeteries in any zoning district". Therefore, the conditional use permit is not required for this installation.
- The proposed project is compatible with the surrounding area in that the property is properly zoned for a communications tower and is located adjacent to the fire station serving the Spring Hill area.
- The proposed site plan would be in conformance with the Spring Hill Comprehensive Plan, which shows the parcel as Industrial on the Future Land Use Map.
- The proposed project is in conformance with customary engineering standards used in the City.
- The fenced area is located behind and mostly out of view. While landscaping is not specifically required for this project, the applicant has indicated the relocation of three existing pine trees to better protect the site lines of the south east portion of the fenced area.

ADDITIONAL STAFF COMMENT:

- A request to the applicant has been submitted to provide documentation to satisfy the requirements of Section 17.336.a.7(a-l) which requires specific documentation on several items regardless if the tower is allowed by right or by conditional use permit. The attached email indicates the Johnson County staff is obtaining these documents and they will be available at the June 5 meeting.

RECOMMENDATION:

It is the recommendation of staff that the Planning Commission approve the site plan provided appropriate documentation is provided to satisfy the requirements of Section 17.336.a.7(a-l)

End of staff report

Chair Bitner asked if anyone had any conflict or contact, and there being none, Mr. Hendershot presented his report.

Ms. Bitner asked if there are any setback requirements from the property. Mr. Hendershot said no, that it was permissible in the Industrial zone area. Since it is government related, it does not require a Conditional Use Permit. Mr. Kiesling asked if they are required to allow other carriers on the tower as is required on private towers. Mr. Whitaker of the Johnson County Emergency Commission said that being a government entity, he didn't think that would happen, but they would consider allowing the City to use the area at some future time. Mr. Hendershot pointed out that if it were to occur that a commercial carrier approached the county, they (the carrier) would have to apply for the Conditional Use Permit.

Motion by Bill Kiesling to approve SP-02-08 for a communications tower for Johnson County.

Seconded by Cindy Squire. Motion passed 5 yes; 0 no; 0 abstention

• **Public Hearing Items**

2. Review of Comprehensive Plan changes (BNSF) for compliance to Comprehensive Plan

Beginning of staff memo:

Representatives from BWR will make a presentation to the public and PC on recommended updates to the Comprehensive Plan based on the anticipated impact of the BNSF Intermodal project in Gardner. The study focuses on industrial and employment impacts to the City of Spring Hill and will identify five locations for consideration as Industrial/Business Park areas to be included on the Future Land Use Map. Statistical data and planning analysis methodology used to identify the locations will be discussed on each location as well as the anticipated overall impact of the Intermodal on Spring Hill. At the conclusion of the presentation members of the public will have an opportunity during a public hearing to provide input or ask questions about the proposed update to the Comprehensive Plan. Upon closing of the public hearing the Planning Commission will then discuss the proposed amendment. If the document meets the approval of the PC, a motion could be made to recommend to the City Council the update is implemented into the Comprehensive Plan. Included with this mailing is information entitled "Revised Preliminary Findings" dated May 22, 2008 and information on four of the five locations being considered as industrial/business park areas. To date, the information on the fifth site is still being compiled and will be available at the meeting.

End of staff memo

Chair Bitner asked if anyone had any contact or conflict of interest, there being none, she asked Mr. Hendershot to proceed.

Mr. Michie passed out information to the Planning Commission on the site selection as well as the Business Park Plan.

The Commission responded to Mr. Michie's presentation with discussion on many items such as estimation of 64,000 square feet of space that may be designated as mixed use, discussion of sites that are already shown as industrial on the Future Land Use Map (FLUM), location of sewers, roads, size of the proposed sites

Mr. Hendershot explained that this will only change the FLUM, no zoning changes will occur. Do they want to approve all five sites, or is there one or two sites preferred. Mr. Hendershot would like all the sites approved to provide flexibility as to what type of business or industry may approach Spring Hill.

The Planning Commission was concerned with all the main entrances into Spring Hill being industrial in nature. Discussion included the set up of more of an office park, or a business park zoning that would include office and light warehouse.

Ms. Bitner noted that there was a huge amount of information to process and she was not sure she was ready to give an answer.

Chair Bitner opened the meeting for a public hearing.

Dena Franklin of Woodland Rd. encouraged the Commission to consider and understand all of the options.

With no other public comments, Ms. Bitner closed the public hearing.

Members of the Commission suggested that they take time to consider the pros and cons of the plan, and they would like a formal presentation on what a zoning district such as a business park would look like. Ms. Squire suggested they create a list of each item for the next meeting.

Motion by Bill Kiesling to table this item to the August 7, 2008 Planning Commission meeting.

Seconded by Cindy Squire. Motion passed 5 yes; 0 no; 0 abstention

A recess was requested.

Motion by Cindy Squire to adjourn for ten minutes meeting.

Seconded by Bill Kiesling. Motion passed 5 yes; 0 no; 0 abstention

The meeting reconvened at 8:35 PM.

3. Recommendation to City Council that the Park Master Plan complies with the Comprehensive Plan

Mr. Dick Horton of Bucher, Willis and Ratliffe spoke to the Commissioners about the Park Plan. Mr. Hendershot reviewed the points of the plan in his power point presentation. The discussion included the location of an aquatic center, when would items appear in front of the Planning Commission, and different aspects of raising money and providing park and trail items that the majority of Spring Hill residents want.

Motion by Bill Kiesling to recommend to City Council that the Park Master plan complies with the Comprehensive Plan for Spring Hill.

Seconded by Cindy Squire. Motion passed 5 yes; 0 no; 0 abstention

5. Review of proposed City Hall location for compliance to Comp. Plan

Mr. Hendershot presented a power point to show that the proposed location for the new Spring Hill City Hall does comply with the comprehensive plan.

The Planning Commissioners discussed the location at the corner of 207th St, and Webster St, next to the fire station. Being an industrial zone, government offices are permitted.

Motion by Bill Kiesling to recommend to City Council that the proposed City Hall location does comply with the Comprehensive Plan for Spring Hill.

Seconded by Janet Harms. Motion passed 5 yes; 0 no; 0 abstention

6. Review of proposed post office location for compliance to Comp. Plan

Mr. Hendershot presented a power point to show that the proposed location for the new Post Office does comply with the Comprehensive Plan.

The Planning Commissioners discussed the location at the corner of Race and Lawrence St. This area is shown as mixed use commercial on the Future Land Use map, and is currently zoned as C-2, General Business.

Motion by Bill Kiesling to recommend to City Council that the proposed post office location does comply with the Comprehensive Plan for Spring Hill.

Seconded by Janet Harms. Motion passed 5 yes; 0 no; 0 abstention

7. Discussion of Conditional Use Permit regulations imposed on applicants

Mr. Hendershot shared an email relating to a discussion from the City Council approval of the Conditional Use permit for J & T Auto. The Planning Commission had set hours of operations for this business, and conversation at the City Council indicated they should not set barriers for business to work in Spring Hill. The Commission discussed the comments, and felt they were in the right due to the fact that this business has residential property on two sides. If they had been in an industrial zone, they would not have imposed the restrictions.

Motion by Michael Newton to recommend to adjourn
Seconded by Janet Harms. Motion passed 5 yes; 0 no; 0 abstention

Meeting adjourned at 9:15 P.M.

Mary Nolen, Planning Secretary

Memo

To: Spring Hill Planning Commission
From: Jim Hendershot, Planning & Development Coordinator
CC: Jonathan Roberts, Frank Jenkins
Date: 7/31/2008
Re: Review of items on August 7, 2008 PC agenda

The following is a review of items on the August 7, 2008 Planning Commission agenda:

Item #1: Approval of Minutes

Item #2: Review lot split application, 110 E. Wilson, Spring Hill Plaza: The applicant has submitted an application to split off a 205'x230' tract of land at the southwest corner of Lawrence and Race Streets for the construction of the new Spring Hill Post Office. My review of the application finds the request is in compliance with the regulations contained in Section 17.374 of the Spring Hill Subdivision Regulations and staff's recommendation is to approve the request. A staff report is included in the packet.

Item #3: Review of Comprehensive Plan Update based on impact of the BNSF Intermodal. At the August 7 meeting of the Spring Hill Planning Commission, the June public hearing will be reconvened to continue consideration of a Comprehensive Plan amendment. City staff and the consultant team from BWR will present:

- A revised draft of the *Business Development Plan* report which is recommended for adoption as an "Appendix F" to the Spring Hill Comprehensive Plan. The plan report describes and explains the proposed new Mixed Use-Business Park land use category (see Part I below) which, once adopted, may be applied to the Future Land Use map of the Comprehensive Plan—now, or at such time as a private developer/land owner may request a plan map amendment in conjunction with a future land use change application: either a rezoning or a site plan approval.
- A draft new zoning district classification: a BP – Business Park District as outlined in Item II below.

We recommend that the Planning Commission:

1. adopt the revised *Business Development Plan* report as an Appendix to the City's Comprehensive Plan, and
2. set a schedule to proceed with the zoning text amendment for the new BP – District.

Other actions may follow these, initiated either by the City or by private developer/land owner applicants, such as amendments to the Future Land Use map of the Comprehensive Plan (to apply the new Mixed Use-Business Park land use category at certain locations in the City, based on the new Appendix F, *Business Development Plan*), or additional zoning text amendments, such as updates to the existing Industrial Park District, the Development Standards, and others.

NOTE: As requested by the Planning Commission, the following definitions have been drafted to more clearly define the Business Park concept. If approved the following definition would be added to the Comprehensive Plan:

PART I – NEW LAND USE CATEGORY – COMPREHENSIVE PLAN

Mixed Use – Business Park:

This category promotes a high quality employment district including a mixture of office, service, limited retail, and limited light industrial uses intermixed through site planning and building design to promote good site design and ensure compatibility with nearby residential areas. This category supports employment businesses in a planned development environment with a supporting internal roadway system and pedestrian network. Such mixed use-business park areas generally consist of compatible office and limited retail uses and/or enhanced landscape buffers around the perimeter and along major thoroughfares, such as common open space, with more intensive employment activities located toward the interior of the development district. This district is intended to promote better integration of mixed land uses and better site design, park design and architectural design, such as shared off-street parking, than would be achieved in mono-use office park and industrial park districts; and to allow limited industrial activities without manufacturing and outdoor industrial storage.

NOTE: If approved, the following purpose statement will serve as the basis for amending the Zoning Regulations to include a new Business Park district:

PART II – NEW ZONING DISTRICT CLASSIFICATION

SECTION 17.328

BP BUSINESS PARK DISTRICT

A. Purpose. It is the purpose of this district provide a zone which will accommodate a mixture of office, service, limited retail and limited industrial uses. This district is designed to promote a high quality employment district in a planned environment to ensure compatibility with nearby residential areas. The BP district is generally compatible with the Mixed-Use Business Park designation within the Spring Hill City Limits of the *Spring Hill Comprehensive Plan* where adequate public facilities and infrastructure are available.

Item #4: Review of regulations for parking and storing of vehicles, RV's and commercial vehicles in residential districts. At the request of Cindy Squire I will make a presentation of the current regulations for parking and storing vehicles in residential districts. In short, my research reveals amendments were approved by the PC on Oct. 5, 2006 and later by the City Council that allows for parking of not more than 2 RV's on the side or rear yard of 1 & 2 family dwellings provided they are not closer than 2 feet from the property line. Parking of one RV is allowed in the front yard provided it does not extend over sidewalks or the street right-of-way. Parking or storing of RV's in side, rear or front yards must be on a surface of asphalt, concrete or gravel. There are more details that will be presented at the meeting.

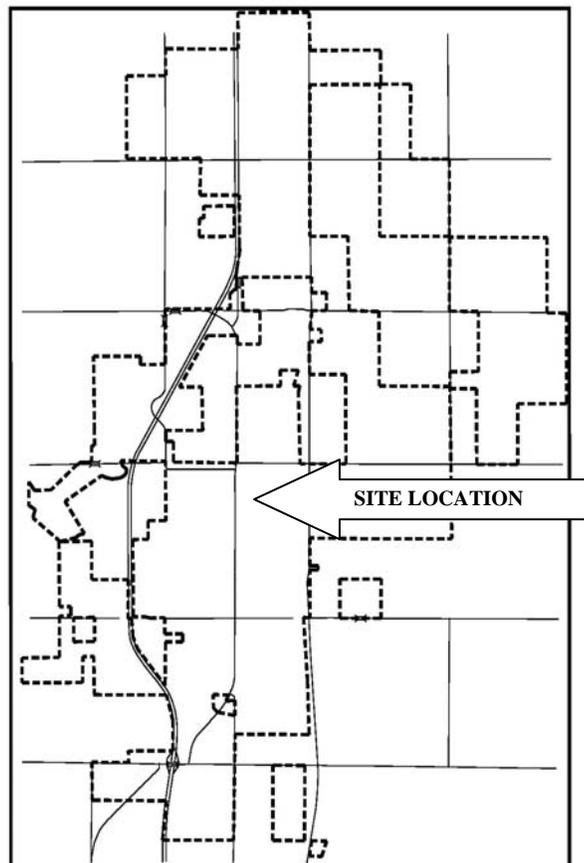
**SPRING HILL PLANNING COMMISSION
SITE PLAN STAFF REPORT**

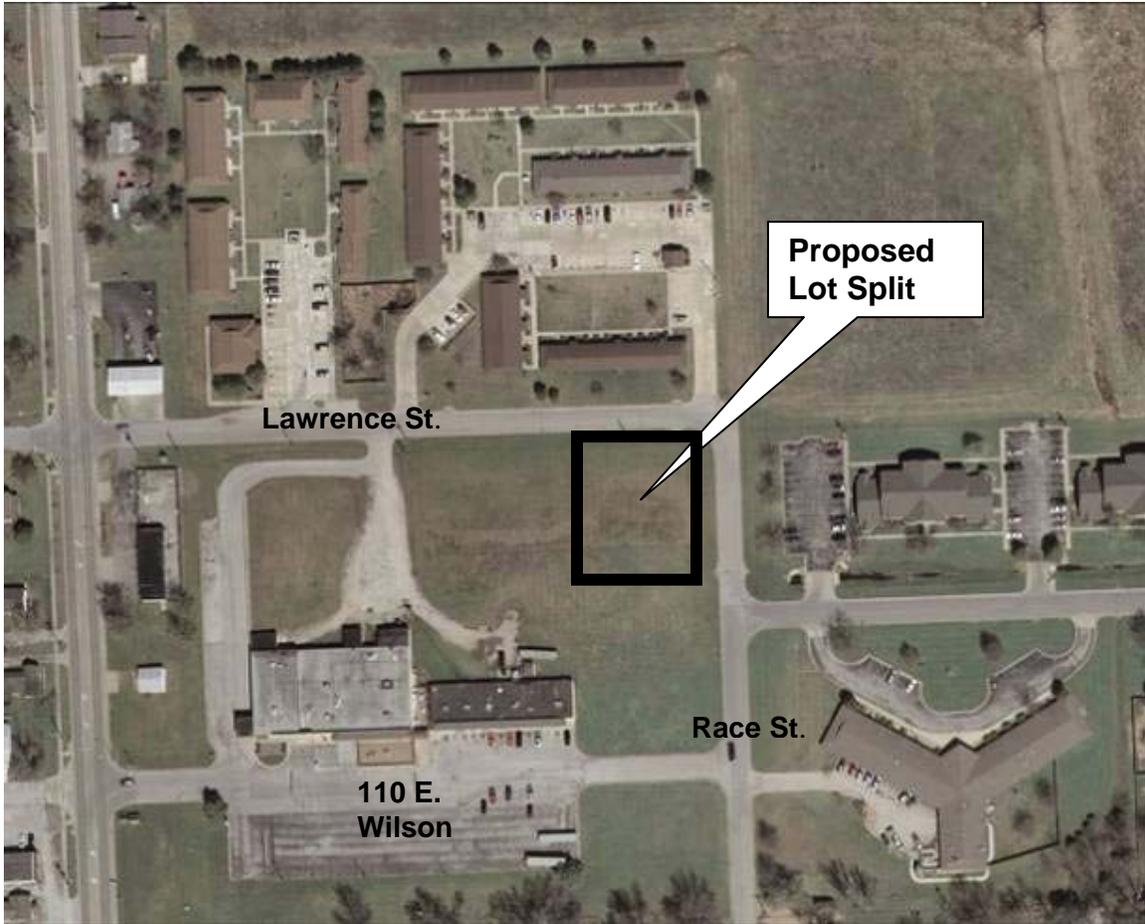
Case #: LS-01-08 **Meeting Date:** August 7, 2008
Description: Proposed Lot Split
Location: 110 E. Wilson (primary tract location)
Applicant: Spring Hill Plaza, LLC
Engineer: Taylor Design Group, Ottawa, KS – Clint Stewart
Site Area: 6.15 acres

Minimum Lot Area: No Minimum

Current Zoning: "C-2" **Proposed Use:** Post Office

Related Applications: None





BACKGROUND:

The applicant, Spring Hill Plaza, LLC, has submitted an application for a lot split. The legal description of the proposed lot split is included on the lot split survey.

STAFF COMMENT:

The applicant is requesting a lot split to create a 205'x230' tract at the southwest corner of Lawrence and Race Streets. A copy of the lot split survey is included with the staff report for your review.

The property is currently zoned "C-2" General Business and this site was recently reviewed by the Planning Commission and found to be in compliance with the Comprehensive Plan for the construction of a new United States Post Office.

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 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

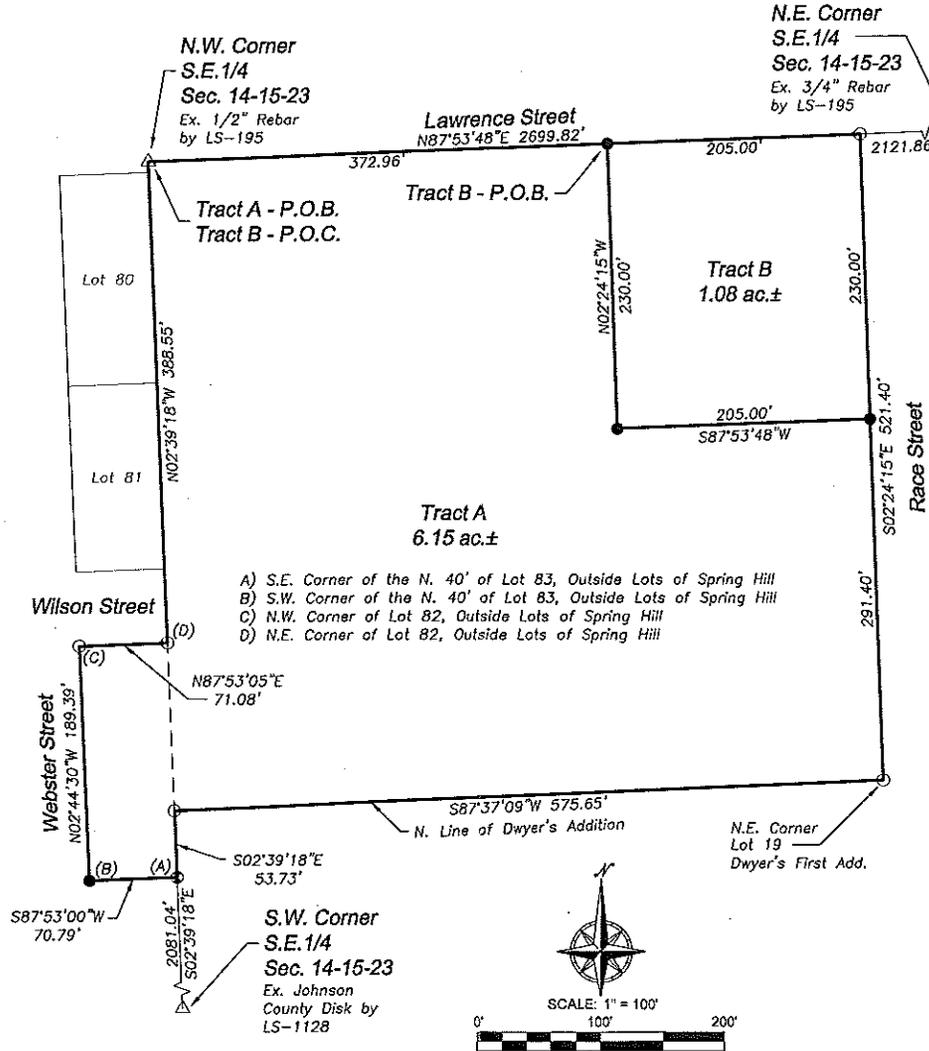
RECOMMENDATION: Staff recommends approval of the proposed lot split as described in the attached legal description.

DESCRIPTION:

Tract A:
Beginning at a 1/2" rebar at the Northwest corner of the Southeast Quarter of Section 14, Township 15 South, Range 23 East of the Sixth Principal Meridian in the City of Spring Hill, Johnson County, Kansas; Thence N87°53'48"E for a distance of 372.96 feet along the North line of said Southeast Quarter to a 1/2" rebar; Thence S02°24'15"E for a distance of 230.00 feet to a 1/2" rebar; Thence N87°53'48"E for a distance of 205.00 feet to a 1/2" rebar; Thence S02°24'15"E for a distance of 291.40 feet to a 1/2" rebar at the Northeast corner of Lot 19, Dwyer's First Addition to the City of Spring Hill; Thence S87°37'09"W for a distance of 575.65 feet along the North line of Dwyer's First Addition to a 1/2" rebar on the West line of said Southeast Quarter; Thence S02°39'18"E for a distance of 53.73 feet along said West line to a 1/2" rebar at the Southeast corner of the North 40 feet of Lot 83, Outside Lots of Spring Hill; Thence S87°53'00"W for a distance of 70.79 feet to a 1/2" rebar at the Southwest corner of the North 40 feet of Lot 83, Outside Lots of Spring Hill; Thence N02°44'30"W for a distance of 189.39 feet to the Northwest corner of Lot 82, Outside Lots of Spring Hill; Thence N87°53'05"E for a distance of 71.08 feet to the Northeast corner of said Lot 82 on the West line of the Southeast Quarter of said Section 14; Thence N02°39'18"W for a distance of 388.55 feet to the Point of Beginning; Subject to covenants, easements and restriction of record. Said property contains 6.15 acres, more or less, in the City of Spring Hill, Johnson County, Kansas.

Tract B:
Commencing at a 1/2" rebar at the Northwest corner of the Southeast Quarter of Section 14, Township 15 South, Range 23 East of the Sixth Principal Meridian in the City of Spring Hill, Johnson County, Kansas; Thence N87°53'48"E for a distance of 372.96 feet along the North line of said Southeast Quarter to a 1/2" rebar at the Point of Beginning; Thence N87°53'48"E for a distance of 205.00 feet to a 1/2" rebar; Thence S02°24'15"E for a distance of 230.00 feet to a 1/2" rebar; Thence S87°53'48"W for a distance of 205.00 feet to a 1/2" rebar; Thence N02°24'15"W for a distance of 230.00 feet to the Point of Beginning; Subject to covenants, easements and restriction of record. Said property contains 1.08 acres, more or less, in the City of Spring Hill, Johnson County, Kansas.

- LOT SPLIT SURVEY -
in the Southeast Quarter of Section 14, Township 15 South, Range 23 East of the Sixth Principal Meridian, in the City of Spring Hill, Johnson County, Kansas



LEGEND:

- △ Existing Monument as Labeled
- Existing 1/2" Rebar by CLS-93
- Existing PK Nail by CLS-93 (Replaced with 1/2" x 24" Rebar with I.D. Cap, Stamped "DGC CLS-97")
- 1/2" x 24" Rebar with I.D. Cap Set, Stamped "DGC CLS-97"

REFERENCE SURVEYS:

Unrecorded Survey by E.G. Allenbrand, LS-161 Dated February 22, 2008

NOTES:

There are no fences, gaps, overlaps or known discrepancies between ownership or possession, unless shown.

This survey does not certify ownership.

All distances are measured, unless otherwise noted.

This survey was completed with the benefit of a Title Insurance Policy prepared by First American Title Insurance Company

Commitment #38544
Effective Date: March 10, 2008

BASIS OF BEARINGS:

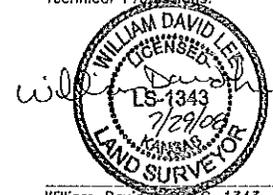
A bearing of S02°24'15"E was assumed along the West line of Race Street, in the City of Spring Hill, Kansas.

SURVEY REQUESTED BY:

David Snodgrass

SURVEYOR CERTIFICATION:

I, William David Lee, do hereby certify that I have made or had made under my direct supervision the hereon described survey on the ground in July, 2008 and that said survey meets or exceeds current Kansas Minimum Standards adopted by Kansas State Board of Technical Professions.



William David Lee, LS-1343

REV.	DATE	REVISIONS

- LOT SPLIT SURVEY -
in the S.E. 1/4 of Sec. 14-15-23,
City of Spring Hill,
Johnson County, Kansas



Taylor Design Group, P.A.
Surveyors • Engineers
1320 East Logan • Olathe, KS 66067
785-242-8895 • Fax 785-242-8887

DRAWN	INCL
DESIGNED: NA	
CHECKED: NA	
DATE: 07/29/08	
PROJECT: 16524.02	
SHEET NO.	1

PROJECT: 16524.02.dwg 11/20/07 11:43:30 AM