

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA**

Thursday September 4, 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
August 7, 2008

2. Conditional Use Permit (Public Hearing)

Case No. : CU-03-08
Request: Off-premise billboard sign
Address: North of 191st St, east of 169 Highway
Applicant: Ad Trend

3. Site Plan

Case No. : SP-03-08
Request: Off-premise billboard sign
Address: North of 191st St, east of 169 Highway
Applicant: Ad Trend

4. Site Plan

Case No. : SP-04-08
Request: Swimming Pool at Estates of Wolf Creek
Address: South of 191st St, west of Ridgeview Rd.
Applicant: Phelps Engineering

5. Review of Business Park changes (BNSF) for an appendix to the Comprehensive Plan (Public Hearing)
6. Review of Spring Hill Zoning Ordinance changes related to residential fencing. (Public Hearing)

OTHER BUSINESS

7. Discussion of Zoning Ordinances concerning 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).

Memo

To: Spring Hill Planning Commission
From: Jim Hendershot, Planning & Development Coordinator
CC: file
Date: August 28, 2008
Re: Overview of September 4, 2008 meeting

The following is a brief overview of each item on the September 4, 2008 meeting. Hope to see everyone at the meeting as we have an important agenda.

1. **APPROVAL OF MINUTES:** Approve minutes from both June 5 and August 7. At the last meeting many of the members present were not at the June 5 meeting and were not comfortable in voting on the minutes.
2. **CONDITIONAL USE PERMIT, OFF-PREMISE BILLBOARD SIGN:** This public hearing is to review an application for a billboard on US169 north of 191st Street. The proposed project is in compliance with zoning code regulations and staff recommends approval of the conditional use permit.
3. **SITE PLAN, OFF-PREMISE BILLBOARD SIGN:** Non-public hearing item in relation to #2 above. The site plan for the sign has been reviewed and determined to be in compliance with regulations. Westar Energy has indicated a need for additional easement to supply power to the sign. I have visited with the applicant and he is aware of this issue and will work to resolve.
4. **SITE PLAN, SWIMMING POOL, ESTATES OF WOLF CREEK:** The developer, Robert Garver, has submitted a plan for a swimming pool to be located at the intersection of 193rd St. and Ridgeview. An important note to this application is that the pool is in addition to the two pools previously identified and approved on the preliminary plat for the subdivision. Since the development is a planned residential district (RP-1 & RP-4 zoning) the exception for a conditional use permit noted in section 17.336.A.12 applies. This has been confirmed by our consultant Kevin Kokes and documentation placed in the file. The site plan is in compliance with zoning regulations and staff recommends approval with the stipulation that the pool is in addition to the two pools previously approved for the development.

5. **REVIEW OF BUSINESS PARK UPDATES TO THE COMPREHENSIVE PLAN:** This public hearing is required to be held as a part of the comprehensive plan update process. Representatives of BWR and city staff will make a presentation on the final draft of the update proposal and ask for a vote to recommend adoption of the update as an appendix chapter to the Comprehensive Plan. Once adopted as an appendix chapter the provisions can be readily adopted into the main body of the Plan as necessary to respond to the progress of the BNSF Intermodal project in Gardner. Drafting and approval of the various zoning regulations for the Business Park District will be the next step in this update process.
6. **REVIEW OF SPRING HILL ZONING ORDINANCE CHANGES RELATED TO RESIDENTIAL FENCING:** At the last meeting of the PC, staff discussed an issue with the zoning regulations with regards to fencing on corner lots. Included with the packet is a memo explaining the issue; a draft of two options attempting to resolve the matter, and a diagram showing existing regulations and fence placement under the two options. A public hearing was set for September 4 to formally discuss the matter and develop a recommendation to the City Council. Options for the PC include voting to make a recommendation to the City Council to amend the current regulations, denying the request for amendment or tabling the issue to a future meeting.
7. **DISCUSSION OF ZONING ORDINANCES CONCERNING RESIDENTIAL PARKING OF VEHICLES:** This issue was tabled at the August 7 meeting to allow more members of the PC to be present for the discussion. A presentation will be made explaining current regulations followed by an open discussion and possible direction of staff for possible amendments.

**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

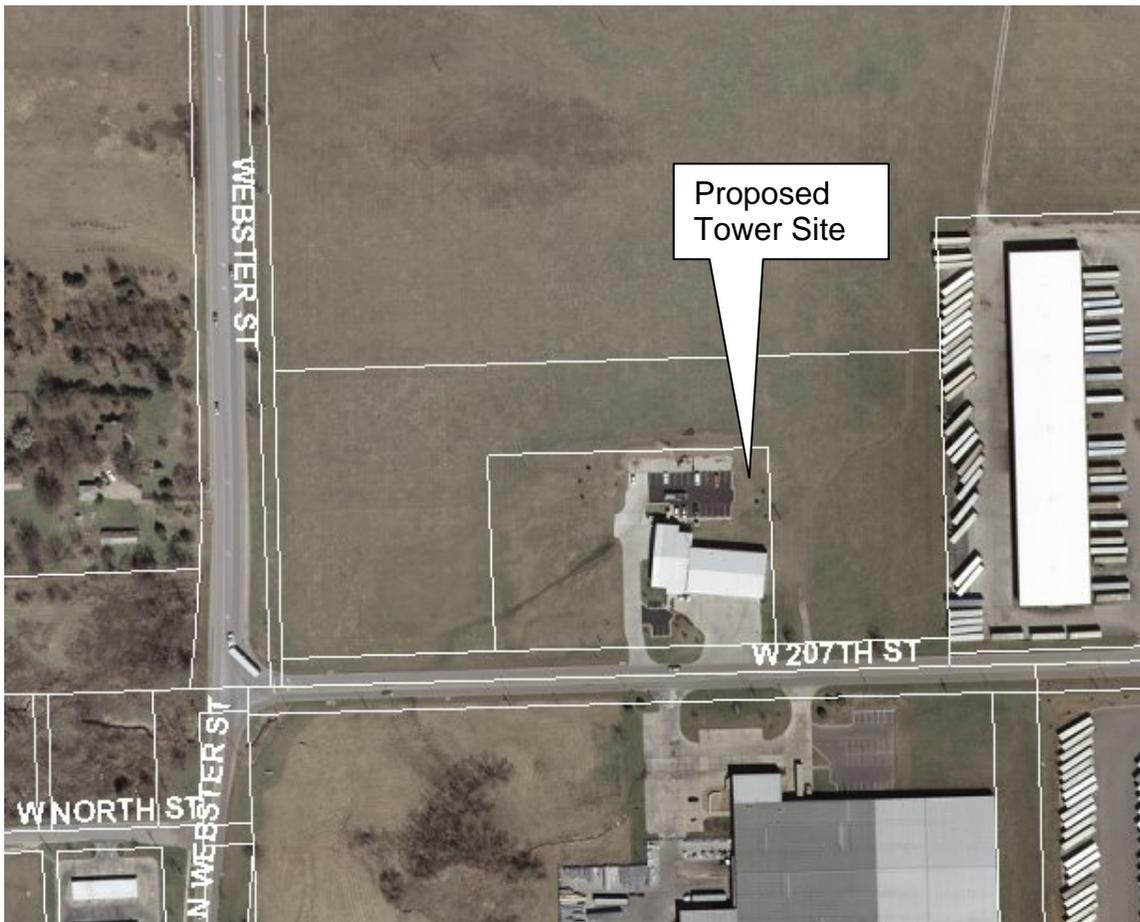
- **Non-Public Hearing Items**

- 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 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

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

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
August 7, 2008**

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

CALL TO ORDER

Vice-Chair Sebasto called the meeting to order at 7:00 P.M.

ROLL CALL

Roll call by Mary Nolen.

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

Jim Hendershot asked to add Item # 5 to the agenda concerning residential fences.

Motion by Brian Haupt to approve the agenda
Seconded by Tim Pittman. Motion passed 5 yes; 0 no; 0 abstention

FORMAL COMMISSION ACTION

1. Approval of Minutes:

June 5, 2008

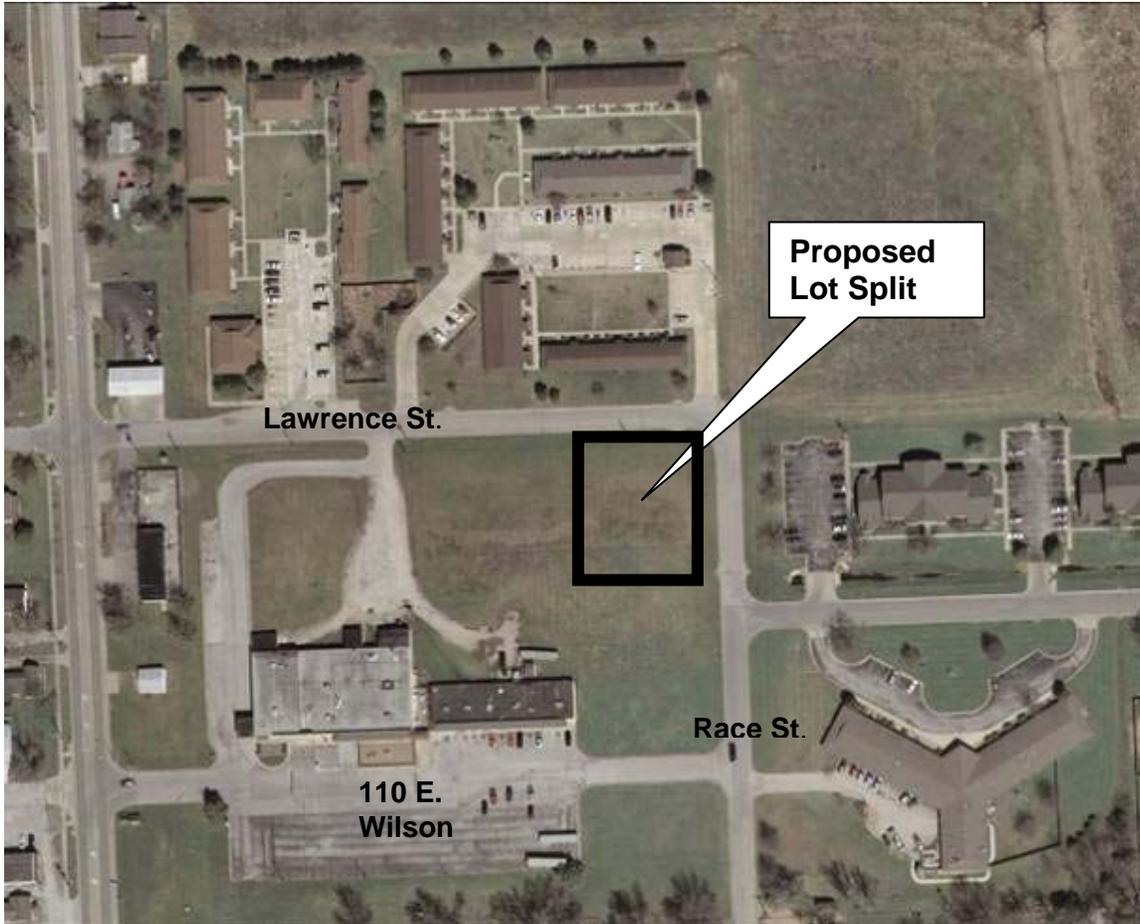
Only two Planning Commissioners who had attended the June meeting were present to approve the minutes, therefore due to a lack of a majority vote, the matter will be set over to the September 4, 2008 meeting.

2. Lot Split

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

Vice-Chair Sebasto asked if anyone had any contact or conflict of interest with this project, and there being none, Mr. Hendershot presented his staff report.

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Start of staff report:

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.

End of staff report:

The applicant, Clint Stewart of Taylor Design Group of 1220 E. Logan, Ottawa, was present to answer questions.

Motion by Brian Haupt to approve the proposed lot split LS-01-08.

Seconded by Tim Pittman. Motion passed 5 yes; 0 no; 0 abstention

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

Mr. Hendershot provided a review of the five areas that had been discussed at the meeting in August. He proposes to adopt this plan as an appendix to the Comprehensive Plan (Comp Plan). Using that method, the options can be readily incorporated into the Comp Plan when needed. This will also include a definition of a new zoning category of business park zone.

This will remain a standalone issue based around the BNSF plans and incorporating changes to those plans that are currently rumored. Mr. Hendershot also noted that he invited members of the Chamber of Commerce to attend, and he was happy to see several of them at the meeting.

Mr. Hendershot described a zoning category that does not currently have any regulations attached to it. Rather than create another layer of zoning, they will amend the MP zone to a business park zone (BP). This category will promote a high quality employment district including a mixture of office, service, limited retail, and limited light industrial uses intermixed through the site planning and building design to promote good site design and ensure compatibility with nearby residential areas.

The design of the business park would have industrial and warehousing space at the core of the park, surrounded by office space, and buffered extensively from existing land use.

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Scott Michie of BWR spoke of a change in philosophy from an area that is strictly an industrial zone, or an area that is strictly commercial or business, to a mixed use area or node, offering flexibility to developers. The City would be able to offer data to businesses that may be looking to start a business in Spring Hill, such as utility information and possible cost factors to set up.

Mr. Art Chambers reviewed some of the details of the sites, such as water, sewer, and streets. Site A is already listed as an industrial area on the future land use map, located south of 183rd and between 169 highway and Woodland Rd. Site B is located south of 191st St, and west of 169 highway. This area is currently shown as residential. Because most of the sites are at the "gateway" of the city, landscaping will be a high priority. The rest of the areas were discussed in limited detail, and this information is available on the handout to the Commissioners.

Questions from the Planning Commissioners were discussed and included the status of 223rd street improvements, the direction of the BNSF intermodal project, how to define a new business park category, use of a mixed use concept, and what the next steps should be to proceed identifying these sites.

Due to the invited attendees in the audience, the Commissioners allowed public comment. Mr. Lee Gardner of 22326 W. 221st St spoke to the Commissioners, asking that they consider wetland areas when they are looking to develop any of these areas. He's concerned with run off leading to erosion, and contamination of area ponds from possible industrial and manufacturing run-off. Mr. Hendershot offered that not only do we intend to protect wetland areas, but enhance them as well.

Chad Shaddox, President of the Spring Hill Chamber of Commerce commented that he likes the concept and the flexibility that it offers.

Motion by Brian Haupt to call for a public hearing on the Comprehensive Plan additions at the September 4, 2008 Planning Commission meeting.

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

Motion by Michael Newton to break for 10 minutes.

Seconded by Tim Pittman. Motion passed 5 yes; 0 no; 0 abstention

The meeting resumed at 8:20 PM.

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

Since one member of the Planning Commission had requested this topic, and they were not able to attend this meeting, therefore:

Motion by Janet Harms to move this item to the September 4, 2008 meeting.

Seconded by Michael Newton. Motion passed 5 yes; 0 no; 0 abstention

5. Mr. Hendershot had requested to add one item to the agenda, related to fence ordinances.

An item has come up regarding the zoning ordinances that talk about fences that occur on a corner lot. Currently, residents of corner lots must build their fences so that the fence is not built in front of the front of the neighboring home. This relates to a site triangle rule that considers traffic issues when someone may not have a good view from their driveway due to an adjoining fence. Aside from aesthetic issues, there are traffic concerns that need to be addressed as well as the fairness to the corner lot owner.

Mr. Hendershot suggested that he prepare two different drafts for this issue and present them to the Commission at the next meeting. This subject will also require a public hearing.

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Motion by Brian Haupt to call for a public hearing on the fence topic at the September 4, 2008 Planning Commission meeting.

Seconded by Michael Newton. Motion passed 5 yes; 0 no; 0 abstention

Motion by Brian Haupt to adjourn

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

Meeting adjourned at 8:45 P.M.

Mary Nolen, Planning Secretary

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

Case #: CU-03-08 **Meeting Date:** September 4, 2008

Description: Conditional Use Permit for an Off-Premise Billboard Sign

Location: Lot 3, Country Meadows Industrial Park – approximately 1,100 feet north of 191st St. on the east side of US169 Highway

Applicant: Ad Trend, Kansas City, MO (contact) Jim Boeh

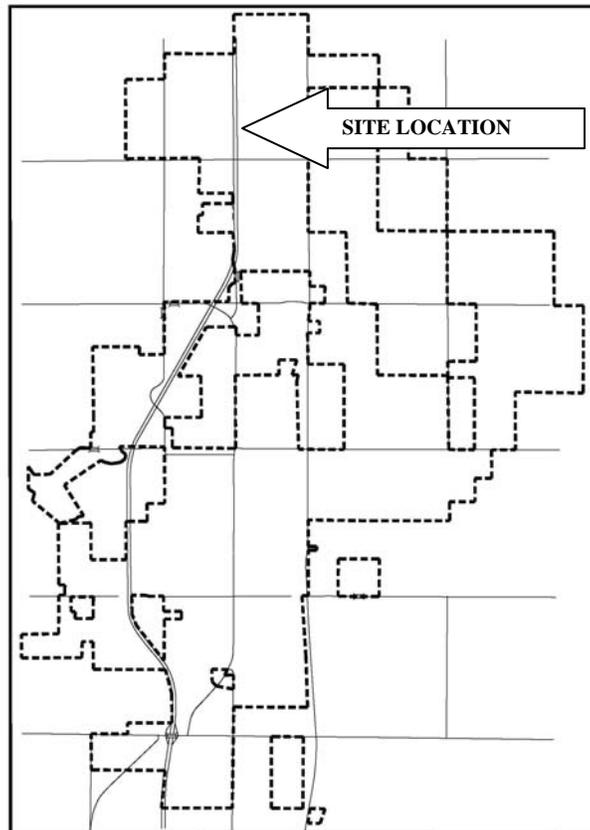
Engineer: Not Applicable

Current Zoning: M-1 Industrial

Site Area: 57.3 acres **Number of Lots:** 1

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	“C-2”	Vacant	Mixed Use Commercial
North:	“C-2”	Commercial	Mixed Use Commercial
South:	“C-2”	Commercial	Mixed Use Commercial
East:	“C-2”	Commercial	Mixed Use Commercial
West:	“Unzoned US-169”	Highway	Highway

Related Applications: SP-03-08



BACKGROUND:

The applicant, Ad Trend, has submitted an application for a 10' x 30' off-premise billboard sign to be located approximately 1,100 feet north of 191st Street on the east side of US169 Highway. The sign is an illuminated, "V" shaped sign with a total height of 30 feet. The site is zoned M-1 (General Industrial) and a staff review of the application follows:

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 neighborhood is industrial in zoning and vacant along US169 Highway. .



- 2. Adjacent Zoning.** Adjacent parcels to the south and east are zoned for industrial uses, with the north being zoned R-R (rural residential) and the west being US169 Highway. Proposed conditional use permit for the site will be compatible with existing zoning.

- 3. Suitability for Current Zoning.** Section 17.730.A.6.a requires zoning of M-1 of MP for an off-premise billboard sign. The current zoning of M-1 is suitable for this sign installation
- 4. Detrimental Effect of Zoning Change.** The proposed conditional use permit will not have a detrimental effect on the nearby properties.
- 5. Length of Time at Current Zoning.** The site has been zoned “M-1” General Industrial since the development of the area.
- 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.

RECOMMENDATION:

It is the recommendation of staff that the Planning Commission recommend approval of the conditional use permit renewal with the following conditions:

1. The sign being kept in good repair, and
2. Permit approval subject to renewal in five years

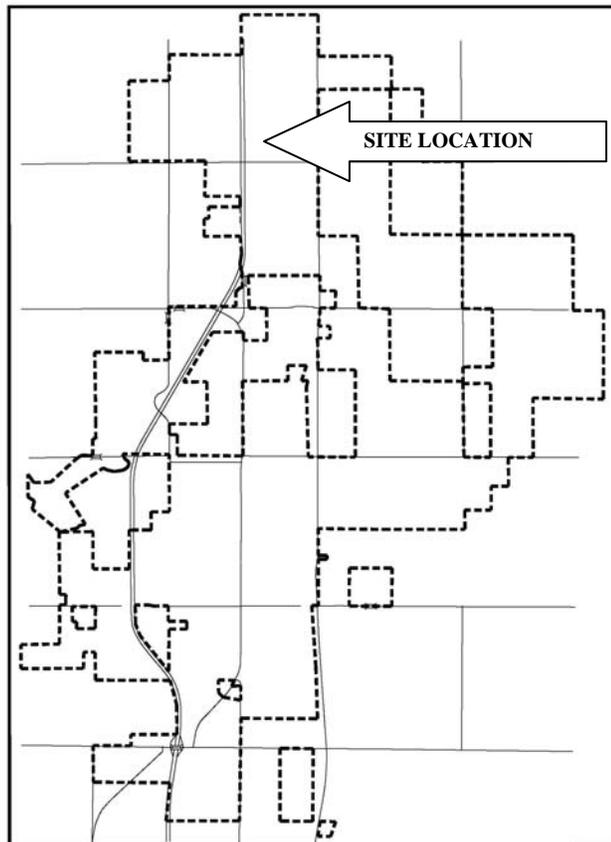
**SPRING HILL PLANNING COMMISSION
SITE PLAN STAFF REPORT**

Case #: SP-03-08 **Meeting Date:** September 4, 2008
Description: Proposed Site Plan
Location: 1,100 ft. north of 191st St. on east side of US169 Highway.
Applicant: Ad Trend, Kansas City MO.
Engineer: n/a
Site Area: 57.3 acres.

Minimum Lot Area: No Minimum

Current Zoning: "M-1" **Proposed Use:** Off-Premise Billboard

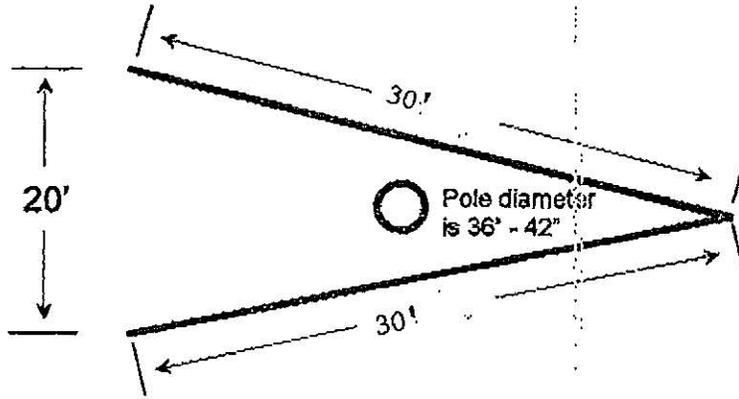
Related Applications: CU-03-08



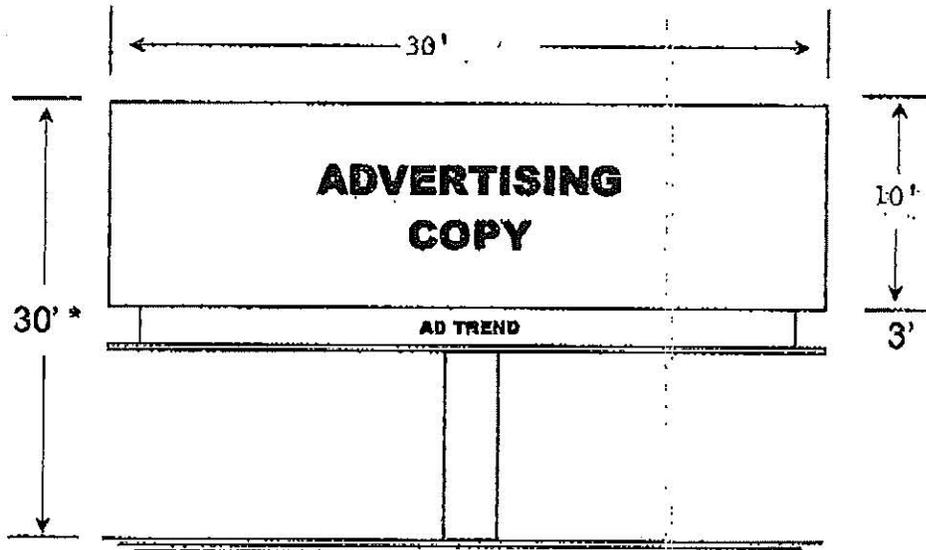
BACKGROUND: The applicant, Ad Trend, has submitted an application for a 10' x 30' off-premise billboard sign to be located approximately 1,100 feet north of 191st Street on the east side of US169 Highway. The sign is an illuminated, "V" shaped sign with a total height of 30 feet. The site is zoned M-1 (General Industrial) and a staff review of the application follows:



Birds Eye View

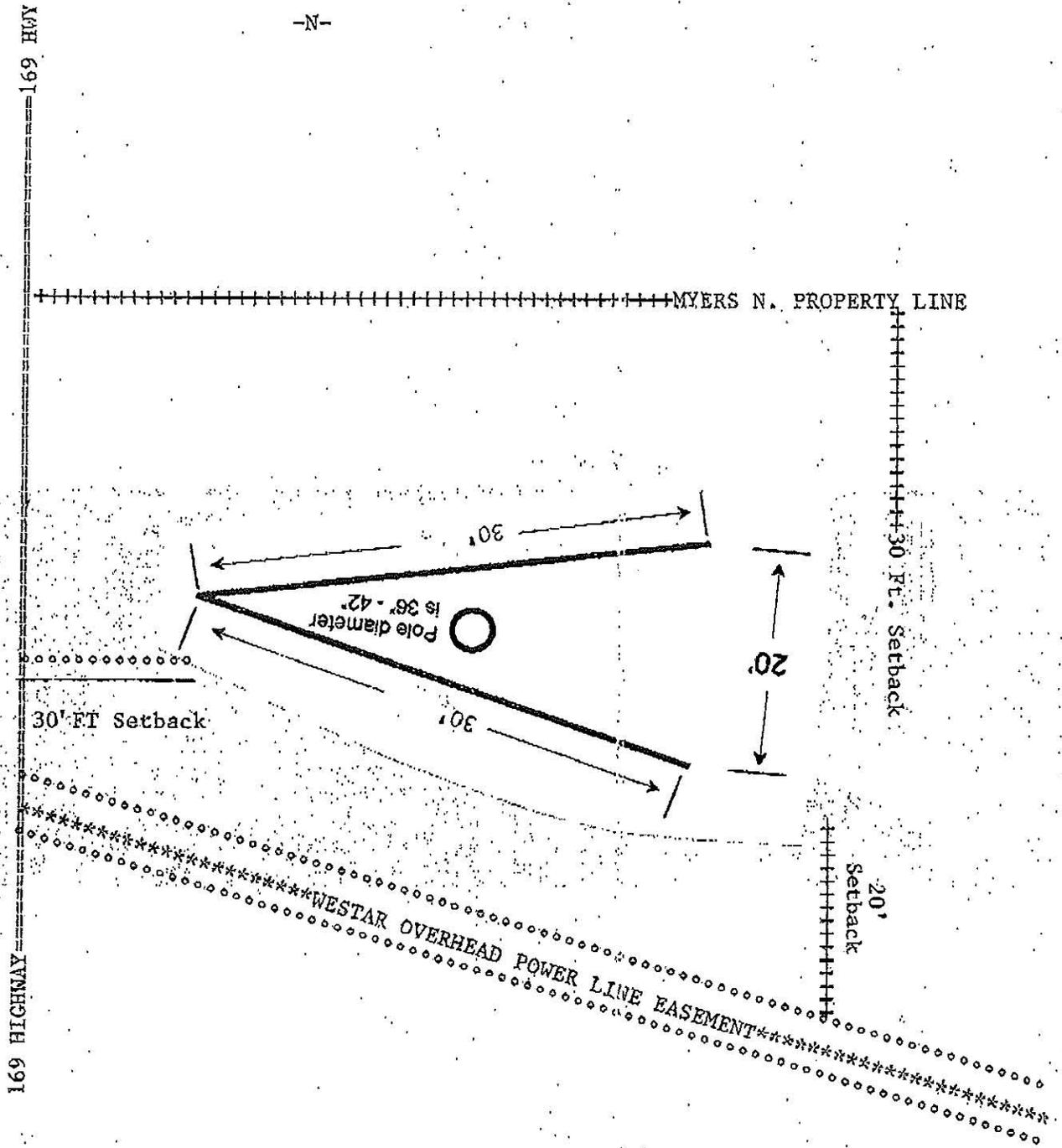


Side Profile



* Height to top of sign would be 30' above the right-of-way grade from which it would be viewed. The height above ground grade at the base of the sign is expected to be 30'.

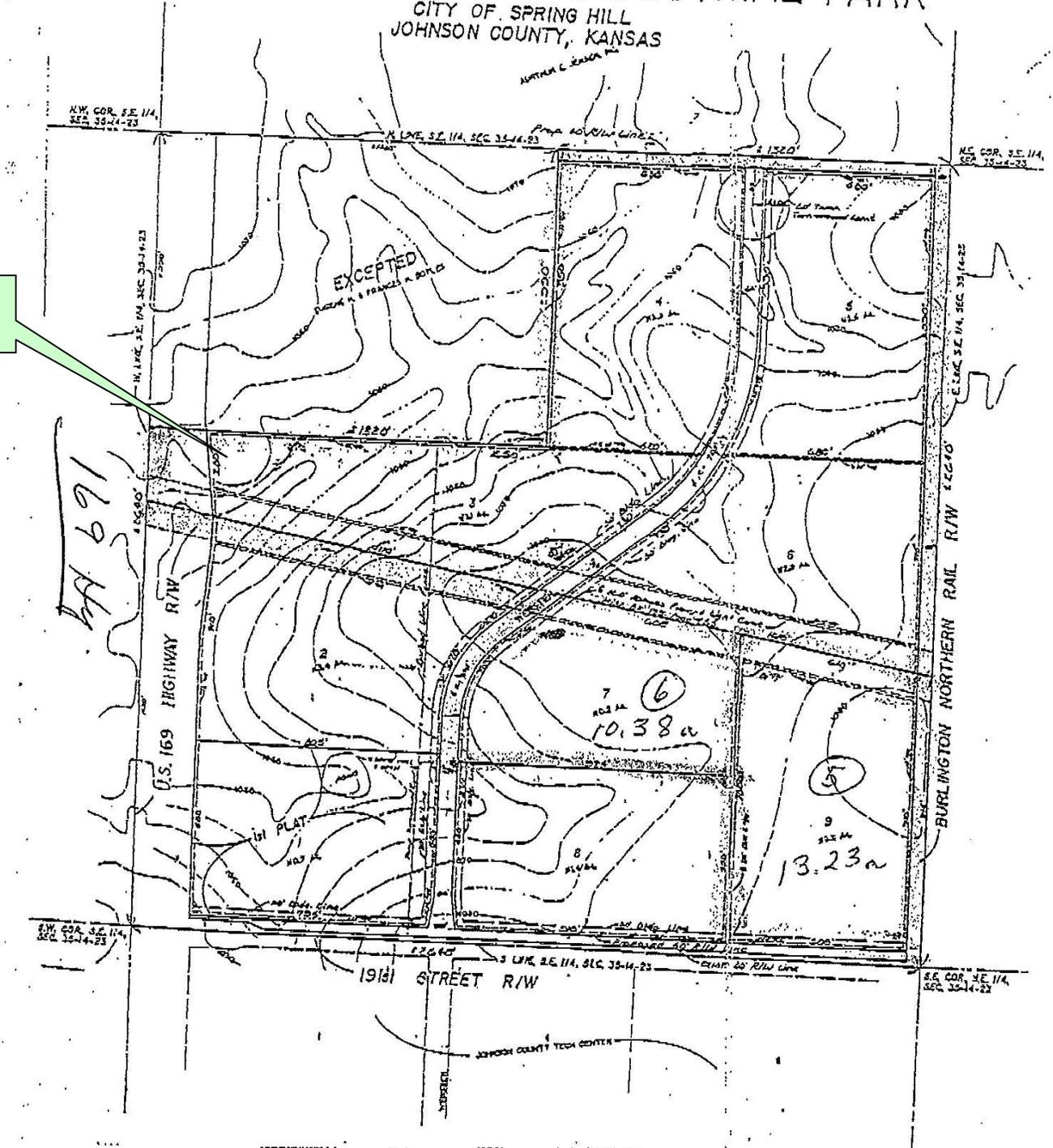
BEACHNER MYERS SPRING HILL, KS
BILLBOARD SITE PLAN



COUNTRY MEADOWS INDUSTRIAL PARK

CITY OF SPRING HILL
JOHNSON COUNTY, KANSAS

Proposed Location



STAFF REVIEW:

The applicant proposes to erect a 10' x 30' "V" shaped, illuminated billboard sign north of 191st Street on the east side of US169 Highway. The sign will be 30' from ground to the top of the sign and set back from adjoining property lines 30 feet. Section 17.730.A.6 details the following regulations for such signs with staff comments following each code item:

- a. Off-premise billboard signs shall be allowed only in zones MP and M-1 abutting U.S. 169, and shall be allowed only on private property.

The site is zoned M-1 and the sign is located on private property

- b. Off-premise billboard signs shall be separated by at least 1,000 linear feet. In addition, a billboard shall be separated by at least 2,000 linear feet when it is located across U.S. 169 from another billboard sign.

There are no other billboard signs in the area that are in conflict with this proposal.

- c. All off-premise billboard signs shall comply with the size requirements as specified by the Kansas Department of Transportation.

The applicant has been provided with a KDOT sign application which must be approved prior to construction. Conversations with KDOT officials indicate the sign is in compliance with their regulations.

- d. The maximum height of off-premise billboard signs shall be 30 feet with a maximum sign area of 300 square feet. In addition, billboards will only be allowed: to have two faces; to be a "V" shaped sign separated by no more than 20 feet; and must be supported by a monopole. (Ord. 2000-28)

The drawings provided in this report indicate the sign is in compliance.

- e. All regulations of K.S.A. 68-2234 inclusive and 21-3739, as may be amended, excepting K.S.A. 68-2234(c)(3) and (4) shall be followed.

K.S.A. 68-2234 addresses size and spacing limitations which are less than those required by the Spring Hill Zoning Regulations. K.S.A. 21-3739 is a statute prohibiting placement of political advertisements on utility poles in the right-of-way.

- f. Off-premise billboard signs shall be set back from any property line a distance as follows: one foot setback for each foot of sign height. In addition, no billboard shall be allowed within 800 feet of the property line of a residence, park, school, church, or hospital. (Ord. 2007-02)

Total sign height is 30 feet, thus the placement as presented in the drawings is in compliance with the required 30 foot setback.

- g. All off-premise billboard signs may be unilluminated or indirectly illuminated with the lighting shielded from view. In addition, flashing or intermittent lighting attracting device shall not be allowed.

Lighting will be provided with 2, 400 watt halogen shielded fixtures located near the bottom edge of the sign.

- i. All off-premise billboard signs must be kept in good repair and must display the property owner's name.

Maintenance of the sign will be verified with a scheduled renewal of the conditional use permit and periodic inspections by city staff and KDOT officials.

- j. All off-premise billboard signs shall require an approved site plan and conditional use permit. The Zoning Administrator shall perform an annual inspection of each billboard sign to determine if it is in conformance with the site plan and the conditional use permit.

Annual inspections will be conducted as required and a report of each inspection provided to the Planning Commission at each scheduled conditional use renewal.

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.

RECOMMENDATION:

It is the recommendation of staff that the Planning Commission approve the site plan.

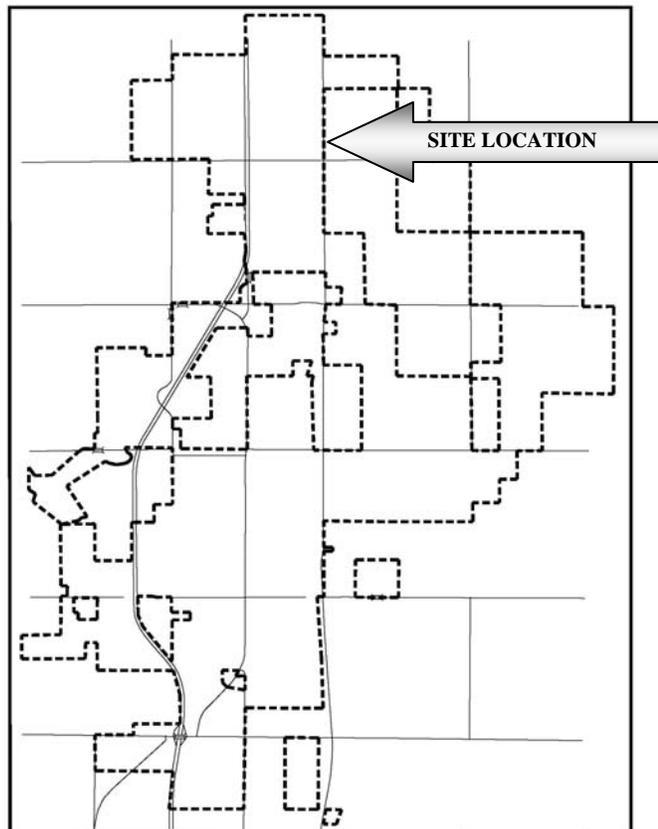
**SPRING HILL PLANNING COMMISSION
SITE PLAN STAFF REPORT**

Case #: SP-04-08 **Meeting Date:** September 4, 2008
Description: Proposed Site Plan, Neighborhood Swimming Pool
Location: 18301 W 193rd St.; Lot 17, Estates of Wolf Creek
Applicant: Wolf Creek Development, LLC., Robert Garver
Engineer: Phelps Engineering, Inc., Doug Ubben, Jr.
Site Area: Approx. 70'x135' (9,450 sq. ft.).

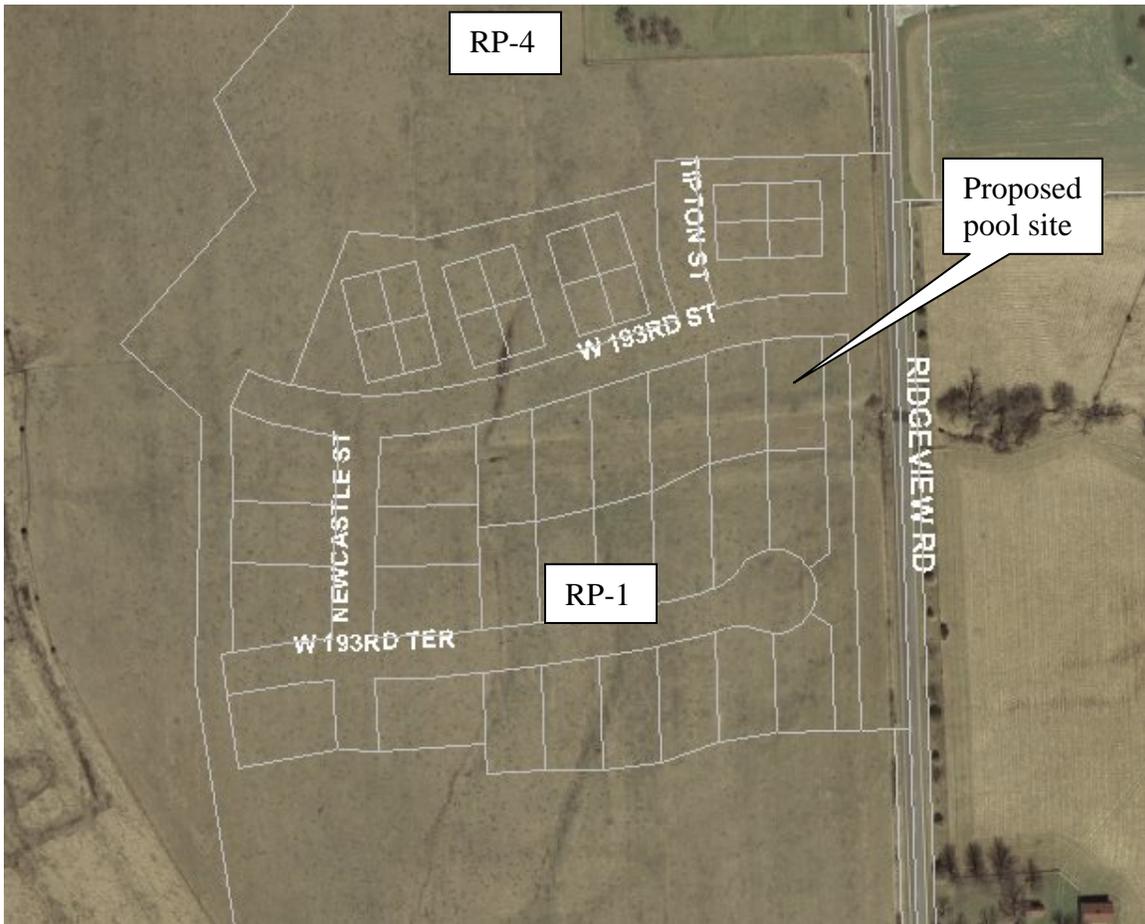
Minimum Lot Area: 5,500 sq. ft. (single family)

Current Zoning: "RP-1" **Proposed Use:** Swimming Pool

Related Applications: PP-1-06, FP-6-07



BACKGROUND: The applicant, Wolf Creek Development, has submitted an application for site plan approval for a neighborhood swimming pool to be located at 18301 W. 193rd Street. A copy of the site plan is included with the staff report. The Estates of Wolf Creek is an approved planned residential development with both RP-1 and RP-4 zoning. The approved preliminary plat of the entire subdivision contained several amenities including two swimming pools. This site plan is for a third swimming pool that will be constructed in addition to the other pools previously identified and approved. Because the development is a planned residential development, the provisions of Section 17.336.A.12 allow the pool as a permitted use rather than a conditional use. A review of the site plan is as follows:



STAFF REVIEW:

Staff has reviewed the site plan with respect to the requirements set forth in Section 17.340.C with the following comments:

- 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 will be no outside trash storage at this facility

- There will be no exterior lighting for the parking area other than ordinary street lighting already provided or identified on the plans. Limited lighting will be provided for the pool area with lights mounted on the walls of the buildings in such a manner to prevent glare or intrusion onto surrounding properties.
- Landscaping is identified on the site plan and is in compliance with code requirements

STANDARDS OF REVIEW

Section 17.340.D of the zoning code specifies the recommendations of the zoning administrator and decisions of the Planning Commission and City Council shall be based on the following standards. (Staff's comments follow each item)

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

The proposal conforms to the code in that it provides for amenities above and beyond those previously identified and approved in the platting process.

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

Development codes for a planned residential development require amenities such as swimming pools to be located at the center of the development where most accessible to the majority of the residents of the development. As previously noted, this proposed pool is in addition to the pools previously identified on the preliminary plat that are located at the center of the development.

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

The pool will be compatible with the surrounding area as it will provide an aesthetically pleasing entrance for the development. Safety will be provided as the pool is protected with an approved barrier.

3. 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 Principles and Design Guidelines.

See #2 above

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

The proposal has been designed by professional engineers in conjunction with a professional pool installation company. All equipment will meet recognized safety standards.

5. 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.

Off street parking for pools is not identified in the zoning code for minimum number of parking spaces. However, based on the size of the pool staff feels the six parking spaces, including one handicap accessible space, identified on the site plan are acceptable for this project.

7. The extent to which the buildings, structures, walkways, roads, driveways, open space (if any), and parking lots have been located to achieve the following objectives:
 - a. Preserve existing off-site views and create desirable on-site views.
 - b. Conserve natural resources and amenities including prime agricultural land.
 - c. Minimize any adverse flood impact;
 - d. Ensure that proposed structures are located on suitable soils;
 - e. Minimize any adverse environmental impact; and
 - f. Minimize any present or future cost to the City and private providers of utilities in order to adequately provide public utility services to the site.
8. All structures shall be required to have permanent or continuous footings and foundations.

All structures will be located on permanent foundations as required by code

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.

RECOMMENDATION:

It is the recommendation of staff that the Planning Commission approve the site plan with the following stipulation:

- The pool / clubhouse facility at 18301 W. 193rd Street shall not be permitted in lieu of the two neighborhood pool / clubhouse amenity areas depicted on the approved preliminary development plan. The two neighborhood pool / clubhouse amenity areas depicted on the preliminary development plan shall be constructed during the appropriate phases of development.

Memo

To: Spring Hill Planning Commission

From: Jim Hendershot, Planning & Development Coordinator

CC: file

Date: August 27, 2008

Re: Draft ordinance options for residential fencing on corner lots

As described at the August 7 meeting of the Planning Commission, the zoning regulations in Section 17.360.B & C contain confusing regulations with respect to fencing on corner residential lots. In addition, the current regulations are often a source of citizen concern and felt to be overly restrictive.

The issue is that a corner lot adjacent to another lot is regulated, with respect to fence placement, by the adjacent lot when constructing a fence in the rear yard. Currently the regulations mandate the 35 foot setback of the adjacent interior lot regulates the fence placement of the corner lot that is only required to have a 25 foot street side yard setback. This results in the corner property offsetting the fence approximately 10 feet from the corner of the house to be in compliance.

The attached document proposes two options to remedy this situation. In Section 17.360.B the current language is found only it is entitled "Where Screening and Fencing is Required". The title implies that fencing is required rather than being optional. The draft removes this language from this area and renumbers the remaining subsections. Under section C you will find two options for consideration. Both options contain the language that enables the Zoning Administrator to allow for screening of items such as mechanical equipment that has been placed in the side street setback. The options found in the last paragraph depict two scenarios. The first being what has been past policy for enforcement in that it provides language to angle the fence from the corner of the house to the front setback line of the adjacent lot, the second option allows for the fence to extend from the corner of the house to the rear property line in a straight line, thus extending 10 feet further than the current regulations allow.

I have included a diagram showing current regulations and options 1 and 2 for your review. This item was set for a public hearing at the September 4, 2008 meeting of the Planning Commission. Action for the PC is to either recommend to the City Council a change in the language, deny the draft language or table the issue to a future meeting.

SECTION 17.360

SCREENING AND FENCING

- A. Purpose and Intent.** It is the purpose and intent of this Section to improve the well being of the community by the control of fencing, and the requiring of proper screening to enhance visual surroundings by screening out unsightly views and conditions, to increase the quality of living by upgrading conditions within the City of Spring Hill, to protect the residential community by affording a level of privacy and at the same time establishing better controls to the business and commercial areas. It is desirable to encourage combinations of elements of appropriate fencing, land berm and planting barriers and to soften hard transition areas. It is equally desirable to maintain a high degree of traffic safety by proper location of screening and fencing so that safety will remain paramount. All screening and fencing shall be built using new building materials that are residential in character and must be approved by the Zoning Administrator.

In addition, the Community Development Recommendations of the Spring Hill Comprehensive Plan will supplement these regulations. The purpose of the Comprehensive Plan Recommendations is to provide quality and design criteria relating to all development within the City.

- B. Where Screening and Fencing is Required.** Screening and fencing shall be required at the following locations:

- ~~1. On a corner lot when a lot split or the configuration of the lot has a side yard adjacent to the front yard of the abutting property. The adjacent front building line will determine the fence line.~~
- 21.** All multifamily residential projects, and all commercial, office, industrial, or conditional use projects, shall include on the site plan, a detailed drawing of enclosure and screening method to be used in connection with trash bins on the property. No trash bin shall be visible from off the property, and a permanent masonry or frame enclosure shall be provided and maintained for each bin.
- 32.** In any district where a retaining wall is needed because of abrupt changes in the grade, planting and fencing shall form a protective barrier to prevent loss or injury.
- 43.** Around a swimming pool, as defined in Appendix G of the International Residential Code including portable seasonal pools whether private or public, shall be a protective fenced enclosure in accordance with Section 4-202.R102.5 of the Code of the City of Spring Hill. Swimming pools, hot tubs and spas in existence as of the 30th day of April, 2008, and protected with a four-foot fence and locking gate may continue their current

level of pool protection provided the fence and gate are in good repair. Any substantial repair, maintenance or replacement of the fence or gate must be in compliance with Section 4-202.R102.5 of the Code of the City of Spring Hill. (Ord. 2008-13 amended Ord. 2007-24)

54. Around and about hazardous areas, holes, new construction, etc. whether temporary or permanently necessary to protect against intrusion, for control or to give a degree of privacy or whatever reason, to protect the public from a hazardous situation.
65. In Districts C-O through M-1 all buildings shall provide screening of roof clutter, including mechanical equipment, fans, vents, flues, antenna, and satellite dishes.
76. Where it is deemed necessary as a solution to a problem by either the Planning Commission or Governing Body.

C. **Where Screening and Fencing is Prohibited.** This zoning ordinance prohibits the erection of a continuous fence more than two feet high in the front yard or side yard abutting a street except: 1) in the AG and R-R district where a see-through fence with a height of four feet or less would be allowed; or 2) in the MP and M-1 district where a security fence would be allowed; *or 3) the zoning administrator may approve a portion of a fence to be built in the street side yard of a corner lot to screen outdoor mechanical equipment associated with the structure, walkout doors toward the back of the side building line or other unusual cases as deemed appropriate.* In addition, this ordinance prohibits the erection of a fence with a height greater than six feet in Districts R-R through MH. Further, in the interest of safety, every attempt should be made to eliminate blind corners near all drive and street intersections. (Also see Section 17.348 - Site Distance on Corner Lots.) Nothing herein shall discourage or prohibit the landscaping, planting, screening and the erection of stand alone decorative fences no taller than three feet in the front yard that are not hazardous to traffic.

To provide for continuity when the side or rear yard of one residential property abuts the front yard of another residential property on a corner lot, ~~the fence cannot protrude beyond the front building line of the adjacent lot.~~ *(OPTION 1) the house on the corner lot may construct a fence from the rear corner of the building at an angle to the front building line of the adjacent lot. Exception: The zoning administrator may approve a portion of a fence to be built in the side yard to screen outdoor mechanical equipment associated with the structure, walkout doors toward the back of the side building line or other unusual cases as deemed appropriate. (OPTION 2) the house on the corner lot may construct a fence in line with its side building line and its rear property line, but not beyond the twenty-five foot side yard setback line of the corner lot. Exception: The zoning administrator may approve a portion of a fence to be built in the side yard to*

screen outdoor mechanical equipment associated with the structure, walkout doors toward the back of the side building line or other unusual cases as deemed appropriate.