

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA**

Thursday October 2, 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

September 4, 2008

• **Public Hearing Items**

2. Rezoning

Case No.: Z-01-08

Request R-1 to R-2

Address Crossings at Spring Hill (192nd & Webster)

Applicant Andy Schlagel

• **Non-Public Hearing Items**

3. Annual Review of 169 Auto Parts Conditional Use Permit (95003-CUP)

4. Final Plat

Case No.: FP-01-08

Request Biltmore Farms 2nd Plat

Address South of 199th, east of Woodland

Applicant Phelps Engineering

OTHER BUSINESS

5. 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: September 25, 2008
Re: Overview of October 2, 2008 meeting

The following is a brief overview of each item on the October 2, 2008 meeting. Hope to see everyone at the meeting as we have an important agenda.

1. **APPROVAL OF MINUTES:** Approve minutes from the September 4, 2008 meeting
2. **PUBLIC HEARING, Z-01-08:** An application has been processed for rezoning a large portion of The Crossing of Spring Hill subdivision from R-1 (single-family) to R-2 (two-family). The request is due in large part to a perceived development and marketing opportunity by the developer. While the Comprehensive Plan does not totally support the concept of large residential developments without a mixture of single-family, two-family and multi-family dwellings, the Comp. Plan does recognize the need to adjust to changing economic conditions and the current home buyers market.
3. **ANNUAL REVIEW OF C.U.P FOR 169 AUTO:** The annual review of the conditional use permit for 169 Auto has been completed. Unfortunately, reports from the Fire Department are not available until the date of the meeting due to individuals attending extended training sessions. Overall, the site is in compliance with the provisions of previous renewals and staff is recommending approval of the renewal for a period of one year.
4. **FINAL PLAT, BILTMORE FARMS SECOND PLAT:** This is actually a replat of Tracts A, B, D & E of Biltmore Farms First Plat. The replat is necessary to correct an issue with the alignment of Skyview Lane at 199th Street that is in conflict with the adjoining property owners drive entrance. The re-plat, adjusts the size of the tracts to allow Skyview Lane to be shifted to the west at the point of intersection with 199th Street. The overall impact of the replat is very minimal and staff is recommending approval of Biltmore Farms Second Plat.

5. **DISCUSSION ITEM, PARKING OF RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS:**
At the September Planning Commission meeting staff was directed to develop a proposal to amend Section 17.342 of the Zoning Code. The amendment would eliminate the ability to place gravel in the front yard for parking recreational vehicles, and only allow gravel as a parking surface in side yards if a privacy fence screens the area from the view of the street. After researching other community ordinances of this type I have taken the liberty of including concrete pavers as approved parking surfaces for side and rear yards.

NOTE: The discussion of residential fencing was to be included on this agenda, however staff's review of cul-de-sacs in the community and how new fence regulations would apply is not complete. This item will be included on the November 6, 2008 agenda.

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and are not official minutes
until approved by the Planning Commission

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
September 4, 2008**

The Spring Hill Planning Commission met in a regular session on Thursday, September 4, 2008, at 7:00 P.M., in room 15, at the Civic Center located at 401 N. Madison.

CALL TO ORDER

Brian Haupt called the meeting to order at 7:05 P.M.

Motion by Cindy Squire to appoint Brian Haupt as Chairman Pro Tem.
Seconded by Janet Harms. Motion passed 5 yes; 0 no; 0 abstention

ROLL CALL

Roll call by Mary Nolen.

Members Present: per role call	Janet Harms Brian Haupt Michael Newton Tim Pittman Cindy Squire	Members absent	Tobi Bitner Bill Kiesling 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

APPROVAL OF THE AGENDA

Motion by Cindy Squire to approve the agenda
Seconded by Michael Newton. Motion passed 5 yes; 0 no; 0 abstention

FORMAL COMMISSION ACTION

1. Approval of Minutes:

June 5, 2008

Motion by Michael Newton to approve the June 5, 2008 minutes
Seconded by Cindy Squire Motion passed 3 yes; 0 no; 2 abstention
Brian Haupt and Tim Pittman abstained

August 7, 2008

Motion by Janet Harms to approve the August 7, 2008 minutes
Seconded by Tim Pittman Motion passed 4 yes; 0 no; 1 abstention
Cindy Squire abstained

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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

Chairman Haupt asked if anyone had any contact or conflict of interest with this case, there being none, and he asked Mr. Hendershot to proceed.

Beginning of staff report

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. .

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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.

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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

End of staff report

Ms. Squire asked for the location of the existing billboards, Mr. Hendershot said they were outside of the 1,000 foot range required from the proposed billboard, and they are south of the proposed location.

Mr. Newton asked if there are any restrictions on type of content can go on the billboard. Mr. Hendershot noted that the City code does not have any language related to it, but the state code covers content to some extent.

Ms. Squire asked about the lighting on the sign, Mr. Hendershot said two 400 watt, shielded halogen lights will be used, that are pointed up toward the sign.

The applicant, Jim Boeh, spoke to the Commissioners saying that his company is a local company in business for 20 years, they like to do things right, and will be a good business neighbor.

Chairman Haupt opened the public hearing for comment, and there being none, he closed the public hearing. The Commissioners discussed who is responsible for determining if the sign is in good repair. Mr. Hendershot noted that there is a requirement in our code for an annual inspection by City staff, as well as drive-bys from KDOT. They also talked about the sign being in bad repair, with messages torn or broken due to weather, it can be discussed at the time of renewal of the Conditional use Permit.

Motion by Tim Pittman to recommend to City Council approval of CU-03-08 with the following conditions:

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

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

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

Chairman Haupt asked if anyone had any contact or conflict of interest with the applicant, and there being none, he asked Mr. Hendershot to proceed with his staff report.

Beginning of staff report

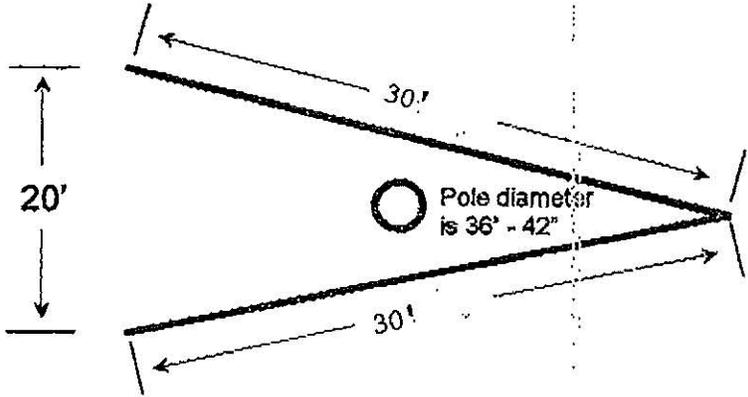
BACKGROUND: The applicant, Ad Trend, has submitted an application for a 10' x 30' off-premise billboard sign to be located approximately 1,100 feet north of 191st Street on the east side of US169 Highway. The sign is an illuminated, "V" shaped sign with a total height of 30 feet. The site is zoned M-1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

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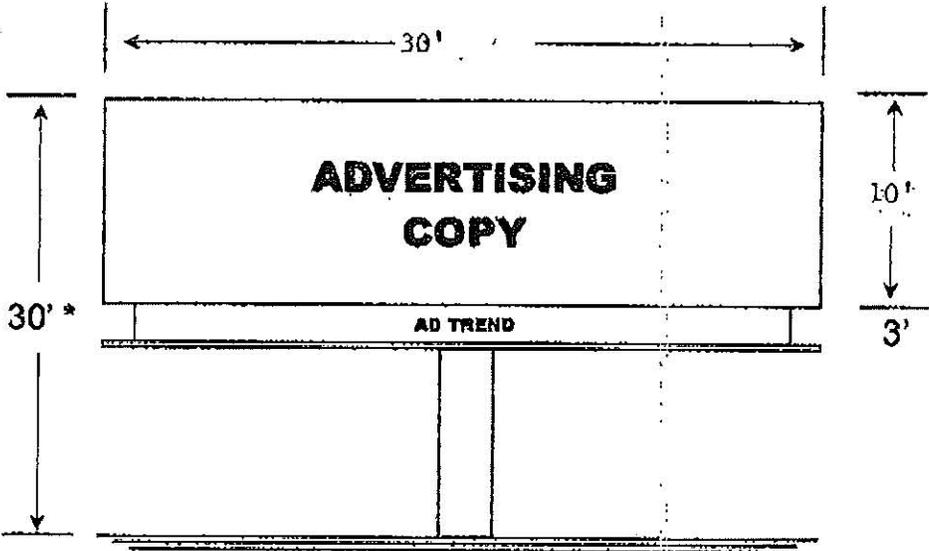


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Birds Eye View



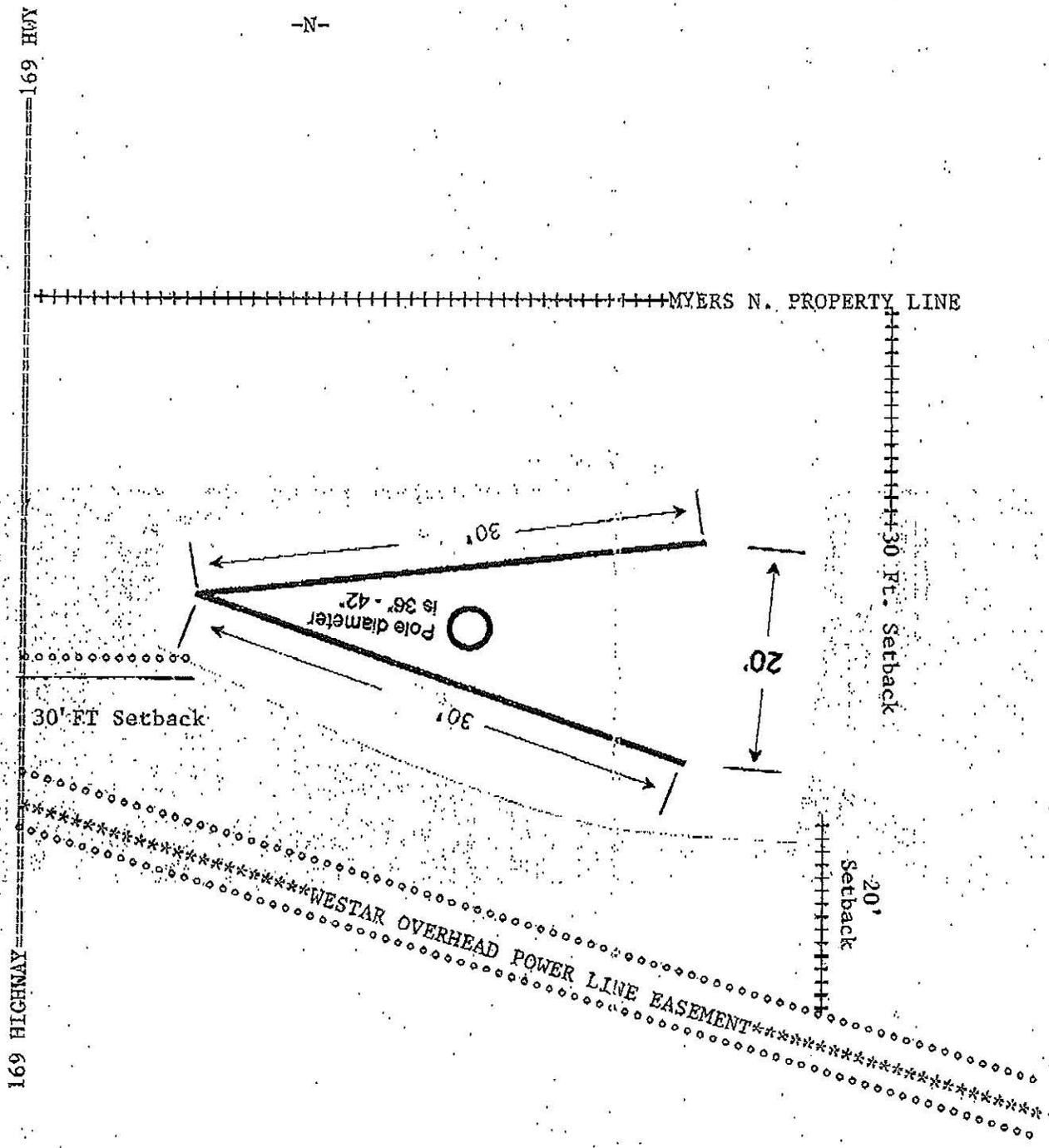
Side Profile



* 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'

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BEACHNER MYERS SPRING HILL, KS-
BILLBOARD SITE PLAN



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8-04-208 2:49AM

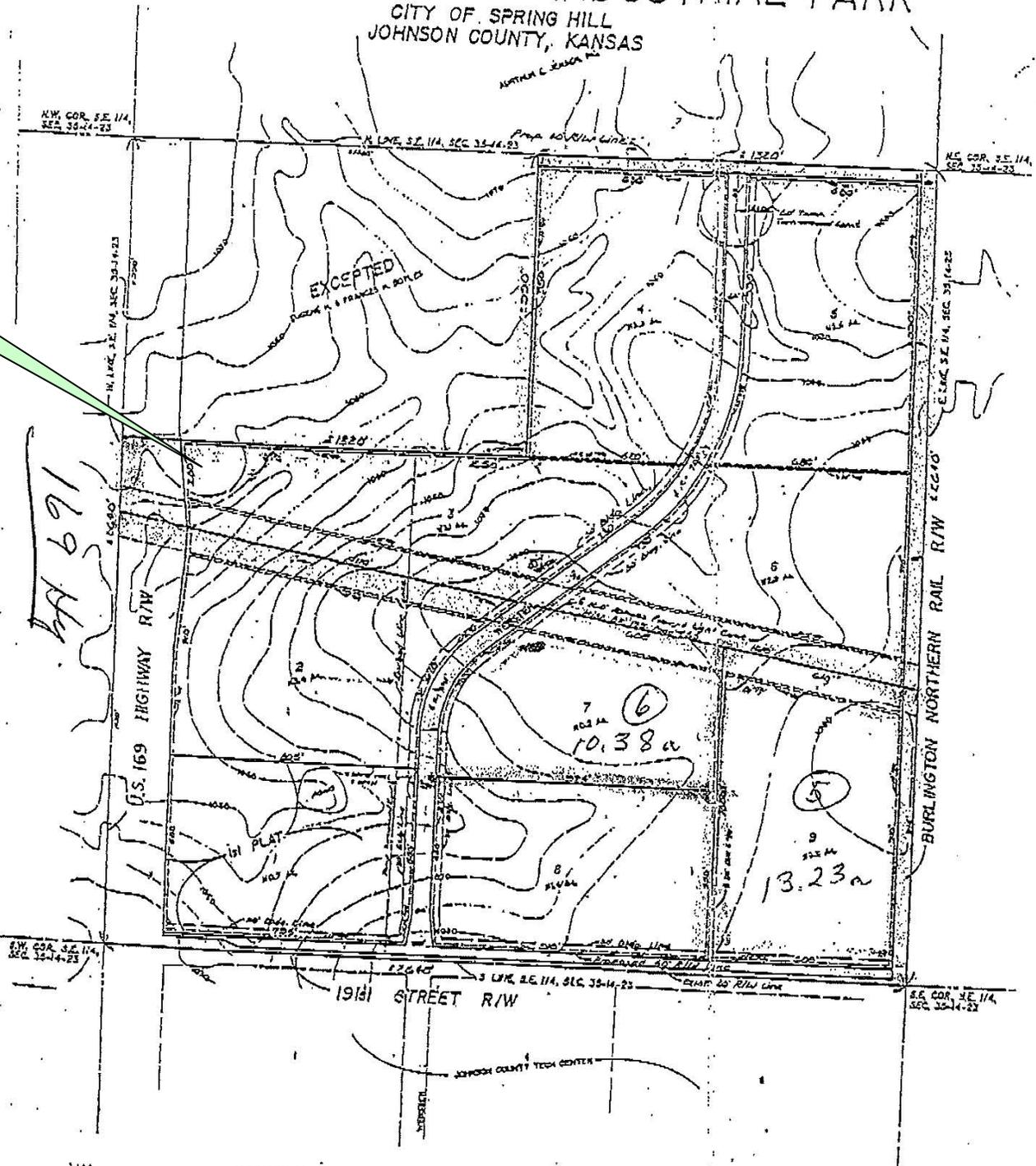
FROM A-T-I 816 471 1230

P. 3

COUNTRY MEADOWS INDUSTRIAL PARK

CITY OF SPRING HILL
JOHNSON COUNTY, KANSAS

Proposed
Location



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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

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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.

End of staff report

Chairman Haupt asked for any questions, there were none.

Motion by Tim Pittman to recommend to City Council approval of SP-03-08.
Seconded by Janet Harms Motion passed 5 yes; 0 no; 0 abstention

4. Site Plan

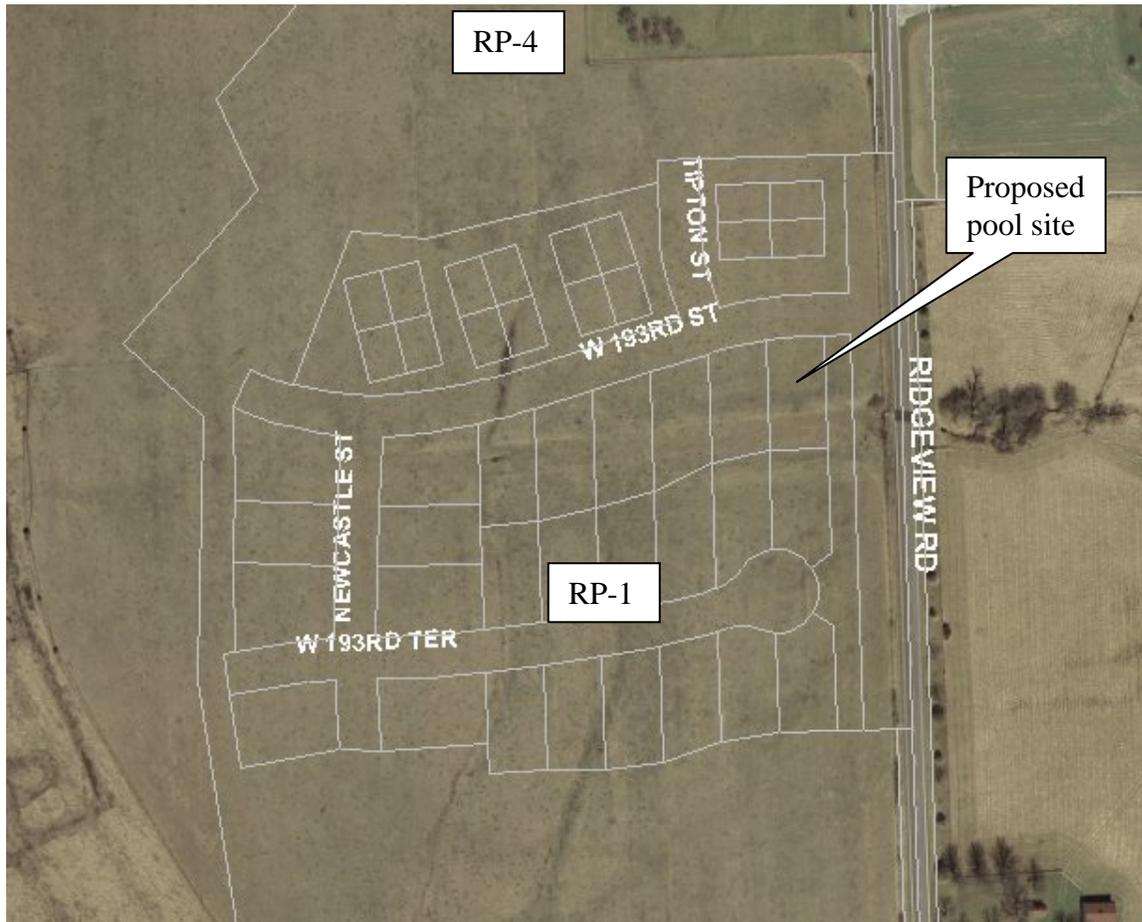
Case No.: SP-04-08
Request: Swimming Pool at Estates of Wolf Creek
Address: South of 191st St, west of Ridgeview Rd.
Applicant: Phelps Engineering

Chairman Haupt asked if there were any contacts or conflicts with the applicant, and there being none, he asked Mr. Hendershot to proceed with his staff report.

Beginning of staff report

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:

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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

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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.

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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.

End of staff report

The applicant, Robert Garver, as well as Doug Ubben of Phelps Engineering, were present to answer questions.

Mr. Pittman asked why they are adding a third pool. Mr. Garver said due to the current real estate market, he wants to show prospective residents that they will provide the amenities they have promised.

Ms. Squire asked how this pool compares to the two pools at the interior of the subdivision. Mr. Garver said those pools will be larger; one will have a club house and be more of a gathering area. He expects this pool to be about 22,000 gallons, and will have a small wading area and shelter. It is also located across from a multifamily area. She asked if any lots have been sold, particularly the lot next to the pool. Mr. Garver said that lot will be a model home. He thought it may be possible to have the pool complete by May 2009.

Mr. Haupt commented that he wanted to see shielded lights on the outside of any buildings. To be consistent with the past, we need to indicate those lights be fully shielded, shining up or down as needed.

Mr. Garver is planning to fill the area around the pool with landscaping and screening from 193rd and Ridgeview.

Motion by Cindy Squire to recommend to City Council approval of SP-04-08 with the following conditions:

- 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.
- Any outside lighting on the building must be fully shielded.

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

5. Review of Business Park changes (BNSF) for an appendix to the Comprehensive Plan (Public Hearing)

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Chairman Haupt introduced the item, and Mr. Hendershot reviewed discussions of this item that had occurred at previous meetings. This item will be an appendix chapter to the Comprehensive Plan. This allows staff to continue to work on specific zoning regulations for the business park district. The appendix can be brought in as code if and when the intermodal (or any other facility) becomes an actuality. Being proactive and prepared will benefit the City. In future meetings, the Commission will iron out the details of the regulations.

Ms. Squire asked if at some future time, the Governing Body would have to adopt this into the regular Comprehensive Plan. That's true, and the Commission can be flexible, using the appendix as a guide until it is adopted. As an appendix, it would carry the same weight as the Comprehensive Plan.

Scott Michie of BWR presented a brief overview of the sites, and the items the reports contain, such as utility access, roads, infrastructure, so prospective developers can already have the details they need to choose a location. It gives the City a guide to present to others, detailing what we expect

Ms. Squire asked if the owners of the properties knew of this document. Mr. Michie said most were invited to participate in the key stakeholder interviews, however, they were not specifically notified of the public hearing.

Mr. Newton asked if we approve the appendix, can it be added to or deleted from. Mr. Hendershot said that was possible at any time.

Chairman Haupt opened the public hearing.

Dennis Swan, who owns a few hundred acres near Columbia Road and 223rd St, said he was never contacted about the sites, but became aware of this plan, and congratulated the Commission on a good presentation and forward thinking. Over a year ago, related to the former Miami County Economic Development director, his property was added to a listing of Kansas large industrial sites, which required the site to be 150 acres or more. A fee was paid, and the state reviewed the site. At that point, a firm from SE Kansas did a 50 page write up of his property.

Mr. Swan's question is when this appendix is adopted and becomes fact, will it be a matter of stating the facts, or will opinion be included as to how useful the property may be? Mr. Hendershot said that he would offer all options to a developer, and then the developer would contact whomever, but the City would not recommend. This appendix would not preclude someone from choosing another site. Mr. Swan again said he was impressed with the planning of the City.

Chairman Haupt closed the public hearing.

Motion by Cindy Squire to approve the resolution adopting the amendment of the Comprehensive Plan by incorporating by reference the 2008 Business Development Plan Appendix.

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

Motion by Tim Pittman for a short recess.

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

The meeting resumed at 8:25.

6. Review of Spring Hill Zoning Ordinances related to residential fencing.
(Public Hearing)

Mr. Hendershot prepared two possible solutions to the problem of fences as they may occur to those owning a corner lot. At this time, a fence on a corner lot, may not be built in front of the front of the house next door, due to site

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triangle restrictions. This ruling can cause issues to the corner house, because they cannot fully enclose the yard area with a fence.

The Commission discussed many aspects of the two solutions and came to the conclusion they didn't like either proposal. Mr. Hendershot suggested tabling the item so he can bring back more information.

Motion by Tim Pittman to table this item to the October 2 meeting.

Seconded by Mike Newton Motion passed 5 yes; 0 no; 0 abstention

OTHER BUSINESS

7. Discussion of Zoning Ordinances concerning residential parking of vehicles

The Planning Commission discussed the rules and regulations that exist for the parking and storage of vehicles in residential districts. Mr. Hendershot provided an explanation of the code as it appears now. He discussed the definition of commercial, passenger and recreation vehicles, and their dimensions, and how they can or cannot be used or stored in residential and multifamily zones. Ms. Squire recalls that the Planning Commission did not allow gravel to be used unless it was behind a fence. She knows they changed the rules to say that if someone changes the current footprint of their driveway, they must use concrete or asphalt.

Mr. Haupt recalls that the Commission sent the recommendation to the City Council, and the gravel portion of it was changed by them. Ms. Squire would like to see items such as this to be returned to the Commission for revision.

Ms. Squire and Mr. Haupt discussed what can be parked on the front driveway, what has to be on concrete or asphalt, and the different aspects of current regulations.

Mr. Hendershot proposed drafting an ordinance dealing with this issue and presenting it at the October 2 meeting.

Motion by Cindy Squire to direct staff to draft an ordinance, and table this item to the October 2 meeting.

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

ADJOURN

Motion by Tim Pittman to adjourn.

Seconded by Mike Newton Motion passed 5 yes; 0 no; 0 abstention

Meeting adjourned at 9:45 P.M.

Mary Nolen, Planning Secretary

**SPRING HILL PLANNING COMMISSION
ZONING STAFF REPORT**

Case #: Z-01-08

Meeting Date: October 2, 2008

Description: Proposed Rezoning from R-1 to R-2

Location: Southwest corner of 191st and Woodland Rd. (The Crossings of Spring Hill)

Applicant: Andrew Schlagel

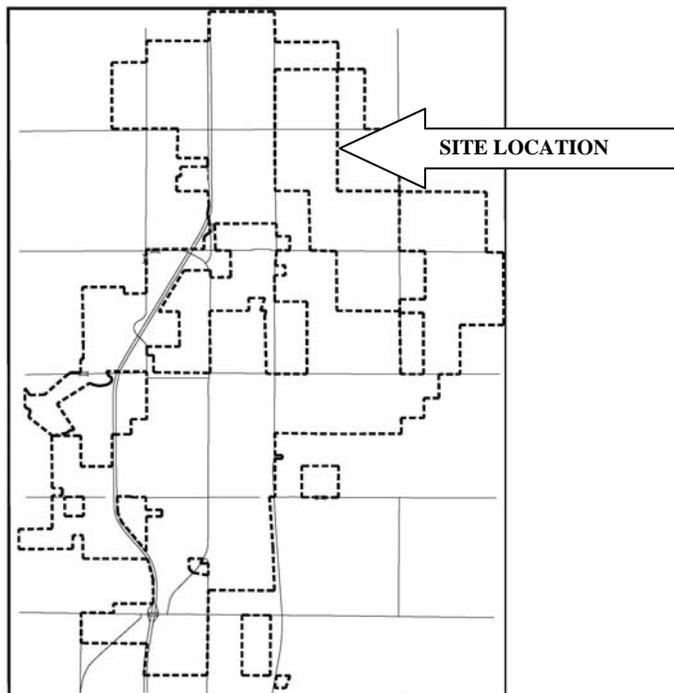
Engineer: Level 4 Engineering

Current Zoning: "R-1" **Proposed Zoning:** "R-2"

Site Area: 46.64 Acres **Number of Lots:** 133 Residential Units

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	"R-1"	Vacant	Mixed Use Residential
North:	"RP-4"	Vacant	Mixed Use Residential
South:	"R-R"	Rural Residential	Residential
East:	"RUR"	Rural Residential	Mixed Use Residential Mixed Use Commercial Residential
West:	"R-2 & RP-4"	Vacant	Mixed Use Residential Mixed Use Commercial

Proposed Use: Duplex Lots



BACKGROUND:

The applicant, Andrew Schlagel, has submitted an application to rezone a portion of The Crossings at Spring Hill Preliminary Plat from R-1 (single-family residential) to R-2 (two-family residential). A revised development plan indicating the area of rezoning is included with this staff report. The proposal would eliminate all R-1 zoning from the subdivision making a total of 180 R-2 lots in the entire subdivision. This is in combination with the RP-4 and commercial zoning previously approved on the preliminary plat.

REZONING:

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

- 1. **Neighborhood Character.** The surrounding neighborhood is a combination of rural residential, residential, and industrial, and abuts US169.



5. **Length of Time at Current Zoning.** The current zoning of the subdivision was approved in 2005.
6. **Public Gain Balanced by Landowner Hardship.** Considering the current housing crisis and the construction of the BNSF Intermodal in Gardner, the City of Spring Hill could benefit from a growth standpoint if affordable two-family homes are available. The applicant can best respond to landowner hardship issues, however denial of the request could result in continued difficulty to develop and market the property considering the current housing crisis.
7. **Conformance with Comprehensive Plan.** The area is primarily located within the Mixed Residential Use area of the Future Land Use Map, along with limited areas identified as Residential. The Comp. Plan recommends a ratio of 4-8 dwellings per acre in mixed-residential areas and 3-6 dwellings per acre in residential areas. The proposed rezoning would result in 133 lots (266 living units if all are duplexes) zoned R-2 in a 46.64 acre area resulting in 5.7 living units or 2.85 buildings per acre. The proposal would be in addition to the 47 lots previously approved for R-2 zoning located to the west of this proposal.

The Comprehensive Plan does not support large developments with one type of residential class, as the document recommends a mixture of single-family, two-family and multi-family units to balance the neighborhood. However it is understood that not every new residential development will be of appropriate size to accommodate a range of residential uses. The Comprehensive Plan also acknowledges that future developments will likely need to accommodate an increasing amount of Maintenance-Provided Housing, Attached Housing, or Multi-Family housing products as the local and national home buying market evolves during the planning period.

ADDITIONAL STAFF COMMENT:

1. The proposed plan has been forwarded to consultants, utility providers and staff for review. Comments from these individuals have been implemented into this staff report as applicable, with additional comments as follows:
 - a. BHC Rhodes (traffic consultant): Projected a new trip generation and anticipated traffic counts anticipated for the change to R-2 zoning. The changes are not significant enough to alter the recommendations for the improvements stated in the approved Traffic Impact Study dated April, 2007.
 - b. Kevin Kokes, BWR: Appropriately designed attached housing / multi-family uses are encouraged in areas designated as “Residential” on the **Future Land Use Plan** of up to six (6) dwelling units per acre, provided enhanced design quality and neighborhood open space amenities are provided. Multi-family uses should be integrated in a manner that appears

seamless with a single-family residential neighborhood. Such uses should not be designed as or appear to be complexes or isolated “pods”.

Because the Comprehensive Plan 2006 Update states that planned zoning should be used for all new residential areas proposed for multi-family or a mixture of residential uses, staff believes that the applicant should amend their application to request “RP-2” Planned Two-Family Residential and to reduce the size of the request to six acres or less in order to achieve no more than 10% of the land area of the overall development so that the district can also be integrated in a seamless manner with the single-family residential neighborhood.

RECOMMENDATION:

As noted above, the Comprehensive Plan does not support large single use developments such as R-2 (two-family). However, the total development does include areas of commercial as well as R-4 (multi-family). At the same time, the Comprehensive Plan recognizes a likely need for future development to accommodate an increasing amount of Maintenance-Provided Housing, Attached Housing, or Multi-Family housing products as the local and national home buying market evolves during the planning period. As we all are aware, the home buying market is in a crisis situation to which communities must respond in unaccustomed ways to stimulate growth and development. It is also understood that the BNSF Intermodal project is anticipated to have a large impact on residential development in Spring Hill but not all employment opportunities related to this major project will be of a type to support purchasing single-family homes.

When considering all the above information, it is the recommendation of staff to amend the rezoning from R-2 to RP-2 (Planned Two-Family Residential). This would allow the developer to proceed with what is perceived as a changing market opportunity and allow the City of Spring Hill to regulate the development through the Planned Residential Development process. This would also serve to ensure enhanced design quality for the neighborhood as well as other issues addressed in the Planned Development section of the Zoning Code.

As a result, staff recommends the following:

1. Amend the rezoning request from R-2 to RP-2
2. Require the applicant to comply with applicable provisions of Section 17.332 (Planned District) of the Spring Hill Zoning Code including but not limited to:
 - a. Submission of plans indicating the use of higher-quality durable materials and architectural features that provide an increase in visual interest over conventional zoned developments.

Memo

To: Spring Hill Planning Commission
From: Jim Hendershot, Planning & Development Coordinator
CC: file, City Council, City Administrator
Date: September 25, 2008
Re: Annual renewal of CUP for 169 Auto

The conditional use permit for 169 Auto Parts was approved by the Miami County Commission on September 25, 1995, with the condition that it be reviewed annually for compliance with the conditions of approval.

Staff has visited the site and the property owner is complying with the revised site plan approved November 1, 2001, (attached). In previous years the owner had problems with dead trees. Since then he has replaced them and the new trees appear to be doing well.

As requested in 2008, the Fire Department has been requested to inspect the property and provide reports on any inspections since the last renewal. Captain Sholey has indicated he will provide the reports however he has been attending training sessions for the previous two weeks. The reports will be provided at the PC meeting of October 2, 2008

Last year the Planning Commission approved the renewal and noted that the property owner needs to continue to comply with: 1) the conditions set forth in the Conditional Use Permit 95003-CUP; and 2) the revised site plan that was approved November 1, 2001.

RECOMMENDATION: Approve the CUP renewal for one year subject to compliance with the following documents: 1) the conditions set forth in the Conditional Use Permit 95003-CUP; and 2) the revised site plan that was approved November 1, 2001.

Attachments: Site Plan approved 11/1/01

BACKGROUND:

The applicant, Phelps Engineering, has submitted an application for a re-plat of tracts A, B, D, & E Biltmore Farms, First Plat (A copy of the proposed final plat is included with this staff report.) The re-plat is necessary to correct an issue with the alignment of Skyview Lane at 199th Street. The original plat placed Skyview Lane adjacent to the east property line and was in direct conflict with the neighboring property drive entrance. Over the past few months the adjoining property owner, David Chrisjohns, has met with city staff as well as the developer and Johnson County Public Works to resolve the driveway issue with the realignment of Skyview Lane being the only acceptable resolution to the matter.

STAFF COMMENT:

There are four tracts in Biltmore Farms, Second Plat. Tracts B, D & E are a combination of common ground and utility easements. Tract A meets the minimum lot requirements with regard to lot area, lot width and lot depth. The re-plat does not affect the approved landscaping plan for the subdivision.

The utility easements are shown with dimensions meeting or exceeding the minimum easement requirements for the City.

Members of city staff including the Public Works Director and City Engineer as well as utility providers and other consultants have reviewed and approved the plat.

RECOMMENDATION:

Staff recommends approval of the Biltmore Farms, Second Plat.

Memo

To: Spring Hill Planning Commission

From: Jim Hendershot, Planning & Development Coordinator

CC: file

Date: September 25, 2008

Re: Proposed ordinance amendment for parking of vehicles in front yards of residential properties

At the September 4, 2008 meeting of the Planning Commission a discussion was held concerning current regulations for parking trucks, passenger vehicles and recreational vehicles on residential properties. The emphasis of the discussion centered on the code section allowing gravel to be utilized for parking recreational vehicles in the front or side yard.

For discussion purposes I have provided the attached proposed language change to the current code that would only allow gravel to be placed in the side yard if a fence was constructed to shield the vehicle from view, and would also eliminate gravel from being used in the front yard for recreational vehicle parking.

Should the PC decide to pursue an amendment to the current zoning code, a motion to set a public hearing on November 6, 2008 is required.