SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA

Thursday November 06, 2008
7:00 p.m.
Spring Hill Civic Center
401 N. Madison

PLEASE NOTE The Planning Commission will meet in the reception room instead of room 15 due to a meeting by the City Council at the same time.

Welcome to Valerie Houpt

CALL TO ORDER

ROLL CALL

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

APPROVAL OF AGENDA

FORMAL COMMISSION ACTION

1. Approval of Minutes

   October 2, 2008

- **Non-Public Hearing Items**

2. Site Plan

Case No.:	SP-05-08
Request	U.S. Post office building
Address	SW corner of Lawrence and Race St.
Applicant	Rusty West-RC construction

OTHER BUSINESS

3. Review of Spring Hill Zoning Ordinance changes related to parking of vehicles in residential neighborhoods.

4. Review of Spring Hill Zoning Ordinance related to billboards.

5. Discussion of Joint Planning Commission and City Council meetings

6. Discussion of rezoning request for Sycamore Lake Estates located on the southwest corner of 199th and Lone Elm.

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).

Planning & Development

City of Spring Hill, KS

Memo

To: Spring Hill Planning Commission

From: Jim Hendershot, Planning & Development Coordinator

CC: file

Date: October 31, 2008

Re: Overview of November 6, 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 October 2, 2008 meeting

2. **SITE PLAN, SP-05-08, POST OFFICE:** We will discuss the site plan for the construction of a new post office building located at the corner of Lawrence and Race. A staff report is included with this mailing for your review. Unfortunately, there is a list of unresolved issues with this site plan that hopefully will be resolved prior to the meeting.

3. **REVIEW OF ORDINANCES RELATED TO PARKING OF VEHICLES IN RESIDENTIAL NEIGHBORHOODS:** At the last PC meeting this issue was discussed and staff was directed to better define the term ”concrete pavers” and their use for parking. Included with this mailing you will find a memo detailing the latest draft of the ordinance along with a draft of the ordinance amendment language.

4. **REVIEW OF ORDINANCES RELATED TO BILLBOARDS**: A presentation will be made outlining current regulations for billboard placement in Spring Hill followed by a discussion of the regulations. At a recent meeting of the City Council where a billboard conditional use was approved, comments were made by the Council about a review and possible elimination of billboards within the city limits.

5. **JOINT PLANNING COMMISSION / CITY COUNCIL MEETING**: It is recommended by our code that the Planning Commission and City Council meet twice per year to discuss issues relating to zoning, planning and subdivisions. Our last meeting was in June to discuss the updates to the Comprehensive Plan. With the holiday schedule adjustments made by the City Council, the November and December

Planning Commission dates are also now City Council meeting dates. As a result, if we are to have a joint meeting it will be at a special date other than a regularly scheduled meeting. I am open to suggestions as to possible dates of a joint meeting.

6. **DISCUSSION OF REZONING REQUEST TO JOHNSON COUNTY FOR SYCAMORE LAKE ESTATES**: The Johnson County Planning Commission has received a request to rezone land located north of the Sycamore Ridge Golf Course at the corner of 199th and Lone Elm. The property is located adjacent to the Spring Hill city limits and discussions have taken place between the applicants and city staff concerning annexation. A formal response to the Johnson County Planning Department has been filed that voices the objections to this rezoning based on annexation into the City of Spring Hill, protection of Spring Hill Lake, availability of water and waste water and other issues. I will attend the November 3 public hearing on this matter and give a report to the Planning Commission.

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 December 4, 2008 agenda.

The following minutes are subject to modification
and are not official minutes
until approved by the Planning Commission

SPRING HILL PLANNING COMMISSION
REGULAR MEETING
October 2, 2008

The Spring Hill Planning Commission met in a regular session on Thursday, October 2, 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:	Tobi Bitner	Members absent	Steven Sebasto
per role call	Janet Harms		One vacant seat
	Brian Haupt		
	Bill Kiesling		
	Michael Newton		
	Tim Pittman		
	Cindy Squire		

Staff Present: Jim Hendershot, Community Development Coordinator
Frank H. Jenkins, Jr., City Attorney
Mary Nolen, Planning Secretary

APPROVAL OF THE AGENDA

Mr. Hendershot asked to add item #6, review of billboard regulations, to the end of the agenda.

Motion by Brian Haupt to approve the agenda as revised
Seconded by Janet Harms. Motion passed 6 yes; 0 no; 0 abstention

FORMAL COMMISSION ACTION

1. Approval of Minutes:

September 4, 2008

Motion by Janet Harms to approve the September 4, 2008 minutes
Seconded by Tim Pittman Motion passed 4 yes; 0 no; 2 abstention

Bill Kiesling and Tobi Bitner abstained

2. Rezoning
   Case No.: Z-01-08
   Request R-1 to R-2
   Address Crossings at Spring Hill (192nd & Webster)
   Applicant Andy Schlagel

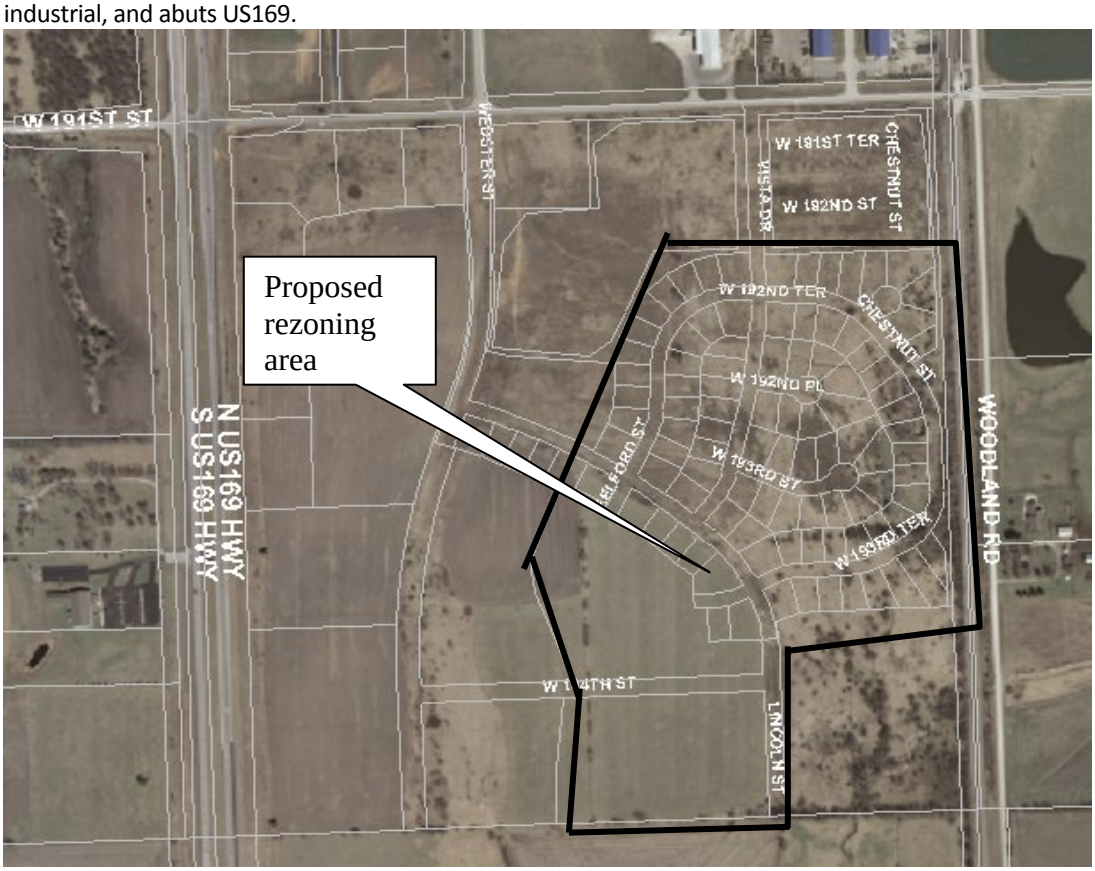
Chair Bitner asked if anyone had any contact or conflict of interest with the applicant, and there being none, Mr. Hendershot proceeded with his staff report.

Beginning of staff report

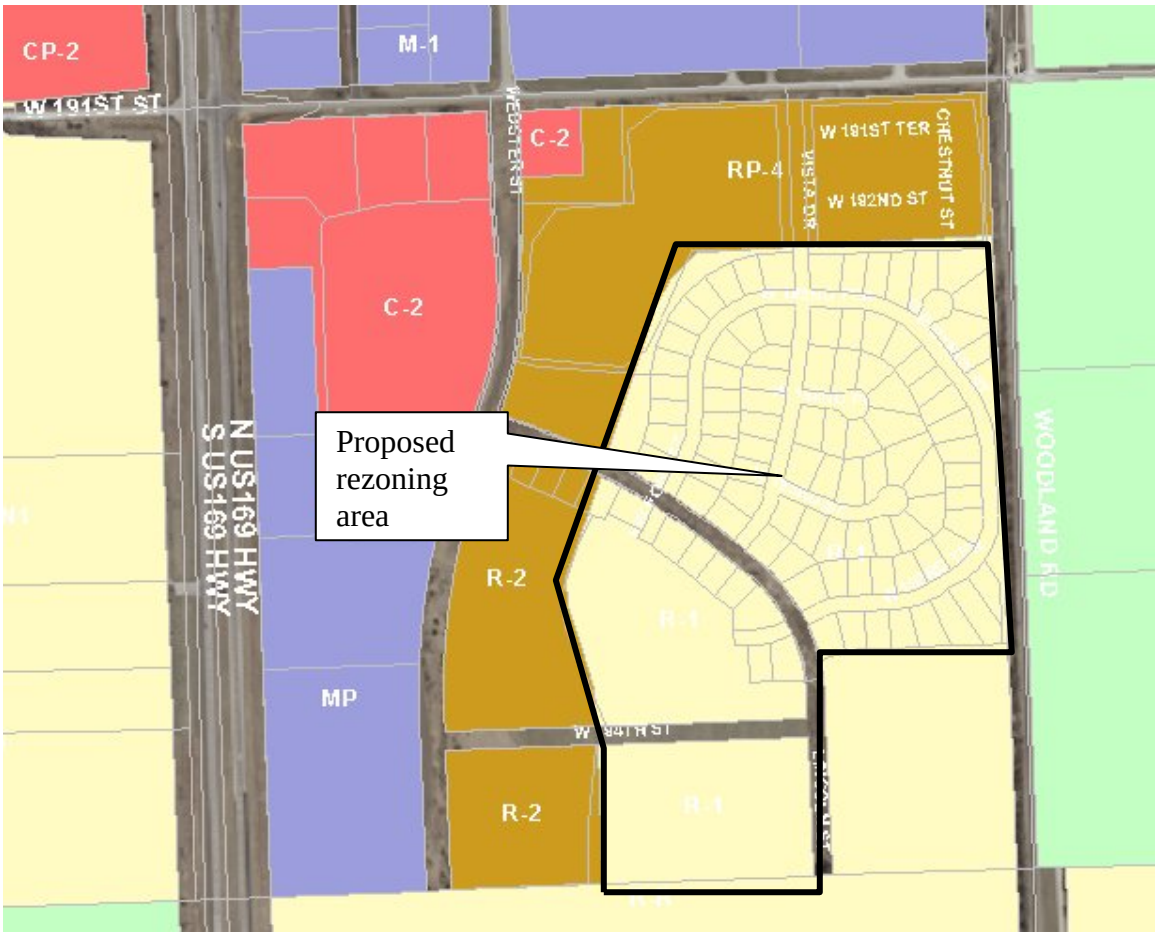
BACKGROUND:
The applicant, Andrew Schlagel, has submitted an application to rezone a portion of The Crossings at Spring Hill Preliminary Plat from R-1 (single-family residential) to R-2 (two-family residential). A revised development plan indicating the area of rezoning is included with this staff report. 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.



2. **Adjacent Zoning.** The following map indicates adjacent zoning of R-2, RP-4, R-1 and unincorporated Johnson County to the east.



3. **Suitability for Current Zoning.** Current zoning for the subdivision was established through the platting process previously approved by the PC and City Council

4. **Detrimental Effect of Zoning Change.** According to Kevin Kokes, Consultant with BWR, the issue of too much R-2 zoning with no land use controls has been a major issue with previous plat submissions. In addition Mr. Kokes reports the issue of not allowing large areas of single-use housing types (such as duplexes) was a significant issue during the Comprehensive Plan process. Resistance was strong in the community to any type of higher density housing, however after extensive discussion and completion of the visual preference survey, the community ultimately agreed to support the land use map. Land use descriptions were adopted that encourage integration of other types of attached housing and higher density housing if designed appropriately, and if the city has adequate zoning controls to ensure they would be of quality design.

   The applicant has conducted meetings with neighboring property owners and reported no negative responses to the proposal. Mr. Schlagel will be present at the hearing to report on these meetings.

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 provides an increase in visual interest over conventional zoned developments.

End of Staff Report

Ms. Bitner asked why the R-2 was not requested in the first place. Mr. Hendershot noted that it was a matter of timing, related to the application submission, publication deadlines, and replies from consultants.

The applicants, Andy Schlagel and Joe Campbell were present to answer questions. Mr. Schlagel discussed the 46 acres, of 133 lots proposed to become R-2. The original final plat was approved in 2005. At that time, it was a very different market. They are hoping the duplex market will recover faster than other types. They have already filed a final plat, and the infrastructure is in for that area. If they can rezone, they will be ready to start building.

Mr. Schlagel distributed examples of the units they propose, with lap siding on the side, and stucco on the front, as well as manufactured stone products. They will be different in color schemes, resulting in a high quality unit. These are the units they are getting ready to build in Gardner.

Mr. Schlagel wants it on the record that they will build a very high quality unit on these lots. He asks the Commission to help them advance to produce a product that they feel will be needed in this market.

Mr. Pittman asked what the selling price of a unit will be. Mr. Campbell thought it would be around $150,000.00. They will be marketed for sale, not for rent.

Mr. Haupt asked how many acres of R-2 are already zoned. There are 17 acres of straight R-2. Mr. Schlagel explained they are looking at the current site that has been platted, and contains the infrastructure to be able to start building right away. Mr. Haupt was concerned that all the area would become R-2. The Commission discussed the buffering of the areas near the railroad, commercial and industrial areas.

Ms. Squire confirmed these units are for sale, not a rental facility. She asked if there will be a Home Owners Association, and if they plan to have basements for the units for safety reasons. Mr. Campbell said yes, and he explained that some units could have basements, but also some can be built on slab. It's up to the home buyer; the developers felt the market wants to have basements. She confirmed they would not be maintenance free or only for

seniors and such. She asked if the R-2 that is currently zoned would contain the same type of unit, which they agreed they would. Ms. Squire wondered why it would be advantageous to zone this as RP-2, a planned district. Mr. Hendershot said he thought they would be looking for a reduced lot size, and it gives the City more control of the outside of the buildings and the material they use. Mr. Hendershot said after viewing the type of building, he no longer had any issues that lead him to think about the planned area.

Chair Bitner opened the public hearing, and with no comments from the audience, she closed the public hearing.

Mr. Hendershot noted that there may be a legal question of tying an R-2 to a building design. Mr. Schlagel again committed to building the type of design that he showed to the Commission.

Ms. Bitner asked about amenities, and Mr. Schlagel said they didn't intend to make any changes. Mr. Hendershot noted that the plat doesn't change only the zoning will change.

The Commissioners talked about the legalities of submitting a planned zone, and making changes to the zoning request at this meeting. The City Attorney felt that reasons why it is not applicable to R-2 would need to be detailed and then reasons why the planned zone would be more appropriate would include a resubmission of the application, and further delay the time.

Mr. Schlagel noted that they have met with the property owners, there were no problems at that meeting. They also had no comments at the public hearing. The Commission discussed many aspects of this issue, the hardship on the applicant, some of the Commissioners wanted to see a smaller step since having all that area as R-2 is not part of our philosophy, the Comp Plan likes to see a mix of housing types. Some of the Commissioners wanted to be flexible and the discussion resulted in a compromise suggested by Ms. Squire.

Ms. Squire proposed rezoning the section of the first plat that has been platted and infrastructure has been installed. This area would encompass about 85 lots north and east of Lincoln St. Mr Schlagel felt they could start building very soon.

Mr. Campbell noted he could not get bank loan approval for single family, but he can get that for two family. They have asked this rezoning for projects in Gardner and Olathe, which have been approved.

The Planning Commission discussed how long it would take to build 85 units, that different zoning areas are adequately buffered with this proposal, the condition of the market now and in the future. Ms. Harms was concerned how long it would take to build and would any sit empty. They thought it would be a year at a minimum, but they can't foretell the market.

The applicant, Andy Schlagel given the discussion, requested to amend R-2 zoning to include all platted R1 lots north and east of Lincoln Street. The lots were specifically noted as being lots 1 through 100, excepting lots 1 through 6; and 35 through 41. That will rezone all of the first plat that is zoned R-1, except for the lots south of Lincoln Street.

Motion by Brian Haupt to allow a 10 minute break
Seconded by Michael Newton Motion passed 7 yes; 0 no; 0 abstention

The meeting resumed at 8:27 PM.

Discussion from the Commissioners and the City Attorney resulted in the following motions.

Chair Bitner stated that the Planning Commission grants the request to amend the zoning application as stated above by the applicant, Andy Schlagel.

Motion by Cindy Squire to recommend to City Council approval of Z-01-08, for the reasons outlined in the staff report, referencing the "Golden Criteria":

1. Lots 1 through 100, excepting lots 1 through 6; and 35 through 41 of the Crossing of Spring Hill 1st Plat will be rezoned from R-1 to R-2
2. Applicant providing a copy of detailed elevations and drawings as were presented tonight.

Seconded by Tim Pittman Motion passed 7 yes; 0 no; 0 abstention

Mr. Hendershot noted that this item will appear before the City Council on October 23, 2008, after the protest period.

- **Non-Public Hearing Items**

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

Chair Bitner asked if anyone had any contact or conflict of interest, Ms. Harms noted that she is related to someone in the family, The City Attorney did not think it was a conflict that would affect this case.

Start of staff report

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.

End of staff report

Mr. Hendershot distributed a September, 2007 Technical Services Division Community Risk report, and a Violation Notice, dated October, 1, 2008, from Johnson County Fire District #2. In an email to Mr. Hendershot, Captain Sholey noted he is waiting for an action plan from the occupant, who has been very cooperative and is working toward meeting the fire code.

Chair Bitner noted that it was a non-public hearing. The City Attorney pointed out that there was someone in the audience who would like to speak to the issue, and it was up the discretion of the chair. Chair Bitner asked Mr. Gardner to proceed.

Lee Gardner of 22326 W. 221st Street spoke, saying he was not against any business as long as it's run properly. Last year the Commission renewed the CUP for this business, and he obtained the report that was distributed in 2007. The report was not as long as the report he received under the Kansas open record act.

The nature of the salvage yard includes many hazardous chemicals, and it was noted that hazardous spillage has occurred. Why are the same violations still occurring? Only 65% of violations were in compliance, and some of those violations still exist. Mr. Gardner feels the owner does not comply with the site plan related to vehicle storage, project cars, customer parking. He discussed items that appear above the fencing, storage of used tires, maintenance of driveways and access roads, especially the blocked second entrance.

Mr. Gardner has no motivation to impact a business as long as the business complies with their moral and legal responsibility that things are safely handled. He would like the Commission to look at these infractions a bit closer.

Ms. Bitner confirmed that the Fire Department is waiting for an action plan from the owner. Mr. Hendershot restated that the fire marshal is in charge of the issue based on his authority. Mr. Hendershot noted that the 5 page report was submitted, after which the report presented to the Commission had been sent to us as the latest version. Mr. Hendershot asked his staff to view the property and determine if they are in compliance, and they reported that the site is in compliance.

Ms. Bitner asked if they are in compliance with the items the City has asked of the establishment, and Mr. Hendershot said that they are.

Ms. Squire restated the issues of Mr. Gardner, items above the fence, blockage of the secondary exit, and the customer parking area. Mr. Newton noted that the items are to be corrected at a date in the future. Mr. Hendershot said that they will know about compliance by the time of the City Council meeting at the end of October. Mr. Haupt wondered if it's in the City's authority to withhold action, based on items that are the jurisdiction of the Fire Marshal.

Mr. Gardner agrees that the fire marshal has authority; however the Commission can address stipulations that the owner has agreed to.

The applicant and owner, Mr. Lester Town of 15945 W. 288th St. in Paola spoke about the nature of the salvage business. The location was inspected by KDHE, and they were happy with the results. They have tried to comply with the site plan as well as they can. Parking is an issue, and they actually block the secondary exit to stop theft.

Motion by Brian Haupt to recommend to City Council, approval of 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.

Seconded by Tim Pittman Motion passed 7 yes; 0 no; 0 abstention

4. Final Plat

Case No.:	FP-01-08
Request	Biltmore Farms 2nd Plat
Address	South of 199th, east of Woodland
Applicant	Phelps Engineering

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

Beginning of staff report

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 Chrisjohn, 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.

End of staff report

Mr. Hendershot said that Mr. Chrisjohn was happy with the alignment.

Motion by Brian Haupt to recommend to City Council, approval of the Biltmore Farms second plat.
Seconded by Michael Newton Motion passed 7 yes; 0 no; 0 abstention

5. Discussion of Zoning Ordinances concerning residential parking of vehicles

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.

Draft 9/25/08

SECTION 17.342

PROHIBITED USES

A. Structure Incident to Family Dwelling. No temporary or incomplete building, nor any automotive equipment, trailer, recreational vehicle, converted bus, garage or appurtenances incident to a family dwelling, shall be erected, maintained or used for residential purposes.

Recreational Vehicles (as defined in Section 17.302.B.110): It is permissible to park or store not more than two (2) recreational vehicles on a single-family or duplex lot, provided that the following criteria are met:

1. The recreational vehicle shall be parked in a garage, ~~the side yard~~ or rear yard but not in the front *or side* yard, except as provided in Section 17.342.A.6 *and 17.342.A.7*:
2. The recreational vehicle shall not be parked closer than two (2) feet to any property line.
3. The recreational vehicle shall not be used for on-site dwelling purposes for more than fourteen (14) days per year; permanently connected to sewer lines, water lines or electrical lines; or used for storage.
4. The recreational vehicle and the area it is parked on shall be maintained in a clean, neat and operable manner, and the equipment shall be in usable and working condition at all times. *When parked or stored in the rear yard* the area the recreational vehicle is parked on shall be surfaced with asphalt, concrete, *concrete pavers* or gravel.
5. The recreational vehicle shall be owned by the resident upon whose property it is parked, provided that others visiting the resident may park their recreational vehicle on the lot for a period of time not to exceed fourteen (14) consecutive days.
6. Parking of one (1) recreational vehicle is permitted outside on the front drive provided that the following items are met:
   a. No part of the recreational vehicle shall extend over sidewalks, or street right-of-way.
   b. Appeals and variances to these provisions shall be considered by the board of zoning appeals.
   c. *The area the recreational vehicle is parked on shall be surfaced with asphalt, concrete, concrete pavers or similar material. The use of gravel in the front yard is prohibited.*
7. *Parking of one (1) recreational vehicle is permitted outside on the side yard provided that the following items are met*:
   a. The area the recreational vehicle is parked on shall be surfaced with asphalt, concrete, concrete pavers or similar material. The use of gravel in the side yard is prohibited except when the vehicle is screened from view from the street by a minimum six-foot high privacy fence.
   b. The recreational vehicle shall not be parked closer than two (2) feet to any property line.

(Ord. 2006-33)

Mr. Haupt asked for a description of a concrete paver. Mr. Hendershot described a substantial 18 inch wide by 4 foot long concrete block, embedded in the ground, such as an old "model T" or "ribbon" driveways from the past. Mr. Haupt commented that he'd need 4 of them, one for each wheel. Mr. Hendershot said that Overland Park allows for grass to grow up between the pavers. It's a possible alternative. These items will have to be well defined. Mr. Haupt noted he could see an advantage to offering that option. The wording will need to be clear and enforceable.

It was suggested that a draft ordinance be presented to the Commission in November, with the public hearing occurring in December.

6. Discussion of billboard signs

At the City Council meeting when the Conditional Use Permit was approved for the additional billboard sign, the City Council asked the Planning Commission to review the existing billboard regulations, does Spring Hill want to continue to see this, or ban them completely, or set more stringent restrictions. Our regulations are more restrictive than those of KDOT, notably our signs must be smaller.

Mr. Haupt commented that there are very few places where they are allowed. Can they be banned entirely?

The Commission briefly discussed the use of billboards in other cities, and Mr. Hendershot suggested he could prepare a report on our regulations.

Motion by Tim Pittman to adjourn.
Seconded by Janet Harms Motion passed 7 yes; 0 no; 0 abstention

Meeting adjourned at 9:45 P.M.

_____
Mary Nolen, Planning Secretary

SPRING HILL PLANNING COMMISSION
SITE PLAN STAFF REPORT

Case #: SP-05-08 **Meeting Date:** November 6, 2008

Description: Proposed Site Plan, US Post Office

Location: 201 N. Race St..

Applicant: RC Construction – Rusty West – Flagstaff, AZ

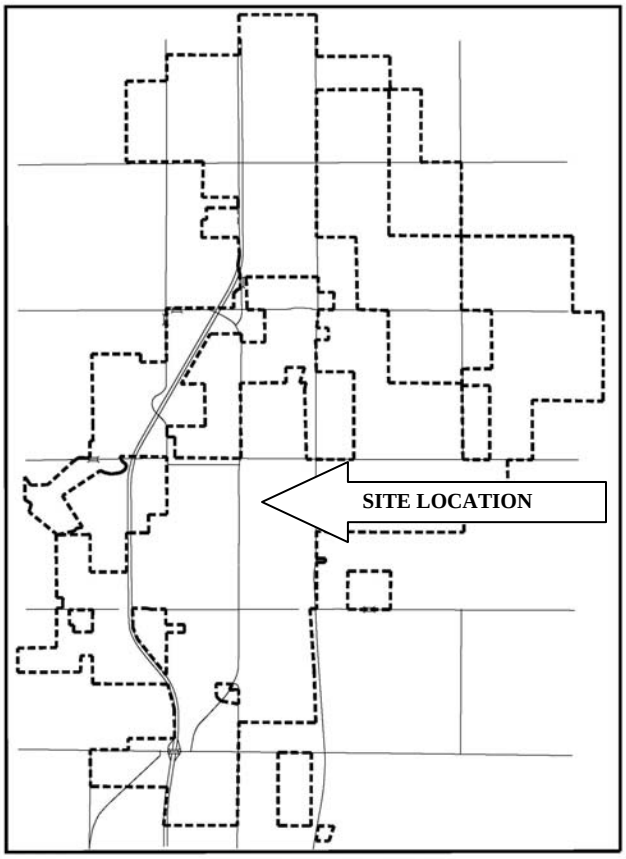
Engineer: Webster Architects – Dan Webster – Olathe, KS

Site Area: 1.08 ac.

Minimum Lot Area: No Minimum

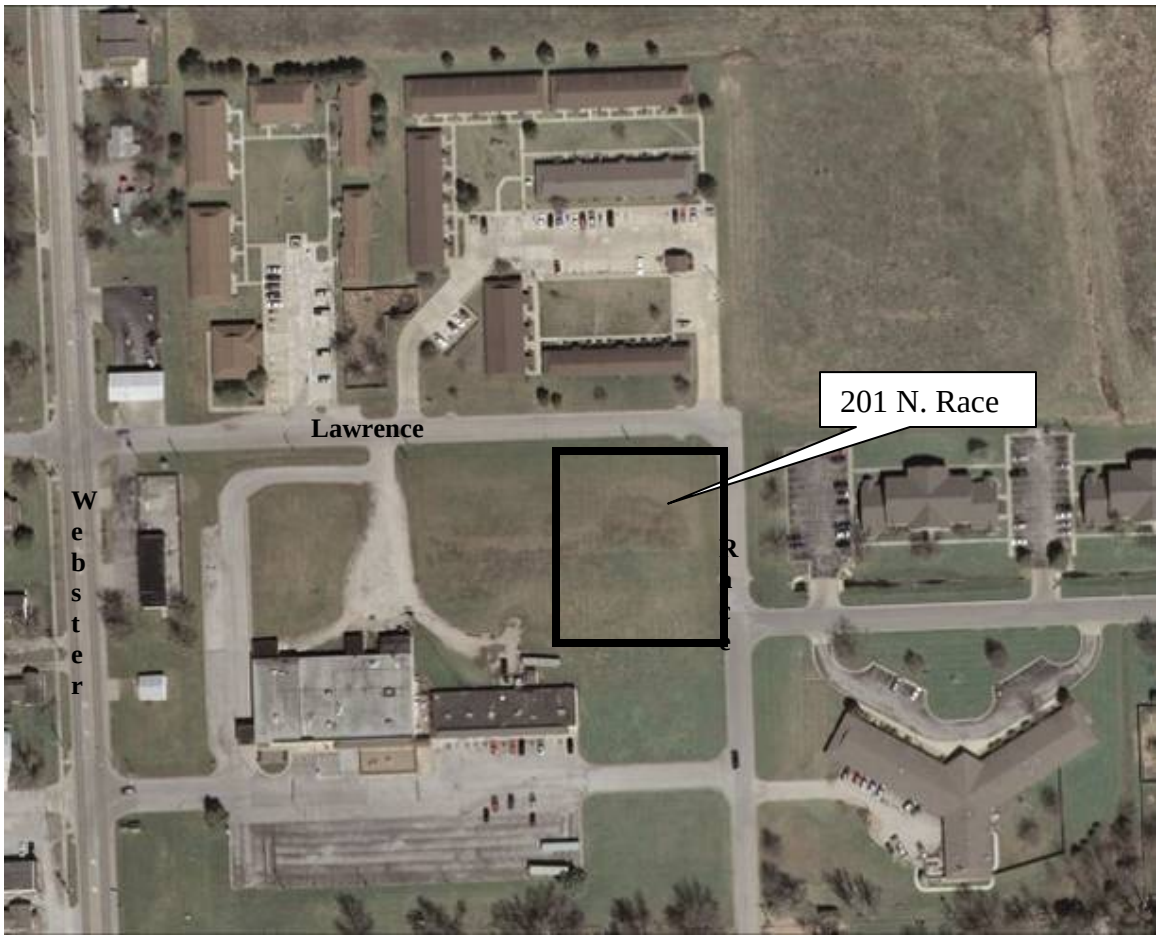
Current Zoning: "C-2" **Proposed Use:** Post Office Substation

Related Applications: LS-01-08 (lot split)



BACKGROUND:

The applicant, Rusty West (RC Construction), has submitted a site plan application for a post office substation located at 201 N. Race Street. At previous meetings of the Planning Commission this site was found to be in compliance with the Spring Hill Comprehensive Plan. NOTE: A copy of the site plan is included with the staff report.



STAFF COMMENT:

The applicant proposes to construct a 5,099 sq. ft. wood frame, single story structure to be used as a post office substation. The facility will face east with entry from both Race and Lawrence streets. A mail drop box is located on the north side of the parking area and trash containers located on the southwest corner of the property.

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. However, comments from City Engineer John Brann are of particular interest. These comments are as follows:

"I have started the review of the site plans for the new post office and it appears that we may have a serious problem. The new post office is to be located on property where we have planned new storm sewer improvements as part of Phase 3 of the Wilson Street SMAC project. At this point we have a design for Phase 3 that has been approved by the county but we have not acquired any easements. This project is scheduled to be constructed in 2010 with easement acquisition to start in mid 2009."

Because of this conflict with future storm water projects, Mr. Brann and I will meet with the design team prior to the Planning Commission and make a full report on Nov. 6 to the Planning Commission.

Additional comments have been received from Kevin Kokes, BWR Planning Consultant, as noted below:

1. The method of screening for all ground and building mounted mechanical equipment ("condensing units") and meters (gas, electric, etc) needs to be identified. If landscaping cannot be provided around these elements, then an appropriate screen wall or other screening device compatible with the building exterior / materials should be provided. Painting the equipment is not considered an acceptable method of screening
2. The location of the "utility transformer" along Lawrence Street is identified in an area shown as a landscape planting bed on the landscape plan. The landscape plan should be revised to reflect the transformer, and include appropriate landscape plantings (height and size) around the transformer to provide screening of the transformer.
3. The landscape species are suitable for Spring Hill according to our landscape architect -- no revisions to species are necessary, except as necessary to provide screening for the height and size of the transformer
4. Lighting standards are addressed in Section 17.338.A.6. Sheet ME1.1 does not include a point-by-point calculation to show compliance with the light standards.
5. Since residential is located nearby, maximum 25-ft height for parking lot luminare fixtures is recommended (measured from grade).
6. The plans should specify the type of fixture on the parking lot light poles to ensure compliance with Section 17.338.A.6.b.
7. While no point-by-point lighting calcs were provided, it appears the front side of the building and parking lot (east side along Race Street) would not have enough lighting.
8. Wall-pack lights should not be used on the building for site lighting (shown on Sheet A3.1). In accordance with the City's Commercial Design Guidelines (pages A-14 & A-15), "...any building mounted light fixtures should be decorative in nature and used primarily at entrances, rather than for site or parking lot lighting purposes."
9. Wall pack light fixtures -- see above. Remove or replace wall-packs with a suitable fixture.
10. Roofing materials. The city's design guidelines do not identify preferred materials. However, past city approvals have encouraged (or required) high quality and durable materials. The submitted plans identify "shingles" but do not provide any indication of appearance or quality.
11. The location of the proposed monument sign varies on the plan sheets, but appears too close to the street right-of-way, and likely within a utility easement. The sign will need to comply with the city's sign ordinance and obtain a sign permit. The sign should not: be placed in a utility easement, on top of the gas line, or within the sight triangle at the driveway entrance where it could obstruct visibility.
12. One of the handicap accessible parking stalls is located on the side of the building at the west end of the building, and not in proximity to the "....closest accessible route from the parking lot to the building's accessible entrance." (Section 17.350.J.9). The preferred location for both accessible parking stalls would near the main entrance (east side of the building).

NOTE: These comments have been forwarded to the architect. To date comments have not been received. Staff will update the Planning Commission on Nov. 6 if alterations are made to the plans based on the above comments.

Additional comments on the site plan are as follows:

- 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. See #2 and #3 above for additional landscaping comments.
- Parking has been identified and will be paved as required. The 21 parking stalls identified on the site plan meet the requirements for this type of occupancy and use. See #12 above for handicap accessible parking comments.
- Outside lighting. See #4-9 above. Updates on these items will be provided at the meeting as available.
- The erosion and sediment control plan, and storm water drainage details are identified on the plans and are satisfactory for the site.
- Outdoor trash storage areas are identified and properly screened.

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

- Provided the comments noted above can be successfully addressed, the site plan will be in compliance with the zoning regulations and comprehensive plan.
- The proposed project is compatible with the surrounding area in that the property is properly zoned for a post office substation.
- The proposed site plan is in conformance with the Spring Hill Comprehensive Plan Future Land Use Map which shows the parcel as Mixed-Use Commercial**.**
- The proposed project is in conformance with customary engineering standards used in the City.

RECOMMENDATION:

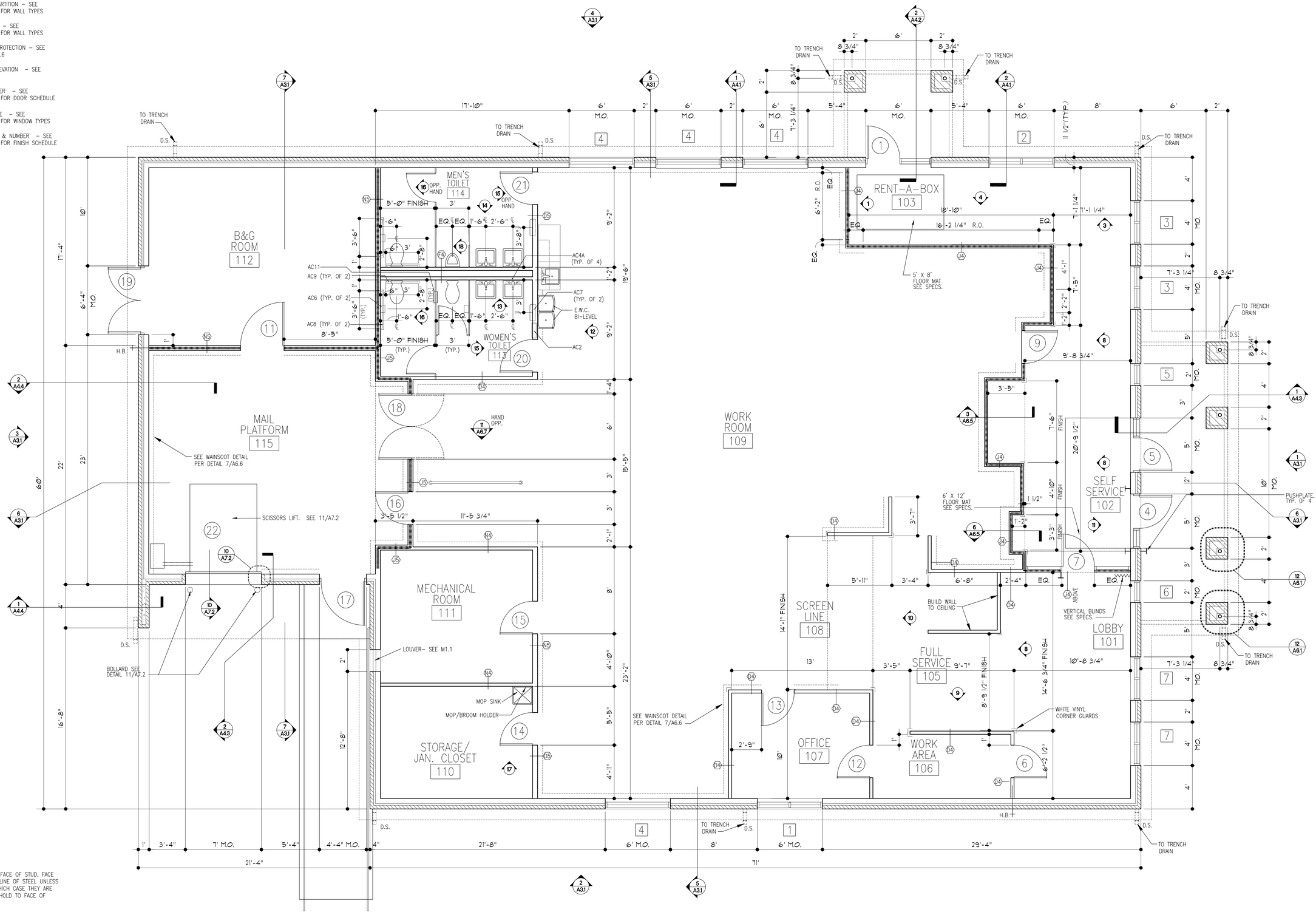
Comments noted above are substantial enough to warrant definite conclusions be reached to these items. While most of the issues can be addressed through alterations and

clarifications to the site plan, the issue of future storm water projects in the immediate vicinity of the post office is significant. As indicated above, staff will be meeting with the design team and owner to attempt to remedy all issues noted above and a complete update will be presented at the November 6 meeting.

Assuming all issues have been reasonably resolved staff will recommend the approval of the site plan. If the issues have not been satisfactorily resolved then the Planning Commission has the option to table the site plan review until a future meeting (December 4).

FLOOR PLAN LEGEND

- PARTITION – SEE SHEET A6.4 FOR WALL TYPES
- SECURITY PARTITION – SEE SHEET A6.4 FOR WALL TYPES
- CHASE WALL – SEE SHEET A6.4 FOR WALL TYPES
- FRP WALL PROTECTION – SEE DETAIL 7/A6.6
- INTERIOR ELEVATION – SEE SHEET A5.1
- DOOR NUMBER – SEE SHEET A2.1 FOR DOOR SCHEDULE
- WINDOW TYPE – SEE SHEET A2.1 FOR WINDOW TYPES
- ROOM NAME & NUMBER – SEE SHEET A2.1 FOR FINISH SCHEDULE



NOTES

1. ALL DIMENSIONS ARE TO FACE OF STUD, FACE OF MASONRY, OR CENTERLINE OF STEEL UNLESS NOTED AS "FINISH", IN WHICH CASE THEY ARE CRITICAL DIMENSIONS TO HOLD TO FACE OF FINISHED WALL SURFACE.

1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

0 2' 4' 8'

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UNITED STATES POSTAL SERVICE

USPS Facilities Service Office, 8055 E. Tufts Avenue, Suite 400, Denver, CO 80237-2881

SPRING HILL, KANSAS M.P.O.
SPRING HILL, KS 66083-9998
CORNER OF LAWRENCE AND RACE STREETS
Location Line 3

SMALL STANDARD DESIGNS BUILDING 40

Revisions:

A1.1 ARCHITECTURAL FLOOR PLANS

Scale: Date: 7-21-08
Project: 08-005-01
USPS File Number: E52782

Planning & Development

City of Spring Hill, KS

Memo

To: Spring Hill Planning Commission

From: Jim Hendershot, Planning & Development Coordinator

CC: file

Date: 10/31/08

Re: Parking/storing of vehicles in residential neighborhoods

As directed by the Planning Commission at the Oct. 2, 2008 meeting, I have revised the draft ordinance for parking/storing of vehicles in residential neighborhoods. The original draft included provisions for "concrete pavers" for allowed parking surfaces. However, after consulting other communities and attempting to develop a proper definition for concrete pavers, it became obvious this is not an easily remedied issue as concrete pavers are manufactured in many sizes, shapes and styles

As a result, I have amended the original draft to include the phrase '"*or similar dust free surface"* where applicable. A similar dust free surface would, in my opinion, include concrete pavers. In addition, I have included regulations for *"continuous for the length of the vehicle"* and *"dust free, rut free surface"*. This would apply when an individual desires to utilize concrete pavers by requiring them to maintain the pavers in a neat and sanitary condition. Thus, concrete pavers could be utilized for ribbon type parking surfaces provided they are installed correctly and maintained in a neat, dust free, rut free condition and continuous for the entire length of the vehicle.

Draft 10/23/08

SECTION 17.342

PROHIBITED USES

A. Structure Incident to Family Dwelling. No temporary or incomplete building, nor any automotive equipment, trailer, recreational vehicle, converted bus, garage or appurtenances incident to a family dwelling, shall be erected, maintained or used for residential purposes.

Recreational Vehicles (as defined in Section 17.302.B.110): It is permissible to park or store not more than two (2) recreational vehicles on a single-family or duplex lot, provided that the following criteria are met:

1. The recreational vehicle shall be parked in a garage, ~~the side yard~~ or rear yard but not in the front *or side* yard, except as provided in Section 17.342.A.6 *and 17.342.A.7*:
2. The recreational vehicle shall not be parked closer than two (2) feet to any property line.
3. The recreational vehicle shall not be used for on-site dwelling purposes for more than fourteen (14) days per year; permanently connected to sewer lines, water lines or electrical lines; or used for storage.
4. The recreational vehicle and the area it is parked on shall be maintained in a clean, neat and operable manner, and the equipment shall be in usable and working condition at all times. *When parked or stored in the rear yard* the area the recreational vehicle is parked on shall be *a continuous dust free, rut free surface of* ~~surfaced with~~ asphalt, concrete, or gravel.
5. The recreational vehicle shall be owned by the resident upon whose property it is parked, provided that others visiting the resident may park their recreational vehicle on the lot for a period of time not to exceed fourteen (14) consecutive days.
6. Parking of one (1) recreational vehicle is permitted outside on the front drive provided that the following items are met:
   a. No part of the recreational vehicle shall extend over sidewalks, or street right-of-way.
   b. Appeals and variances to these provisions shall be considered by the board of zoning appeals.
   c. *The area the recreational vehicle is parked on shall be rut free and continuous for the length of the vehicle, and shall be surfaced with asphalt, concrete or similar dust free surface. The use of gravel in the front yard is prohibited.*
7. *Parking of one (1) recreational vehicle is permitted outside on the side yard provided that the following items are met*:

a. *The area the recreational vehicle is parked on shall be continuous for the length of the vehicle; dust free and rut free, and shall be surfaced with asphalt, concrete or similar dust free surface. The use of gravel in the side yard is prohibited except when the vehicle is screened from view from the street by a minimum six-foot high privacy fence.*
b. *The recreational vehicle shall not be parked closer than two (2) feet to any property line.*

(Ord. 2006-33)

Planning & Development

City of Spring Hill, KS

Memo

To: Spring Hill Planning Commission

From: Jim Hendershot, Planning & Development Coordinator

CC: file

Date: 10/23/08

Re: Review of off-premise billboard regulations

As requested by the Planning Commission I have attached slides for a presentation to review the current off-premise billboard sign codes for Spring Hill. In addition I have included the following language from the Kansas State Statutes as referenced in the slides.

A discussion of this topic will be held at the Nov. 6, 2008 meeting of the Planning Commission.

21-3739

Chapter 21.--CRIMES AND PUNISHMENTS
PART II.--PROHIBITED CONDUCT
Article 37.--CRIMES AGAINST PROPERTY

21-3739. Posting of political pictures and political advertisements. Unlawful posting of political pictures and political advertisements is the putting up, affixing or fastening of either or both a political picture or a political advertisement to a telegraph, telephone, electric light or power pole.

Unlawful posting of pictures and political advertisements is a class C misdemeanor.

History: L. 1970, ch. 125, § 1; L. 1971, ch. 108, § 1; July 1.

68-2234

Chapter 68.--ROADS AND BRIDGES
PART III.--MISCELLANEOUS
Article 22.--HIGHWAY BEAUTIFICATION

68-2234. Highway advertising control; sign standards; zoning requirements. After March 31, 1972, and subject to the provisions of K.S.A. 68-2233, and amendments thereto, and to subsection (f), signs which are to be erected in a business area shall comply with the following standards: (a) *General.* Signs shall not be erected or maintained which:

(1) Imitate or resemble any official traffic sign, signal or device; or

(2) are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(b) *Configuration and size.* (1) Signs shall not be erected with sign faces which exceed 30 feet in height, 60 feet in length or 900 square feet in area, per facing, including border, trim and embellishments, but not including base or apron, supports, and other structural members;

(2) the maximum size limitations shall apply to each sign facing;

(3) two sign displays not exceeding 450 square feet each may be erected in a facing, side by side or "double decked," and double-faced, back-to-back or V-type signs shall be permitted and shall be treated as one structure with a maximum area of 900 square feet permitted for each side or facing. To be classified as "back-to-back" there must not be more than 15 feet between structures or faces, to allow for crossbracing;

(4) the area of any sign structure shall be measured by the smallest square, rectangle, circle or combination thereof which will encompass the area of the sign display or displays;

(5) the height of any portion of the sign structure, excluding cutouts or extensions, as measured vertically from the adjacent edge of the road grade of the main traveled way shall not exceed 50 feet;

(6) cutouts or extensions shall be permitted on legal conforming signs at a size not to exceed 30% of the size of the main display area, with a maximum extension of five feet along the top edge, two feet along the sides and 1 1/2 feet along the bottom of the main display area. Cutouts or extensions shall not be permitted where the configuration and size requirements of this subsection will be exceeded.

(c) *Spacing.* (1) Signs shall conform to all applicable building codes and ordinances of the city, county or state, whichever is applicable by reason of the locations of the signs;

(2) signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic;

(3) except for official and on-premise signs, as defined in 23 U.S.C. 131(c) and as provided for in K.S.A. 68-2233, and amendments thereto, any signs or sign structures visible from any primary highway without fully controlled access:

(A) Shall not be spaced less than 300 feet apart outside of incorporated cities;

(B) shall not be spaced less than 200 feet apart within incorporated cities;

(4) any signs or sign structures visible from any interstate highway or freeway with fully controlled access:

(A) Shall not be spaced less than 500 feet apart, except for official and on-premise signs, as defined in 23 U.S.C. 131(c), and as provided in K.S.A. 68-2233, and amendments thereto;

(B) outside the corporate limits of cities, shall not be located within 500 feet of an

interchange, feeder, intersection at grade, safety rest area or information center regardless of whether the main traveled way is within or outside the city limits. The 500 feet spacing shall be measured from the point at which the pavement widens and the direction of measurement shall be along the edge of pavement away from the interchange, collector, intersection at grade, safety rest area or information center. In those interchanges where a quadrant does not have a ramp, the 500 feet for the quadrant at the edge of the intersection is located at the edge of the intersection;

(5) the minimum distance between two signs prescribed by paragraphs (3) and (4) of this subsection shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of the highway. Such minimum distance shall not apply to signs described by subsection (a), (b) or (c) of K.S.A. 68-2233, and amendments thereto, nor shall such signs be counted or be used in measuring distances for the purpose of determining compliance with the spacing requirements of this subsection;

(6) the minimum distances between two signs prescribed by paragraphs (3) and (4) of this subsection shall not apply where such signs are separated by a building, structure, roadway or other obstruction which prevents a view of both signs at the same time by traffic proceedings on any one highway; and

(7) nothing in this subsection shall be construed as preventing the erection of double-faced, back-to-back or V-type signs with a maximum of two sign displays per sign facing, as permitted by subsection (b). Nothing in this subsection shall prevent the owner of a single face sign to change the position of the sign face to a different or opposite direction of traffic flow so long as an additional face or additional square feet are not added to the sign structure. No such change may be affected until approval is granted by the department.

(d) *Lighting.* (1) Signs shall not be erected which contain, include or are illuminated by any flashing, intermittent, revolving or moving light, except those giving public service information such as, but not limited to, time, date, temperature, weather or news; steadily burning lights in configuration of letters or pictures are not prohibited;

(2) signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle; and

(3) signs shall not be erected or maintained which are so illuminated that they obscure any official traffic sign, device or signal, or imitate or may be confused with any official traffic sign, device or signal.

(e) *Automatic changeable facing signs.* (1) Automatic changeable facing signs shall be permitted within adjacent or controlled areas under the following conditions:

(A) The sign does not contain or display flashing, intermittent or moving lights, including animated or scrolling advertising;

(B) the changeable facing remains in a fixed position for at least eight seconds;

(C) if a message is changed electronically, it must be accomplished within an interval of two seconds or less;

(D) the sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway, with the distance being measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway;

(E) if the sign is a legal conforming structure it may be modified to an automatic changeable facing sign upon compliance with these standards and approval by the

department. A nonconforming structure shall not be modified to create an automatic changeable facing sign;

(F) if the sign contains a default design that will freeze the sign in one position if a malfunction occurs; and

(G) if the sign application meets all other permitting requirements.

(2) The outdoor advertising license shall be revoked for failure to comply with any provision in this subsection.

(f) *Application to local zoning authorities.* Nothing in article 22 of chapter 68 of Kansas Statutes Annotated, and amendments thereto, shall be construed as prohibiting a local zoning authority from controlling the erection, maintenance, size, spacing and lighting of signs in all areas within its jurisdiction by adopting standards which may be consistent with, or more or less restrictive than the highway advertising control act, and amendments thereto, except that along interstate highways, the size and spacing requirements of subsections (b) and (c) of K.S.A. 68-2234, and amendments thereto, shall be met. The standards adopted by a local zoning authority shall include the regulation of size, of lighting and of spacing of all such signs and shall restrict the erection of new signs, other than signs described by subsections (a), (b) and (c) of K.S.A. 68-2233, and amendments thereto, to zoned commercial or industrial areas.

(g) *Prohibition against zoning to permit outdoor advertising.* Zoning action which is not part of comprehensive zoning and is created primarily to permit outdoor advertising structures, is not recognized as zoning for purposes of this act.

(h) *Unzoned commercial or industrial area qualifications for signs.*

(1) To qualify an area as unzoned commercial or industrial for the purpose of outdoor advertising control, one commercial or industrial activity shall meet all of the following criteria prior to submitting an outdoor advertising permit application:

(A) The activity shall maintain all necessary business licenses as may be required by applicable state, county or local law or ordinances;

(B) the property used for the activity shall be listed for ad valorem taxes with the county and municipal taxing authorities as required by law;

(C) the activity shall be served by utilities, power, telephone, water and sewer or septic and well;

(D) the activity shall have direct or indirect vehicular access;

(E) the activity must be visible from, and located within 660 feet of the nearest edge of the right-of-way of the controlled route;

(F) the commercial or industrial activity must be in operation for a period of 12 months prior to the date of submitting an application for an outdoor advertising permit and license;

(G) the activity shall be in operation for at least nine months per year; and

(H) the owner or employee shall be present at the site for 20 hours per week;

(2) the unzoned area shall include areas on both sides of any two-lane highway, but shall be limited to land on the same side as the commercial or industrial activity on any highway with four or more traffic lanes. All measurements shall begin from the outer edges of regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity, not from the property line of the activity and shall be along the nearest edge of the main traveled way of the controlled route. The proposed sign location must be within 600 feet of the commercial or industrial activity.

History: L. 1972, ch. 251, § 4; L. 1973, ch. 272, § 2; L. 1981, ch. 266, § 1; L. 2006, ch. 141, § 3; July 1.