SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA

Thursday December 4, 2008
7:00 p.m.
Spring Hill Civic Center
401 N. Madison

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

   November 06, 2008

- **Public Hearing Items**

2. Rezoning
   Case No.: Z-02-08
   Request: Change from R-1 Single Family to RP-1, Planned Single Family
   Address: Country Hill Farms
   Applicant : Columbia Partners

3. Preliminary Plat
   Case No.: PP-01-08
   Request: Planned Subdivision
   Address: Country Hill Farms
   Applicant : Columbia Partners

DISCUSSION

4. Private Parking Lot specifications

OTHER BUSINESS

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).

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

SPRING HILL PLANNING COMMISSION
REGULAR MEETING
November 6, 2008

The Spring Hill Planning Commission met in a regular session on Thursday, November 6, 2008, at 7:00 P.M., in the reception room, 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
per role call	Janet Harms
	Brian Haupt
	Valerie Houpt
	Bill Kiesling
	Michael Newton
	Tim Pittman
	Steven Sebasto
	Cindy Squire
Staff Present:	Jim Hendershot, Community Development Coordinator
	Mary Nolen, Planning Secretary

APPROVAL OF THE AGENDA

Mr. Hendershot asked to add item #7, discussion of the Estates of Wolf Creek cabana, and Mr. Haupt asked to add item #8, parking lot paving to the agenda.

Motion by Steve Sebasto to approve the agenda as revised
Seconded by Brian Haupt. Motion passed 9 yes; 0 no; 0 abstention

FORMAL COMMISSION ACTION

1. Approval of Minutes:

October 2, 2008

Mr. Haupt noted an error on page 5, directly under the end of the staff report. "Ms. Bitner asked why the R-2 was not requested in the first place." The change has been made to read "RP-2".

Motion by Brian Haupt to approve the October 2, 2008 minutes as revised.
Seconded by Cindy Squire. Motion passed 7 yes; 0 no; 2 abstention

Valerie Houpt and Steve Sebasto abstained.

- **Non-Public Hearing Items**

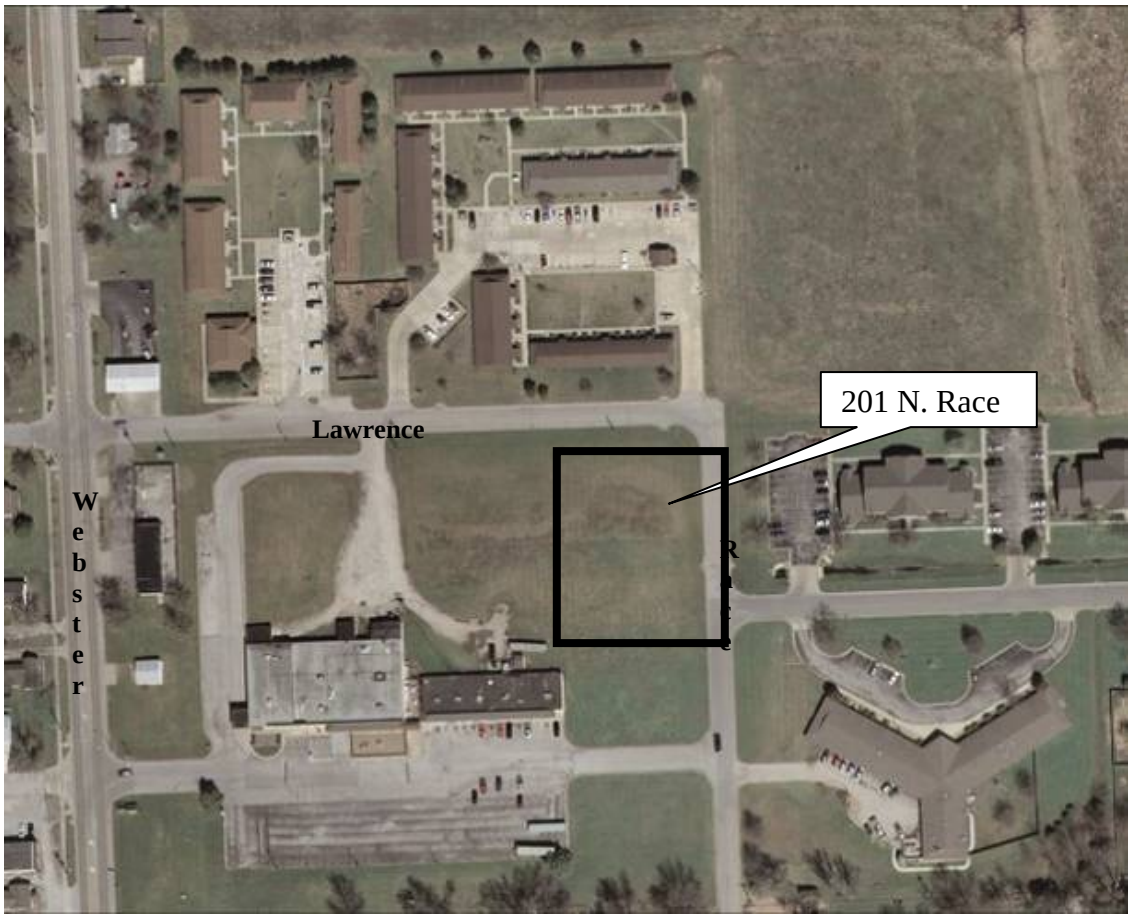
2. Site Plan

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

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

Beginning of staff report

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).

End of staff report

Mr. Hendershot passed information to the Commission including an email from Dan Webster addressing some of the concerns in the staff report and an amended sheet for the lighting, ME1.1.

Mr. Hendershot noted that it has been requested to provide larger copies of the site plans for the Commissioners. The size of plans mailed to them was difficult to read. We had sent the smaller versions due to mailing cost.

During the review by the City Engineer, a problem was discovered because the 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 project. Mr. Hendershot said this is scheduled for 2010, and they are working with the engineers, the county, and Public Works to form a solution to the path of the storm water project.

Ms. Squire asked if the storm sewer pipes are sized to handle future development of this area. Mr. Hendershot said we're increasing from a 42 inch to a 66 inch pipe. The Commissioners discussed truck traffic, the mail box drop, handicapped parking, entrances for pedestrian traffic, and lighting with a maximum of 25 feet and 250 watt bulbs.

Mr. Hendershot talked about the monument sign and its placement; he discussed traffic studies and patterns, and what type of trucks can maneuver in this parking lot design.

Mr. Hendershot restated the efforts to come to a solution on the storm water project, estimating that the City Engineer will have a report for the City Council by the November 22 meeting.

Questions from the Commission included how the contractor was chosen, (a bid process), and senior and handicapped pedestrian traffic, which was included on the site plan. Sidewalks were also discussed, and the Commission would like to see an item added to the CIP (Capital Improvement Plan) to complete sidewalks in the area.

Ms. Bitner added that she felt the post office would provide for a good design based on population. Mr. Haupt felt it will serve the City well into the future. Ms. Harms thought that if the City painted the cross walks, it would help to show the proper crossing area. Ms. Squire noted again that the sidewalks should be completed in this area.

Motion by Brian Haupt to recommend to City Council the approval of the site plan for the Post Office SP-05-08 subject to:

1. Storm water plans are finalized to the City Engineer's satisfaction prior to this matter going to City Council.
2. Confirm the light poles are 25 feet tall based on past rulings.

Seconded by Bill Kiesling. Motion passed 9 yes; 0 no; 0 abstention

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

- **Beginning of staff report**

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 11/07/08 **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 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 or concrete. 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, rut free, and shall be surfaced with asphalt or concrete. 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)

End of staff report

Mr. Hendershot provided a review of this topic, which originated with questions on our ordinances for parking of automobiles, RV's and boats, and where these items may be parked and on what surface they can be parked. Mr. Hendershot tried to describe concrete pavers, and ran into issues. Other cities definitions are that it's a paving brick used in large parking lots, or for walking surfaces.

Mr. Hendershot reviewed the draft document with the Commission. Ms. Bitner asked if a resident currently has a gravel driveway, can they park an RV on that gravel driveway. Mr. Hendershot said that if the gravel driveway exists prior to this change, they would be non-conforming, and can park an RV on it and maintain the gravel.

The Commissioners discussed some changes to the wording, and the document was revised to read as it is stated above.

Motion by Brian Haupt to hold a public hearing with the Planning Commission on January 8, 2009.
Seconded by Steve Sebasto. Motion passed 9 yes; 0 no; 0 abstention

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

Beginning of staff report

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.

End of staff report

Mr. Hendershot defined a billboard sign as any sign located off-premises. It must be located in an industrial area, and abut 169 highway. They must be at least 1,000 between each sign and signs across the highway must be considered as well. All the KDOT requirements don't apply; they are less restrictive than our regulations.

Our regulations specify maximum dimensions of 30 feet high, area of 300 square feet and may have two faces. These signs may be lit or not, no attraction getting devices or no wording on content. The question has been raised of do we want billboards at all.

Ms. Squire asked if something happened to an existing sign, could it be repaired and put back up. Mr. Hendershot said yes. If we change the ordinance to eliminate billboard signs, the signs can be non-conforming, and would not replaced if more than 50% needs repair. The Commission discussed where other billboards could go, and needing an industrial zoned area, they would have to go in the area that they are now. All signs now are in compliance with our regulations.

Mr. Hendershot will work on the language to change the regulations and present those changes at an upcoming meeting.

5. Discussion of Joint Planning Commission and City Council meetings

According to the Comprehensive Plan, it is highly suggested that two joint meetings with the Planning Commission and the City Council occur each year. In 2008, we had one meeting to discuss the Comprehensive Plan appendix.

Mr. Hendershot was looking for feedback related to trying to accomplish this in November or December.

Mr. Haupt said he thinks the meetings are a good idea, to discuss items ahead of time. Sometimes the only way the Planning Commission knows the City Council may disagree is if they kick an item back to them.

There was some doubt that a meeting could happen yet this year, and several Commissioners suggested meeting on Saturday morning. Mr. Hendershot said he'll see what he can do and set up a meeting as soon as it's possible.

Motion by Michael Newton to take a ten minute break.
Seconded by Steve Sebasto. Motion passed 9 yes; 0 no; 0 abstention

The meeting resumed at 8:35 PM

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

Mr. Hendershot shared a letter from him to the Johnson County Planning staff concerning a proposed rezoning and preliminary development plan for Sycamore Lake Estates. This property is located on the southwest corner of 199th and Lone Elm, directly north of Spring Hill Lake. This land is not in the City limits. The City's annexation policy is basically one by request. This item was to have been heard November 3, but was postponed to December 1, 2008.

The lake improvement project is south of this area, and inside the City limits. The property line for Sycamore Lakes goes right through Spring Hill Lake, which is the way it has always been. City staff has met with the developer, and issues with excise taxes are one reason they don't want to annex into the City. Spring Hill's position is that we do have regulations for the protection of Spring Hill Lake and the Hillsdale Watershed area, and that the area needs to be annexed into the City.

A public hearing is scheduled to occur on Monday, December 1, 2008, at 6:30 PM at the Johnson County Administration building on Cherry Street in Olathe.

7. Discussion of the Estates of Wolf Creek cabanas

Mr. Hendershot reviewed the site plan approval where two buildings were indicated at the third pool, one listed as a cabana, and one listed as a storage building. The cabana was on the west side of the pool, and the storage building was on the north side of the pool. A cabana is defined by Webster as a shelter resembling a cabin usually with an open side facing a beach or swimming pool; or a lightweight structure with living facilities

When they applied for a building permit, the plans had changed from the cabana to a sun shade. They'll add the bathrooms to the storage building, installing the sun shade to allow for a more open feeling for the neighborhood.

Mr. Hendershot said it doesn't fit the definition of a substantial change. A substantial change would be making a vast change to the layout or to the lot size. Based on the code, Mr. Hendershot feels it's appropriate for the Commission to make a decision on this change tonight. It was also noted that this is their third pool, and not one of the two that are already planned.

Ms. Squire asked about the storage of pool chemicals in association with bathroom facilities. Mr. Hendershot felt they'd be two separate spaces, the chemicals could be locked up. The underlying reason for the change is cost.

Mr. Haupt asked to see the original site plan, which was obtained and viewed by the Commission. He also was not pleased with the procedure used to have the change made.

Motion by Janet Harms to approve the changes according to the plan they have presented.
Seconded by Cindy Squire. Motion passed 9 yes; 0 no; 0 abstention

8. Parking lot pavement

Mr. Haupt has noticed several fairly new parking lots in town that are failing. Examples are the K&M parking lot, as well as the Price Chopper parking lot. Places where cars pull in are becoming rutted. He's concerned that our specifications may be insufficient, and he'd like our City Engineer to review the situation and present facts to the Commission.

Ms. Bitner noted that she won't be attending the next meeting on December 4.

ADJOURN

Motion by Bill Kiesling to adjourn.
Seconded by Janet Harms. Motion passed 9 yes; 0 no; 0 abstention

The meeting ended at 9:30 PM

_____
Mary Nolen, Planning Secretary

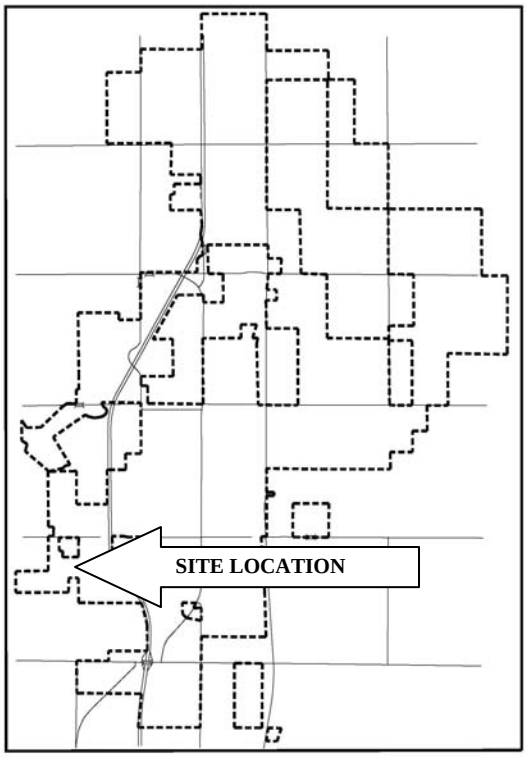
SPRING HILL PLANNING COMMISSION
PRELIMINARY PLAT STAFF REPORT

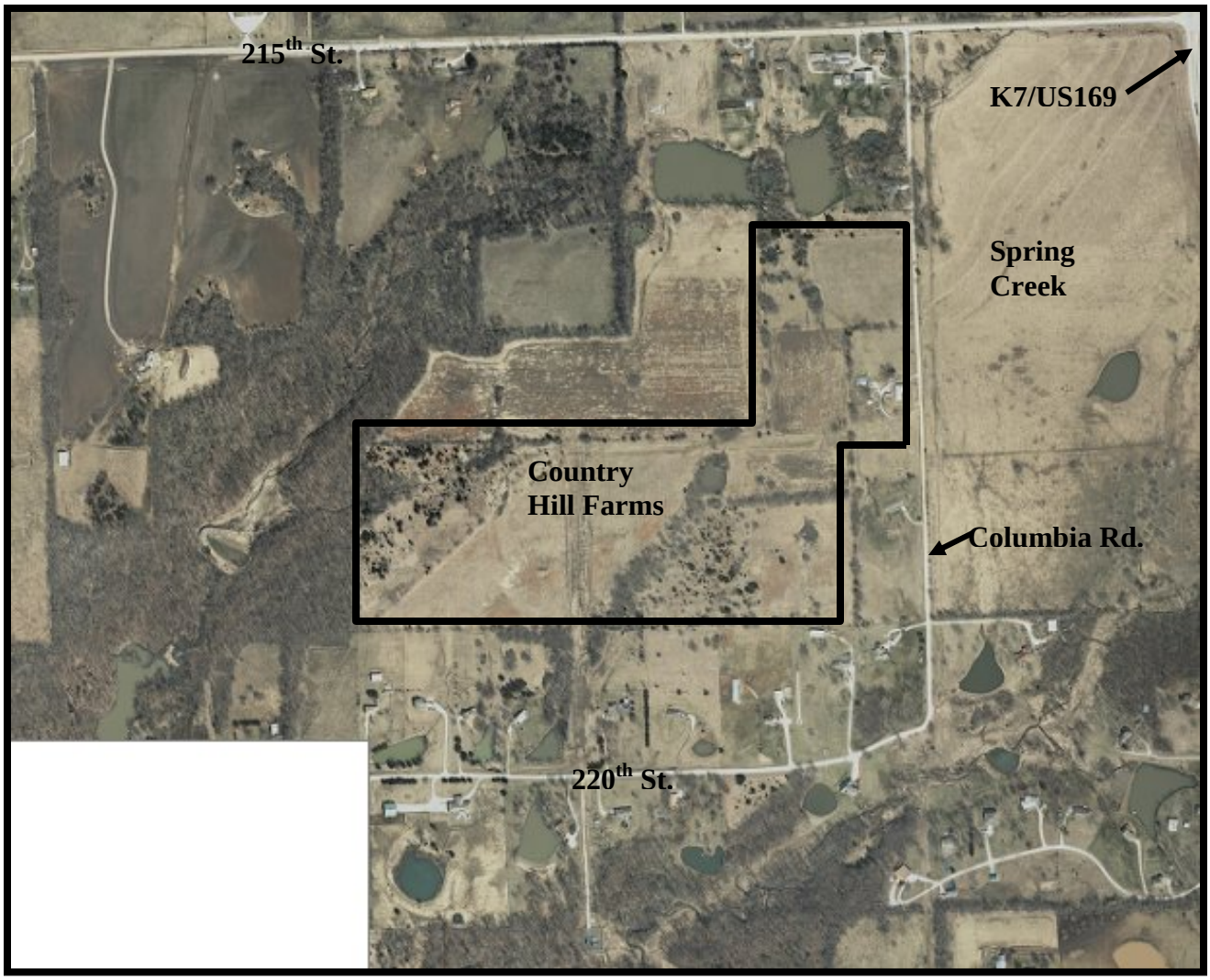
Case #:	PP-01-08 & Z-02-08	**Meeting Date:**	December 4, 2008
Description:	Proposed Preliminary Plan – Country Hill Farms Proposed Rezoning from R-1 to RP-1		
Location:	South of 215th St., West of Columbia Road, North of 220th St.		
Applicant:	Columbia Partners, LLC		
Engineer:	Allenbrand-Drews		
Site Area:	59.44 acres		

Minimum Lot Area:	5,500 sq. ft. (RP-1)	**Number of Lots:**	224

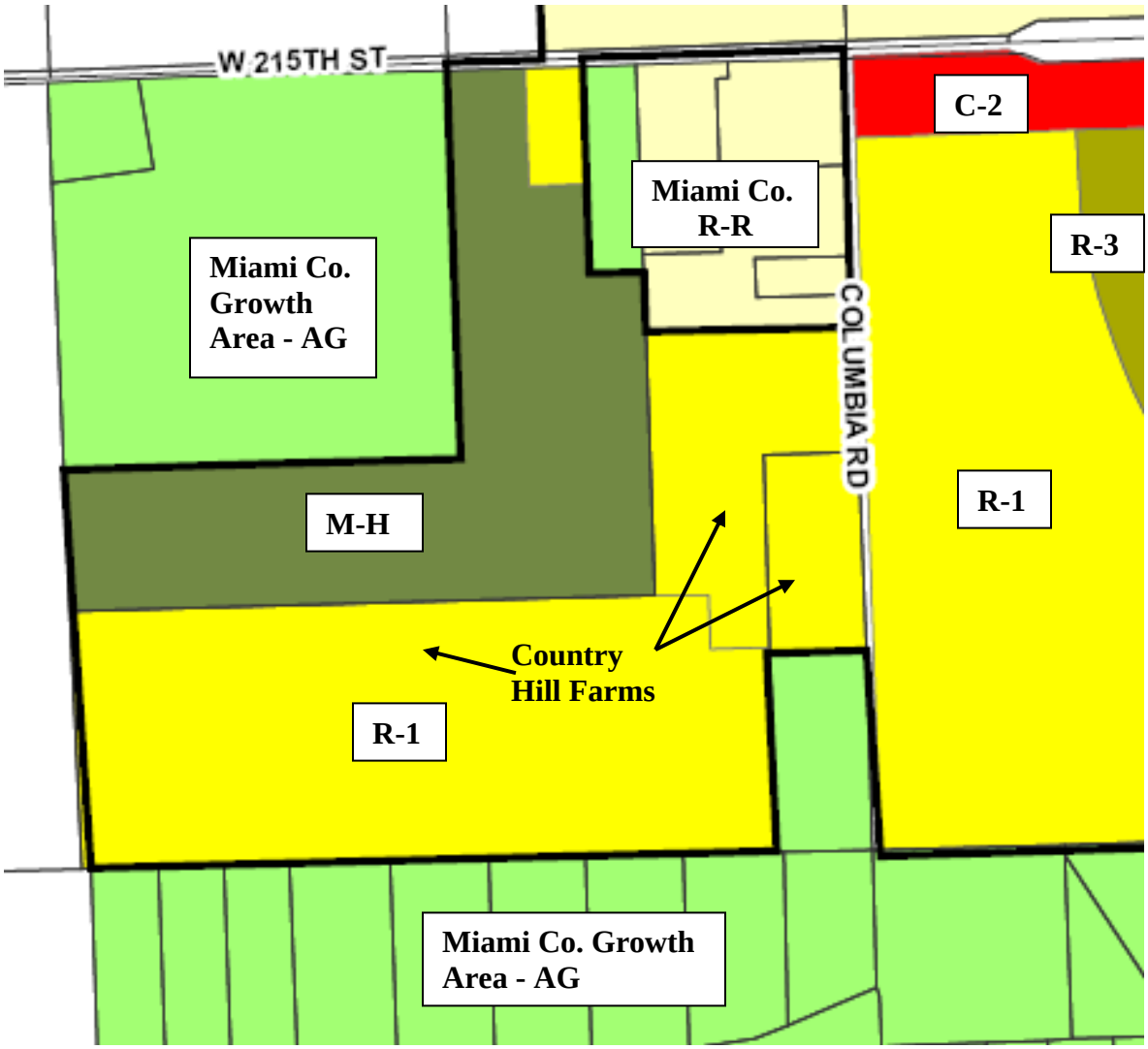
Current Zoning:	"R-1"	**Proposed Use:**	Residential Subdivision

Related Applications:




215th St.
K7/US169
Spring
Creek
Country
Hill Farms
Columbia Rd.
220th St.

CURRENT ZONING



BACKGROUND:

An application has been received by the Planning Department for the rezoning of the above depicted tract of land known as Country Hill Farms (legal description included with packet) from R-1 Single-Family Residential to RP-1 Planned Single-Family District. In addition an application has been received for consideration of the Preliminary Development Plan for Country Hill Farms (copy of preliminary development plan included with packet).

The history of Country Hill Farms includes previous submission and review of the preliminary plat by the Planning Commission. On May 3, 2007 the Planning Commission voted to deny the preliminary plat for Country Hill Farms subject to "Findings of Fact" that were then approved in June 2007. This denial led to court action

being filed by Columbia Partners against the City of Spring Hill for wrongful denial of the preliminary plat. The primary argument by Columbia Partners cited in the lawsuit revolved around the City attempting to enforce regulations that were not officially adopted at the time of the preliminary plat review. These regulations included large lot buffer areas and storm water management practices (BMP's) as required by APWA5600.

Over the past several months staff has been meeting with representatives from Columbia Partners and Victor Burks of Allenbrand-Drews Engineering in an attempt to resolve issues of the original preliminary plat and thus allow the project to continue through the planning phases. Motions have been filed by the attorneys to postpone court action while the parties meet. In addition, staff has been meeting with legal staff and providing updates on the development meetings. The meetings between staff and the applicants have been very positive and productive, and have led to the applications covered in this staff report.

It is important to understand that the rezoning and preliminary development plans reviewed by this staff report are totally new concepts, yet contain similarities to the previously denied preliminary plat. Discussions were held early on with Columbia Partners as to the advantages and/or disadvantages to amending the original preliminary plat or submitting a new concept for a Planned Residential District. Staff carefully outlined the procedures involved with submitting a new concept and the requirements of a Planned Development and specifically clarified that a rezoning application would require public hearings, neighborhood meetings and all other requirements of the zoning and subdivision codes.

Both parties agreed that rezoning and planned development applications would stand on their own merits and should not be compared to previous plat submissions. However, it must also be understood that resolution of the pending litigation is an underlying factor in the process as both the City and Columbia Partners wish to avoid further legal action. It is with this compromise attitude being well established that Columbia Partners submitted a preliminary plan that implemented many items to resolve the "Findings of Fact" of the previous submittal. City staff has strived to be as supportive of the plan as possible while working within the context of the applicable codes.

It is staff's opinion that the Planning Commission should, as much as possible, consider this application as a new concept and not rely on opinions formed at previous meetings. In addition, many of the current Planning Commission members were not on the PC in 2007 and do not have first hand knowledge of previous proceedings.

STAFF COMMENT:

The preliminary development plan for Country Hill Farms contains 59.44 acres with 224 residential lots of at least 5,500 sq. ft. as required in an RP-1 district. The plan also contains five areas that provide open space as well as storm water management areas (BMP's) as suggested by Tony Stanton, city consultant with Olsson and Associates. The development has two points of ingress/egress on Columbia Road with five other roads planned for connection to future developments.

The plans were distributed to consultants and utility providers including Hillsdale Water Quality Project, Kansas Department of Transportation, Johnson County Fire District #2, City Engineer, City Public Works Director, Miami County Engineering, BWR (planning consultant), BHC Rhodes (traffic engineering consultant) and others. Comments from these consultants have been implemented into the staff report and/or the plans as applicable with the exception of Hillsdale Water Quality Project and KDOT. Comments from these entities have not been received but will be provided at the Planning Commission meeting.

The City of Spring Hill currently has sewer available on the property and water will be provided by Rural Water District #7.

The applicant's traffic engineer, TranSystems, prepared the Traffic Impact Study for the original plat submission and has updated this report as applicable for the increased density resulting from the rezoning request. Copies of the original report, the update and comments from BHC Rhodes are included with this staff report and are also discussed elsewhere in the report.

REZONING REVIEW AND COMMENTS:

The following review is based on criteria found in Section 17.364.D of the Spring Hill Zoning Ordinance.

CONSISTENT WITH PURPOSES OF THIS REGULATION AND INTENT OF THE PROPOSED DISTRICT

The request is consistent with the purposes of the zoning regulations and the intent of the proposed district. This is based on the current zoning district of R-1 that was established on 10/12/06 and becomes the underlying zoning district for an RP-1 district.

CHARACTER OF THE NEIGHBORHOOD

To the west and north of the proposed rezoning area the land is primarily vacant and used for agriculture or is heavily wooded. North of the proposed rezoning area along Columbia Road is a single-family dwelling separated from the subdivision by a vacant tract. At the southwest corner of Columbia Road and 215th St. is a single-family tract of 3.6 acres. To the east of the subdivision on the east side of Columbia Road is the area known as Spring Creek Subdivision which is currently undeveloped but zoned R-1. To the southeast and south of the subdivision are several single-family residences on tracts ranging in size for 3.3 to 5 acres.

ZONING AND USES OF NEARBY PARCELS

See zoning map on page 3 of staff report.

REQUESTED BECAUSE OF CHANGING CONDITIONS

The rezoning request is based on a perceived change in marketability of the property containing lots of "Age Oriented" (over 50) occupancy. This concept is based on the owner's marketing study on the area in and around Spring Hill.

SUITABILITY OF PARCEL FOR USES PERMITTED BY THE PROPOSED DISTRICT

The site is currently zoned R-1 (single-family residential). The site is suitable for the proposed district as R-1 is the underlying district for RP-1, however the density will be increased with smaller residential lots.

DETRIMENTAL EFFECTS ON NEARBY PARCELS

The neighboring property could better speak to this issue, however the current zoning allows the development of the area as single-family residential. The proposed zoning will remain single-family residential but with increased density. Included with this packet are notes provided by the applicant reflecting the neighborhood meeting held on November 10, 2008.

PROPOSED AMENDMENT CORRECTS AN ERROR

No error is being corrected.

LENGTH OF TIME OF PROPERTY HAS BEEN VACANT

The property remains undeveloped.

ADEQUACY OF CURRENT FACILITIES

Public sewer is available on the property and the owner has been in contact with the water utility provider for extension of services to the site.

CONFORMITY WITH THE COMPREHENSIVE PLAN;

The Future Land Use map identifies the site as residential, therefore, the site is in compliance with the Comprehensive Plan from the standpoint of land use.

HARDSHIP IF APPLICATION IS DENIED

The owner could better speak to the issue of hardship if denied.

PRELIMINARY DEVELOPMENT PLAN REVIEW AND COMMENTS:

The following review is based on criteria found in Section 17.332 of the Spring Hill Subdivision Regulations. Excerpts from the code are as follows:

17.332.A - PURPOSE.

THE ZONING OF LAND TO ONE OF THE PLANNED DISTRICTS SHALL BE FOR THE PURPOSE OF ENCOURAGING AND REQUIRING ORDERLY DEVELOPMENT ON A QUALITY LEVEL GENERALLY EQUAL TO THAT OF THE EQUIVALENT STANDARD ZONING DISTRICTS, BUT PERMITTING DEVIATIONS FROM THE NORMAL AND ESTABLISHED DEVELOPMENT TECHNIQUES. THE USE OF PLANNED ZONING PROCEDURES IS INTENDED

TO ENCOURAGE LARGE-SCALE DEVELOPMENT TRACTS, EFFICIENT DEVELOPMENT OF SMALL TRACT, INNOVATIVE AND IMAGINATIVE SITE PLANNING, CONSERVATION OF NATURAL RESOURCES AND MINIMIZING THE INEFFICIENT USE OF LAND.

17.332.E - STANDARDS OF DEVELOPMENT.

1. THE PROPERTY DEVELOPMENT STANDARDS SHALL BE AS SET OUT IN THE EQUIVALENT DISTRICT. HOWEVER, MODIFICATIONS TO THE UNDERLYING PROPERTY DEVELOPMENT STANDARDS MAY BE GRANTED IN ACCORDANCE WITH THE PROPERTY DEVELOPMENT STANDARDS FOR PLANNED ZONING DISTRICTS PROVIDED SECTION 17.338.A.2. REDUCTION OF LOT AREA, SETBACKS, OR OTHER OPEN SPACE SHALL BE COMPENSATED BY ADDITIONAL OPEN SPACE IN OTHER APPROPRIATE PORTIONS OF THE PROJECT. IN ALL CASES, SUCH MODIFICATIONS SHALL BE IN KEEPING WITH GOOD LAND PLANNING PRINCIPLES, AND MUST BE SPECIFICALLY SET OUT IN THE MINUTES OF THE PLANNING COMMISSION, AS WELL AS ON PLANS AND OTHER EXHIBITS IN THE RECORD.

6. FOR RESIDENTIAL DEVELOPMENTS GRANTED REDUCTIONS TO THE MINIMUM LOT AREA PER DWELLING UNIT, A MINIMUM FIFTEEN (15) PERCENT OF THE NET LAND AREA SHALL BE DECLARED AS COMMON OPEN SPACE. A MINIMUM OF FIFTY (50) PERCENT OF THE REQUIRED COMMON OPEN SPACE AREA IN RESIDENTIAL DEVELOPMENTS SHALL BE DEVELOPED AS ACTIVE OPEN SPACE FOR USE BY ALL PERSONS WHO RESIDE IN THE SUBDIVISION. SUCH OPEN SPACE SHALL BE LOCATED IN HIGHLY ACCESSIBLE LOCATIONS SURROUNDED PREDOMINATELY BY PUBLIC STREETS RATHER THAN LOCATED BEHIND DEVELOPMENT OR ON REMNANT TRACTS OF LAND. VARIATIONS TO THESE MINIMUM OPEN SPACE STANDARDS MAY BE GRANTED WITH APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN PROVIDED THE PLANNING COMMISSION AND CITY COUNCIL DETERMINE THE DEVELOPMENT ACHIEVES THE OBJECTIVES OF PLANNED ZONING STATED IN SECTION 17.332.B, AND THE RECOMMENDATIONS OF THE *COMPREHENSIVE PLAN* INCLUDING THE *PLANNING PRINCIPLES AND DESIGN GUIDELINES*.

   The Country Hill Farms preliminary plan provides for 8.7% or 3.73 acres net area as open space. This acreage is less than the 15% open space requirement, however code compensates for this with the option of park fees in lieu of meeting the open space requirement. Park fees of $300.00 per lot payable with each building permit are applicable in this subdivision.

8. RESIDENTIAL AND COMMERCIAL ZONED DEVELOPMENTS ARE EXPECTED TO USE HIGHER-QUALITY DURABLE BUILDING MATERIALS AND ARCHITECTURAL-DESIGN FEATURES THAT PROVIDE AN INCREASE IN VISUAL INTEREST OVER CONVENTIONAL ZONED DEVELOPMENTS. SUCH DEVELOPMENTS ARE EXPECTED TO COMPLY WITH THE *PLANNING PRINCIPLES AND DESIGN GUIDELINES* RECOMMENDATIONS IN THE *COMPREHENSIVE PLAN*, INCLUDING RECOMMENDED BUILDING MATERIALS AND BUILDING DESIGN. SINGLE-FAMILY RESIDENTIAL USES ARE EXPECTED TO INCORPORATE BUILDING MATERIALS CONSISTENT WITH THOSE

RECOMMENDED FOR MULTIFAMILY RESIDENTIAL DEVELOPMENTS AS WELL AS STUCCO AND FIBER-CEMENT BOARD, PARTICULARLY ON SIDES OF THE STRUCTURES VISIBLE TO THE PUBLIC, EXCEPT THAT THE SIDES AND REAR OF SUCH SINGLE-FAMILY STRUCTURES MAY BE PERMITTED OTHER EXTERIOR FINISHES.

9. RESIDENTIAL ZONED DEVELOPMENTS GRANTED LOT AREA, LOT WIDTH, OR BUILDING SETBACK REDUCTIONS SHALL COMPLY WITH THE RECOMMENDATIONS OF THE *COMPREHENSIVE PLAN* AND ASSOCIATED PLANNING PRINCIPLES AND DESIGN GUIDELINES TO LIMIT THE WIDTH OF GARAGES ORIENTED TOWARD THE STREET IN RELATION TO THE OVERALL WIDTH OF THE RESIDENTIAL STRUCTURE, AND TO LIMIT GARAGE PROJECTIONS IN FRONT OF HABITABLE LIVING SPACE. THE NUMBER OF GARAGES ORIENTED TOWARD A STREET IN A MULTIFAMILY STRUCTURE SHALL BE LIMITED TO MINIMIZE THE NUMBER OF VISIBLE GARAGES AND THE AMOUNT OF PAVEMENT IN THE FRONT YARD SETBACK. ADDITIONAL ARCHITECTURAL AND SITE DESIGN REQUIREMENTS MAY BE ESTABLISHED AT THE TIME OF PRELIMINARY OR FINAL DEVELOPMENT PLAN APPROVAL.

The developer has submitted sketches of typical homes (included with packet) for this development. These designs include the use of stone, fiber-cement siding, decorative columns and stucco. The code speaks to limitations of units with garages oriented toward the street. These limitations include limiting garage extensions beyond the main wall of the dwelling and the overall percentage of the garage to the total dwelling width. The sketches provided are in compliance with these limitations and recommendations.

ADDITIONAL STAFF COMMENT: (See letter to Allenbrand – Drews dated 11/19/08 included with packet)

1. Section 17.332.E.3 – In a planned development, restrictions may be placed on the occupancy of certain premises. Country Hill Farms has been described and promoted to staff and the public by the owners as an “age oriented” or “age targeted” development. It is the intention of staff to recommend an ownership age minimum of 50 years of age be attached to the Phase I Final Plat and subject to review in the final platting of successive phases of the project.

2. Erosion and site runoff during the construction of the infrastructure and initial phases of home construction could become an issue. Temporary sedimentation basins on Tracts A, B & E should be constructed to help prevent site runoff. These temporary sedimentation basins would then be converted into the final BMP’s as shown on the plans once the infrastructure improvements have been completed and the entire area has been reseeded and the grass adequately established.

3. Open areas of the development including Tracts A thru E are identified as being owned and maintained by the Home Owners Association. The development

agreement or zoning approval conditions will require language of maintenance responsibility should the HOA fail to exist or fail to maintain its responsibilities. Maintenance of these areas are not to become the responsibility of the City of Spring Hill.

4. Comment from John Brann, City Engineer: "There will be a lift station required for the western portion of this development. It appears that this lift station will be installed at the southeast corner of Lot 50. You may want to check with Rory Hale, but I do not think the city will want a lift station on one of these lots. I think it may be better if it is installed on Tract B with an appropriate easement for the sanitary sewers and access. They should coordinate with the city during the development of the final drawings for this phase to make sure the lift station arrangement is acceptable to the City".

5. Transition Buffer to Large Lots (South): It is staff's understanding that the property boundary along the south side of the development contains a long and narrow strip of land on the south side of an existing fence line. It is also my understanding that this strip of land is to be individually deeded to the adjoining property owners and landscaping provided to enhance the buffer between the large and small lots. This area needs to be identified on the preliminary plan as well as the type of landscaping to be provided on each individual tract.

6. Landscape Plan: The legend containing tree species appears to be satisfactory however, the landscape plan does not identify what species will be planted at what location. Provide detail on the landscape plan to identify species of trees and specific planting locations. Realizing this landscape plan is a "concept" or "preliminary" this required detail may be submitted with the final landscape plan to be submitted with the final development plan.

7. A master landscape / fencing plan is required for the 25 ft. L/E (landscape easement) along Columbia Road in accordance with 17.358.G.1.b. This required landscaping is to be identified in concept on the preliminary plan.

TRAFFIC IMPACT STUDY

Included with this staff report are excerpts from the original traffic impact study completed by TranSystems in January 2007, the updated report to this original study, and review comments from BHC Rhodes with respect to the updated study. The comments from BHC Rhodes have been forwarded to TranSystems for review. In addition, copies of the preliminary plan and all traffic study information have been forwarded to KDOT for review and comment. To date, comments from KDOT have not been received but should be available at the 12/4/08 meeting of the PC.

As noted in the accompanying letter from Susan Ratliff, traffic impact to the area is a concern to the area residents. Staff is also concerned with the increased traffic at 215th and K7/US169. The original study recommends a traffic signal at this location when

considering existing conditions, plus the proposed development, plus the other nearby developments. Spring Creek is a development planned for the east side of Columbia Road. To date, the preliminary plat and first phase final plat have been approved, however development of the subdivision has not begun and the status is undetermined.

The K7 Corridor Management Plan does not plan for an overpass or traffic signal at the 215th Street intersection. The plan called for closing the median crossing to allow only right turn movements. This closing was to be implemented with the completion of an extension of Columbia Road south to 223rd Street. Unfortunately this extension is no longer an option as KDOT funding for the preliminary engineering and right-of-way acquisition in no longer available. It is possible for Spring Hill to reapply for this funding.

STORM WATER MANAGEMENT, BEST MANAGEMENT PRACTICES (BMP'S)

Included with this report packet is a document and email from Tony Stanton. Mr. Stanton is a consultant for Spring Hill with regards to storm water management and has been involved with Country Hill Farms project for a considerable length of time. He was present at meetings with staff and the Columbia Partners development team and made suggestions for the implementation of BMP's to protect the area from storm water issues.

The comments from Mr. Stanton have been forwarded to Victor Burks for consideration and implementation into the development plan. To date I have not received any comments from Mr. Burks as to how the BMP's on the plan will be adjusted. Mr. Burks will be available at the meeting for comment and questions.

RECOMMENDATION:

Z-02-08 - Rezoning of Country Hill Farms from R-1 to RP-1

It is the recommendation of staff that the request for rezoning Country Hill Farms from R-1 to RP-1 be approved by the Spring Hill Planning Commission, and a recommendation be forwarded to the City Council for consideration at their meeting of December 18, 2008

PP-01-08 – Preliminary Development Plan, Country Hill Farms

It is the recommendation of staff that the Planning Commission approve the preliminary development plan, PP-01-08, for Country Hill Farms and a recommendation forwarded to the City Council for consideration at their meeting of December 18, 2008. Staff recommends this approval be subject to the following stipulations:

1. Consideration of comments from KDOT, TranSystems and BHC Rhodes with regards to the intersection of K7 and 215th Street be addressed in the final development plan and/or development agreement.

2. The comments from Tony Stanton, Olsson and Associates be reviewed and implemented into the final development plan as applicable.
3. The development agreement and/or final development plan address the "age oriented" concept of the development by including the minimum age of 50 years to residents of the First Phase of development and this restriction be subject to review in subsequent final phase submittals.
4. Park fees in lieu of open space are applicable at the rate of $300.00 per lot payable with the issuance of each residential building permit in the development.
5. The development agreement and/or final development plan indicate the responsible party for maintaining the open spaces including Tracts A, B, C, D & E in the event the Home Owners Association fail to exist or fail to properly maintain these areas in a responsible manner. The City of Spring Hill is not to be held responsible for maintenance of these private areas under any circumstances.
6. Adjustment of the location of the lift station shown on Lot 50 to Tract B.
7. The final development plan identify property along the south boundary of the development that is to be deeded to adjoining property owners along with details of landscaping and/or buffering to be provided by the developer.
8. The final landscape plan identify the following:
    a. Tree species at each location for street trees
    b. Landscaping and/or buffering in the 25 foot landscaping easement adjacent to Columbia Road
    c. Landscaping and/or buffering to be provided by the developer on the south side of 218th Street to be installed on an easement obtained from the adjacent property owners, Joel and Shelly Frazier

Planning & Development

City of Spring Hill, KS

Memo

To: Spring Hill Planning Commission

From: Jim Hendershot, Planning & Development Coordinator

CC: file

Date: 11/24/08

Re: Private parking lots, discussion

At the 11/6/08 meeting of the Planning Commission the topic of private parking lot repair was brought up by Brian Haupt. In response to this discussion I have visited with Chief Inspector Dennis Rogers and City Engineer John Brann. Attached to this memo you will find an email response from Dennis that describes his position on inspections of private parking lots. In addition, I have invited John Brann to be present at the 12/4/08 PC meeting to further discuss this matter.

I would add that the City of Spring Hill has adopted the 2006 International Property Maintenance Code that addresses minimum standards for existing residential and nonresidential structures and facilities. Section 302.3 of the IPMC states the following:

> *All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions*.

In my opinion, this provision could be utilized to require repair of parking lots when the parking area is deemed to be in a hazardous condition. An example of a hazardous condition would be holes in the parking surface that could allow injury to pedestrians. Currently city staff enforces the provisions of the IPMC on a complaint basis only.