

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA**

**Thursday February 5, 2009
7:00 p.m.
Spring Hill Civic Center
401 N. Madison**

CALL TO ORDER

ROLL CALL

Tobi Bitner
Janet Harms
Brian Haupt
Valerie Houpt
Bill Kiesling

Michael Newton
Tim Pittman
Steven Sebasto
Cindy Squire

APPROVAL OF AGENDA

FORMAL COMMISSION ACTION

1. Approval of Minutes

January 8, 2008

• **Public Hearing Items**

2. Conditional Use Permit

Case No.: CU-01-09
Request: Vehicle sales and detail shop
Address: 210 N. Webster St.
Applicant : Ken Shives

3. Final Plat

Case No.: FP-01-09
Request: revision to house plans
Address: Estates of Wolf Creek
Applicant : Pete Opperman

DISCUSSION

4. Private Parking Lot specifications

5. Aquatic center location compliant with Comprehensive Plan

6. Park Fees payment in lieu of dedication

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).

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
January 8, 2009**

The Spring Hill Planning Commission met in an executive session on Thursday, January 8, 2009, 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 7:05 P.M.

ROLL CALL

Roll call by Mary Nolen.

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

Others present: Joe Milkowski, Diana Milkowski, Shelly Frazier, Susan Gerrity, Tim Gerrity, Susan Ratliff, Pat Boppart, Victor Burks, Mark H. Epstein, Daniel Waldberg, Jeff House, Roger Wilson, Shawn Jones, Matthew Terstriep, Chet Belcher, Chase Jordan, Conrad Jones

APPROVAL OF THE AGENDA

Motion by Brian Haupt to approve the agenda
Seconded by Cindy Squire. Motion passed 6 yes; 0 no; 0 abstention

FORMAL COMMISSION ACTION

1. Approval of Minutes:

December 4, 2008

It was noted that the name of the law firm for Mr. Epstein is Roe and Epstein, which will be corrected.

Motion by Brian Haupt to approve the December 4, 2008 minutes as amended.
Seconded by Cindy Squire. Motion passed 3 yes; 0 no; 3 abstention

Tobi Bitner, Michael Newton and Tim Pittman abstained.

Mr. Hendershot announced to the Commissioners, that Steve Sebasto has resigned from the Planning Commission effective immediately. His term was due to expire in February, 2009.

- **Non-Public Hearing Items**

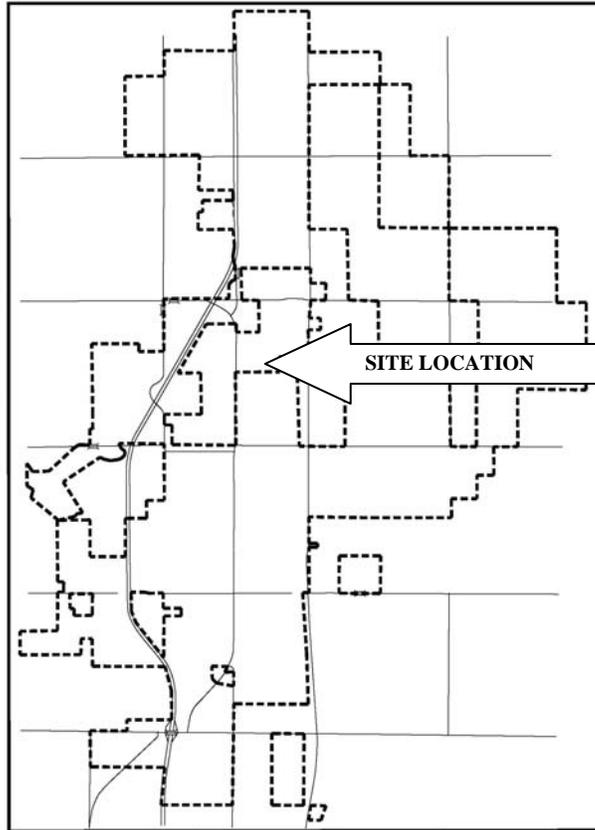
- 2. Site Plan
 - Case No.: SP-06-08
 - Request: O₂ Plant
 - Address: 20400 Webster St.
 - Applicant : AGC Flatglass

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

START OF STAFF REPORT

Case #:	SP-06-08	Meeting Date:	January 8, 2009
Description:	Proposed Site Plan – VPSA Oxygen Plant		
Location:	20400 N Webster St.		
Applicant:	AGC Flatglass		
Engineer:	Russell Pollom		
Site Area:	63.8 Acres		
Minimum Lot Area:	No Minimum		
Current Zoning:	“M-1” General Industrial	Proposed Use:	VPSA Oxygen Plant
Related Applications:			

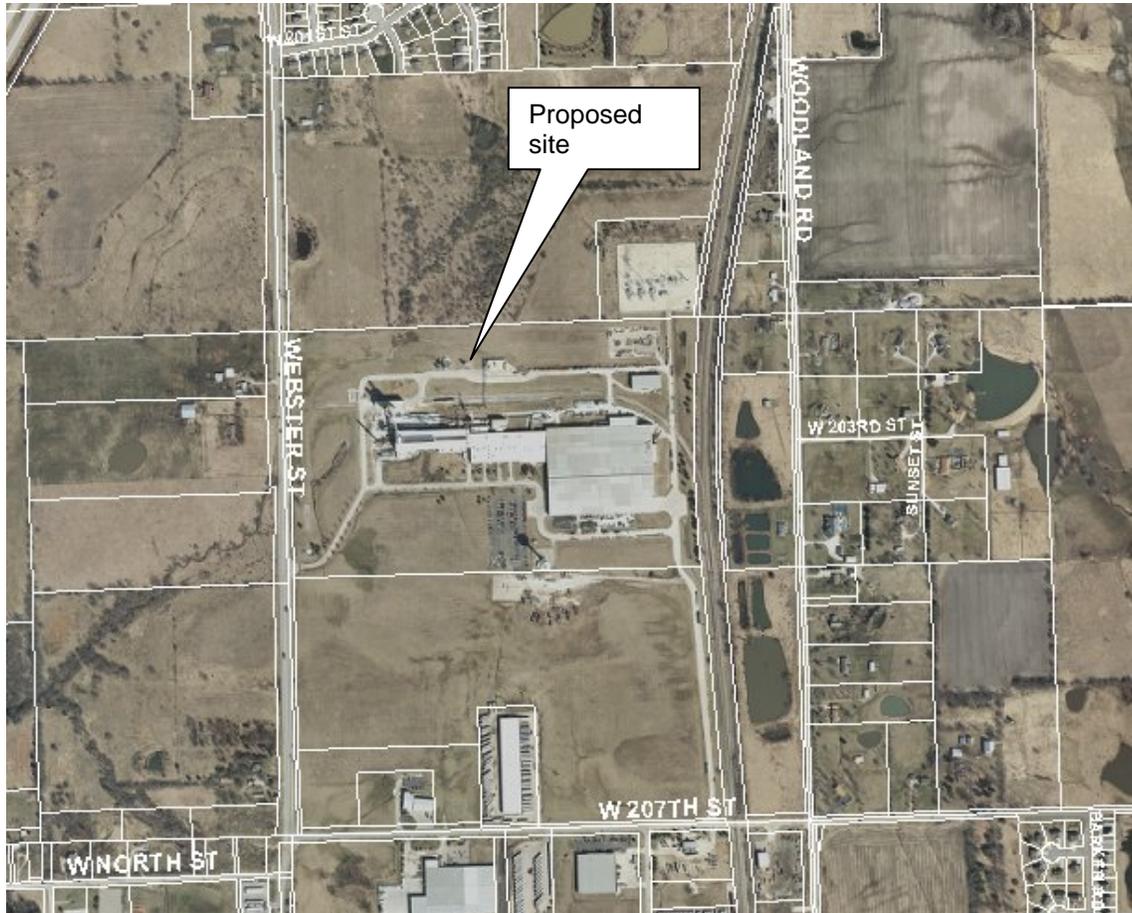
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BACKGROUND:

The applicant, AGC Flatglass, has submitted a site plan application for a VPSA Oxygen Plant located at 20400 N. Webster Street. The proposed 150' x 50' plant will be installed on the north side of the existing plant approximately 160 feet from the north property line. A copy of the site plan is included with this report.

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STAFF COMMENT:

Pure oxygen introduced into the furnace system is a vital element in the production of flat glass. Currently AGC has oxygen delivered to the facility utilizing several trucks per week. The proposed VPSA plant will produce the oxygen needed for the plant and nearly eliminate the need for truck deliveries of oxygen.

The facility is manufactured off-site and assembled at the plant. It is equipped with a back up system in case of production failure and the existing oxygen storage tanks at the plant will be removed.

Employees of the plant have been in contact with utility providers and are developing the needed systems to power the plant. In addition, Johnson County Fire District #2 has been provided with information on the plant and asked to comment.

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

- The proposed project is in conformance with the provisions of the zoning code and subdivision regulations as the installation is in connection to an existing industrial facility in an industrial zoning district.
- Compatibility with the surrounding neighborhood is an issue of initial concern from a noise emission standpoint. As noted in communications from the manufacturer, most of the plant is enclosed within a building. In addition, the project scope includes an intake silencer and discharge silencer. The silencers along with the building will provide the required noise level suppression. Information on acceptable noise levels in residential neighborhoods is also included with this packet. Currently the nearest residential neighborhood is approximately one-fourth mile north of the project and the proposed plant will not create objectionable noise pollution for this development. Protection of future developments will be provided by the silencers and buildings.

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- The proposed site plan would be in conformance with the Spring Hill Comprehensive Plan, which shows the parcel as Industrial on the Future Land Use Map.
- The proposed project is in conformance with customary engineering standards used in the City.

RECOMMENDATION:

It is the recommendation of staff that the Planning Commission recommend approval of the site plan SP-05-08 as presented.

Ms. Bitner asked what the zoning was for the site, and it was identified at M-1, General Industrial District. She asked about the noise level measurements, Mr. Hendershot explained that they are taken at night when the people are home and the noise level would be the most offensive.

Motion by Brian Haupt to approve SP-06-08 as presented.

Seconded by Michael Newton. Motion passed 6 yes; 0 no; 0 abstention

Mr. Hendershot noted that the site plan will go to the City Council Thursday, January 22, 2009

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

Chair Bitner introduced the items, and asked if anyone had any contact or conflict of interest. Mr. Newton has a family member who lives in the area, and also had heard some comments in the community, but he didn't feel either would impact his judgment. Ms. Squire also noted that she spoke to an abutting land owner, who she advised to call staff, and that did not impact her judgment.

Mr. Hendershot noted that there was no change of staff report, and the issue had been tabled at the December meeting.

START OF 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 215 th St., West of Columbia Road, North of 220 th St.		
Applicant:	Columbia Partners, LLC		
Engineer:	Allenbrand-Drews		
Site Area:	59.44 acres		

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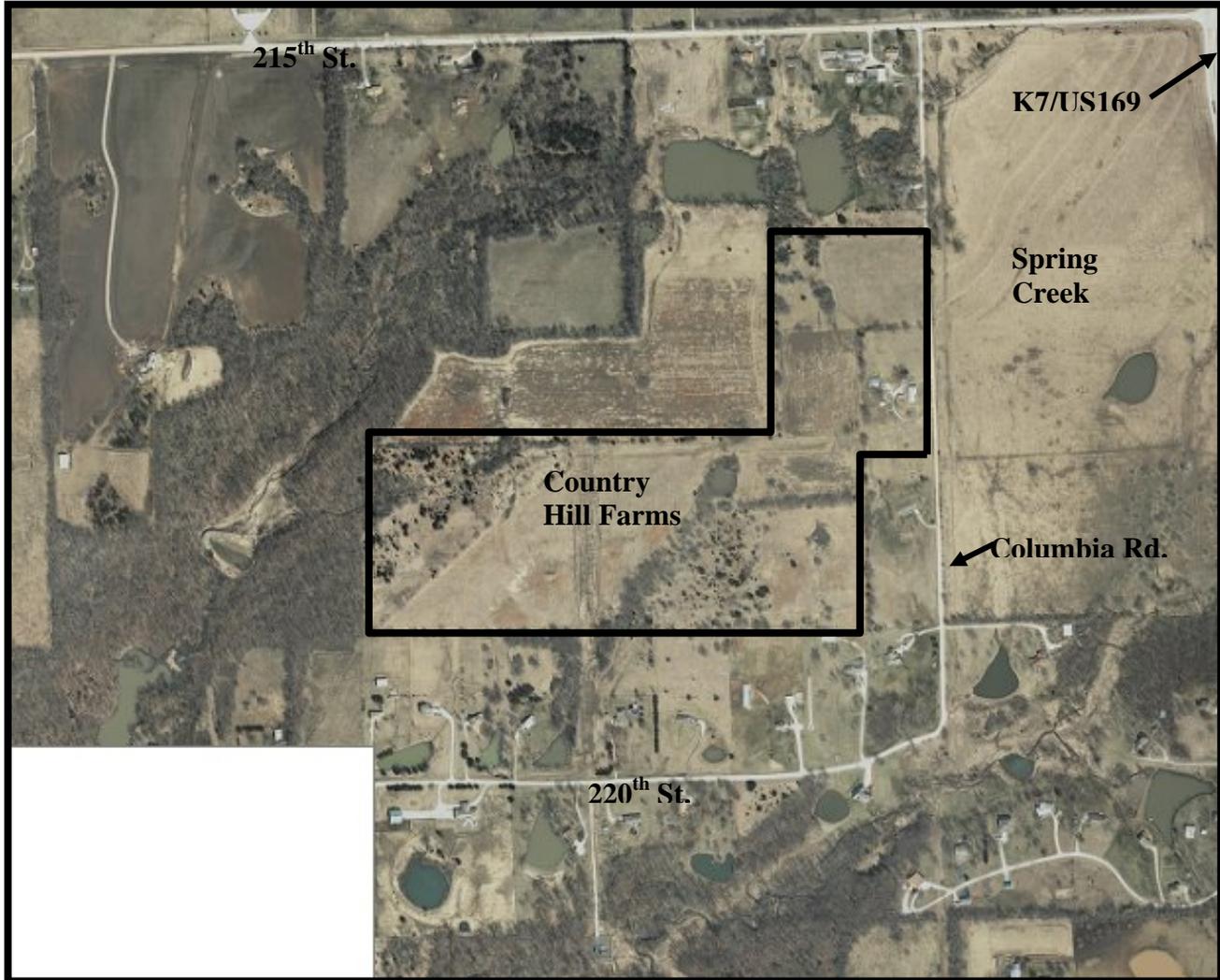
(RP-1)

Current Zoning:

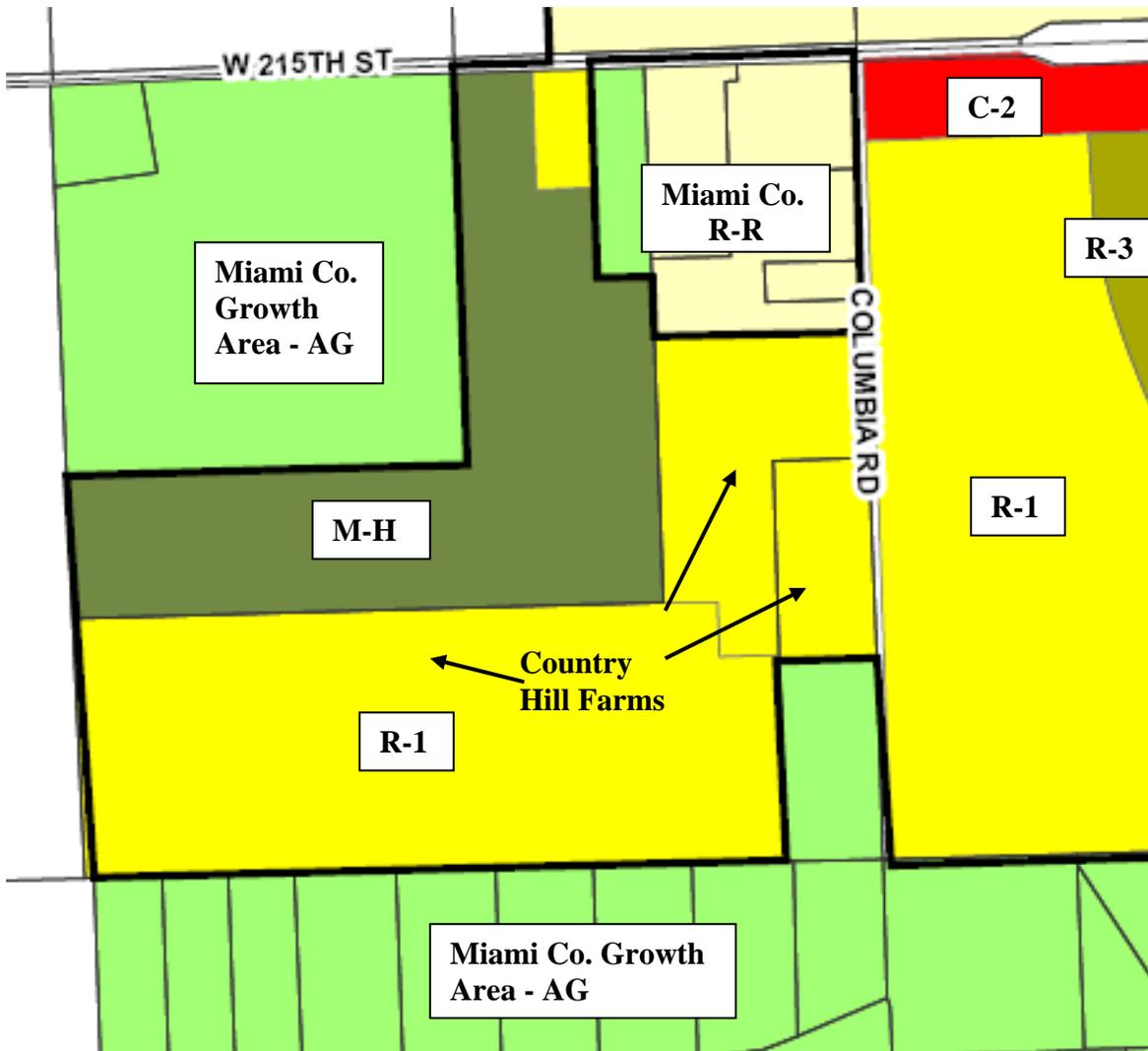
“R-1”

Proposed Use:

Residential Subdivision



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.

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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 firsthand 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.

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*

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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. landscape easement along Columbia Road per 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 called for closing the median crossing at 215th St. 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 is no longer available, but it is possible for Spring Hill to reapply for this funding. The K7 Plan also provides for an overpass at 215th St. when traffic counts warrant this project, however no schedule is in place nor is there any funding available for this project.

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.

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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 temporary easement to be obtained from the adjacent property owners, Joel and Shelly Frazier

END OF STAFF REPORT

Mr. Hendershot noted the main items of concern are traffic issues, and large lot transitioning. Mr. Hendershot will address traffic, and the developer can address the transition issue.

Mr. Hendershot stated that there is no question that there are traffic issues at 215th St., and US 169 highway. The problem is you cannot get the numbers to improve traffic problems until you get development, and you can't get development, until the traffic issues cause the numbers required for improvements. It may be 5 to 15 years to fully develop this subdivision, and the subdivision to the east is inactive at this time and it's not known how long that build out may be. He recommends approval knowing that staff is committed to improvements and has already started looking at getting funding for Columbia Rd. They are also looking at any and all possible solutions, but he feels the extension of Columbia Rd. is the proper solution. Mr. Hendershot said that Columbia Rd. is on the top of the list for Spring Hill.

Dan Walburg one of the partners of Columbia Partners, LLC; spoke about a meeting with staff where they discussed the transition of large lots, the meeting occurred after the last Planning Commission meeting in December. Mr. Walburg said they discussed the storm water runoff controls they have in place with the lots on the south border of the subdivision. That location is the highest point in the area, and going to the south the grade drops between 8 to 15 feet. Also, there is already a lot of tree coverage now. They would like to provide additional screening, so they will have no way of seeing the houses to be built. Mr. Walberg said that on the strip of land they are giving to the homeowners, they will plant 10 to 12 trees per homeowner as additional screening at their cost. They also measured from the back of the houses already there, to the back of the proposed homes, and it's about 400 feet. He compared it to a football field.

Mr. Haupt asked what the setback is for the proposed area, Mr. Burks said it was 35 to 40 feet.

Ms. Bitner asked if similar offers for screening would be made to the property owners on the south east side. Mr. Walburg said it was a different situation, but similar offers would be proposed.

Mr. Pittman asked what size trees would be planted? Mr. Walberg said they would comply with the requirements of the City. Ms. Squire asked if the choice could be up to the homeowner, such as choosing an evergreen to avoid leaves in the fall. Mr. Walberg said they would do whatever needed within reason to be a gracious neighbor and to accommodate neighborhood concerns.

Mr. Haupt said he liked the screening proposal, and referenced Section 17.360.I of the zoning regulations related to impact screens. He quoted "the lot area for lots adjacent to existing large lot parcels shall be a minimum of 14,200 square feet. The rear and side yard setbacks adjacent to the large lot/parcel shall be a minimum of 50 feet." Mr. Haupt thought most of the lots in the subdivision are 6,600 square feet, and that is a much lower than 14,200, and that is a problem. Mr. Walberg responded that the home owners association (HOA) will mow and maintain the lots. Large lots are not a selling point, people are downsizing, and with the HOA maintaining the properties, they need to deliver an affordable product. With fewer residents if they allow larger lots, that will increase the cost and decrease the efficiency. The trees being added, eliminates the line of sight for the existing residents to look into the subdivision. They have been told this product works best in this economy. They feel the

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product will go up in price with the economy and provide housing for those who want to downsize.

Mr. Haupt said he appreciated the economics of it, but the policy was developed with the protection of the property owners and life style of the people who are there before the subdivision, not for those who are going to move there later, and that is a conflict for him. He realizes development will occur, but this policy was developed for this specific reason. Ms. Squire added that the policy was a long process of meetings and input from many residents to developed this philosophy.

Ms. Squire asked how many phases they anticipated. Mr. Walberg said they planned on 7. Ms. Squire asked if the development could be flipped to develop the north side first. Mr. Walberg said the sewer entered in the south side, and it was more economical to start there. He also discussed the land that the development was giving to the residents. Ms. Squire said that was a wash to her, the residents already feel they own that land, the developer feels they are giving it.

Mr. Burks added that the developer is not making a big deal out of the ownership of the land, but the land does belong to the developer. It would be a much larger issue, and the developer is trying to not make it an issue. Mr. Walberg said they are trying their best to present a successful project for the City.

Ms. Bitner asked the Commissioners if they had this same conversation on this same subject when this was presented a year or so ago. The Commissioners agreed that they did. She felt nothing had changed on the transition issue. She asked if the plat drawing was the same. Mr. Burks said that the lot size on the south border did change from 75 feet wide to 55 feet wide. He said being in the planned district gave that option, and the Planning Commission has the discretion to balance all interests. They are trying to offer a solution. Also, significant additional costs were incurred to provide the BMP storm water requirements, and they needed to increase the number of lots to cover that cost.

Ms. Bitner asked if the homes on the smaller lots were villas, or what did they propose, Mr. Burks said they were single family homes, and Ms. Bitner was provided with a copy of the examples.

Mr. Haupt said that Mr. Burks had a valid point. The 14,200 sq feet would be the size of a transitional lot in an R-1 zoned location. For an RP-1, the normal (average) size lot is 6,600 sq ft. Comparing a normal R-1 lot to the RP-1 results in a difference of 5,200 (14,200-9,000), or about 50% short of the desired amount.

Chair Bitner opened up the hearing to the public, asking they limit themselves to 3 minutes each.

Shawna Jones of 21914 Columbia Rd. is concerned about the watershed, traffic and the lack of roads going back to the area. She's worried about the condition of the road during construction. She is opposed to the small lots, but feels a compromise could be reached. The water will go 10 feet lower than the high point to the south. She is also concerned because of a relative who lived in another age targeted community by this developer, who had to sue them, settling out of court. Some problems also include amenities that were not installed as promised, water issues in the yards, no trees planted on the roadways, and unsold houses being rented, which is not acceptable.

Mr. Hendershot addressed some of the questions. Columbia road will be developed to City standards to the south entrance of the subdivision with curb and gutter. The issue is that other developers and property owners, as well as Miami county need to coordinate. Miami County has offered to assist and it will not remain a gravel road. It's a bad situation now, and a constant maintenance problem, for the county and the City. It will be addressed at the final plat.

A facility or amenity approved and on the final plat receives inspection by our building inspectors to certify that all required elements are there and work and are alive or whatever the case is. A Certificate of Occupancy showing all work is complete is required for any house to be lived in. Landscape material must survive for two years.

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Sue Ratliff of 23088 W. 220th St. feels the issues need to be resolved. She read a letter that she had prepared, which is attached to the end of these minutes.

Tim Gerrity of 23205 W. 220th St., is concerned about the watershed. Even if the developers give back the wedge shape piece of land, it would not impact the total square footage very much. The 3 culverts under 220th St is not acceptable. He's worried about emergency issues with one road going south.

Chet Belcher of 21953 Cedar Niles, represented Matt Terstriep who is a property owner in the impacted area. They haven't seen any elevations or side yard setbacks. He also said Mr. Terstriep did not receive a letter of the public hearing. The file was checked, and a letter was mailed to the correct address based on the ownership of the property. Those notices are sent regular mail, so no certified receipt is required. A mailing label was prepared, and mailed with all the notices of property owners within the required distances. Mr. Terstriep is concerned about the density of the subdivision; it's very typical with denser lots at the entrance and larger lots toward the outsides. He feels staff is too vague on the traffic problems and solutions, and it's unsafe to have only one entrance into the area as Columbia Rd.

Shelly Frazier of 21842 Columbia Rd. has the same issues, large acre adjacent lots, roads and drainage issues going north and south. There is a large 3.5 acre lot behind Kerry's kennel that is a swamp and is for sale, but it looks like you're in the everglades when it's flooded.

There being no more public comment, Chair Bitner closed the public hearing.

Dan Walberg said he was not aware of any lawsuits that have been filed at Somerset Garden. He has developed other subdivisions in Johnson County, Kansas City, KS, Cass County and other locations. One is Somerset Brooke, at 143rd between Switzer and Antioch Rd. They developed Autumn Ridge at 133rd and Switzer, Apartment Hill in Shawnee, Woods of Somerset in Merriam, the Ledgens in Raymore, one shopping center and two apartment complexes. The trees were planted at the second phase, based on the subdivision questioned. The homes will be of high quality. Affordable does not always mean cheap. They considered a masonry wall on the south side by Ms. Frazier's property, but didn't think that was the correct look for an entrance. It was mentioned that possibly a wrought iron fence may be a solution.

Mr. Haupt took lots including 12 through 44, which abut the south property line, and determined the distance to be about 1,837 feet. With the lots being 120 feet deep, an 85 foot wide lot would be 10,200 square feet, coming close to the 10,000 sq. foot mark. The developer would lose 10 lots in that case. This compromise would make the lot sizes more acceptable.

Vick Burks asked what this compromise would accomplish. The distance north and south would not change, and would only reduce the density. Mr. Haupt said that was exactly the point. The ordinance calls for reduced density. Mr. Burks thinks just reducing the density is not the intent of the ordinance. That intent is to make a transition, and Mr. Burks says the transition is through landscaping. Mr. Haupt does not understand his argument. Mr. Walberg wants this plat passed, and in the spirit of resolving this issue, and he is willing to eliminate 5 lots to reduce the density.

Ms. Bitner asked Mr. Hendershot if a developer can change the plan in the middle such as was just stated, and Mr. Hendershot said the recommendation for approval stipulating certain things, that will go to the City Council.

Ms. Houpt commented that this property will be developed, it has sewers, and odds are it will happen. You can make some of the people happy etc. Ms. Bitner cautioned them that they may set precedence if they allow certain concessions. Ms. Houpt feels that in time funds may come up to handle the traffic problem. Growth is required to get funds to provide the infrastructure.

Mr. Walberg commented on an area to the north of this property which is zoned as manufactured housing. That

has not caused the surrounding area to be downgraded.

Mr. Walberg also told the Commission that he would state tonight, for the record, that the lots on the south boundary of the subdivision will be 75 feet wide. Mr. Haupt said he had hit the exact number he was looking for, which will give him 25 lots, equaling 9,000 square feet per lot.

Ms. Squire asked Mr. Hendershot if he spoke to Mr. Roberts to put Columbia Rd as the top of our priorities, as well as making sure it's on the CIP list. (Capital Improvement Plan). Ms. Squire wants to make it very clear to the governing body that Columbia Road has to be added to the CIP sooner than later.

Mr. Newton did not think the traffic problem was resolved to his satisfaction, and to think it will be fixed is wishful thinking. The problems with 223rd St. are a good example. The Commissioners discussed whose responsibility it is, and how can the Planning Commission make adequate plans not knowing all the facts. As development occurs, then statistics will become evident to cause reactions and to provide traffic relief. Mr. Walberg added that the excise tax will assist in the cost as well.

Mr. Haupt asked how the Commission can ensure the governing body will follow through with Columbia Road. Mr. Hendershot said that a letter can be drafted to the governing body to stress the importance of Columbia Rd, and that decisions are being made based on what we hope happens.

Chair Bitner reviewed the issues, Mr. Stanton, the City's consultant, feels the storm water issues are in compliance; that the amount of water that flows off this subdivision when the project ends will be no greater than flows off now. Those issues will be defined at the final plat. Mr. Brann, the City Engineer seemed comfortable with the plans. Mr. Walberg will provide the additional screening on the south, from the Frazier property, and wider lots on the south boundary.

Motion by Brian Haupt to recommend approval of rezoning case Z-02-08 at Country Hill Farms from R-1 to RP-1 as per reasons stated in the staff report with the review of Golden vs. Overland Park
Seconded by Tim Pittman. Motion passed 6 yes; 0 no; 0 abstention

Motion by Brian Haupt to recommend approval of preliminary plat case PP-01-08 at Country Hill Farms per reasons stated in the staff report with the review of Golden vs. Overland Park, and 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 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.
3. 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.
4. 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.

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5. 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.

6. 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 temporary easement to be obtained from the adjacent property owners, Joel and Shelly Frazier

7. The lots abutting the south property line, lots including 12 through 44 will be enlarged to a minimum of 75 feet wide.

Seconded by Valerie Houpt. Motion passed 6 yes; 0 no; 0 abstention

- **Public Hearing Item**

- 5. Change of Zoning Ordinance for parking of recreational vehicles

Ms. Bitner announced this item, and Mr. Hendershot presented his staff report.

Draft 11/07/08 (Start of Staff Report)

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.

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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

Ms. Houpt asked how the public will be notified of these changes. Mr. Hendershot said a notice will be published in the paper, and new versions of this subject will be posted in the Zoning Regulations on the web site. He also said that with the building inspectors and Officer Fischer, we contact offenders as needed.

Chair Bitner opened the public hearing, and with no one present to speak, she closed the public hearing.

Motion by Brian Haupt to recommend approval of the changes to the Zoning Ordinance section
Seconded by Tim Pittman. Motion passed 6 yes; 0 no; 0 abstention

DISCUSSION

The Planning Commissioners discussed setting up a joint session with City Council. Dates have been sent out to set a time for a meeting by February, and to ask to topics.

Mr. Hendershot informed the Commission that Miami County is considering the status of the growth area, not only as it relates to Spring Hill, but other cities in Miami County. The main problem appears to be the confusion experienced by residents of the area as to who is in control of services for them. Miami County will be asking for our input.

The Commission also discussed the status of the Sycamore Lake subdivision in unincorporated Johnson County.

ADJOURN

Motion by Tim Pittman to adjourn.
Seconded by Michael Newton. Motion passed 6 yes; 0 no; 0 abstention

The meeting ended at 9:30 PM

Mary Nolen, Planning Secretary

Memo

To: Spring Hill Planning Commission

From: Jim Hendershot, Planning & Development Coordinator

CC: file

Date: January 28, 2009

Re: Agenda review, February 5, 2009 PC meeting

-
1. *Approval of minutes from January 8, 2009*
 2. Conditional Use Permit, CU-01-09. Included with this packet you will find a staff report and supporting documentation on this item. Briefly stated, the applicant proposes to utilize the existing building and facilities at 210 N. Webster for auto sales and a detail shop. According to the applicant, the majority of business will be conducted over the internet resulting in limited on site storage and/or display of vehicles.
 3. Revision of previously approved restrictions for single and multi-family construction at Estates of Wolf Creek. Included with this packet you will find a staff report that reviews each item identified in a letter from Mr. Pete Opperman. Staff has had several conversations about the conditions placed on the Estates of Wolf Creek with respect to rezoning and construction requirements. As a result of these conversations, Robert Garver has made an application to revise and/or eliminate some of the conditions.
 4. Private parking lot specifications. As requested at a previous PC meeting, a review and discussion of existing specifications on private parking lots will be held. Included with this packet you will find a response from Chief Inspector Dennis Rogers on this subject. John Brann will be in attendance to discuss.
 5. Review of proposed aquatic center location for compliance with Comprehensive Plan. Kansas State Statutes require all public improvements such as city facilities to be reviewed by the Planning Commission and noted as being in compliance with the Comprehensive Plan. The proposed site for the new aquatic center is on the west side of South Webster at the intersection of Sycamore Drive and Webster. This area is zoned R-1 (single family dwelling)

and identified on the Future Land Use Map as Residential. Section 17.310.B.3 lists “parks and recreation” as an allowed use. By definition, “parks and recreation” means a park, playground or community facility that is owned by or under the control of a public agency or homeowners association and which provides opportunities for active or passive recreational activities. Therefore, when considering zoning regulations, the definition of parks and recreation and the future land use map, it is staff’s opinion the site is in compliance with the Comprehensive Plan. Included with this packet you will find excerpts from the zoning code and various maps supporting the zoning and future land use issues.

It is the request of staff that a motion be made and approved indicating the Planning Commission has reviewed the aquatic center site and finds the site to be in compliance with the Spring Hill Comprehensive Plan.

6. *Park fees in lieu of dedication of land.* Current code allowances concerning payment of park fees in lieu of dedication of land are of concern to staff, particularly with respect to Planned Developments. Planned Residential Developments require 15% open space as in contrast to 4% in conventional residential districts. This increased open space requirement is a vital element in considering applications for planned developments. To simply allow the payment of a fee seems to be counterproductive to the intent of the Planned Residential Development objective. Staff requests a discussion on this matter and possibly establishing a public hearing date to officially discuss and recommend changes to the code.

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

Case #: CU-01-09 **Meeting Date:** February 5, 2009

Description: Conditional Use Permit, Auto dealer and detail shop

Location: 210 N. Webster

Applicant: Midwest Auto Group, Kendall Shives

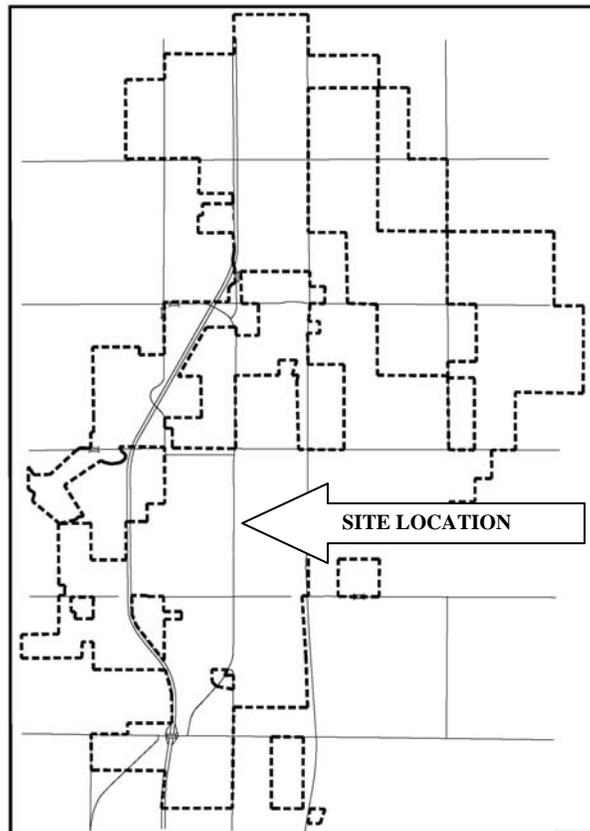
Engineer: Not Applicable

Current Zoning: C-2 Gen. Business

Site Area: 70'x170' **Number of Lots:** 1

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	C-2	Commercial	Mixed Use Commercial
North:	C-2	Commercial	Mixed Use Commercial
South:	C-2	Commercial	Mixed Use Commercial
East:	C-2	Commercial	Mixed Use Commercial
West:	R-1	Residential	Mixed Use Commercial

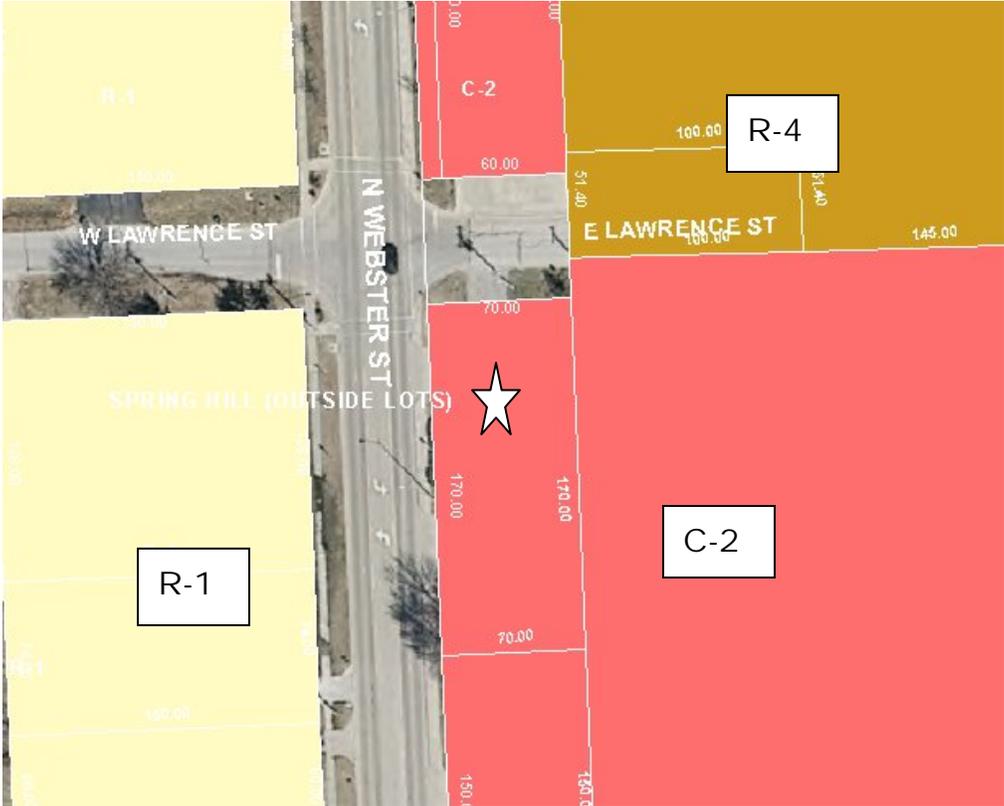
Related Applications:



VICINITY MAP



AREA ZONING



BACKGROUND:

The applicant, Midwest Auto Group, has submitted an application for a conditional use permit to allow an auto dealership and detail shop to be located at 210 N. Webster. The proposed use will utilize the existing commercial building, parking area and fenced area with no proposed improvements with the exception of painting, landscaping and installation of accessible parking. According to information provided by the applicant, the primary focus of automotive sales will be via the internet however a limited amount of local customers is expected. A letter from Mr. Shives is included with this packet that fully explains their business intentions. In addition, a site drawing is also included with this packet that identifies existing improvements to the property.

GOLDEN FACTORS:

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

1. **Consistent with purposes of regulations and intent of district.** Proposed use is consistent with regulations as it is an allowed use with a conditional use permit.
2. **Neighborhood character.** The surrounding neighborhood is commercial to the north, east and south with single-family residential to the west and multi-family residential northeast of the site.
3. **Adjacent zoning.** Adjacent parcels east and south are zoned commercial, with property to the north (across Lawrence St.) zoned commercial. Across Webster Street to the west is single-family zoning and to the northeast is multi-family residential.
4. **Requested because of changing conditions.** N/A
5. **Suitability for current zoning.** The proposed use is allowed in a C-2 district with an approved Conditional Use Permit.
6. **Detrimental effect of nearby parcels.** Negligible effect on nearby parcels as proposed use will not expand upon past accepted uses and parking lot lighting will not be expanded from existing lighting.
7. **Corrects an error.** N/A
8. **Length of Time at Current Zoning.** Appears area was originally zoned commercial.
9. **Length of time property has been vacant.** July 2008
10. **Adequacy of current facilities.** Existing and current facilities are sufficient as applicant will utilize existing facilities with minimal upgrade.

11. Public Gain Balanced by Landowner Hardship. Public gain includes regulating the property with a Conditional Use Permit.

12. Conformance with Comprehensive Plan. The proposed conditional use permit would be in conformance with the Spring Hill Comprehensive Plan as the area is identified on the Future Land Use Map as Mixed Use Commercial.

ADDITIONAL STAFF REVIEW

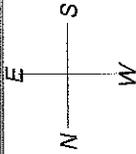
- 1. Parking:** Building area is approximately 1,776 sq. ft. Parking is required at a rate of 4/1000 sq. ft. of building area. Site drawing identifies 7 parking stalls which meets the parking requirement.
- 2. Landscaping:** Site plan identifies areas for grass and flowers. Street trees are required at the rate of 1/50 ft. of frontage. Currently there are sufficient trees located on the property and along the street right-of-way to meet this requirement. While no further landscaping is required, the applicant has indicated he plans to provide additional items such as flowers and shrubs.
- 3. Trash Receptacles:** No outside trash bins are planned for the use.
- 4. Lighting:** Applicant will utilize existing exterior parking lot lighting.
- 5. Signage:** Applicant will utilize wall mounted signage only.

RECOMMENDATION:

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

1. Permit approval subject to renewal in five years

210 N Webster Springhill KS



Existing Fenced Area
6' tall wood privacy
No changes made

Grass
Not to be used

Existing Office
Will be painting and
installing tile and carpet

Existing shop
No Changes

Existing Office
No Changes

Auto Parking for Sale

Exit to Lawrence St

3 Cust Stalls

Handicap Stall

Customer Parking

Grass flowerbed

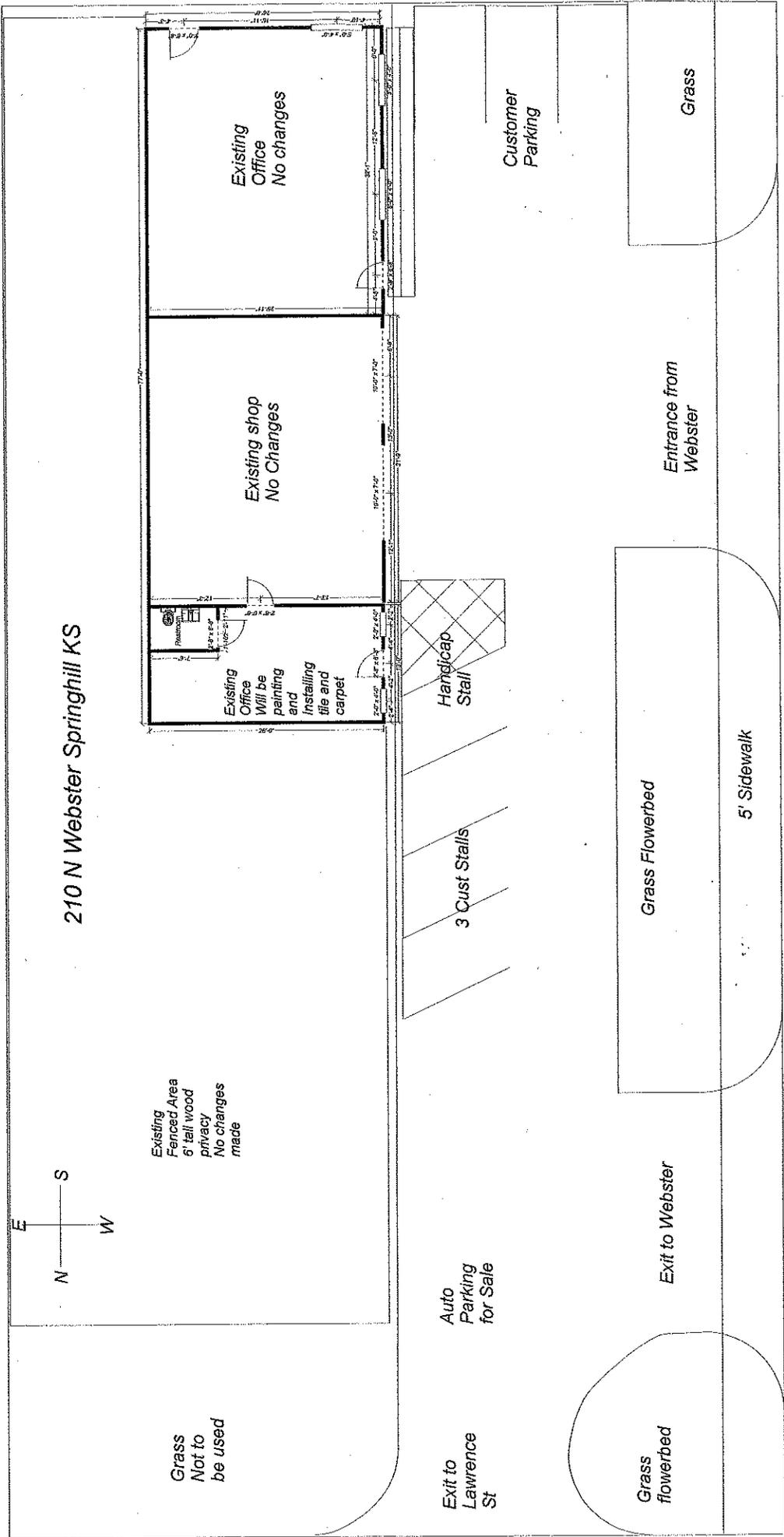
Grass Flowerbed

Exit to Webster

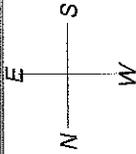
Entrance from Webster

Grass

5' Sidewalk



210 N Webster Springhill KS



Existing Fenced Area
6' tall wood privacy
No changes made

Grass
Not to be used

Existing Office
Will be painting and
installing tile and carpet

Existing shop
No Changes

Existing Office
No Changes

Auto Parking for Sale

Exit to Lawrence St

3 Cust Stalls

Handicap Stall

Customer Parking

Grass flowerbed

Exit to Webster

Grass Flowerbed

Entrance from Webster

Grass

5' Sidewalk

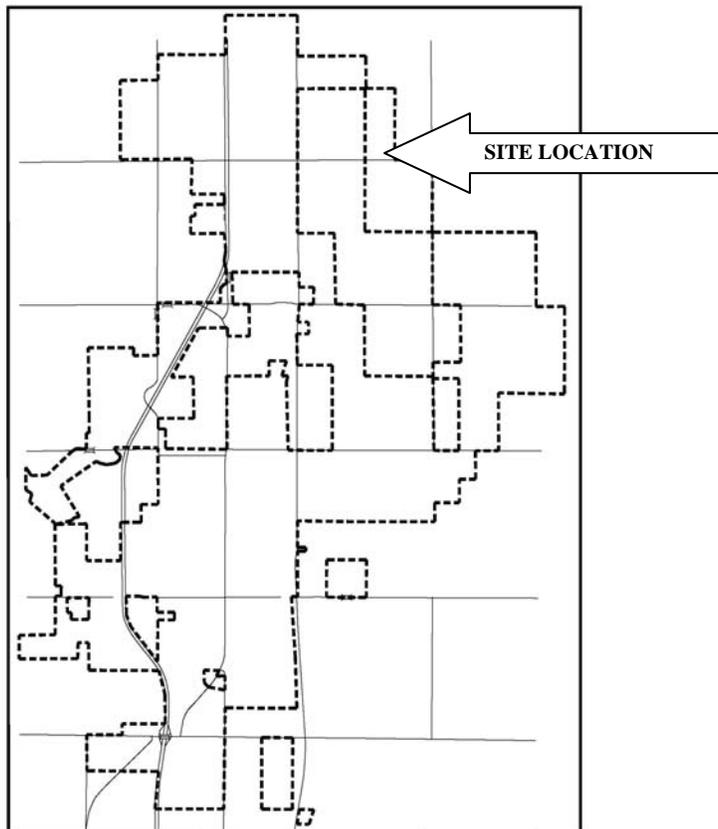
**SPRING HILL PLANNING COMMISSION
PRELIMINARY PLAT STAFF REPORT**

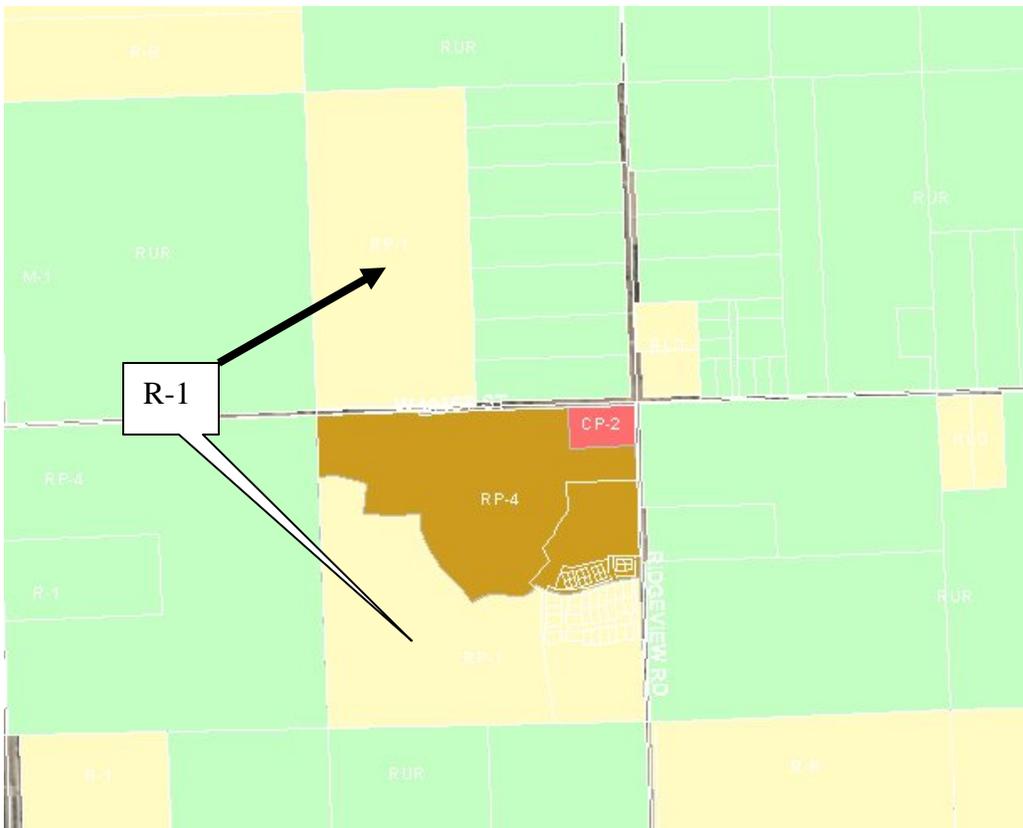
Case #: FP-01-09 **Meeting Date:** February 5, 2009
Description: Amendment to construction conditions, Estates of Wolf Creek
Location: 191st & Ridgeview (generally)
Applicant: Wolf Creek Development / Robert Garver
Engineer: Opperman Land Design, LLC
Site Area: 240 acres (approx)

Minimum Lot Area: **Number of Lots:**

Current Zoning: RP-1, RP-4, CP-2 **Proposed Use:** Residential Subdivision

Related Applications: Z-09-09, Z-10-05,
Z-11-05, Z-02-06





BACKGROUND:

In 2005 three separate rezoning cases were approved for the development now known as Estates of Wolf Creek. In 2007 a fourth rezoning request was approved following a major revision in the preliminary plat with respect to road development. Copies of the four rezoning ordinances are included with this staff report packet for your review.

Recently the developer, Bob Garver, made an application for three single-family building permits in Phase 1 of the development. Two of the permits were approved with the third being denied as it was not in compliance with the provisions of the rezoning ordinances. Primarily the plans called for a three car garage that is in excess of 50% of the width of the dwelling. This denial led to several conversations between myself, Bob Garver and Pete Opperman. In short, my interpretation of the zoning conditions was different than those of Mr. Garver and Mr. Opperman.

As a result, Mr. Garver has filed an application to amend the conditions set forth in the rezoning ordinances. The application identifies several restrictions approved with the rezoning cases and seeks relief or elimination of some of these conditions. Included with this staff report is a copy of the application letter that specifically identifies issues important to the developer. Each of these items are identified and reviewed as follows:

A. The following issues are identified on the application letter from Mr. Opperman on page 1 under the heading of RP-1 Area. Rezoning conditions are found in Ordinance 2005-38.

- 1) "The garages of a single-family house may not exceed 50% of the overall width of the house needs to be modified to add *"on lots less than 70 feet wide"*.

Staff Comment: This restriction is found in Ord. 2005-38 Section One.2.B. The restriction is also referred to in the Comprehensive Plan (pg. A-5) as follows:

Residential areas with reduced lot sizes and widths should comply with the following:

Provide the front entry and the habitable portion of the dwelling as the dominant elements of the structure. Garages oriented toward the street must not exceed fifty (50) percent of the width of the residential structure facing the street.

Marketing of homes is vital to the developer and it is understood homes with three car garages are more attractive to buyers than those with two car garages. However, the intent of the statement above is to not allow the garages to become the dominating feature in a subdivision. Since this development has a mixture of lots widths, the limitation of 70 foot lots will act to limit number of three car garages. As a result, staff has no objection to allowing garages in excess of 50% of the width of the house on lots 70 feet and wider. However, in no case should the garage width be in excess of 60% of the width of the house. If approved this would allow the construction of three car garages with a maximum width of 60% of the dwelling width on 327 of 445 lots in the subdivision.

- 2) "Garages that are oriented toward the street may not project beyond the habitable portion of the front façade greater than 7 feet." Does this include and account for the habitable portion which is above the garage? If not, the allowed

offset needs to be more like 14 ft. House plans approved as examples contradict this stipulation.

Staff Comment: This restriction is found in Ord. 2005-38 Section One.2.C. The restriction is also referred to in the Comprehensive Plan in two distinct areas as follows:

(pg A-5) Residential areas with reduced lot sizes and widths should comply with the following architectural standards:

Provide garages flush with the principal front building façade, recessed, side loaded, rear-accessed, or detached. Garages oriented toward the street typically should not be projected in front of the habitable portion of the front façade. However if such projections occur they should be minimized and generally not exceed five (5) to seven (7) feet.

*(pg 5-9) **Recommendation: Limit garages from extending out from the house front.** Alternatives to house designs without projecting front garages are strongly encouraged to maintain the historic character of Spring Hill. Garages which extend out from the front of a house create an emphasis on the automobile system of a neighborhood, diminish the effects of inviting front doors and porches, and are simply less attractive than the house itself. All of these effects breakdown the pedestrian oriented quality that is sought for new residential areas in Spring Hill.*

Mirroring the comments from #1 above, the intent of this Comp. Plan recommendation is to not allow the garage to become the dominant feature of the dwelling, particularly in developments granted a reduction to lot widths. Whether the garage has habitable space above the garage is, in staff's opinion, irrelevant. As a result staff recommends the restriction of seven feet not be amended. However, Mr. Opperman claims the approved house plans contradict this stipulation. Included with this staff report are copies of plans provided by the developer at previous meetings of the PC and Mr. Opperman will provide additional examples of construction designs for consideration.

- 3) "Any dwelling with a garage projecting from, or flush with, the principal front building façade shall have a front porch or similar enclosed front stoop feature that projects in front of the garage and building façade." Essentially, this stipulations makes any garage other than one recessed from the front of a house impractical since you would have to build a covered/enclosed front porch which sticks out beyond the garage and adds a very expensive item to the cost of the house. We ask this stipulation be removed. House plans approved as examples contradict this stipulation.

Staff Comment: This restriction is found in Ord. 2005-38 Section One.2.D. The restriction is also referred to in the Comprehensive Plan in two distinct areas as follows:

(pg A-5) Residential areas with reduced lot sizes and widths should comply with the following architectural standards:

Provide other architectural features, such as a front porch or similar enclosed front stoop feature that projects in front of the garage, for any

dwelling design in which a garage projects from or is flush with the principal front building façade.

(pg 5-9) **Recommendation: Encourage new home construction designs with front porches.** Front porches allow homeowners to comfortably spend more time near the front yard and street, and are consistent with the historic development pattern of Spring Hill. This creates a greater opportunity to know neighbors, maintain a casual surveillance of the area, and thereby maintain a safe residential neighborhood. Porches also reinforce a community ambiance and reduce the visual impact of garages oriented toward the street.

As a former contractor, staff finds this stipulation confusing and difficult to design a home that is in compliance. Staff agrees with Mr. Opperman in his statement of creating an expensive item to the home. In addition, staff has concerns with the appearance of the final product that has a front porch extending beyond the garage that extends beyond the front façade of the building. Staff recommends this stipulation be removed.

B. The following issues are identified on the application letter from Mr. Opperman on page 2 under the heading of RP-4 Area. Rezoning conditions are found in Ordinance 2005-39.

- 1) "A current stipulation requires 75% masonry such as brick or stone, and allows EIFS stucco and fiber cement board as a minor accent only. However, current guidelines on the City's website call for 40% masonry and stipulate that the balance can be lap siding and stucco. In order to create fair competition, we believe the current stipulation needs to be modified to be the same as the City's current guidelines."

Staff Comment: The condition noted above is found in Ord. 2005-39 Section One.4.A.6 and 4.B.4 however, these sections specify a 50% limit not the 75% identified in the Opperman letter. As noted by Mr. Opperman the Comprehensive Plan indicates a 40% recommendation as noted on page A-12 as follows:

A variety of exterior building materials and colors should be used to create visual interest and to avoid monotony. An amount no less than forty (40) percent of the total net exterior wall area of each elevation shall be finished with brick or stone, excluding gables, windows, doors, and related trim. The balance of the net exterior wall area may be lap siding (excluding vinyl lap siding) and/or stucco (excluding pre-manufactured stucco panels or EIFS).

Staff recommends reduction of the 50% stipulation found in the ordinance to 40% as found in the Comprehensive Plan.

- 2) "Similarly our plan currently requires 50-year composition shingles, clay tile, or concrete tiles. We believe our stipulation needs to be modified to comply with the current website guidelines of 40-year comp shingles, clay tile, or

concrete tiles with other materials being considered on a case-by-case basis.”

Staff Comment: This restriction is found in Ord. 2005-39 Section One.4.A.7 and 4.B.6. As noted by Mr. Opperman the Comprehensive Plan indicates a 40-year or longer roof covering recommendation as noted on page A-12 as follows:

Predominate roofing materials must be high quality and durable. Preferred materials include 40-year or longer composition shingles, clay tiles, or concrete tiles. Other materials will be considered on a case-by-case basis.

Staff recommends amending the 50-year roofing requirement found in the ordinance to 40-year roofing materials as recommended in the Comprehensive Plan.

- 3) “If someone in the future decides that apartments are more appropriate than town homes, the 75% masonry and 50-year roof stipulations should be modified as stated in Item #2 above.

Staff Comment: The Planning Commission should review the recommendations for clarity and consistency.

C. The following issues are identified on the application letter from Mr. Opperman on page 2 under the heading of CP-2 Area. Rezoning conditions are found in Ordinance 2005-40.

- 1) “Item 2.D of our stipulations calls for the primary material of buildings to be masonry including stone or brick with EIFS and stucco used as minor decorative elements. The current website verbiage includes masonry, but doesn’t limit materials to masonry. We believe our stipulation should be modified accordingly.

Staff Comment: The Comprehensive Plan addresses this matter on page A-18 as follows:

Exterior building materials should consist of those that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to, natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; high-quality prestressed concrete systems; or glass. Water-managed Exterior Installation Finish Systems (EIFS) may also be incorporated as a decorative accent material.

The current ordinance language is more restrictive than the adopted standards of the Comprehensive Plan. Therefore, in the interest of consistency, staff recommends amending the current language of the ordinance to reflect the language found in the Comprehensive Plan as noted above

- 2) "Item 2.E mandates all buildings to have sloped roofs or an appearance of sloped roofs. The City's website calls for this only when buildings are adjacent to residential areas. Most of the illustrations in the City's document also show non-residential looking rooflines. We believe our current stipulation should be modified to state "when adjacent to residential".

Staff Comment: The Comprehensive Plan addresses this matter on page A-17 as follows:

Buildings near residential uses must include sloped roofs, or the appearance of sloped roofs (mansard and gables) to maintain a residential appearance, unless other architectural features and site design provide residential compatibility.

It is the opinion of staff that the intention of the ordinance language was to require sloped roofs or the appearance of sloped roofs on structures adjacent to residential uses. As a result staff recommends amending the language to include the statement "when adjacent to residential". The term "adjacent" would include structures directly across the street from residential area.

- 3) "Item 2.J does not allow any parking or paved areas between a building and a street. Yet, our approved plan has this. The current document on the City's website does not mention anything about where parking or drives can be located. We believe this stipulation should be eliminated".

Staff Comment: The Comprehensive Plan addresses this matter on page A-10 as follows:

Frame and enclose parking areas on at least three sides. Parking must not be located between the building and the street. However, on-street parking may be permitted in order to create a "main street". A majority of the frontage along an arterial street or other major roadway should be occupied by buildings or other structures such as decorative architectural walls (not to exceed 3-feet in height).

Two points of interest to discuss with this matter. 1) The approved preliminary plan does include parking between the 191st St. and the proposed commercial structures. All other parking in the commercial area is in compliance with the above noted recommendation. An important note to this matter is that there is no direct access from 191st St. to the parking area. Access to the parking area is via neighborhood streets. 2) The Comprehensive Plan recommendation noted above and reflected in the ordinance is found with the recommendations for Multifamily Residential Design and not within the Commercial Design Guidelines as found on page A-14. Page A-13 of the Comp. Plan recommends commercial parking areas not be located within a 200 foot radius of the center point of a major intersection. The majority of the approved parking area shown on the preliminary plan is outside of this 200 foot radius recommendation. As a

result, staff recommends elimination of this language from the ordinance as requested.

D) On page 3 of Mr. Opperman's letter the following statement is made:

“As a part of these revisions, we would like to have verbiage added that gives the City Planner the authority to approve building plans and elevations for what he/she believes are reasonably in compliance with the approved plan. This would allow the developer to proceed within a reasonable time frame instead of having to come to the Planning Commission for every approval or modification”.

Staff Comment: This topic is covered in the Zoning Regulations in Section 17.332.J.1 as follows:

Once property has been rezoned to a planned zoning district, changes to the preliminary development plan may be made only after approval of a revised preliminary development plan. Changes in the preliminary development plan which are not substantial or significant may be approved by the Planning Commission, and disapproval of such changes by the Planning Commission may be appealed to the Governing Body. Substantial or significant changes in the preliminary development plan may only be approved after rehearing; such rehearing shall be subject to the notice and protest provisions set forth in Section 17.364.

Section 17.332.J.2 then provides details on what is classified as “substantial or significant changes”.

A great deal of discussion was held between staff, owner and designer about this matter. It is my opinion the intent of most regulations for zoning and planning are designed to provide the enforcement authority a limited degree of discretionary ability for deviations from approved plans. However, in the case of Planned Developments, this discretionary is and should remain very limited. This is due to the concept that planned developments carry “trade offs”. For example, the developer is allowed to build on reduced sized lots in return for more open space. In addition, the planned development requires a statement to be filed with the Register of Deeds that a plan has been approved for a specific tract of land and must contain specifics about the project. The planned development requires a higher degree of planning on the part of the developer to provide a clear picture of the finished product. It is staff's opinion the current regulations are adequate and sufficient.

As noted to the developer several times, the ordinances authorizing the various rezoning cases are the ultimate deciding factor in determining conditions associated with developments. When the ordinances contain specific conditions or stipulations the enforcing officer has little if any discretionary authority. Thus, the system currently in place is adequate and appropriate.

STAFF COMMENT:

The Planning Department staff understands and truly appreciates the dedication and financial investment of the developer to provide the City of Spring Hill with a unique development as designed into the Estates of Wolf Creek. In addition, staff will continue to work with the developer in all phases of the development. However, all involved must understand that a Planned Development is a unique creature and must remain within the stipulations of approval. Deviations from the approved plans should follow the stipulations and requirements found in the city code.

RECOMMENDATION:

It is the recommendation of staff that the Planning Commission forward a recommendation to the City Council as follows:

1. Amend Ordinance 2005-38 Section One.2.B to read: *On lots less than 70 feet in width, garages oriented toward the street shall not exceed 50% of the width of the residential structure facing the street. On lots 70 feet in width and greater in width, garages oriented toward the street shall not exceed 60% of the width of the residential structure facing the street. Three car garages meeting these requirements shall be allowed./*
2. Amend Ordinance 2005-38 Section One.2.D: *Eliminate this section entirely.*
3. Amend Ordinance 2005-39 Section One.4.A.6: *Reduce the 50% requirement for decorative masonry material to 40%.*
4. Amend Ordinance 2005-39 Section One.4.B.4: *Reduce the 50% requirement for decorative masonry material to 40%.*
5. Amend Ordinance 2005-39 Section One.4.A.7: *Reduce the 50-year requirement for roof cover materials to 40-year.*
6. Amend Ordinance 2005-39 Section One.4.B.6: *Reduce the 50-year requirement for roof cover materials to 40-year.*
7. Amend Ordinance 2005-40 Section One.2.D to the following: *Exterior building materials should consist of those that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to, natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; high-quality prestressed concrete systems; or glass. Water-managed Exterior Installation Finish Systems (EIFS) may also be incorporated as a decorative accent material.*
8. Amend Ordinance 2005-40 Section One.2.E: *Add the phrase “when adjacent to or directly across the street from residential uses”.*
9. Amend Ordinance 2005-40 Section One.2.J: *Eliminate this section entirely.*