

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA**

Thursday, December 3, 2009

7:00 p.m.

**Spring Hill Civic Center
401 N. Madison, Room 10**

CALL TO ORDER

ROLL CALL

Tobi Bitner
Janet Harms
Brian Haupt
Valerie Houpt

Bill Kiesling
Michael Newton
Tim Pittman
Stephen Sly
Cindy Squire

APPROVAL OF AGENDA

FORMAL COMMISSION ACTION

1. Approval of Minutes

November 12, 2009

• **Non-Public Hearing**

2. Midwest Auto review

3. Replat of Prairie Ridge

Case No.: FP-04-09

Request: reduce area of first final plat from May, 2007

Address: North of 199th St., East of SH High School

Applicant: Don Margitier

4. Review of lighting plans for the Aquatic Center

DISCUSSION

OTHER BUSINESS

5. Brian Haupt report on Kansas APA conference

ADJOURN

PUBLIC HEARING PROCEDURE

1. Chairperson opens the public hearing.
2. Commission members describe what, if any, ex-party contacts they might have had regarding this case; indicating the nature of the communication and *whom* it was with.
3. Commission members describe what, if any, conflicts of interest they may have and dismiss themselves from the hearing.
4. Staff presents a report and comments regarding the case.
5. Applicant or agent of the applicant makes brief presentation of the case or request.
6. Commission members ask for any needed clarification of the applicant or agent.
7. Public comments are solicited from the audience. Each member of the audience must fill out a Citizen Participation/Comment Form.
8. Commission members ask for any further clarifications from applicant or staff.
9. Public Hearing is closed.
10. Members deliberate the request.
11. 14-day Protest Period begins after the Planning Commission Public Hearing is closed. *

* **Protest Petitions:** Any protest petition must be filed in the Office of the Spring Hill City Clerk within 14 days from the conclusion of the public hearing held by the Planning Commission. Sample copies of protest petitions may be obtained from the City Clerk Office at 401 N. Madison, Spring Hill, KS 66083 (913-592-3664).

Memo

To: Spring Hill Planning Commission
From: Jim Hendershot, Community Development Director
CC: file
Date: November 24, 2009
Re: December 3, 2009 Planning Commission meeting

The following offers a brief explanation of items on the December 3, 2009 Planning Commission agenda. Please feel free to contact the Community Development Department 913-592-3664 if you have any questions.

1. **Approval of Minutes:** November 12, 2009
2. **Midwest Auto Update:** Kendall Shives will be present to discuss the status of compliance with the Conditional Use Permit for Midwest Auto.
3. **Amended Final Plat of Prairie Ridge Subdivision:** The developers of Prairie Ridge Subdivision located on 199th Street east of Spring Hill High School will be present to discuss amending the final plat of Prairie Ridge. The request is to lessen the scope of previously approved Phase 1 final plat with the intention of developing the remainder of phase one final plat in increments. For your review, the staff report and meeting minutes of the original approval are included with this packet as well as a drawing depicting the scope of this request. Staff has reviewed the concept and has no objection to the reduction in size of the initial phase of the project. However, the traffic impact study for the development recommends the widening of 199th Street along with the construction of a dedicated left and right turn lanes into the subdivision. The developer will request this road construction be delayed based on the smaller scope of the proposed project. While this request seems reasonable, staff has contacted our traffic consultants, BHC Rhodes and asked for a "trigger point" of development that would initiate the construction of the turn lanes. A report from BHC Rhodes will be available prior to the PC meeting.
4. **Review of lighting plans, Spring Hill Aquatic Center:** During the site plan presentation for the Aquatic Center it was noted the pole lighting was in excess of the 25 ft. allowable height. The PC approved the site plan and required revised lighting plans to be presented to the PC for approval. Alternate plans have been submitted and staff will make a presentation at the meeting explaining the reduced height to meet the code requirements.

5. Report, Kansas APA Conference - Brian Haupt: Brian Haupt will discuss the APA Conference held in Wichita and the discussion panel he assisted along with Bucher Willis & Ratliff, Planning Consultants for Spring Hill.

I look forward to meeting with you and please contact Mary Nolen or myself at 592-3664 if you are unable to attend the meeting or if you have question concerning the agenda.

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
November 12, 2009**

Members Present: Janet Harms
Valerie Houpt
Bill Kiesling
Michael Newton
Tim Pittman
Cindy Squire

Members absent: Tobi Bitner
Brian Haupt
Stephen Sly

Staff Present: Jim Hendershot, Community Development Director
Mary Nolen, Planning Secretary

CALL TO ORDER

Vice-Chairman Pittman called the meeting to order at 7:00 P.M.

ROLL CALL

Roll call by Mary Nolen.

APPROVAL OF AGENDA

Mr. Hendershot requested to switch items 3 to 2, and item 4 to 3, to facilitate Ms. Landis presenting the CIP, as well as attending a City Council meeting occurring at the same time.

Motion by Cindy Squire to approve the agenda as amended.
Seconded by Bill Kiesling. Motion passed 6 yes 0 no 0 abstention.

FORMAL COMMISSION ACTION

1. Approval of Minutes: October 1, 2009

Motion by Cindy Squire to approve the October 1, 2009 minutes.
Seconded by Bill Kiesling. Motion passed 4 yes 0 no 2 abstention (Houpt and Newton)

- **Non-Public Hearing**

2. Site Plan (was item 3)
Case No.: SP-03-09
Request: Assisted Life Styles of Blackhawk
Address: 22550 Franklin St.
Applicant: Spring Hill Health Group, LLC

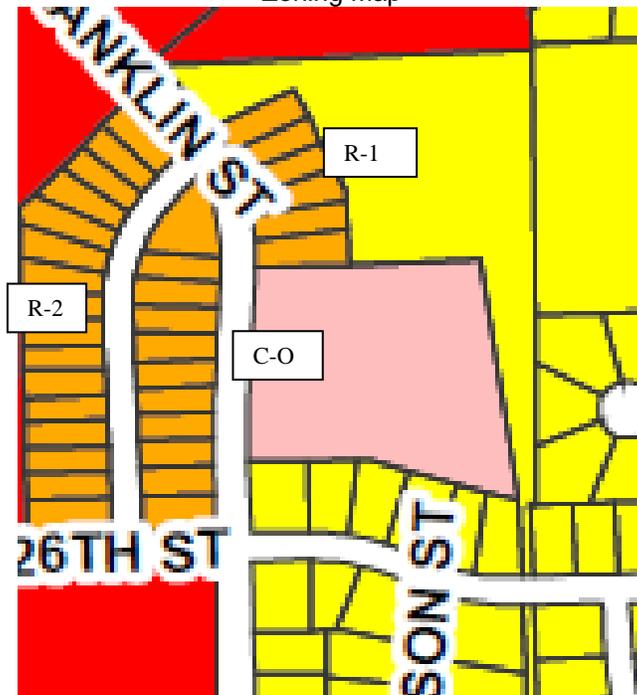
Vice-chair Pittman introduced the item and Mr. Hendershot presented his staff report.

Beginning of Staff Report

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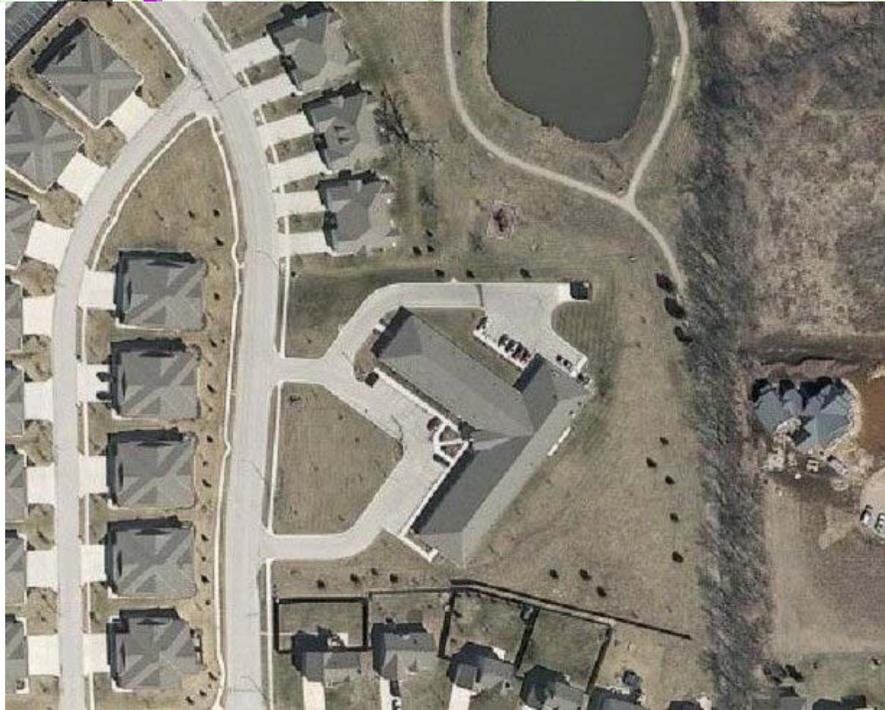
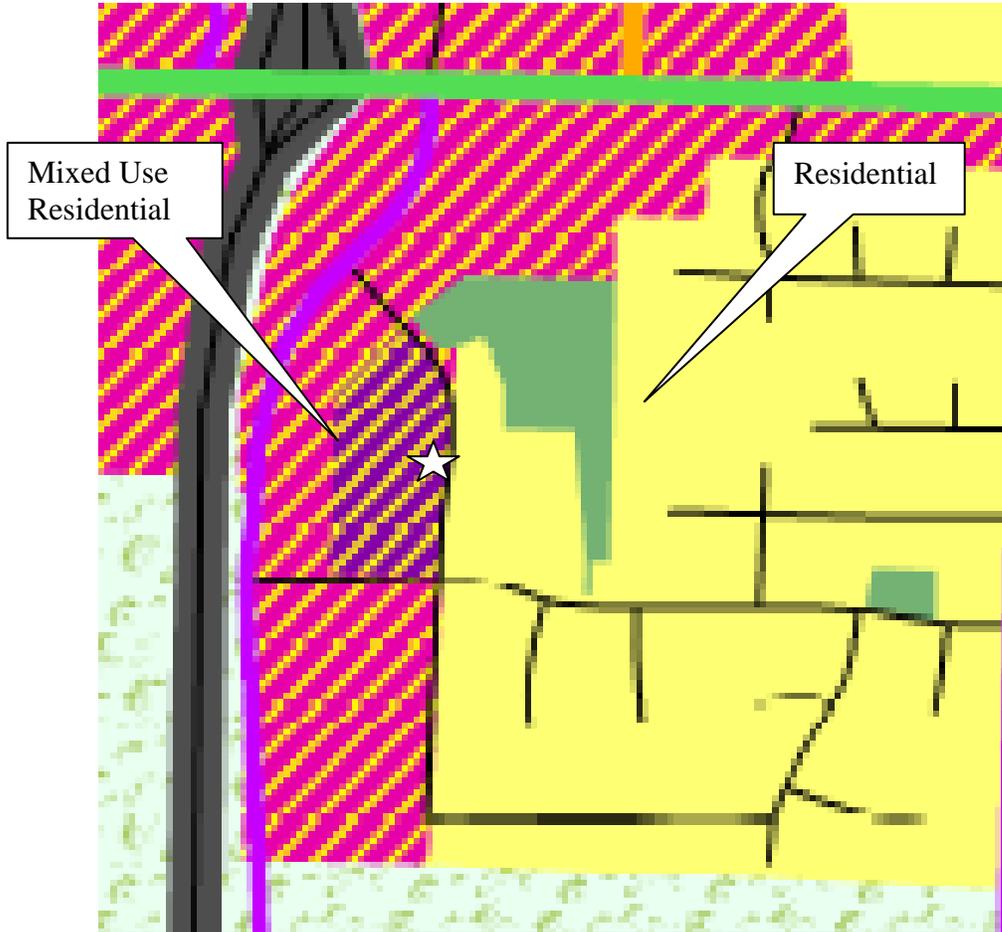


Zoning Map



Future Land Use Map

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BACKGROUND:

Spring Hill Health Group, LLC has submitted a site plan for a 7,652 sq. ft. addition to their existing facility located at 22550 S. Franklin Street. The proposed addition is located on the east side of the existing facility and will contain 12 living units along with common areas for dining and recreation. The addition is designed primarily as an Alzheimer's unit with limited and regulated abilities of patients to leave the premises. A copy of the site plan is included with this staff report for your review.

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. If additional comments are received they will be provided at the November 12, 2009 meeting.

STAFF REVIEW:

Staff has reviewed the site plan under the requirements of Section 17.340 of the Spring Hill Zoning Ordinance 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.
- Parking has been identified as required. Existing parking is adequate for the facility and meets the requirements of Section 17.350.B.9 #2, 4, 5. Calculations are included on sheet #1 of the site plan.
- There is no exterior lighting with this project.
- The erosion and sediment control plan, and storm water drainage details are identified on the plans and are satisfactory for the site.
- Existing outdoor trash facilities are screened and in compliance with code standards.
- Existing landscaping is identified on the site plan as well as proposed landscaping along Franklin Street. Bordering a residential zone, this facility requires a medium impact buffer/screen on the east side of the property as per Section 17.360.E, F, G & H. Designers for the project have been notified and are preparing an amended landscaping plan. Please note the city owned right-of-way east of this site contains a hike/bike trail and a substantial tree row of mature trees. As per Section 17.360.E.1 the Planning Commission has the ability to modify or waive entirely the requirements for buffer screens. When calculating the number of trees and related landscaping items for the buffer zone and considering the existing trees adjacent to the property, it is possible the applicant may request a reduction or waiver of the buffer requirement.
- The exact species of maple trees proposed as street trees must be identified to assure code compliance.

In addition to the above noted items the site plan has been reviewed for compliance with the following standards:

1. *The extent to which the proposal conforms to the provisions of the Code.*
The site is zoned C-O Office Building District. The existing and proposed use are allowed with an approved conditional use permit. The original CUP was approved for this project in 1999 and again in 2007 and is subject to review in 2012. There are no conditions identified with the CUP. A copy of the CUP and associated PC minutes are included with this report.
2. *The extent to which the proposal conforms to the provisions of the Spring Hill Subdivision Regulations.*
The property was previously platted and this project contains no alterations of property lines.
3. *The extent to which the development would be compatible with the surrounding area.*

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The project is compatible with the surrounding neighborhood as per the approved conditional use permit and related public hearings.

4. *The extent to which the proposal conforms to the recommendations of the Spring Hill Comprehensive Plan including but not limited to the Vision Plan, the Community Development Recommendations, and the Planning and Principles and Design Guidelines.*
This project is in compliance with the Comprehensive Plan in that it is a residential use and the area is identified on the Future Land Use Map as residential.
5. *The extent to which the proposal conforms to customary engineering standards used in the City.*
The project is designed by recognized and licensed architects and engineers.
6. *The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.*
This project contains no alterations to existing and previously approved entrances and parking area.
7. *All structures shall be required to have permanent or continuous footings and foundations.*
All structures are adequately designed and engineered.

RECOMMENDATION:

It is the recommendation of staff that the site plan for Assisted Life Styles Blackhawk Addition be approved by the Planning Commission subject to the following:

1. The landscape be amended to include a medium impact buffer as defined by Section 17.360 of the Spring Hill Zoning Code.
2. The landscape plan identifies the type of maple tree proposed as street trees along Franklin Street.

End of Staff Report

The Commissioners discussed the impact buffer and landscaping issues. Norway Maple was identified as the type of street tree, clearing item #2.

Mr. Kiesling asked if the CUP currently in force covers the area of the proposed addition, Mr. Hendershot said that was true. Ms. Squire asked if there would be any room for further expansion after this wing is built, and the answer is no. They discussed landscaping around the patio, due to the nature of the wing, it will be a confined area.

The Commissioners discussed the buffer, feeling the trees already there are adequate. They are on City right of way, so they won't be removed.

Motion by Bill Kiesling to recommend approval of SP-03-09, including the waiver of the buffer screen requirements.

Seconded by Cindy Squire. Motion passed 6 yes 0 no 0 abstention .

3. 2010 to 2014 Capital Improvement Plan (CIP)

The CIP document presented to the Planning Commissioners by Ms. Landis, is attached at the end of these minutes.

Ms. Landis, the Finance Director for the City, presented a listing of the CIP projects. She has changed the document to include only items for the next five years. Items previously on the report that range further out in time are being tracked on a different system, and they are being analyzed for grant and funding requirements. She also emphasized that available funding will also drive the actual progress of many of these projects.

The Commissioners talked about the sewer rehabilitation and that it probably will be ongoing, because sewer lines will always require maintenance. They talked about money that some homeowners pay on their taxes, in subdivisions that had assessments added to the owner of each property taxes to cover sewer or water lines.

The Commissioners talked about the lake side park and how it's listed on this report. They talked about the need to acquire the land and other issues related to that park, but work is being done on some of the issues, and that would allow it to be listed as active in 2010. Ms. Landis agreed that was a good idea, that actions such as land acquisition and design are ongoing in 2010. Residents have expressed misconceptions as to what will fund both the pool and the lake park, which is based on sales taxes, and won't come from property tax. The current economy has resulted in sales tax receipts being slightly less than anticipated.

Motion by Bill Kiesling to recommend approval of the 2010 to 2014 CIP, amending the listing to add the work being done on the Spring Hill Lake Park to be listed in 2010.

Seconded by Janet Harms. Motion passed 6 yes 0 no 0 abstention .

- **Public Hearing**

- 4. Change of Park Impact Fee in a Planned District

Mr. Hendershot handed out a copy of the zoning ordinance related to this subject. Mr. Pittman opened the public hearing.

Start of Staff Report

Section 17.378.B.9 Spring Hill Zoning Regulations
9. Open Space.

- a. Common Open Space. Common open space provided in a residential subdivision and conveyed to a property owners association (private open space) or to the City (public open space) shall remain permanently open for recreational and conservational purposes.

Open space, whether such areas are or will be public or private, in any residential subdivision shall be laid out, to the maximum feasible extent, so as to connect with other open space, existing or proposed, in the vicinity. In the case of two or more adjacent subdivisions, developers may cooperatively allocate open space areas, if such areas are coordinated in design and location to an extent acceptable to the Planning Commission and City Council.

- b. Private Common Open Space. Private open space that is held in common shall be set aside for the benefit, use and enjoyment of the subdivision lot owners, present and future. All private, common open space, including recreation areas, tree cover areas, scenic vistas, wildlife or plant preserves, nature study areas, and private walkways, whose acreage is used in determining the size and extent of common open space shall be included in restrictive covenants, easements, or other legal devices designated to assure that such space will remain permanently open.
- c. Public Park Land. In order to meet the recreational needs of the residents of Spring Hill, all subdivision developments are required to contribute either public park land or fees in lieu of public park land. Where a school, neighborhood park, greenway or parkway, recreation area, or public access to water frontage which is shown on the Future Land Use Map of the Comprehensive Plan, in whole or in part in the applicant's proposed subdivision, the City Council may require the dedication or reservation of such open space within the proposed subdivision for school, park, recreation, or other public purpose. Private open space shall not be credited as public open space.

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Park land/fee dedications shall be calculated during the preliminary plat process as specified in these regulations; and dedicated with the final plat. The City Council shall determine whether the park land offer should be accepted, accepted with conditions, or if the offer should be declined and a payment of funds in lieu of park land dedication. Dedication of land for park use must be reflected and dedicated as such on the final plat.

- d. Amount of Public or Private Park/Recreational Area Required. A minimum of four percent (4%) of the gross area of any subdivision shall be reserved for public or private active open space as a park and playground site, unless determined by the City Council that the provision of such open space in the development is unreasonable due to the size or configuration of the property, or other factors unique to the property. The provision of such public or private active open space shall be subject to the following:
- i. Active open space park land shall be dedicated to the public when designated as a park by the Comprehensive Plan and shall be a quality suitable for dedication as a public park as set for by Section 17.378.B.9.e.
 - ii. Residential subdivisions in areas located more than one-quarter mile walking distance from an existing or future public park designated by the Comprehensive Plan shall provide an active open space park as private common open space to be owned and maintained by a property owners association. At the discretion of the City Council such land may be deemed suitable for public active open space and accepted as park land dedication.
 - iii. The City Council shall determine as deems appropriate the acceptability of land to be dedicated, or if the development of private open space park and recreational facilities in the subdivision is an acceptable alternative for public park land dedication.
 - iv. Subdivisions in which open space park land is not suitable for public dedication and is retained as private common open space shall be subject to a payment of fee in lieu of dedication in accordance with Section 17.378.B.9.g.
- e. Quality of Parkland Required to be Dedicated. A park land dedication area shall be useable land suitable for park development. For purposes of this section, useable land shall be considered active open space as defined by Section 17.370.E.30.a. Such land shall be located in an area designated for a future park and achieve the recommendations of the Comprehensive Plan, as well as the following:
- i. Centrally located within, and highly accessible to a majority of residents or users of the development.
 - ii. Surrounded by public streets, commonly on two or more sides.
 - iii. Suitable for active open space uses.
 - iv. Provides a greenway linkage for a trail designated by the Major Trails Plan or a parkway corridor, provided such land for a parkway is in addition to required right-of-way dedication.
 - v. Buffer zones around or along natural green spaces including stream corridors, wetlands, and floodplains may be considered acceptable if such areas remain largely open and accessible and paralleled by an avenue or local street, and such areas provide areas for active open space. These open space areas and buffer zones shall not be located behind buildings or residential lots. Only land considered suitable for active open space shall be considered for purposes of achieving the minimum land area required for parks and playground sites as set for by Section 17.378.B.9.d.

- f. Land Not Considered Suitable for Public or Private Parkland. Land with the following characteristics shall not be considered for determining the amount of land to be reserved for public or private parkland and playground sites in accordance with Section 17.378.B.9.d unless otherwise approved through a planned district and preliminary development plan:
- i. Deep ravines
 - ii. Densely wooded areas
 - iii. Areas where the average slope of the entire park / recreational area exceeds five percent (5%).
 - iv. Wetlands as determined by the U.S. Corps of Engineers.
 - v. Floodways as determined by the regulations and guidelines of F.E.M.A
 - vi. Other areas that are not conducive to park/recreational areas as recommended by the Planning Commission.
 - vii. The total amount for park/recreational area, however, shall not be less than one-half (1/2) acre in size.
 - viii. Land generally located behind buildings or residential lots with limited visibility or access from public streets.
 - ix. Land located in common or landscape buffer tracts along roadways.
- g. Fee In Lieu Of Public Park Land Dedication. The park fee contribution in lieu of land dedication will be established by the Governing Body. The fee will be due and payable at the time of issuance of a building permit. Park fees on multiple buildings may be paid in advance or at the time of individual building permit issuance. Private open space shall not be credited as public open space dedication. **Residential developments zoned as "PD" Planned Developments, are not eligible for fee in lieu of park land dedication and shall comply with the provisions of Section 17.332.E.6. EXCEPTION: The Governing Body may, with the recommendation of the Planning Commission, grant exceptions for Planned Districts for developments in close proximity to regional parks or other primary recreational facilities of the City. Park fees in lieu of dedication will apply to those lots determined to be in close proximity of a regional park or other primary recreational facility.**
- h. Assurance of Maintenance and Liability for Private Open Spaces. Where landscape or screening tracts, or private greenways, parks, or common open space areas are indicated on a proposed final plat, assurance by document shall be provided identifying the organization (e.g. a homes association) that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of said areas, as well as for the payment of all expenses, including taxes and special assessments. Said document shall be recorded with the Johnson County or Miami County Register of Deeds office concurrently with the recording of the final plat.
- i. Park land and/or the trail system will be evaluated in the following manner:*
- *Is the park land and/or the trail system shown in the Comprehensive Plan.*
 - *If they are not shown in the Comprehensive Plan, does the park land meet the requirements of Section 17.378.B.9 and/or the trail system meet the requirements of the Technical Specifications for Public Improvement Projects and the Design Criteria for Public Improvement Projects.*
 - *If the park land and/or trail system does not meet the requirements of Section 17.378.B.9, the City will not accept the park land and/or trail system and the developer will be responsible for the Park fee as described in Section 17.378.B.9.g and the home owners association will be responsible for the maintenance of the park land and/or trail system.*

10. Exceptions. All improvement requirements as set out within this Section shall be provided for in all subdivisions with the following exceptions:

- a. Upon specific request from the developer and concurrence of the Governing Body, certain improvements may be waived. Such waiver may occur, but not be limited to, instances where the proposed

subdivision is a re-subdivision and/or concerns an area presently having any or all required improvements and where such improvements comply with the requirements of said section and are in acceptable condition, as determined by the City Engineer.

b. *The Governing Body may make other reasonable requirements for dedications or installation of public improvements or facilities deemed necessary to meet the public needs caused by new subdivisions. Such additional requirements may include, but not be limited to, the provision of park or open space land as is warranted by the reasonably foreseeable population and use of an area as a result of the proposed subdivision.*

SECTION 17.332

PD PLANNED DISTRICT

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.

Planned Zoning Districts and their equivalent districts are as follows:

<u>Planned District</u>	<u>Equivalent District</u>
RP-1 Planned Single-Family Residential	R-1
RP-2 Planned Two-Family Residential	R-2
RP-3 Planned Multifamily	R-3
RP-4 Planned Multifamily	R-4
MHP Planned Manufactured Housing	MH
CP-O Planned Office Building	C-O
CP-1 Planned Restricted Business	C-1
CP-2 Planned General Business	C-2

B. **Statement of Objectives.** The zoning of land in the City of Spring Hill to one of the Planned Districts (RP-1 through RP-4 and CP-0 through CP-2) 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 tracts, innovative and imaginative site planning, conservation of natural resources and minimizing the inefficient use of land. Planned Districts are expected to be consistent with the *Comprehensive Plan* recommendations, including the Planning Principles and Design Guidelines. The following are specific objectives of this section.

1. A proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with master plans, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements as are normal in rezoning deliberations.
2. The submittal by the developer and the approval by the City of the approved plan in concept, intensity of use, aesthetic levels and quantities and qualities of open space.

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3. Deviations in yard requirements, setbacks and relationship between buildings as set out in the Standards of Development of the underlying district may be approved if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development is produced.
 4. Residential areas will be planned and developed in a manner that will produce more useable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques.
 5. Commercial areas will be planned and developed so as to result in attractive, viable and safe centers and clusters, as opposed to strip patterns along thoroughfares. Control of vehicular access, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on the street system and other services of the community.
 6. The developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.
 7. Planned zoning shall not be used as a refuge from the requirements of the equivalent district as to intensity of land use, amount of open space to other established development criteria. Nor will any use be permitted in the planned district that is not clearly permitted in the equivalent district.
 8. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101.
 9. For purposes of this title, the term "shopping center", "office park", or other grouping of buildings shall mean developments that were planned as an integral unit or cluster on property under unified control or ownership at the time the zoning was approved by the City. The size and/or subdivision of other partitions of the site after zoning approval does not exempt the project or portions thereof from complying with development standards, architectural quality, sign concepts and other conditions that were committed at the time of rezoning.
 10. Open space in planned developments shall contribute to the use and enjoyment of the development's residents or users. Open space shall be provided in useful, quality spaces integrated purposefully into the overall development design. Residual areas left over after buildings and parking areas are sited are not considered acceptable useful open space.
- C. Modification of underlying district regulations.** The Planning Commission may recommend and the City Council may approve, pursuant to the procedures set forth in this Section, a preliminary development plan that modifies one or more of the property development standards found in the equivalent zoning district, including, but not limited to, density and minimum lot size requirements, floor area ratios, building setback requirements, design standards, required minimum public improvements, maximum structure heights, parking, landscaping, buffering and tree protection requirements. Uses permitted as of right, uses permitted with conditions, and special uses within each district cannot be modified pursuant to this subsection. No separate vote on proposed modifications is required by this subsection. It is the intent of this subsection that the Planning Commission and City Council evaluate the proposed preliminary development plan to determine if, as a whole, it is consistent with the approval criteria set forth herein and the purposes of Section 17.334.B. Ample evidence shall be present that said modifications will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.
- D. Local Administrative Agency.** The Planning Commission, together with the City staff, will administer the Planned Zoning Procedure and present a recommendation to the City Council for final zoning action. Also see Section 17.364 for zoning procedure.

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.
2. The intensity of land use, the bulk of buildings, the concentration of population, the amount of open space, light and air shall be generally equal to that required in the equivalent district.
3. The permitted uses shall be the same as those permitted in the equivalent district. Limitations may be placed on the occupancy of certain premises or those uses allowed in the equivalent district may be restricted or prohibited, if such limitations are deemed essential to the health, safety or general welfare of the community.
4. The Planning Commission may require assurance of the financial and administrative organization and ability of any agency created by a developer for the purpose of maintaining common open space and facilities or amenities of a nonpublic nature.
5. The parking ratio for grouped commercial projects shall as a minimum follow the underlying district requirements, unless modifications are granted through a planned district. Reduction of parking, setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project. In all cases, such deviation 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.

The design of all planned projects, whether residential or commercial shall be such that access and circulation by fire fighting equipment is assured and may not be retarded by steep grades, heavy landscaping or building space.

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*. **Planned residential developments are not eligible for payment of a park fee in lieu of public park land dedication as per Section 17.378.B.9.g.**
7. Nonresidential uses which are proposed for the benefit of or as an amenity to a particular development and not for use by the general public should be located within the interior of the development where most accessible to a majority of residents within the development.
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.

F. Planned District Preliminary Development Plans – Contents and Submission Requirements.

When property is zoned a planned district, the development plan shall be considered as preliminary and approved as part of the rezoning application. Due to the nature of planned districts, the preliminary site development plan may be more schematic and general in nature than a final plan that is more detailed in nature. The proponents of a planned district shall prepare and submit to the Planning Commission 16 copies of the preliminary development plan and a digital format approved by the Zoning Administrator, containing the following information:

1. A development plan showing the property to be included in the proposed development, plus the area within 200 feet thereof.
 - a. Existing topography with contours at two-foot intervals, and delineating any land areas subject to one hundred-year flood, including those areas identified by flood studies prepared by the Johnson County Storm Water Management Program.
 - b. Location of existing or proposed buildings and other structures, parking areas, drives, walks, screening, drainage patterns and drainage controls, public streets, proposed utility connection layouts for water and sewer, any existing easements, and areas of existing tree cover.
 - c. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, and other elements of the plan.
 - d. General extent and character of proposed landscaping, including common names and planting size.
 - e. Exterior Building Elevations. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several buildings, a typical sketch may be submitted. In case several building types, such as apartments and business buildings, are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings and a floor plan, but detailed drawings and perspectives are not required.
 - f. Schedules. A schedule shall be included indicating total floor area, dwelling units, land area, number of required and proposed parking spaces, and other quantities relative to the submitted plan in order that compliance with requirements of this title can be determined.
 - g. Amenities. Proposed development amenities shall be identified, including but not limited to pedestrian walkways and trails, neighborhood parks, plazas, landscaped open spaces, recreational facilities, pools, clubhouses or community buildings, and any other site amenities.

2. The following information shall be shown on the same drawing within the 200-foot adjacent area:
 - a. Any public streets, which are of record.
 - b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City of Spring Hill, except those serving single-family houses.
 - c. Any buildings, which exist or are proposed to the degree that their location and size are shown on plans on file with the City of Spring Hill. Single and two family residential buildings may be shown in approximate location and general size and shape.
 - d. The location and size of any drainage structure, such as culvert, paved or earthen ditches or storm water sewers and inlets.
3. The following other relevant information including:
 - a. Name, address, telephone number, and fax number of the landowner, as well as the architect, landscape architect, land planner, engineer, surveyor, or other person involved in the preparation of the plan, technical studies, and documents submitted with the application.
 - b. Date of plan preparation.
 - c. The boundary lines of the area included in the development plan, including bearings, dimensions and reference to a section corner, quarter corner, or point on a recorded plat.
 - d. Existing land uses and current zoning districts.
 - e. North arrow and small key map indicating the location of the property within the City.
 - f. Engineering scale for site plans and standard architectural scale for building elevations.
 - g. Proof of adequate public facilities as set forth by Section 17.370.F of the City of Spring Hill Subdivision Regulations.
- G. Studies.** The applicant shall furnish a traffic impact study and a storm water runoff study pertaining to the planned district.
- H. Procedure for Rezoning to a Planned District.** The Planning Commission shall advertise and hold a public hearing on the plan as provided by law and as set forth by Section 17.364. The review criteria set forth by Section 17.364.D and the statement of objectives of planned zoning provided in Section 17.332.B shall apply to the approval of planned districts and the associated preliminary development plan.
- I. Recording of Approved Preliminary Development Plan.**
 1. After rezoning to a planned district and the associated preliminary development plan has been approved, the landowner shall file with the Register of Deeds a statement that such a plan has been filed with the City of Spring Hill and has been approved, and that such planned unit development is applicable to certain specific legally described land and such statement recorded shall also specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchaser or users of land of the existence of such plan.

2. The statement shall contain the following information:
 - a. A legal description of the property.
 - b. A statement that copies of the plan are on file with the City of Spring Hill Zoning Administrator.
 - c. A statement as to the nature of the plan, the proposed density or intensity of land uses, and other pertinent information determined necessary by the Zoning Administrator sufficient to notify any prospective purchasers or users of land of the existence of such a plan.
 - d. A statement that the preliminary development plan and development regulations established by the planned zoning district approval are binding upon all successors and assigns unless amended in conformance with this Code, or amendments thereto.

J. Changes to the Development Plans in Planned Zoning Districts.

1. 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.
2. For purposes of this section, "substantial or significant changes" in the preliminary development plan shall mean the following:
 - a. Increases density or intensity of residential uses more than five percent.
 - b. Increases the floor area of nonresidential buildings by more than 10 percent.
 - c. Increases the ground cover of buildings by more than five percent.
 - d. Increases the height of a building of more than 5 percent.
 - e. Involves changes in ownership patterns or stages construction that will lead to a different development concept, lessens architectural harmony or quality or imposes substantially greater loads on streets and neighborhood facilities.
 - f. Changes in architectural style and building materials which make the project less compatible with surrounding uses.
 - g. Decreases in any peripheral setback of more than 5 percent.
 - h. Decreases of areas devoted to open space of more than 5 percent or the significant relocation of such areas.
 - i. Modification of removal of conditions or stipulations to the planned zoning preliminary development plan approval.
3. The criteria set forth in Section 17.364 shall be applied in determining whether to approve an application for revised preliminary development plan. In the event the application for revised preliminary development plan is denied, the previously approved preliminary development plan will remain in effect.

4. Upon approval of a revised preliminary development plan the plan shall be filed pursuant to Section 17.332.H.
- K. Final Development Plans for Planned Zoning Districts, when required.** Approval of a final development plan is required any time a preliminary development plan is required and approved for zoning to a planned district. No building permit shall be issued until a final development plan is approved and the property is platted.
- L. Final Development Plans – Contents and Submission Requirements.** All final development plans are to be drawn at the same scale as the preliminary site development plan. Sixteen copies of the final development plan and a digital format approved by the Zoning Administrator, containing the following information:
1. Contents required to be submitted with the preliminary development plan in Section 17.332.F. However, final development plan applications for single-family and two-family developments may not require all information as described in this section. Such applications must include information to address conditions established by the preliminary development plan related to consideration of the final plan, as well as information including but not limited to street tree plans, master landscape and fencing plans, and development amenities.
 2. All information relevant to the proposed development including:
 - a. All existing and proposed adjacent public street rights-of-way with centerline location and surface type, condition, and width. Location, size and radii of all existing and proposed median breaks and turning lanes. All existing and proposed drive locations, widths, curb cuts and radii.
 - b. Finished grades showing 2 foot contours for the entire site.
 - c. Location, width, and limits of all existing and proposed sidewalks.
 - d. Location of all required building and parking setbacks.
 - e. Location, dimensions, number of stories, and area in square feet of all proposed buildings.
 - f. Final drainage design. Limits, location, size and material to be used in all proposed drainage basins and retaining walls.
 - g. Building elevations including the following:
 - i. Elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs.
 - ii. Size, location, color, and materials of all signs to be attached building exteriors.
 - iii. Location, size, and materials to be used for screening of rooftop, wall-mounted, or ground-based mechanical equipment and utility meters, fans, vents, or flues.
 - h. Final water and sanitary sewer plans and locations of existing and proposed fire hydrants.
 - i. Final landscape plans including detailed schedule of plant materials, planting size, and common and botanical names.
 - j. Location, height, candle power, and type of outside lighting fixtures for buildings and parking lots.

3. The following shall be submitted in support of the application for final development plan approval:
 - a. Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval, if conveyance thereof is not to be made by plat.
 - b. A copy of all covenants and restrictions applicable to the development.
 - c. Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurance of the financial and administrative ability of such agency required pursuant to approval of the preliminary development plan, if required by the terms of the approved preliminary development plan.
 - d. Evidence of satisfaction of any stipulations of the preliminary development plan approval which were conditions precedent to consideration of the final development plan.
 - e. Assurances of adequate public facilities.

M. Consideration of Final Development Plans for Planned Zoning Districts.

1. Final development Plan review shall be performed by the Zoning Administrator and presented to the Planning Commission for approval. The Planning Commission shall forward the Plan to the City Council for consideration with recommendation(s).
2. A final development plan which contains modifications from the approved preliminary development plan, but is in substantial compliance with the preliminary plan, may be considered and approved by the Planning Commission and Governing Body without a public hearing, provided the Planning Commission determines all submission requirements have been satisfied and conforms with the recommendations of the *Comprehensive Plan* including the Planning Principles and Design Guidelines. For purposes of this section, lack of "substantial compliance" shall have the same meaning as "substantial or significant changes" as set forth in Section 17.332.1.2.

In the event the Planning Commission determines the proposed final development plan is not in substantial compliance with the approved preliminary site development and the recommendations of the *Comprehensive Plan* including the Planning Principles and Design Guidelines, the application may not be considered except at a public hearing, following publication notice to surrounding property owners and protest provisions set forth in Section 17.364.

3. The applicant, in case of denial, may apply for a new hearing, with publication and posting as required in Section 17.364 and the Planning Commission and Governing Body may approve or deny the final plans after said hearing. All decisions of the Planning Commission may be appealed to the Governing Body who may reverse or affirm the same.
4. Revisions to approved final development plans which are insignificant in nature may be approved administratively by the Zoning Administrator. Provided, however, that in no event may revisions to approved final development plans be approved administratively if the proposed revised final plan contains "substantial or significant changes" as defined in Section 17.332.1.2.

- N. Abandonment of Final Development Plan.** In the event that a plan or a section thereof is given final approval and thereafter the landowner abandons said plan or the section thereof, then the landowner shall so notify the City in writing, or in the event the landowner fails to commence the planned development within 2 years after final approval has been granted, then in either event such final approval shall terminate and shall be deemed null and void unless such time period as extended by the approving authority upon written application by the landowner. Whenever a final plan or section thereof

has been abandoned as provided in this section, no development shall take place on the property until a new final development plan has been approved.

End of Staff Report

Mr. Hendershot described the changes, which will eliminate the possibility of a developer in a planned district, to opt out of the 20% green space required in a planned district. They may not choose to pay the park fee. They must provide the proper amount of parkland and green space. If the instance occurred, where a developer is very close to an existing park area, such as around the new aquatic center for example, they may be able to opt out and pay the park impact fee per lot.

With no residents present to speak on the subject, Mr. Pittman closed the public hearing.

Motion by Janet Harms to amend Section 17.378.B.9 as presented by staff.
Second by. Bill Kiesling. Motion passed unanimously.

5. Annual Review of the Comprehensive Plan

Note: A large amount of documentation was provided to the Commissioners, and will not be duplicated here. A summary of the changes are:

- 1.1-change updates date from 2006 to 2009
- 4.3-change square miles from 28 to 42 (includes annexation agreement with Overland Park)
- 4.3-List Pflumm Rd. as the eastern planning area boundary, changing it from Renner Rd
- 4.3-Add comment noting discussions of annexation agreements with Gardner, as well as submitting an annexation agreement to Overland Park
- 5.3-Add comment on annexation of property completely surrounded by the City, possibly offering incentives such as land use considerations and tax rebates to property owners
- 5.3-Add comment related to annexations inside an identified planning area and property that is outside of the sewer district service area.
- 5.5-Storm water study completed in 2006
- 5.7-Wording on working with Spring Hill Recreation to complete the plans for the pool
- 5.7-Add wording related to the Lake Side Park to the paragraph on fishing
- 6.4-change specific recycling provider to generic company
- 12.1-incorporate updated information from USD 230
- 12.3-make changes to law enforcement
- 12.4-make changes to fire and emergency medical services

Mr. Hendershot asked the Commissioners how to express the issue of the 3 car garage and the percentage of space that it takes on the front façade of houses. They discussed how it's handled in other cities, which don't have specific guidelines, and how to keep a balance with developers who say they can sell houses with three car garages more quickly than two car garages.

Motion by Bill Kiesling to set a public hearing for January 7, 2010, for the changes to the plan
Second by Janet Harms Motion passed unanimously.

DISCUSSION

Mr. Pittman asked Mr. Hendershot for an update on Midwest Auto. Mr. Hendershot said he will notify the participants of the need to attend the December meeting, which would be within the 60 day time limit set at the October 1, 2009 Planning Commission meeting.

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

ADJOURN

Motion by Bill Kiesling to adjourn.

Second by. Mike Newton. Motion passed unanimously.

Meeting adjourned at 8:20 PM.

Mary Nolen, Planning Secretary

Planning Commission minutes
October 1, 2009
Midwest Auto Update

Midwest Auto Update (Item added to the agenda by Mr. Hendershot.)

Mr. Hendershot said that Kendal Shives was present, and he would like to address the Planning Commission.

Mr. Hendershot noted that he and Mr. Shives have had several conversations over the last few months as to the conditions put upon the conditional use permit for car sales and detail work at Midwest Auto. They seem to have a difference of opinion on a few points.

Kendal Shives stated he is happy to be in Spring Hill, and the business is going very well. In addition to the internet car sales, they are selling more cars than anticipated to Spring Hill residents.

They are trying to work with the City and improve the property, tearing down a dilapidated fence and spending \$7,000 to pave the parking area. The property is leased, they paid for those improvements themselves.

The problem is the paved parking area directly behind the building of the car shop, located in the old Apple Market property. Mr. Shives has contacted the owners of the property, and worked it out with them to use 8 to 10 spots in that area. The parking of vehicles offsite is not part of the conditional use permit. Mr. Shives said he tries to keep the spaces open in the front of the property for customer cars. They are detailing cars for other dealers, which he described as customer cars. They don't want to park cars in the front of the business. They would like a resolution without having to reapply for another conditional use permit. They've improved the interior of the building, and feel they have spent money to improve the location. They may be looking at buying the property in the future.

Mr. Pittman asked Mr. Hendershot if having permission from the owner of the Apple Market property was sufficient for them to use the property. Mr. Hendershot said the conditional use permit was approved along with the site plan for the business. That plan limited the area of the business. What Midwest Auto proposes requires an amendment to the permit, and therefore would require them to reapply for a new conditional use permit. Mr. Hendershot noted that disagreement issues began soon after the conditional use permit was issued.

Ms. Squire asked if the original plan included the small building to the south, which can house a different occupant. The unit to the south was included, and that would require a certain number of parking spots.

Mr. Sly asked about the cost to reapply. Mr. Shives said it would include \$600 for the permit, and another cost would be involved in creating new site plans. The Commissioners asked about the possibility of Mr. Shives purchasing the property, which is in discussion now. It was asked how much tax revenue the business is generating. Mr. Shives said the City would get 1.5% of the sales, which average between \$80,000 and \$100,000 in sales per month.

Mr. Haupt noted the sales tax revenue was not part of the criteria. The Commission discussed the legal description, how it impacted the site plan and the permit, the leasing of the other unit, and parking stalls. The Commissioners suggested he buy or lease the area he needs, before he reapplies for the permit. Mr. Shives described his cars as customer cars, which he could park up front. He'd prefer to park them in the back and leave the front spaces open. Mr. Haupt felt cars parked in the back indicate the cars are for sale. Mr. Shives said that was part of the detail process, and some of the cars could fall into that category.

Ms. Harms told Mr. Shives that although they love having him in the community, what was approved on his conditional use permit is not what is going on. The Commissioners need to perform their jobs and she hopes he doesn't feel they are picking on him. Mr. Shives and his partners said they felt they were not welcomed with open arms when looking at other car dealers in the area, who park on gravel, yet they had to pave the lot. Midwest Auto is trying to build a relationship with the community. Ms. Harms said each permit is judged under the conditions of its approval.

Mr. Hendershot offered his opinion saying the City is happy he's doing a good business, but he sees three possible options:

- Stop using the area that he is not approved to use.
- Find a larger parking lot in Spring Hill.
- Apply for a new conditional use permit and Site Plan to include the area they want to use.

Mr. Hendershot said this is the only CUP in the two years he's been with the City, which has had any issues. In order to have confidence in our code, and accountability, the conditions of the permit must be met.

Mr. Pittman asked how long Mr. Shives would have to come into compliance. Mr. Hendershot said there is no set formula, suggesting 30 or 60 or 90 days.

October 1, 2009 PC minutes continued...

Mr. Shives asked a few questions of how to accomplish identifying the area he needs. The Commissioners talked about being sure to know all the regulations, proper zoning and other items which can impact insurance costs.

Motion by Brian Haupt to allow Midwest Auto 60 days to come into compliance with the conditional use permit .

Seconded by Bill Kiesling. The motion passed 6 yes, 0 no, 0 abstention

Minutes from the Planning Commission meeting
May 3, 2007

8. Final Plat

Case No. : FP-3-07

Request: Prairie Ridge at Spring Hill

Address: North of 199th Street, west of Renner
Applicant: Prairie Ridge Development, LLC

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

BACKGROUND:

The applicant, Prairie Ridge Development, LLC, has submitted an application for a Final Plat of Prairie Ridge at Spring Hill (A copy of the proposed final plat is included with this staff report.)

STAFF COMMENT:

There are 78 single-family lots in the Final Plat of Prairie Ridge at Spring Hill. The proposed plat meets the minimum lot requirements with regard to lot area, lot width and lot depth.

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

The Public Works Director, City Engineer, Police Chief, Johnson County Fire Department No. 2, City Traffic Engineer, and the Hillsdale Water Quality Project have reviewed the final plat. (See attached information from the Public Works Director, City Engineer, and City Traffic Engineer.)

Site Layout and Design. The site layout complies with the approved preliminary plat.

Public facilities and Services. Fire, police and school public services will be able to serve this subdivision adequately. City will provide water and sewer service.

Transportation. The proposed plat meets the City's design standards for the proposed streets and sidewalks. A temporary emergency 30 foot access easement will be provided on Lot 13, Block 3. (See attached email dated April 24, 2007, from Andrew Buchwitz. The email states that it is Lot 1, but they meant to write Lot 13.)

Drainage. There are no drainage issues regarding this subdivision.

Neighborhood Character. The proposed plat is compatible with the surrounding area.

Impacts. There are no fiscal or neighborhood impacts associated with the proposed plat.

Other Staff Comments. They have provided a landscape plan along with comments. (See landscape plan and comments from email dated April 24, 2007.)

Comment one - We have provided a mix of evergreen, ornamental and shade trees, however it is not feasible to install the required amount of evergreen trees in this 25' landscape buffer.

- The quantity of evergreen trees is required by ordinance (Section 17.358.H.2.a) This standard is identical to that required by the cities of Olathe and Overland Park.

Comment two - We extended the landscape buffer from 10' to 25' as requested.

- Section 17.358.H.1.a requires a "tract" to be provided for the landscape buffer. However, it is my experience that Olathe and Overland Park on occasion allow a "Landscape Easement" rather than a separate tract. The submitted plan does not provide either a landscape tract or easement.
- It should be noted that any future application for a use other than a residence on Lot 1 must be designed so no parking, driveways, buildings, etc encroach into the required 25-foot landscape buffer area.

At this time there is no fencing just berms. Also for Lot 1 Block 3 will provide a 30' temporary access easement.

- The plans do not identify any berms. Grading needs to be identified and must not encroach into the 199th street right-of-way. The berms are part of the master landscape / fencing plan and considered a subdivision improvement.

Other Issues:

- The Landscape Schedule needs to be revised so the size of the evergreen trees is consistent with the minimum size requirements required by Section 17.358.E (6-8 feet in height).

Since staff has been working with the applicant on these landscape issues, staff is allowing him till May 3, 2007, to address them.

RECOMMENDATION:

If the applicant has not addressed these landscape issues by May 3, 2007, staff recommends that this item be tabled until June 7, 2007. If the applicant has addressed the landscape issues to staff's satisfaction then staff recommends approval of the Prairie Ridge at Spring Hill Final Plat subject to:

- 1) The applicant providing a copy of the Notice of Intent for storm water discharges associated with construction activity under the National Discharge Elimination System along with the Storm Water Pollution Prevention Plan.
- 2) The applicant complies with Section 17.378 regarding the improvement agreement.

C.L.Maurer of Landplan engineering of Lawrence was present to answer any questions.

Ms. Squire asked about a path for residents to be able to go to the high school, and it has been added to the plans.

Motion by Cindy Squire to recommend approval of the Prairie Ridge at Spring Hill Final Plat subject to:

- 1) The applicant providing a copy of the Notice of Intent for storm water discharges associated with construction activity under the National Discharge Elimination System along with the Storm Water Pollution Prevention Plan.
- 2) The applicant complies with Section 17.378 regarding the improvement agreement.

Seconded by Brian Haupt. Motion passed 5, yes; 0 no; 0 abstentions

Mr. Peterson asked the chair for a recess to speak to Mr. Jenkins.

Motion by Brian Haupt to have a ten minute recess

Seconded by Steve Sebasto. Motion passed 5, yes; 0 no; 0 abstentions

The meeting recessed at 8:25 and resumed at 8:35. Minutes will continue for item 5 on page 9.

ADJOURN

Motion by Brian Haupt to adjourn.

Seconded by Tobi Bitner. Motion passed 5, yes; 0 no; 0 abstentions.

Meeting adjourned at 8:40 P.M.

Mary Nolen, Planning Secretary

LEGAL DESCRIPTION

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 15 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE, 1340.59 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 6, TOWNSHIP 15 SOUTH, RANGE 24 EAST; THENCE SOUTH 87°46'57" WEST, ALONG SAID SOUTH LINE, 1340.59 FEET TO THE SOUTHWEST CORNER OF SAID QUARTER SECTION, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SPRING HILL USD 230 CAMPUS, A SUBDIVISION IN THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS; THENCE NORTH 02°27'34" WEST, ALONG THE WEST LINE OF SAID QUARTER SECTION, 1026.91 FEET; THENCE NORTH 87°32'26" EAST, 175.00 FEET; THENCE SOUTH 02°27'34" EAST, 46.10 FEET; THENCE NORTH 87°32'26" EAST, 258.56 FEET; THENCE NORTH 45°46'52" EAST, 102.17 FEET; THENCE SOUTH 80°10'58" EAST, 180.00 FEET; THENCE SOUTH 09°49'02" WEST, 31.66 FEET; THENCE NORTH 87°46'57" EAST, 657.55 FEET TO THE EAST LINE OF THE WEST ONE-HALF OF SAID QUARTER SECTION; THENCE SOUTH 02°41'54" EAST, ALONG SAID EAST LINE, 982.53 FEET TO THE POINT OF BEGINNING. CONTAINS 30.626 ACRES, MORE OR LESS.

DEDICATION

THE UNDERSIGNED PROPRIETOR TO THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "PRAIRIE RIDGE AT SPRING HILL".

AN EASEMENT OR LICENSE IS HEREBY GRANTED TO THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS TO ENTER UPON, LOCATE, CONSTRUCT, AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE AND USE OF CONDUITS, WATER, GAS, SEWER, PIPES, POLES, WIRES, SURFACE DRAINAGE FACILITIES, DUCTS, CABLES, ETC., UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E", "DRAINAGE EASEMENT" OR "D/E" ARE FOR STORM DRAINAGE FACILITIES ONLY. "SANITARY SEWER EASEMENT" OR "S/S/E" ARE FOR SANITARY SEWER FACILITIES ONLY. A PUBLIC RECREATION EASEMENT OVER TRACT 'A' IS HEREBY GRANTED TO THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS FOR PUBLIC ACCESS OF THE TRAILS WHICH LIE WITHIN TRACT 'A'. TRACT 'A' SHALL BE OWNED BY THE PRAIRIE RIDGE HOME OWNER'S ASSOCIATION. THE MAINTENANCE OF TRACT 'A' SHALL BE DONE BY THE PRAIRIE RIDGE HOMEOWNER'S ASSOCIATION. AN EASEMENT IS HEREBY GRANTED AND RESERVED BY THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED LAND INTO ITSELF AND THE PRAIRIE RIDGE HOME OWNER'S ASSOCIATION TO ENTER UPON, PLANT, REPLACE, REPLANT, MOW, CLIP, TRIM, SPRAY CHEMICALLY TREAT, REPAIR, IRRIGATE AND OTHERWISE MAINTAIN, AND TO AUTHORIZE ANY SUCH MAINTENANCE, OF ANY AND ALL GRASSES, TREES, SHRUBS, PLANTS, AND OTHER LANDSCAPING AND ALL FENCES AND MONUMENTS INSTALLED BY THE UNDERSIGNED PROPRIETOR AND BY THE PRAIRIE RIDGE HOME OWNER'S ASSOCIATION PER CITY ORDINANCE, UPON, OVER, OR UNDER THOSE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS "LANDSCAPE EASEMENT" OR "L/E".

THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED LAND HEREBY CONSENTS AND AGREES THAT THE CITY OF SPRING HILL OF JOHNSON COUNTY, KANSAS, SHALL HAVE THE POWER TO RELEASE SUCH LAND PROPOSED TO BE DEDICATED FOR PUBLIC WAYS AND THOROUGHFARES, OR PARTS THEREOF, FOR PUBLIC USE, FROM THE LIEN AND EFFECT OF ANY SPECIAL ASSESSMENTS, AND THAT THE AMOUNT OF SPECIAL ASSESSMENTS ON SUCH LAND DEDICATED SHALL BECOME AND REMAIN A LIEN ON THE REMAINDER OF THIS LAND FRONTING ON SUCH DEDICATED PUBLIC WAYS OR THOROUGHFARES.

THE UNDERSIGNED PROPRIETOR OF SAID PROPERTY SHOWN ON THIS PLAT DOES HEREBY DEDICATE FOR PUBLIC USE AND PUBLIC WAY AND THOROUGHFARES, ALL PARCELS AND PARTS OF LAND INDICATED ON SAID PLAT AS STREETS, TERRACES, PLACES, ROADS, DRIVES, LANES, AVENUES, AND ALLEYS NOT HERETOFORE DEDICATED. WHERE PRIOR EASEMENT RIGHTS HAVE BEEN GRANTED TO ANY PERSON, UTILITY, OR CORPORATION ON SAID PARTS OF THE LAND SO DEDICATED, AND ANY PIPES AND WIRES, CONDUITS, DUCTS OR CABLES HERETOFORE INSTALLED IN CONFLICT WITH THE PROPOSED IMPROVEMENTS AS NOW SET FORTH, THE UNDERSIGNED PROPRIETOR HEREBY ABSOLVES AND AGREES TO INDEMNIFY THE CITY OF SPRING HILL FROM ANY EXPENSE INCIDENT TO THE RELOCATION OF ANY SUCH EXISTING UTILITY INSTALLATIONS WITHIN SAID PRIOR EASEMENT.

IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HEREUNTO SUBSCRIBED HIS NAME THIS _____ DAY OF _____, 2007.

DON MARGRITIER, MANAGING PARTNER
PRAIRIE RIDGE DEVELOPMENT, LLC

ACKNOWLEDGMENT

STATE OF KANSAS)
COUNTY OF _____)SS

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2007, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DON MARGRITIER, MANAGING PARTNER OF PRAIRIE RIDGE DEVELOPMENT, LLC, WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN THE MONTH OF MAY, 2006 AND THAT THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

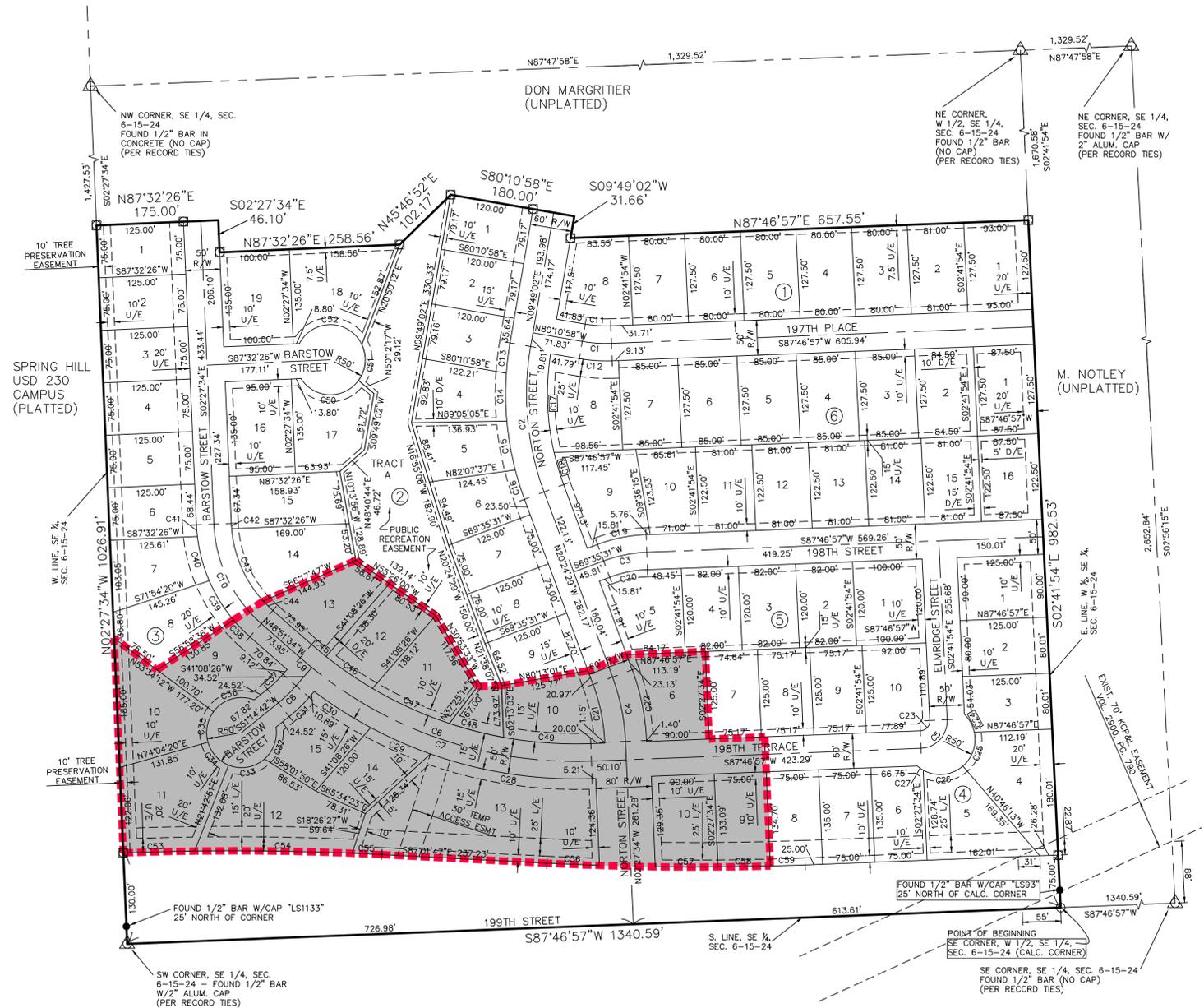
JOHN E. SELK, P.E., P.L.S. #610 PLAT PREPARED MAY, 2007
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(785) 843-7530

NOTES:

- ERROR OF CLOSURE 1: 1,324,396.62
- BASIS OF BEARINGS FOR THIS PLAT IS NAD83-MODIFIED STATE PLANE COORDINATES. (KANSAS SOUTH ZONE)
- UNLESS OTHERWISE NOTED, BEARINGS AND DISTANCES SHOWN HEREON WERE MEASURED.
- ALL INTERIOR CORNERS TO BE SET WITHIN 12 MONTHS OF PLAT RECORDING OR UPON COMPLETION OF PUBLIC IMPROVEMENTS.

LOT AREA TABLE					
LOT	SQ. FT.	ACRES	LOT	SQ. FT.	ACRES
1	11,857	0.272	1	9,375	0.215
2	10,327	0.237	2	9,375	0.215
3	10,200	0.234	3	9,375	0.215
4	10,200	0.234	4	9,375	0.215
5	10,200	0.234	5	9,375	0.215
6	10,200	0.234	6	9,378	0.215
7	10,200	0.234	7	11,116	0.255
8	12,052	0.276	8	12,399	0.284
9	9,500	0.218	9	12,651	0.29
10	9,500	0.218	10	15,215	0.349
11	9,531	0.218	11	18,187	0.417
12	10,295	0.236	12	21,884	0.502
13	10,150	0.233	13	11,254	0.258
14	9,970	0.228	14	9,797	0.224
15	9,375	0.215	15	40,811	0.936
16	9,374	0.215	1	11,250	0.258
17	9,451	0.216	2	10,000	0.229
18	12,774	0.293	3	9,792	0.224
19	11,941	0.274	4	15,932	0.365
20	11,132	0.255	5	14,051	0.322
21	11,985	0.275	6	10,097	0.231
22	14,349	0.306	7	10,125	0.232
23	12,302	0.282	8	10,120	0.232
24	12,825	0.294	9	10,050	0.23
25	12,283	0.281	10	11,824	0.271
26	15,959	0.366	11	9,922	0.227
27	13,500	0.309	12	9,922	0.227
28	13,500	0.309	13	10,719	0.246
29	59,870	1.374	14		

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	
C1	42.01	200.00	41.93	S86°12'00"E	
C2	211.01	400.00	208.58	S05°17'43"E	
C3	63.50	200.00	63.23	S78°41'14"W	
C4	93.98	300.00	93.60	N11°26'01"W	
C5	61.59	39.00	55.39	N42°32'31"E	
C6	454.04	600.00	443.29	S70°32'19"E	
C7	432.15	600.00	422.87	S71°35'02"E	
C8	35.27	200.00	35.23	N48°11'34"E	
C9	21.89	600.00	21.89	S45°59'18"E	
C10	161.97	200.00	157.58	S25°39'34"E	
C11	36.76	175.00	36.69	S86°12'00"E	
C12	47.26	225.00	47.17	S86°12'00"E	
C13	43.60	430.00	43.58	S06°54'46"W	
C14	68.52	430.00	68.45	S00°33'24"E	
C15	70.84	430.00	70.76	S09°50'29"E	
C16	43.88	430.00	43.86	S1°29'05"E	
C17	142.03	370.00	141.16	S01°59'01"E	
C18	47.96	370.00	47.93	S16°41'40"E	
C19	71.43	225.00	71.13	S78°41'14"W	
C20	55.56	175.00	55.33	S78°41'14"W	
C21	84.58	270.00	84.24	N11°26'01"W	
C22	103.38	330.00	102.96	N11°26'01"W	
C23	22.11	14.00	19.88	N42°32'31"E	
C24	29.48	50.00	29.06	N28°51'13"W	
C25	53.40	50.00	50.90	N18°38'05"E	
C26	60.81	50.00	57.13	N84°04'22"E	
C27	10.40	50.00	10.38	S55°07'35"E	
C28	236.07	625.00	234.67	S81°23'49"E	
C29	93.75	625.00	93.67	S66°16'44"E	
C30	96.20	625.00	96.11	S57°34'18"E	
C31	39.68	225.00	39.63	N46°11'33"E	
C32	50.05	50.00	47.99	N19°55'26"E	
C33	55.07	50.00	52.33	N80°09'31"E	
C34	45.69	50.00	44.12	S42°06'25"E	
C35	45.69	50.00	44.12	S10°15'04"W	
C36	65.29	50.00	60.75	S73°50'15"W	
C37	30.86	175.00	30.82	N46°11'33"E	
C38	33.77	225.00	33.74	S44°33'36"E	
C39	66.15	225.00	65.92	S31°50'14"E	
C40	65.72	225.00	65.48	S15°02'49"E	
C41	16.57	225.00	16.57	S04°34'11"E	
C42	7.66	175.00	7.66	S03°42'51"E	
C43	115.03	175.00	112.97	S23°47'57"E	
C44	19.03	175.00	19.02	S45°44'41"E	
C45	26.90	575.00	26.90	S50°11'59"E	
C46	80.62	575.00	80.55	S55°33'23"E	
C47	121.56	575.00	121.33	S65°31'45"E	
C48	80.33	575.00	80.26	S75°41'15"E	
C49	125.72	575.00	125.47	S85°57'13"E	
C50	97.13	50.00	82.56	S88°06'41"E	
C51	53.90	50.00	51.33	N05°21'06"E	
C52	110.76	50.00	89.46	N88°59'47"W	
C53	102.30	4095.00	102.30	S88°29'33"W	
C54	226.32	4095.00	226.29	N89°12'31"W	
C55	42.57	4095.00	42.57	N87°19'39"W	
C56	75.47	4095.00	75.47	S87°33'28"E	
C57	90.10	4095.00	90.09	S89°50'17"E	
C58	75.03	4095.00	75.02	N89°00'25"E	
C59	50.00	4095.00	50.00	N88°07'56"E	

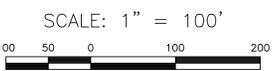


PHASE ONE

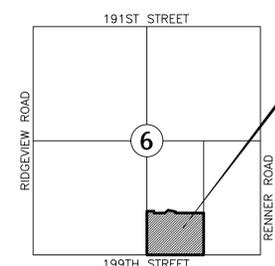
MONUMENTATION

- 1/2" X 24" BAR W/CAP "PLS 610" SET IN CONCRETE
- BAR FOUND AS DESCRIBED
- 1/2" X 24" BAR W/CAP "PLS 610" SET

NOTE: 1/2" X 24" BAR W/CAP "PLS 610" TO BE SET AT ALL INTERIOR LOT CORNERS WITHIN 12 MONTHS OF RECORDING OF THIS PLAT.



Location Map



PRAIRIE RIDGE AT SPRING HILL

SEC. 6, T15S, R24E, JOHNSON COUNTY, KANSAS



PRAIRIE RIDGE AT SPRING HILL

A SUBDIVISION IN THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS

SE 1/4, SEC. 6-T15S-R24E

DATE OF PREPARATION: April 4, 2007

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS, THIS _____ DAY OF _____, 2007.

CHAIR _____

APPROVED BY THE GOVERNING BODY OF THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS, THIS _____ DAY OF _____, 2007.

MAYOR-MARK SQUIRE ATTEST: CITY CLERK-BEVERLY HAYDEN