

**SPRING HILL PLANNING COMMISSION  
REGULAR MEETING AGENDA**

**Thursday, April 1, 2010  
7:00 p.m.  
Spring Hill Civic Center  
401 N. Madison, Room 15**

**CALL TO ORDER**

**ROLL CALL**

Tobi Bitner  
Janet Harms  
Brian Haupt  
Valerie Houpt

Bill Kiesling  
Troy Mitchell  
Michael Newton  
Stephen Sly  
Cindy Squire

**APPROVAL OF AGENDA**

**FORMAL COMMISSION ACTION**

1. Approval of Minutes

February 4, 2010

- **Public Hearing**

2. Rezoning  
Case No.: Z-01-10  
Request: C-2 to R-1  
Address: 701 N. Webster St.  
Applicant: Steve Smyth

**DISCUSSION**

3. 2011 2015 CIP Distribution
4. Report on Council adoption of the Comprehensive Plan

**OTHER BUSINESS**

5. Election of Planning Commission Chairman and Vice-Chairman

**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.  
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\* **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: March 18, 2010  
Re: April 1, 2010 Planning Commission meeting

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The following offers a brief explanation of items on the April 1, 2010 Planning Commission agenda. Please feel free to contact the Community Development Department 913-592-3664 if you have any questions.

- 1. Approval of Minutes:** February 4, 2010 meeting
- 2. Public Hearing - Z-01-10, Rezoning Request:** A public hearing will be held to consider rezoning property at 701 N. Webster (The Front Porch) from C-2 to R-1. This property was classified as a nonconforming residential use until the 2008 change in occupancy to a business. Included in this packet is a staff report detailing the application and staff's recommendation of denial of the request.
- 3. 2011-2015 CIP Program:** Finance Director Melanie Landis has provided copies of the approved Capital Improvement Plan (CIP) and a request form for additional projects. Staff requests the PC to review the documents for discussion at the May 6, 2010 meeting. Any projects submitted with a majority approval of the PC will be added to the CIP for consideration by the Governing Body. The CIP will be brought back to the PC on July 1, 2010 for approval.
- 4. Report on City Council Adoption of the Comprehensive Plan Update:** City Council approved the update of the Comprehensive Plan at their March 11, 2010 meeting. Staff will report on how the changes will be implemented into the Plan and distributed to all who have copies of the Comp. Plan.

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  
February 4, 2010**

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

Members absent: Tobi Bitner  
Brian Haupt  
Stephen Sly  
Cindy Squire

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

**CALL TO ORDER**

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

**ROLL CALL**

Roll call by Mary Nolen.

**APPROVAL OF AGENDA**

Mr. Hendershot asked to add the item to discuss a joint meeting with the City Council and Green Board at the end of the meeting.

**Motion by** Bill Kiesling to approve the agenda as amended.  
**Seconded by** Janet Harms. Motion passed 5 yes 0 no 0 abstention.

**FORMAL COMMISSION ACTION**

1. **Approval of Minutes:** December 3, 2009

**Motion by** Janet Harms to approve the December 3, 2009, minutes.  
**Seconded by** Michael Newton. Motion passed 4 yes 0 no 1 abstention (Houpt)

• **Non-Public Hearing**

2. **Midwest Auto Review**

Mr. Hendershot said that as of January 7, 2010, the Conditional Use permit is in compliance. They got another dealership as promised. Mr. Hendershot talked to Mr. Shives about where the employees' park their vehicles. He said they are tagged vehicles, and they didn't pose a problem, if parked offsite. Mr. Hendershot also noted a semi-truck being parked in the area.

Ms. Harms noted that someone who lives near the parking lot is parking his semi in the lot. The owner of the lot has asked them to be moved.

Mr. Shives said that he has one semi truck there that he will move as well.

Mr. Pittman asked where the cars are today; Mr. Shives said that because of an impending snow storm, they've moved the cars out to cut down on the snow removal costs. They parked them at the rear of the old parking lot near Race St.

Mr. Hendershot asked the record to show that in staff's opinion, the property is in compliance with the CUP, the agreement from the Planning Commission would be sufficient.  
No one on the Planning Commission had any further comments.

• **Public Hearing**

### **3. Annual Review of the Comprehensive Plan**

Vice Chair Pittman opened the public hearing.

Mr. Hendershot reviewed the changes to the Comp Plan. He notified both of the counties of the changes, inviting them to the meeting. Mr. Kiesling asked the minutes to reflect that the Commissioners received all the updated changes and they have no comments on the 2009 update. There was a brief discussion of the change of the boundary line from Renner to Pflumm. The RSP document will be inserted and will not replace the data that is already included.

Mr. Pittman closed the public hearing.

**Motion by** Bill Kiesling to adopt the resolution CP-2010-01, to be approved by the City Council.

**Second by** Janet Harms. Motion passed unanimously.

### **4. Park fee in lieu of dedication**

This item was remanded back to the Planning Commission after it died in the City Council for lack of a second. Councilman Ellis stated he felt the change was too restrictive, and that the market would take care of itself. If a subdivision was a planned zoned district, and the developers didn't include green space, the consumer would show how they feel by not purchasing in the subdivision.

Mr. Hendershot spoke with Kevin Kokes of BWR and has gained a better understanding of the language used. The developer must have a valid reason to want to pay the park fee. Since a planned district is one that may offer trade-offs (smaller lots, for more walking trails), the Planning Commission can review proposals on an individual case basis.

No action is required beyond the agreement of the Planning Commission. They agree with staff.

### **5. Year End Reports**

Yearly reports were distributed to the Commissioners on the following subjects:

- Planning Commission meeting subjects and statistics for 2009, 2008, & 2007
- Housing preliminary plat statistics by sub division, by buildable and not buildable developments
- Vacant housing statistics, listing vacant buildable lots by subdivision
- Conditional Use Permit log
- Summary of all building permit activity for 2009
- Summary of Code Violation letters mailed in 2009
- Summary of Building Inspector Request in 2009.

The Commissioners were pleased with the detail provided. They were happy with the amount of information, and the presentation of the data.

### **OTHER BUSINESS**

Jim discussed the need for a joint meeting with the City Council and possibly the Green Board. Jim will look toward setting a date in March or April. The members discussed spring break and possible alternatives.

### **ADJOURN**

**Motion by** Janet Harms to adjourn.

**Second by.** Bill Kiesling. Motion passed unanimously.

Meeting adjourned at 7:40 PM.

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Mary Nolen, Planning Secretary

**SPRING HILL PLANNING COMMISSION  
ZONING STAFF REPORT**

**Case #:** Z-01-10 **Meeting Date:** April 1, 2010

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

**Location:** 701 N. Webster St.

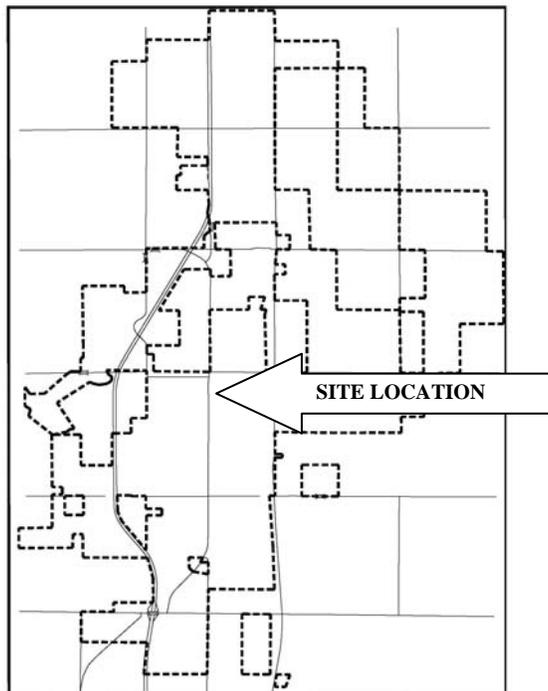
**Applicant:** Steve Smyth

**Engineer:** N/A

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

**Site Area:** .28 Acres **Number of Lots:** 1 Lot

	Current Zoning	Existing Land Use	Future Land Use Map
<b>Site:</b>	"C-2"	Commercial-unoccupied	Mixed Use Commercial
<b>North:</b>	"C-2"	Commercial-business	Residential
<b>South:</b>	"C-2"	Commercial- retail	Mixed Use Commercial
<b>East:</b>	"C-2"	Commercial-vacant	Mixed Use Commercial
<b>West:</b>	"R-1"	Residential	Residential
<b>Proposed Use:</b>	Residential		



**BACKGROUND:**

The applicant, Steve Smyth, has submitted a rezoning application on behalf of the owner, Reginald Reif, for 701 N. Webster in Spring Hill. The request is to rezone the property from C-2 (General Business) to R-1 (Single-Family Residential). The property was a

nonconforming residential use until February 2008 when the use was changed to commercial (The Front Porch). Section 17.344.D of the Spring Hill Zoning Regulations indicates that a nonconforming use, if changed to a conforming use or more restricted nonconforming use, may not thereafter be changed back to a less restricted use than that to which it was changed. In other words, when the use was changed from residential to commercial, it may not revert to residential use without being rezoned to residential.

**REZONING:**

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

- 1. Consistent with purposes of the regulations and intent and purpose of the proposed district:** A change in zoning to R-1 would be consistent with the proposed use as a single-family, allowable in an R-1 district.
- 2. Neighborhood Character:** The surrounding neighborhood is a combination of commercial office, commercial retail, vacant land and residential.

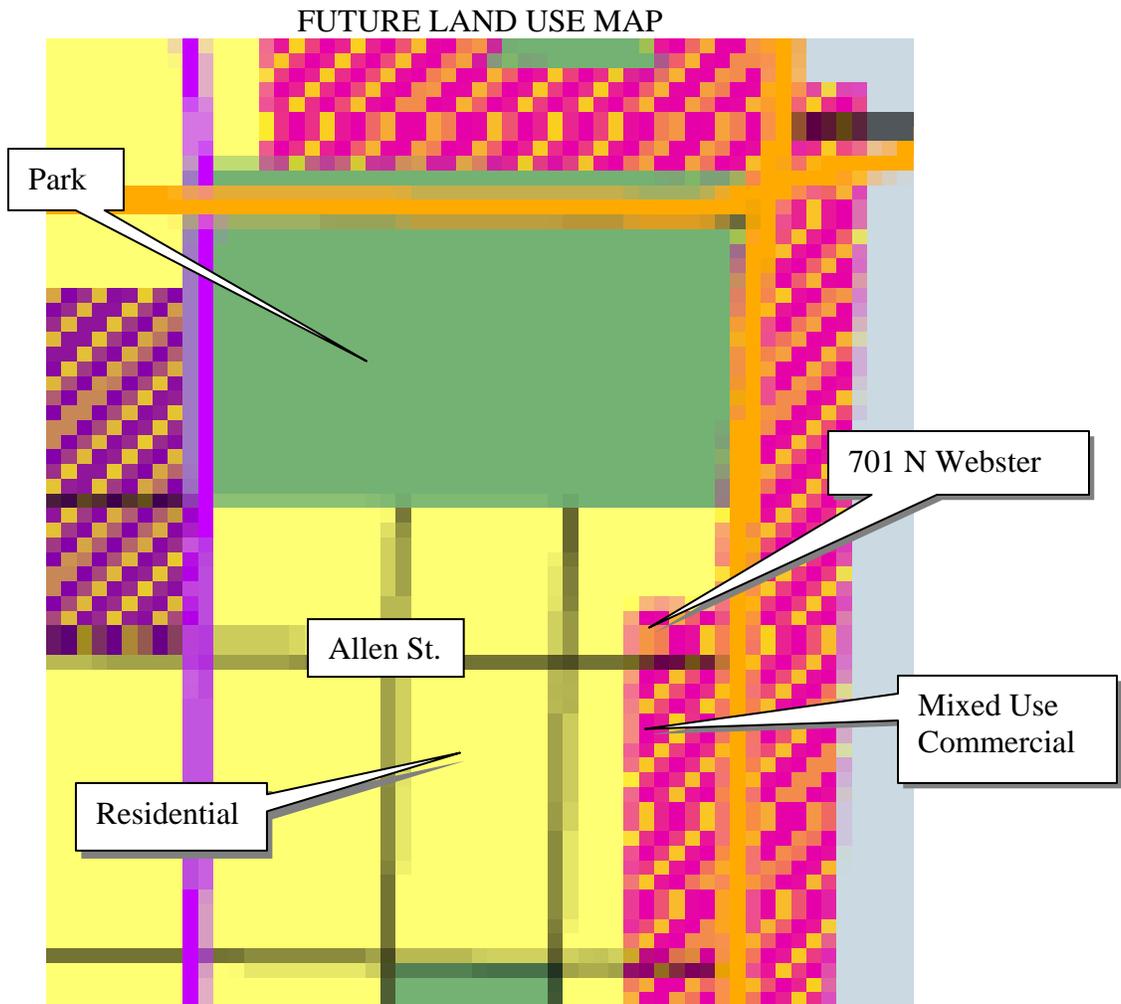


- 3. Zoning and uses of nearby parcels:** Adjacent zoning districts include C-2 (general business) and R-1 (single-family residential);



- 4. Requested because of changing conditions:** Request is based on the loss of a commercial use on the property and resulting loss of nonconforming status.
- 5. Suitability of parcel for uses restricted by the current zone:** Residential uses are prohibited in C-2 districts, however the structure was originally residential in use and remains residential in character.
- 6. Detrimental Effect of Zoning Change:** Parcels to the north, south and east are zoned C-2. Rezoning to R-1 could be detrimental to these properties when considering spot zoning and residential use along the business corridor of Spring Hill.
- 7. Proposed amendment corrects an error:** No error is being corrected.

- 8. **Length of property has been vacant:** Vacancy limited to a few weeks.
- 9. **Adequacy of facilities:** Adequate for residential or commercial uses
- 10. **Conformance with Comprehensive Plan.** The Future Land Use Map identifies this property as Mixed Use Commercial. The area to the north along Webster Street is identified as Residential and Park with actual uses of commercial office, residential and commercial retail. Mixed use commercial promotes a mixture of neighborhood-oriented office, retail-commercial, institutional, civic and medium to higher density residential uses intermixed through compatible site planning and building design. The zoning and future land use designations for this property are designed to promote commercial development along the Webster Street corridor. Rezoning of a parcel adjacent to parcels with zoning equal to the request is usually looked upon more favorably than spot zoning. However, a change of zoning to residential in this instance equates to spot zoning as it disrupts the continuity of zoning along Webster Street.



**11. Hardship if application is denied:** When the nonconforming residential use was upgraded to commercial, the property lost its nonconforming use classification. The structure remains residential in character thereby limiting its usefulness as a commercial structure. The sale, renting or leasing of the property as a commercial property is thereby limited.

**12. Recommendation:** Rezoning this parcel to residential is advantageous to the owner as it increases the demand for the property. However, the requested residential request is contrary to the Spring Hill Comprehensive Plan and Spring Hill Zoning Regulations. As a result, staff recommends denial of the request.

# CITY OF SPRING HILL, KANSAS

## FIVE-YEAR CAPITAL IMPROVEMENTS PROGRAM

Each year, the City of Spring Hill carries out capital projects to meet community needs related to infrastructure design, construction, maintenance, studies and surveys. The Capital Improvements Program (CIP) is a formal method for establishing priorities and scheduling capital improvements in line with the funding sources available for those projects.

### **SUMMARY**

The Spring Hill Capital Improvements Program (C.I.P.) for 2010 to 2014 is conservative. It includes projects slated to begin within the next five years within the City. Like all cities, there are more capital project needs than dollars to fund them. The proposed program envisions the need for many outside sources of funding and City staff works diligently to leverage those dollars.

### **FINANCING**

Within the list of projects is a proposed financing source for each project. It is important to note that this program is only an estimate of dollars needed for each project and the final decisions on sources used to finance each project lies with the City Council. Below is a summary of each source of funds available and includes a discussion of the uses, benefits and limitations of each source.

- **CARS (County Assisted Road System).** The Johnson County CARS program is a County/City matching grant designed to fund major street construction projects. The County's portion is funded through the County sales tax. This program varies but is typically a 70/30 matching source of funds.
- **CDBG (Community Development Block Grant).** Community Development Block Grants are federal grants, which are administered by Johnson County. Due to the population within Johnson County is an entitlement County, which provides \$100,000 annually on the Johnson County side of Spring Hill.
- **CSHF (Consolidated Special Highway Fund).** The CSHF fund includes funding that all Kansas cities receive directly from the State Treasurer for certain highway aid payments distributed on a per capita basis from the State's Special City and County Highway Fund as well as revenues transferred from the General Fund and other funds. This fund is used for road construction, reconstruction, alteration, repair, and maintenance.
- **Debt Service.** The Debt Service Fund is intended for funding projects that affect the general welfare of the entire City. General Obligation bonds are used to fund projects over \$100,000. These bonds are backed by full faith and credit of the City. Once the bonds are issued, the City must levy the appropriate level of property taxes to retire the debt. Short-term financing may be used for a smaller project as a temporary note and must be paid of over a four-year period.
- **Federal and State Grants.** While federal and state grants are not as readily available as in the past, the City continues to be an active participant in the granting process and pursues funds available for current projects. The Kansas Department of Transportation (KDOT) is an example of a state program that the City works with on a regular basis to earmark available transportation funds.

- **General Fund.** The General Fund provides revenue to fund projects through various sources of revenue including ad valorem taxes, sales tax, motor vehicle taxes, franchise fees and various user fees.
- **General Purpose Retailers Sales Tax.** Beginning April 2009, a one-half of one percent additional sales tax was implemented for the City of Spring Hill. The purpose of this sales tax is for funding projects of a parks or recreation nature. These sales tax collections are held in a separate fund for the purpose of funding specific projects.
- **Reserve Funds.**
  1. The System Development Reserve Fund collects system development fees as part of the building permit process. These fees are used to offset the cost of the expansion and upgrades to the water and sanitary sewer systems and any debt incurred as a result of those projects.
  2. The Capital Equipment Replacement Reserve is a fund used for the upgrade or replacement of large equipment. Revenues to this fund consist of transfers from operating accounts within City funds.
- **Special Parks and Recreation Fund.** One half (1/2) of the liquor tax money received by the City from the State of Kansas must, by state statute, be placed in this fund for the purpose of parks and recreation.
- **SMAC (Johnson County Stormwater Management Program).** The Johnson County Stormwater Management Program is a Johnson County sponsored grant program, which provides 75% of the funding for major improvements to serious stormwater issues within the Johnson County municipalities.
- **Special Assessment General Obligation Bonds.** This source is normally used to finance specific improvement such as street, sewer, water, sidewalks, etc. A benefit district is created by petition and public hearing. The properties deemed to benefit from the project are the primary source of revenue to retire the bonds. The funding split between property owners and the city-at-large, as well as the term of the assessments, are determined by policy.
- **Water and Sewer Utility Funds.** Utility funds are enterprise operational funds which maintain the infrastructure and regular operating expenses of each utility. Revenues for these funds are generated through monthly user fees and can only be used for improvements to the water and sewer utilities.

## **CAPITAL IMPROVEMENT PROJECTS**

The projects listed within the CIP include a brief description of the project, the year in which the project is slated to begin, the anticipated funding source, the total project cost and the estimated budget impact.

# City of Spring Hill, KS

## 2010 - 2014 Capital Improvement Program

Project Year	Project Name	Project Description	Department	Funding Source	Project Cost	Annual Budget Impact
2010	Aquatic Facility	The aquatic facility construction will be completed in May 2010. This project has already been funded and principal and interest payments will begin in March 2010.	Parks	Debt Service Fund Sales Tax	\$4,985,000	\$278,620
2010	West Lake Park	Project implementation of the City's Lake Park improvements to design, engineering and land acquisition. First phase \$100,000. Total estimated project cost is \$1.1M and does not include land acquisition costs.	Parks	Debt Service Fund Sales Tax / Excise Tax	\$100,000	\$27,000
2010	Sanitary Sewer Main Rehabilitation	A sanitary sewer flow study was conducted in 1998. Due to the findings of that study, staff has been working toward rehabilitation of the sewer mains to repair reduction of inflow and infiltration. In 2009, approximately 1/2 of the old sewer lines have been rehabilitated. (On-going project reflected in each CIP year)	Sanitary Sewer	\$100,000 CDBG \$20,000 Sewer Fund	\$120,000	\$20,000
2010	Wilson, Race and Main Street Drainage Improvements	The storm water improvement project was designed in 2001 and planned as a three part project beginning with Main street, Wilson street and Race street. The first phase has been completed.	Storm Water	\$137,250 General Fund \$411,750 SMAC	\$549,000	\$137,250
2010	Wastewater Treatment Plant Expansion	<p>In 2007, Archer Engineering conducted a study for the City, as mandate by KDHE, to address the need for future expansion of the City's WWTP and Collection System. Archer's study indicated that the WWTP would need to be expanded by 2023. In 2008 the City contracted with GBA to expand upon the Archer study and provide alternative recommendations. GBA determined that with immediate improvements and/or alterations to some of the components at the WWTP and Collection System the City would not have to expand the WWTP until 2035.</p> <p>Based upon GBA's recommendations staff approached KDHE proposing the following improvements to the WWTP and Collection System:</p> <ol style="list-style-type: none"> <li>1. Sludge Storage Improvements;</li> <li>2. Flow Equalization Improvements;</li> <li>3. Installation of new catwalks around both basins;</li> <li>4. Build a new office and warehouse structure.</li> </ol> <p>KDHE has granted their approval for the project and made SRF funding available. The improvements are scheduled to begin sometime in the summer or fall of 2010 and completion is estimated for 2011.</p>	Sanitary Sewer	KDHE Revolving Loan	\$3,800,000	\$252,900

## City of Spring Hill, KS 2010 - 2014 Capital Improvement Program

Project Year	Project Name	Project Description	Department	Funding Source	Project Cost	Annual Budget Impact
2011	City Hall / Police Facilities	The current City Hall and Police Department facilities do not meet the current needs of the City. Design options have been completed. Final location has yet to be determined.	Administration	Debt Service Fund	\$5,000,000	\$363,600
2011	West Lake Park	Improvements to the City's Lake to include fishing docks, park area and recreational features. First phase \$500,000. Total project cost is \$1.1M and does not include land acquisition costs.	Parks	Debt Service Fund Sales Tax	\$500,000	\$36,360
2011	Sanitary Sewer Main Rehabilitation	A sanitary sewer flow study was conducted in 1998. Due to the findings of that study, staff has been working toward rehabilitation of the sewer mains to repair reduction of infow and infiltration. In 2009, approximately 1/2 of the old sewer lines have been rehabilitated.	Sanitary Sewer	\$100,000 CDBG \$20,000 Sewer Fund	\$120,000	\$20,000
2011	Wilson, Race and Main Street Drainage Improvements	The storm water improvement project was designed in 2001 and planned as a three part project beginning with Main street, Wilson street and Race street.	Storm Water	\$115,250 General Fund \$345,750 SMAC	\$461,000	\$115,250
2011	Columbia Road: 215th to 223rd Streets (Design phase)	As development occurs west of US 169 on 215th street, the intersection of US 169 and 215th will begin to fail. The City is in the process of working with the Kansas Department of Transportation and Miami County to design and build Columbia Road between 215th and 223rd streets.	Street	\$300,000 CSHF \$300,000 KDOT	\$600,000	\$300,000
2011	Raw Water Line to AFG	To provide better water service, the City will build a water line from the Spring Hill City lake to AGC to provide them untreated water for their manufacturing process. This will allow the City to use the entire water tower at AGC for the City's water needs.	Water	Water Fund	\$150,000	\$150,000
2011	Refurbish Water Tower	Once a new raw water line is provided for AGC, the existing water tower will need to be drained and refurbished.	Water	Water Fund	\$150,000	\$150,000
2011	New Water Tower	A water tower will be constructed to replace the storage tank. This project would be in conjunction with Johnson County Rural Water District No. 7 for the construction of a 1.5 million gallon water tower.	Water	KDHE Revolving Loan	\$1,400,000	\$93,200

## City of Spring Hill, KS 2010 - 2014 Capital Improvement Program

Project Year	Project Name	Project Description	Department	Funding Source	Project Cost	Annual Budget Impact
2012	Sanitary Sewer Main Rehabilitation	A sanitary sewer flow study was conducted in 1998. Due to the findings of that study, staff has been working toward rehabilitation of the sewer mains to repair reduction of infow and infiltration. In 2009, approximately 1/2 of the old sewer lines have been rehabilitated.	Sanitary Sewer	\$100,000 CDBG \$20,000 Sewer Fund	\$120,000	\$20,000
2012	Columbia Road: 215th to 223rd Streets (Construction phase)	As development occurs west of US 169 on 215th stret, the intersection of US 169 and 215th will begin to fail. The City is in the process of working with the Kansas Department of Transportation and Miami County to design and build Columbia Road between 215th and 223rd streets.	Street	General Obligation Bonds	\$2,850,000	\$207,250
2012	Removal of Ground Storage Tank	Due to the maintenance and operation cost, the ground storage tank at Washington and Allen will be removed.	Water	Temporary Notes	\$350,000	\$94,800
2013	Sanitary Sewer Main Rehabilitation	A sanitary sewer flow study was conducted in 1998. Due to the findings of that study, staff has been working toward rehabilitation of the sewer mains to repair reduction of infow and infiltration. In 2009, approximately 1/2 of the old sewer lines have been rehabilitated.	Sanitary Sewer	\$100,000 CDBG \$20,000 Sewer Fund	\$120,000	\$20,000
2014	Sanitary Sewer Main Rehabilitation	A sanitary sewer flow study was conducted in 1998. Due to the findings of that study, staff has been working toward rehabilitation of the sewer mains to repair reduction of infow and infiltration. In 2009, approximately 1/2 of the old sewer lines have been rehabilitated.	Sanitary Sewer	\$100,000 CDBG \$20,000 Sewer Fund	\$120,000	\$20,000