

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA**

**Thursday, June 3, 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

May 6, 2010

DISCUSSION

2. Kendal Shives - Midwest Auto
3. Report on Planning Commission Workshop by Janet Harms

OTHER BUSINESS

4. Thursday July 1 meeting availability

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: May 26, 2010
Re: June 3, 2010 Planning Commission meeting

The following offers a brief explanation of items on the June 3, 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:** May 6, 2010 meeting
2. **Kendal Shives, Midwest Auto:** Mr. Shives has asked for time to address the Planning Commission on various issues at his place of business.
3. **Report on Planning Commission Workshop, Janet Harms:** Janet attended a Planning Commission workshop in Topeka earlier this month and I have asked her to share some of the highlights with the PC.
4. **July 1 Meeting:** With the holiday following our Thursday meeting in July, please let us know if you will not be able to attend the July 1 meeting. To date the July agenda includes discussion on the CIP but is subject to change. I anticipate holding the meeting if a quorum will be present.

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.

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

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
May 6, 2010**

Members Present: Janet Harms
Brian Haupt
Valerie Houpt
Bill Kiesling
Troy Mitchell
Michael Newton
Cindy Squire

Members absent: Tobi Bitner
Stephen Sly

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

CALL TO ORDER

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

ROLL CALL

Roll call by Mary Nolen.

APPROVAL OF AGENDA

The agenda was revised by Mr. Haupt to include an update on the Midwest Auto Conditional Use Permit.

Motion by Cindy Squire to approve the agenda as amended.
Seconded by Troy Mitchell. Motion passed unanimously.

FORMAL COMMISSION ACTION

1. Approval of Minutes: April 1, 2010

Motion by Cindy Squire to approve the April 1, 2010, minutes.
Seconded by Troy Mitchell. Motion passed 7 yes 0 no 0 abstention

- **Public Hearing**

2. Conditional Use Permit

Case No.:	CU-01-10
Request:	Contractor Storage
Address:	22504 Old KC Road
Applicant:	Newcome Trucking

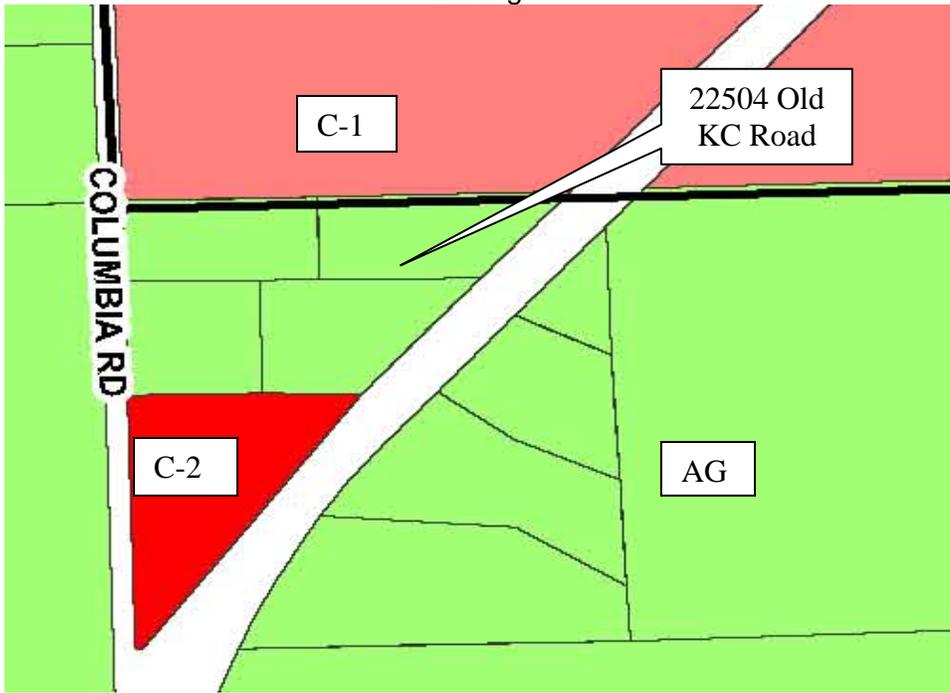
Vice-Chair Harms introduced the item and asked if anyone had any contact or conflict of interest with this item. There being none stated, Mr. Hendershot proceeded with the staff report. She opened the public hearing at this time as well.

BEGINNING OF STAFF REPORT

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



Zoning



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

Future Land Use Map



BACKGROUND:

In the recent past city inspectors have been in contact with the applicant, Clyde Newcome, discussing a citizen complaint of an illegal business being conducted at 22504 Old KC Road. Mr. Newcome responded by contacting Mr. Hendershot for guidance to bring the property into compliance. This discussion led to the conditional use application currently under consideration.

Section 17.306 of the Spring Hill Zoning Ordinance provides for a contractor storage yard as a conditional use in an AG District provided the storage area is properly screened with fencing or landscaping.

Mr. Newcome has provided a site plan (included with staff report) that identifies a privacy fence along the south property line in combination with landscaping trees. The plan also shows an entrance gate into the parking area that attaches to the existing metal shop building. Use of the storage area will be limited to parking of landscaping equipment and employee vehicles. As seen in the aerial photo above, the west property line currently has a tree row of sufficient density to screen the property.

GOLDEN FACTORS:

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

- 1. Neighborhood Character.** The property is located adjacent to the city limits of Spring Hill and within the Miami County Growth Area. The surrounding area is primarily rural residential with the exception of vacant property to the north.

2. **Adjacent Zoning.** Adjacent zoning consists of AG (agricultural) to the south, east and west and C-1 (restricted commercial) to the north.
3. **Suitability for Current Zoning.** The site is suitable for a contractor storage yard provided any and all provisions of a conditional use permit are met and complied with in the future.
4. **Detrimental Effect of Zoning Change.** Provided adequate conditions are placed upon an approved permit, the proposed use should have little detrimental effect on the surrounding area. However, staff has been contacted by one area resident who is opposed to the application stating it will devalue area properties. Enforcement of any conditions placed on the property will be key to area residents.
5. **Length of Time at Current Zoning.** The site has been zoned AG (Agricultural) for many years.
6. **Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit. Hardship to the applicant would be not allowing him to use his rural property to operate a storage area for contractor vehicles and possibly financial hardship to relocate.
7. **Conformance with Comprehensive Plan.** With an approved conditional use permit, including proper enforcement, and yearly review, the proposed use would be in conformance with the Comprehensive Plan.

ANALYSIS:

Considering the distance from Old KC Road to the proposed parking area, the construction of a six-foot privacy fence and gate along with the existing trees and metal shop building, will provide adequate screening of vehicles parked behind the gate and building. However, to protect the interests of the surrounding area, limits should be placed on the number of vehicles to be stored in this area. In addition, a neighboring resident has indicated that currently vehicles, including trucks, come and go from the property during the early morning hours. This is viewed as a nuisance to the neighborhood from a noise perspective.

RECOMMENDATION:

It is the recommendation of staff that Conditional Use Permit CU-01-10 be approved subject to the following conditions:

- 1) Hours of operation of the business including vehicle movement are limited to the hours of 6:00 am to 6:00 pm.
- 2) The parking of vehicles is limited to the area west of the gate and metal building, and no further north than the north wall of the shop building.
- 3) Maximum of seven construction vehicles and/or employee vehicles be parked in the designated area.
- 4) The privacy fence and gate are constructed of new quality materials and maintained in good condition.
- 5) The CUP be reviewed on an annual basis.

END OF STAFF REPORT

Michael Newton excused himself from the meeting because of conflict due to the location of his house to this property.

Bill Newcome of Newcome Trucking spoke to the Commissioners, and shared that he spoke to his neighbors and has obtained a statement from surrounding property owners as follows:

"We are trying to obtain a permit to be able to park our dump trucks on our property, under the rules of the City of Spring Hill, KS. Our project will be kept clean and in an orderly manner at all times. We have been in this business for 27 years. We have had an excellent DOT rating, and have been accident free for the time in business. This in no way will create any havoc for any of said property owners in the surrounding area."

Signatures in favor of this proposal are:

Rodney Duncan	22468 Columbia Rd.
Ted Fiocati	22499 Columbia Rd.
Brock Stinemetz	21811 Lincoln Terrace
Jose D. Espinoza	22643 Old KC Road
Sue Swan	22533 Old KC Road
Stan Wright	24278 Old KC Road
Ralph J. Schlatter	8730 Grant, OP, KS

Linda Lowdermilk of 22611 Old KC Road lives across the street from the property. She discussed the following points:

- The business operates with 2 dump trucks and 4 employee pickup trucks.
- Trucks are worked on or repaired outside of the metal building.
- When the property was purchased, it was a single family residence.
- The area is not a commercial or a business area.
- She is concerned they will add more trucks to the business.
- Current screening is trees with no leaves on them for 7 months of the year.
- A six foot fence won't screen a dump truck.
- Neighboring properties have numerous code problems as well.
- Who enforces the code violations in the growth area, the City or County?
- They feel this will devalue their property.
- If the CUP is to be approved, she would like more restrictions added such as starting work at 7AM, evergreen trees for screening, and a tall fence to screen the large trucks.

The Commissioners asked Mr. Hendershot to explain the Miami County Growth area issues. Mr. Hendershot said the City has control over construction and zoning issues. We do not have control over junk cars, trash, weeds, or nuisances. Animal control, junk cars, trash, weeds, or nuisances are factors of the County, not the City. The County does not have much control over an agricultural area. There is discussion in Miami County to do away with all the growth areas related to them. At this time, we have provided details to Miami County Managers office toward that possible change.

The Planning Commission can issue conditions on this permit, and if they are not followed, the Commissioners can revoke the CUP.

The Commissioners discussed landscaping on different areas of the property, the dimensions of the lot, the use of gravel surfaces, and storage of the dump trucks as well as employee parking. They reviewed the zoning and buffering that may be required if the property to the

north is developed. They talked about the site plan and the compliance that may or may not occur. Mr. Hendershot said that the site plan is used by the inspectors to assure the conditions are met.

Bruce Lowdermilk of 22611 Old KC Raod said he is not happy with the screening at the 169 Auto Parts, and is concerned that the same thing will happen at this location, and a precedent will be set. The noise starts around 5am, and sometimes ends at 8:30pm. He is concerned with the value of his property being lowered by this business.

Lee Gardner of 22326 W. 221st St. spoke about:

- The residents in the growth area are not able to vote for the people who impact them. He doesn't feel it's legal.
- He asked what will happen if oil or acid is spilled on this site.
- He would like to see the facility inspected by the fire department.
- Although he is not a resident of the immediate area of discussion, he represents the growth area in general.

Vice-Chair Harms closed the public hearing.

The Commissioners talked about how long Mr. Newcome has been running the trucking company from this property, which is 3 years. They talked about where his trucks travel, outside storage, the six foot fence and wind issues, screening and fencing related to the barn and location of work on vehicles.

Motion by Brian Haupt to approve CUP-01-10 subject to the following conditions:

- 1) Hours of operation of the business including vehicle movement are limited to the hours of 6:00 am to 6:00 pm.
- 2) The parking of vehicles is limited to an area west of the gate and metal building, and no further north than the north wall of the shop building.
- 3) Maximum of four construction vehicles and/or employee vehicles be parked in the designated area.
- 4) The privacy fence and gate are constructed of new quality materials and maintained in good condition.
- 5) The CUP be reviewed on an annual basis, staff to inspect property on a quarterly basis.
- 6) Any work on vehicles must be done inside the metal building.
- 7) No outside storage of vehicle components or tires.
- 8) Screening on the north side of the property will be revisited when the property to the north is developed.

Seconded by Bill Kiesling. Motion passed 6 yes 0 no 0 abstention

This item will be in front of City Council on May 27, 2010.

Michael Newton joined the meeting.

3) Site Plan Application

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

Case No.: SP-01-10
Request: Covered Vehicle Storage
Address: 19005 N. Webster St.
Applicant: J & J Asphalt

Vice-Chair Harms announced the item, and asked if there were any conflicts or contacts, there being none, she asked Mr. Hendershot to present his staff report.

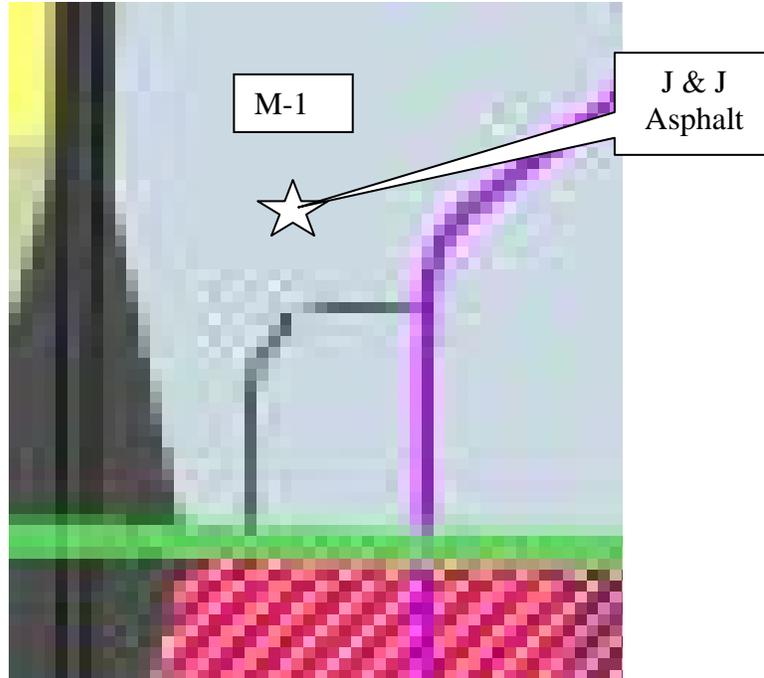
BEGINNING OF STAFF REPORT

Zoning Map



Future Land Use Map

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



BACKGROUND:

J & J Asphalt has submitted a site plan application for the construction of three 30 ft. x 60 ft. covered buildings to be used for vehicle storage at their current location of 19005 N. Webster.

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

The proposed buildings are identical in style to the city owned structure located at the waste water lagoon location as shown below:



The project proposed by J & J Asphalt will include doors on the end (possibly both ends) of the buildings to further protect and screen the vehicles inside the structures.

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 are currently gravel and/or asphalt.
- Existing landscaping on the property has been identified.
- Existing parking is adequate for the facility and meets the requirements of Section 17.350. The proposed project does not affect current parking provisions.
- There is no exterior lighting with this project.
- Existing landscaping is identified on the site plan.

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

5.1 The extent to which the proposal conforms to the provisions of the Code.

The site is zoned M-1 General Industrial and the existing and proposed use are allowed uses.

5.2 The extent to which the development would be compatible with the surrounding area.

The proposed project is compatible with the surrounding area as all neighboring property is zoned M-1 with the exception of the highway right-of-way to the west of the property.

5.3 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 further screens vehicles from view of the public, thus improving the property status.

5.4 *The extent to which the proposal conforms to customary engineering standards used in the City.*

The buildings are designed by recognized and licensed architects and engineers.

5.5 *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 SP-01-10 for J & J Asphalt, for three 30 ft. x 60 ft. covered vehicle storage buildings, be approved by the Planning Commission and forwarded to the City Council for final approval on June 11, 2010.

END OF STAFF REPORT

Motion by Valerie Houpt to recommend approval of SP-01-10 for J & J Asphalt, for three 30 ft. x 60 ft. covered vehicle storage buildings.

Seconded by Brian Haupt. Motion passed 7 yes 0 no 0 abstention

Mr. Hendershot asked for a 5 minute recess at 8:30 pm.

Valerie Houpt left the meeting.

The meeting resumed at 8:35.

DISCUSSION

4. 2011 TO 2015 CIP

Mr. Hendershot had asked the Commissioners to think of any projects that should be added to the CIP for the next 5 years.

It was suggested the Commissioners contact Mr. Hendershot with projects to include. Mr. Mitchell wondered about sidewalks and storm sewers in the older part of town. Ms. Squire suggested repair and installation of sidewalks to the post office and the new pool. Another location of traffic problems is the intersection of 199th and Webster St. at peak hours.

5. Report of rezoning at 701 N. Webster St.

Recommendation of denial by the Planning Commission was upheld by City Council. Mr. Smyth was at the City Council meeting and spoke. The City Council told him to return to the Planning Commission to propose changes to non-conforming zoning. The Planning Commission does not support spot zoning.

6. Discussion on the use of flags for attention attraction and advertisement

It was stated that the discussion is not about the American, state or school flag or the like. Mr. Hendershot defined a sign as any word, letter, numeral or figure, device, design, trademark by which information is made known to the public. They described temporary signs, which require permits and attention attracting devices, which are prohibited. They asked about balloons or inflatable figures. What is a flag, like the green and white flags by the Meadows? Is it a temporary sign or an attention attracting device?

The Commissioners expressed some opinions on who should pay what. Mr. Hendershot offered examples of flags in different situations. He'd like to make a decision about what flags are temporary signs. The discussion continued, with the Commissioners saying a flag with words on it is a temporary sign; one that has no words is an attraction getting device which is prohibited.

To summarize, any kind of advertisement, it's a temporary sign. If there are no words on the flag, it's an attention attracting device. Mr. Hendershot will investigate other communities and come back to the Commissioners.

7. Update on Midwest Auto CUP

Mr. Haupt described the red freightliner truck that is still there and still unlicensed. Mr. Hendershot said other items are gone. The truck has a blown engine and someone is coming to haul it away. A question was asked about the other business listed on the building, which is that business. Mr. Hendershot will check and let them know.

ADJOURN

Motion by Bill Kiesling to adjourn.

Second by. Brian Haupt. Motion passed unanimously.

Meeting adjourned at 9:00PM.

Mary Nolen, Planning Secretary