

SPRING HILL PLANNING COMMISSION  
SPECIAL MEETING AGENDA

Thursday, September 9, 2010  
7:00 p.m.

**Spring Hill Community Center**  
**613 S. Race Street**

**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

July 29, 2010

**PUBLIC HEARING**

2. Rezoning  
Case Number: Z-02-10  
Requestor: Ralph Schlatter  
Address: 21814 W. 223<sup>rd</sup> St.  
Applicant: Jim Lambie

**NON-PUBLIC HEARING**

3. Final Plat  
Case Number: FP-01-10  
Requestor: Estates of Wolf Creek  
Address: 193<sup>rd</sup> St. and Ridgeview Rd.  
Applicant: Phelps Engineering
4. Site Plan  
Case Number: SP-02-10  
Requestor: Phelps Engineering  
Address: 193<sup>rd</sup> St. and Ridgeview Rd.  
Applicant: Phelps Engineering

5. Annual Review of 169 Auto CUP

6. Quarterly review of CUP-01-10, Newcome Trucking

**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: September 1, 2010  
Re: September 9, 2010 Special Planning Commission meeting

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The following offers a brief explanation of items on the September 9, 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:** July 29, 2010 meeting
2. **Public Hearing, Z-02-10, 21814 W. 223rd:** Included with this packet you will find a copy of the staff report for this matter. The applicant is requesting a change in zoning from C-2 to M-1 to allow for the construction of a new business in Spring Hill for the sales and service of large items such as tractors and earth moving equipment. The M-1 zoning is required as the applicant will be displaying merchandise outdoors. Staff recommends approval of the rezoning request.
3. **Final Plat, FP-01-10, Estate of Wolf Creek:** An application has been received from Bob Garver for the replat of Lots 13-16 and Tract B of the Estates of Wolf Creek. The replat is necessary to accommodate the installation of a neighborhood swimming pool. The previously approved site plan for a neighborhood swimming pool has been abandoned for this new location. A staff report of the final plat review is included for your review. Staff recommends approval of the final plat .
4. **Site Plan, SP-02-10, Estates of Wolf Creek Neighborhood Swimming Pool:** Enclosed you will find a staff report on the review of a proposed neighborhood swimming pool to be installed at the northeast corner of 193rd and Tipton in Estates of Wolf Creek. The previously approved site plan for a pool is being replaced with this plan. Staff recommends approval of the site plan.
5. **Annual Review 169 Auto:** The Conditional Use Permit for 169 Auto is subject to annual review by the Planning Commission. Staff has completed the review for compliance with the CUP and found the property to be in compliance. Representatives from Johnson County Rural Fire District #2 have also inspected the property. A copy of their report is also included with this packet. Staff recommends approval of the annual review for 169 Auto.

- 6. Quarterly Review, CUP-01-10, Newcome Trucking:** The Conditional Use Permit for Newcome Trucking located on Old KC Road requires quarterly review for compliance. Staff has inspected the property and met with Mr. Newcome. Staff also investigated a complaint from a nearby resident claiming the number of trucks was in excess of the allowed four vehicles, and that repair work was being conducted outside of the shop building. The results of this investigation revealed no violations and staff reviewed the requirements of the CUP with the owner.

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  
SPECIAL MEETING  
July 29, 2010**

Members Present: Tobi Bitner

Janet Harms

Brian Haupt

Bill Kiesling

Michael Newton

Stephen Sly (arrived @ 7:10)

Cindy Squire

Members absent:

Valerie Houpt

Troy Mitchell

Staff Present:

Jim Hendershot, Community Development Director

Melanie Landis, Finance Director

**CALL TO ORDER**

Chairman Bitner called the meeting to order at 7:00 P.M.

**ROLL CALL**

Roll call by Jim Hendershot.

**APPROVAL OF AGENDA**

**Motion by** Bill Kiesling to approve the agenda.

**Seconded by** Brian Haupt. Motion passed unanimously.

**FORMAL COMMISSION ACTION**

1. Approval of Minutes: June 3, 2010

**Motion by** Bill Kiesling to approve the June 3, 2010, minutes.

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

2. 2011 to 2015 CIP Discussion

Mr. Hendershot introduced Melanie Landis, Finance Director, to discuss the CIP.

Ms. Landis reviewed the CIP document spanning the time of 2011 to 2015. They talked about some of the projects such as sidewalks, and the park at Spring Hill Lake. Ms. Bitner asked about sidewalks including installation of new and replacement of older sidewalks in need of repair. Mr. Hendershot said there was particular interest in sidewalks to and from the pool, and to connect areas south of 223<sup>rd</sup> St. to the north of the City. Sidewalks in the downtown area, as well as the new post office are of interest also.

**Motion by** Brian Haupt to confirm that the 5 year CIP, as presented, complies with the Comprehensive Plan.

**Seconded by** Michael Newton. Motion passed 6 yes 0 no 1 abstention

### 3. Nonconforming Zoning

Jim Hendershot reviewed recent actions at 701 N. Webster St, formerly the Front Porch business. A public hearing was recently held on Mr. Smyth's request to rezone the property from C-2 to R-1. That request was denied by the Planning Commission and also denied by the City Council. Staff was directed to meet with owners or representatives of the property to try to find alternatives.

Mr. Hendershot met with Mr. Smyth, asking the question of ,what kind of support was out there for a change of the nonconforming regulations specifically along Webster St. Mr. Smyth produced a survey, unrelated to the Spring Hill Chamber of Commerce, and presented the results to Mr. Hendershot. 21 out of 25 respondents said they'd support some change.

Mr. Smyth said he appreciates the City Council trying to find a solution to the issue of properties along Webster St that are non-conforming, and trying to provide flexibility. The property at 701 N. Webster is a house, looks like a house, and should be used as a house.

Mr. Smyth also feels development will happen to the north of the City, due to the new high school, and strip malls or grocery stores will be built, which could cause the Webster St. area to not be the business corridor as planned. Mr. Smyth also thought a frontage road may be created between 215<sup>th</sup> St. and 223<sup>rd</sup> St., in which case it may become commercial and diminish Webster St.

Currently, Mr. Smyth is having issues with vandalism, stray cats, and trash from Casey's. As long as the property is vacant, these issues will continue to degrade the property.

Mr. Hendershot reviewed the circumstances related to nonconforming use. Property that has an actual use different from what is allowed in the zone, such as a residentially occupied structure in a commercially zoned area, that nonconforming use can be maintained as long as the property is used in that manner consistently.

Mr. Hendershot checked with other communities, and they have very similar regulations to the ones we have. Time ranged from 6 months to one year of vacancy.

Mr. Hendershot noted that a base zoning principle is to avoid spot zoning, which is the way to keep the vision of the comprehensive plan, which declares Webster St as a commercial corridor. Mr. Hendershot suggested a look at the Comprehensive Plan to determine if we still want to have Webster St. as a commercial area.

Ms. Bitner asked for other examples of nonconforming uses. They discussed a car lot across from J&T, which is a house, and is an example. That house cannot be used as a residence. Several other properties on Webster were cited as non-conforming.

Mr. Kiesling said that since there are situations such as this all over town, whatever is done here, will set precedence. The Commissioners discussed many aspects of the topic, including the idea that the Comp. Plan has set the vision, which is that Webster is

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commercial. Mr. Hendershot said he can inventory the properties along Webster as to the zoning and use. Some of the Commissioners are concerned with not just thinking about the economy, or just one geographic location, but how it may impact the City in the future when conditions change again. Discussion continued about changing the zoning code to include residential as a conditional use or talk of overlay districts being used and the idea of pyramid zoning, which would allow all lesser zoning levels to occur in a district. Using C-2 as an example, it would allow C-1, C-0, and all R-residential zones.

Some Planning Commissioners wanted to know when they might get the Future Land Use map and Zoning map back on the wall for their reference.

## **ADJOURN**

**Motion by** Janet Harms to adjourn.

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

Meeting adjourned at 8:17 PM.

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Mary Nolen, Planning Secretary

**SPRING HILL PLANNING COMMISSION  
ZONING STAFF REPORT**

**Case #:** Z-02-10 **Meeting Date:** September 9, 2010

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

**Location:** 21814 W 223rd.

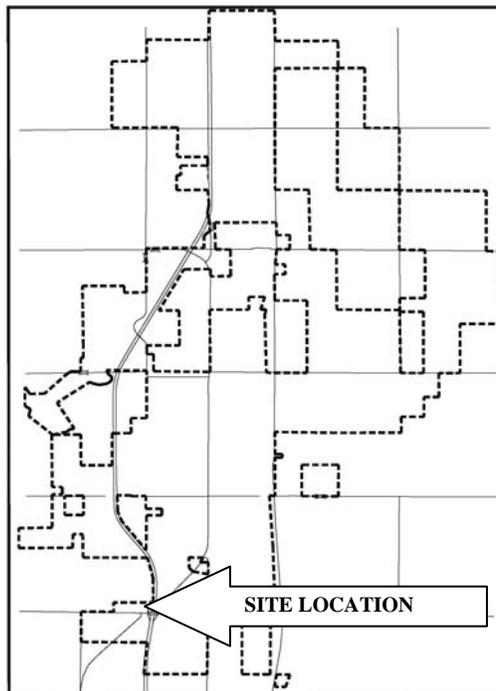
**Applicant:** Ralph Schlatter

**Engineer:** N/A

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

**Site Area:** 6.9 Acres (approx) **Number of Lots:** 3

	Current Zoning	Existing Land Use	Future Land Use Map
<b>Site:</b>	"C-2"	Commercial-unoccupied	Mixed Use Commercial
<b>North:</b>	"AG" Growth Area	Salvage Yard	Rural
<b>South:</b>	"C-1"	Vacant	Industrial (2008 update)
<b>East:</b>	"C-2"	Highway R-O-W	Mixed Use Commercial
<b>West:</b>	"AG" Growth Area	Residential	Mixed Use Commercial
<b>Proposed Use:</b>	Industrial		



**BACKGROUND:**

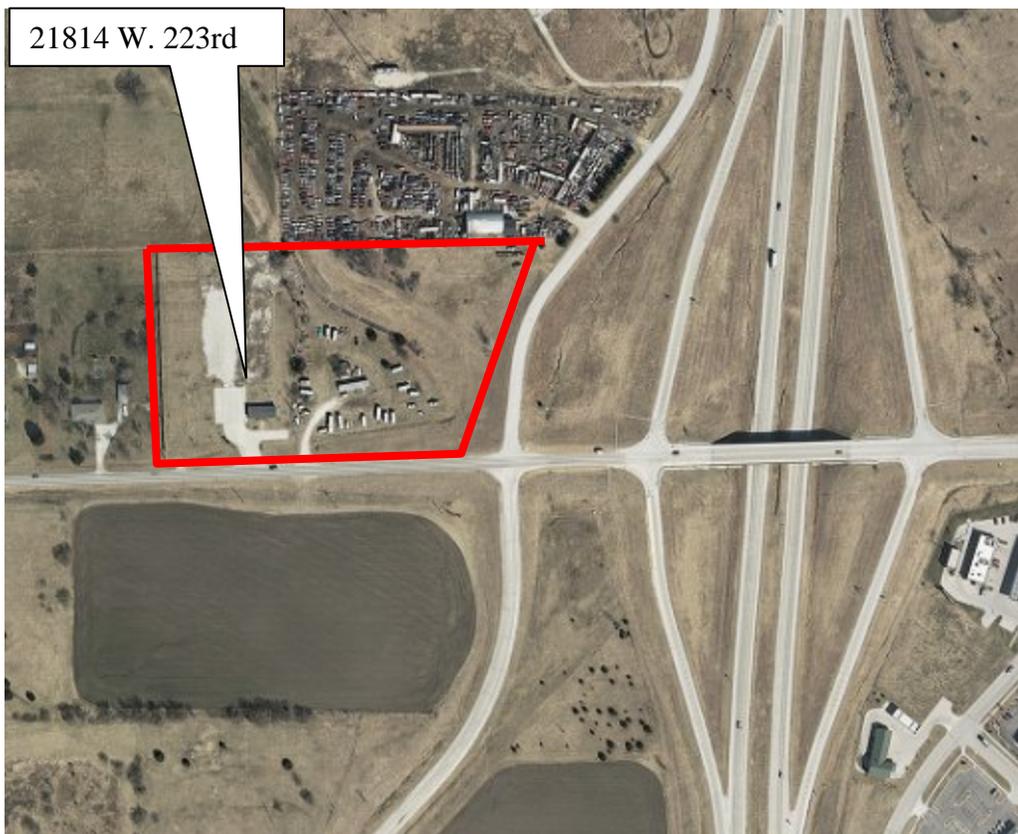
The applicant, Jim Lambie, has submitted a rezoning application on behalf of the owner, Ralph Schlatter, for 21814 W. 223rd and the two properties east of 21814 W. 223rd in Spring Hill. The request is to rezone the properties from C-2 (General Business) to M-1

(General Industrial). The proposed use of the property will be equipment sales and service that requires the outdoor display of equipment such as tractors, earth moving equipment, etc.

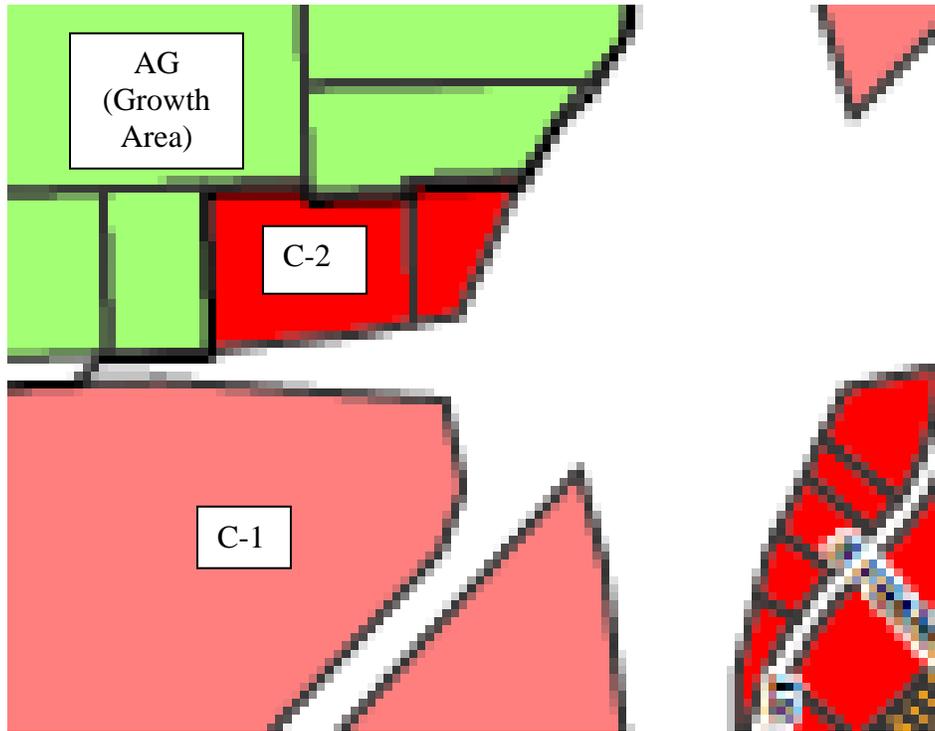
**REZONING:**

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 M-1 would be consistent with the proposed use for equipment sales, service and outdoor display, allowable in an M-1 district.
- 2. Neighborhood Character:** The surrounding neighborhood is a combination of an industrial use (169 Auto), Highway right-of-way to the east, vacant land to the south and residential to the west.

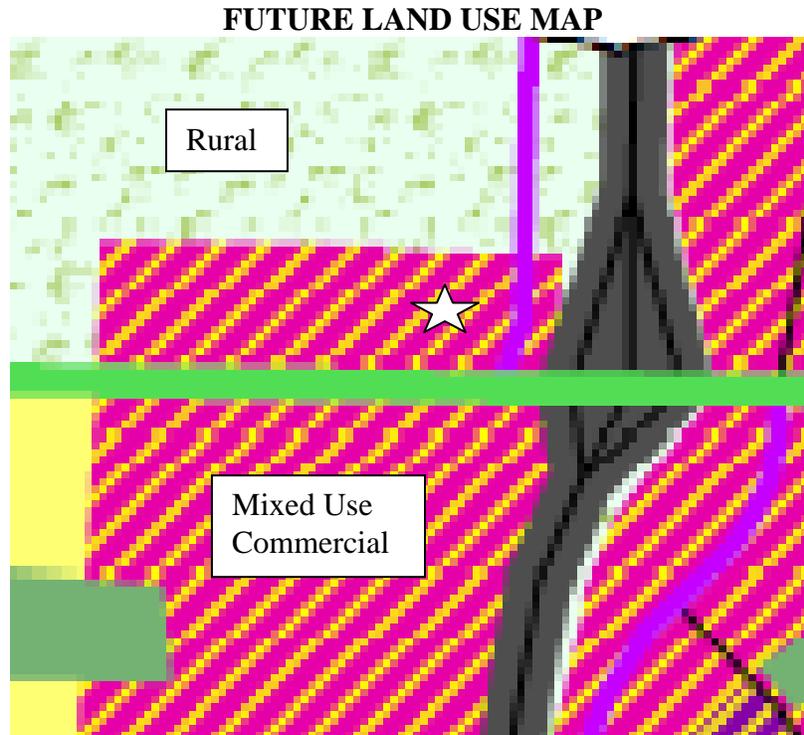


- 3. Zoning and uses of nearby parcels:** Adjacent zoning districts include AG (Agricultural - Miami County Growth Area) to the north and west, C-1 (Restricted Business) to the south and highway right-of-way to the east. Current land use is salvage yard to the north, residential to the west, vacant to the south and road right-of-way to the east.



- 4. Requested because of changing conditions:** Request is based on a business opportunity at a location conducive for the proposed use.
- 5. Suitability of parcel for uses restricted by the current zone:** The current zoning of C-2 allows general retail sales. The proposed use is an expansion of retail sales with outdoor display.
- 6. Detrimental Effect of Zoning Change:** No detrimental effects are anticipated..
- 7. Proposed amendment corrects an error:** No error is being corrected.
- 8. Length of property has been vacant:** The property has had a variety of uses through the years including a similar use to the proposed. This similar use was the display, sales and service of recreational vehicles and boats.
- 9. Adequacy of facilities:** All utilities are available at the property with the exception of sewer. The developer is currently exploring options of connection to city sewer, private septic system and holding tanks.

**10. Conformance with Comprehensive Plan.** The Future Land Use Map identifies this property as Mixed Use Commercial. The area to the north is identified as Rural, south, west and east is Mixed Use Commercial. An important note is the 2008 Comprehensive Plan Update identified the area south of this location as Industrial as a result of the anticipated BNSF Intermodal project in the Gardner/Edgerton area. Considering the type of use proposed for the property and the 2008 Comprehensive Plan Update, it is the opinion of staff the request is in compliance with the Comprehensive Plan.



**11. Hardship if application is denied:** It is staff's opinion the applicant is better qualified to respond to this issue.

**12. Recommendation:** Staff recommends approval of rezoning case Z-02-10 from C-2 to M-1.

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

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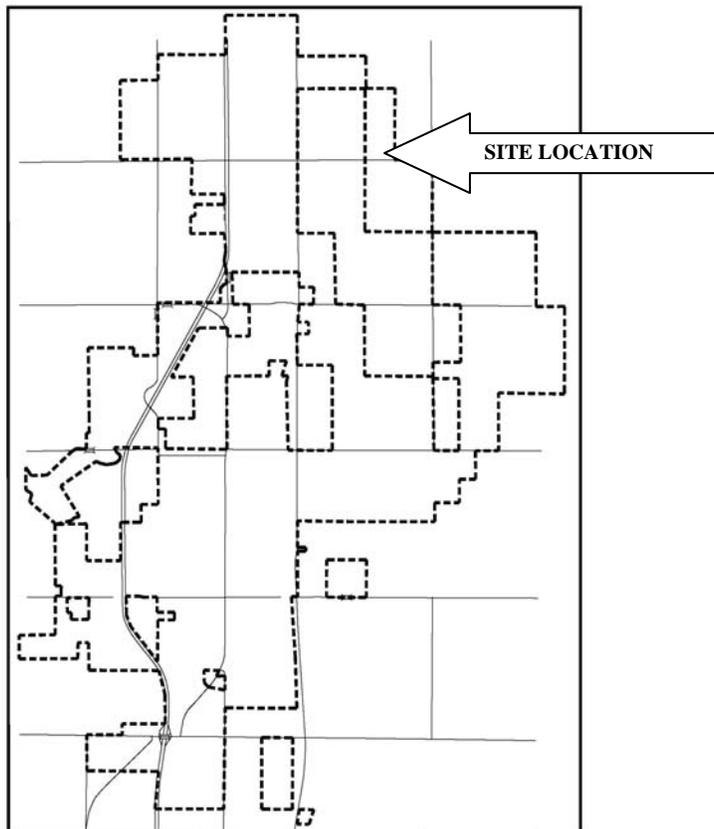
**Case #:** FP-01-10 **Meeting Date:** September 9, 2010  
**Description:** Replat lots 13-16 and tract B into tract D at The Estates of Wolf Creek  
**Location:** 193<sup>rd</sup> St. and Ridgeview Rd.  
**Applicant:** Wolf Creek Development / Robert Garver  
**Engineer:** Phelps Engineering, Inc.  
**Site Area:** .6733 acres (29,329 sq. ft.)

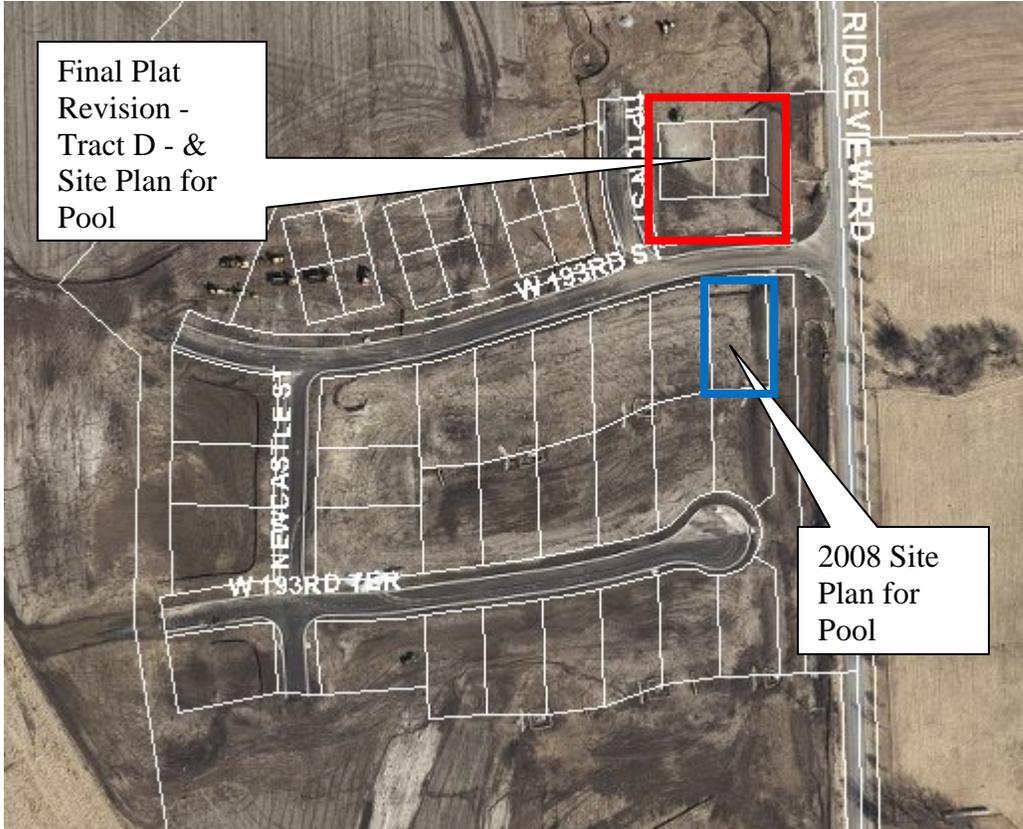
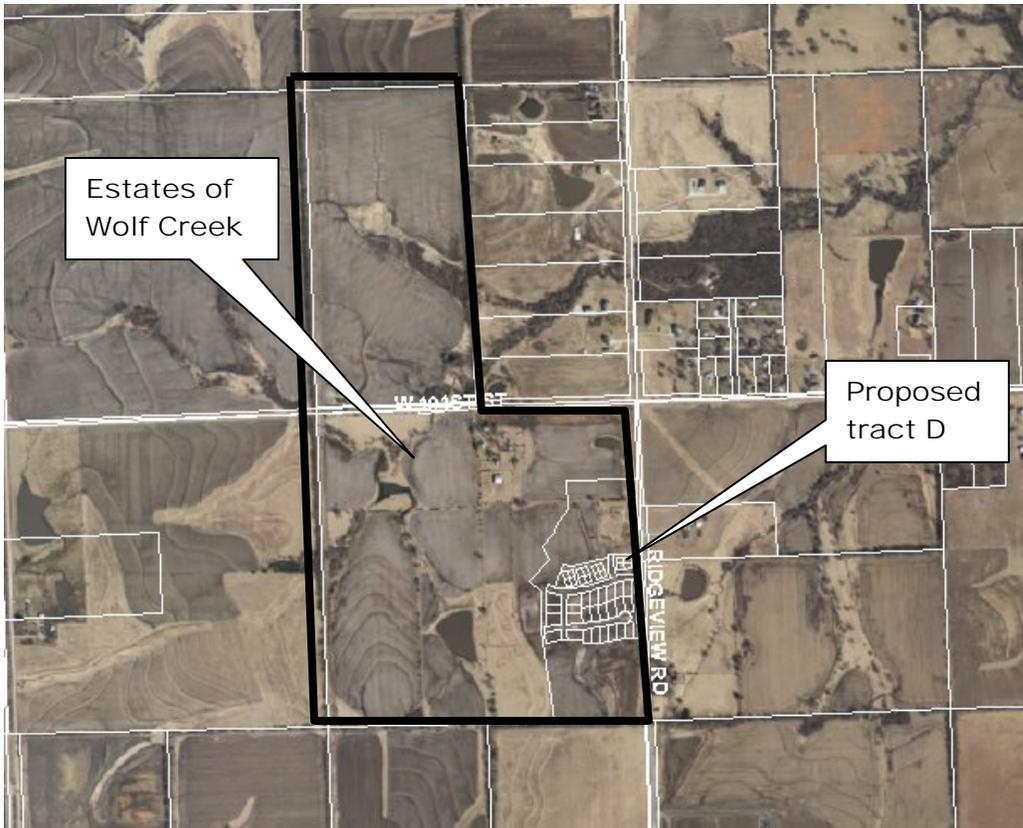
**Minimum Lot Area:** 3,000 sq. ft. **Number of Lots:** 1

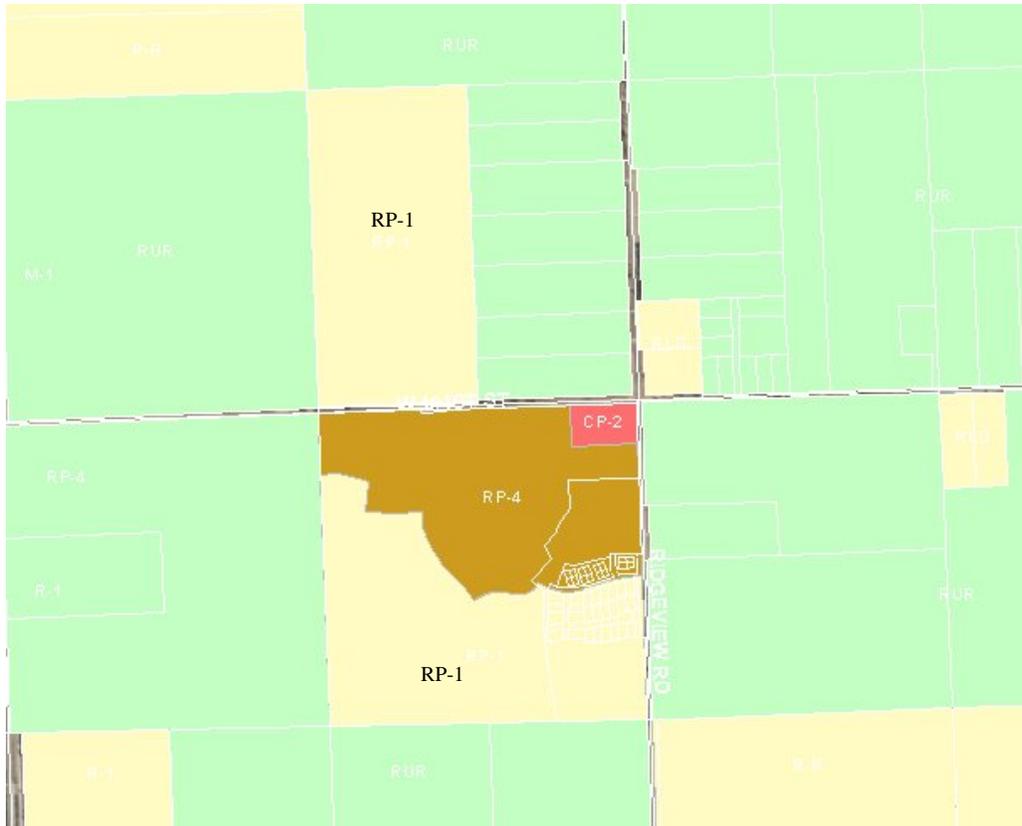
**Current Zoning:** RP-4 **Proposed Use:** Neighborhood swimming pool

**Related Applications:** SP-02-10

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**BACKGROUND:** In September 2008 a site plan was approved for the installation of a neighborhood swimming pool on the southwest corner of 193rd and Ridgeview Road at the Estates of Wolf Creek. This plan has now been abandoned and is being replaced with site plan application SP-02-10. This new site plan required a replat of the lots located on the north side of 193rd between Ridgeview Road and Tipton Street.

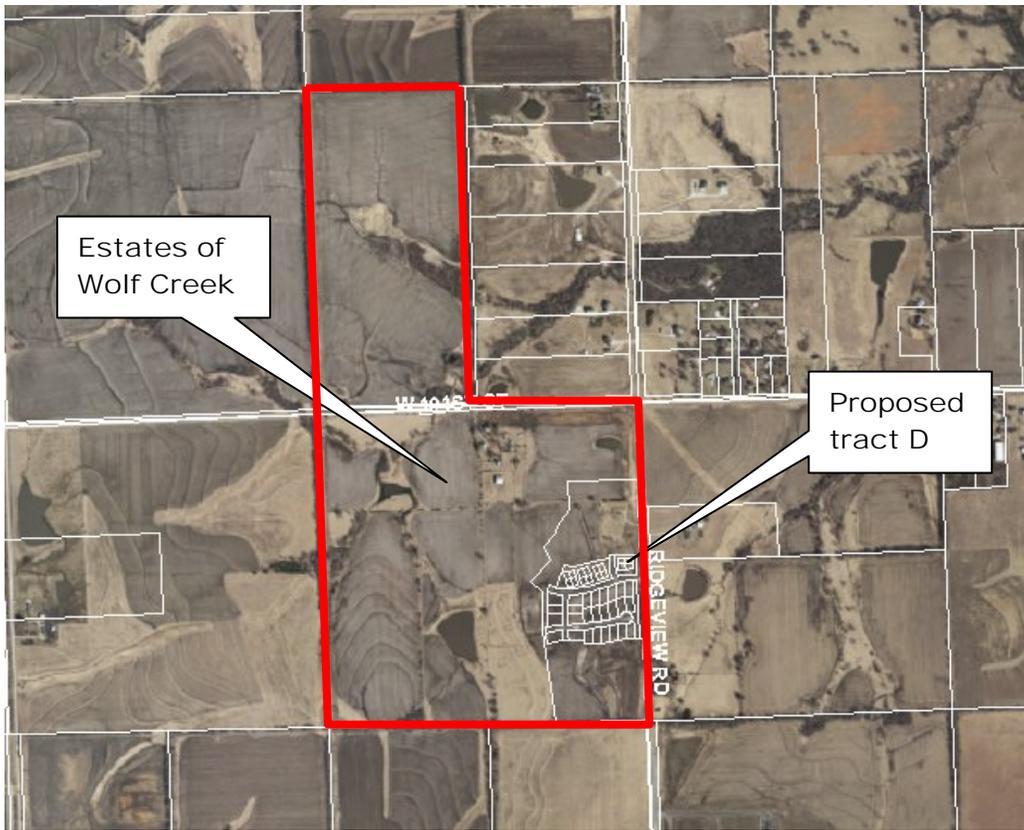
The existing Final Plat identifies the area as being Lots 13-16 and Tract B. This area is proposed to be replatted as Tract D. Zoning for the tract is RP-4. Staff has reviewed the Revised Final Plat with the following comments:

1. Section 17.332.J of the Zoning Regulations addresses changes to property once it has been rezoned to a planned zoning district. Changes in the development plan that are not substantial or significant (as defined by Section 17.332.J.2) may be approved by the Planning Commission. It is the opinion of staff that this replat is not considered "substantial or significant" as defined in the code.
2. Section 17.372.E of the Subdivision Regulations addresses a replat of property. If a replat will not change the location of utility easements or road right-of-way, a preliminary plat is not required. This replat does not affect utility easements or road right-of-way, therefore a preliminary plat is not required.

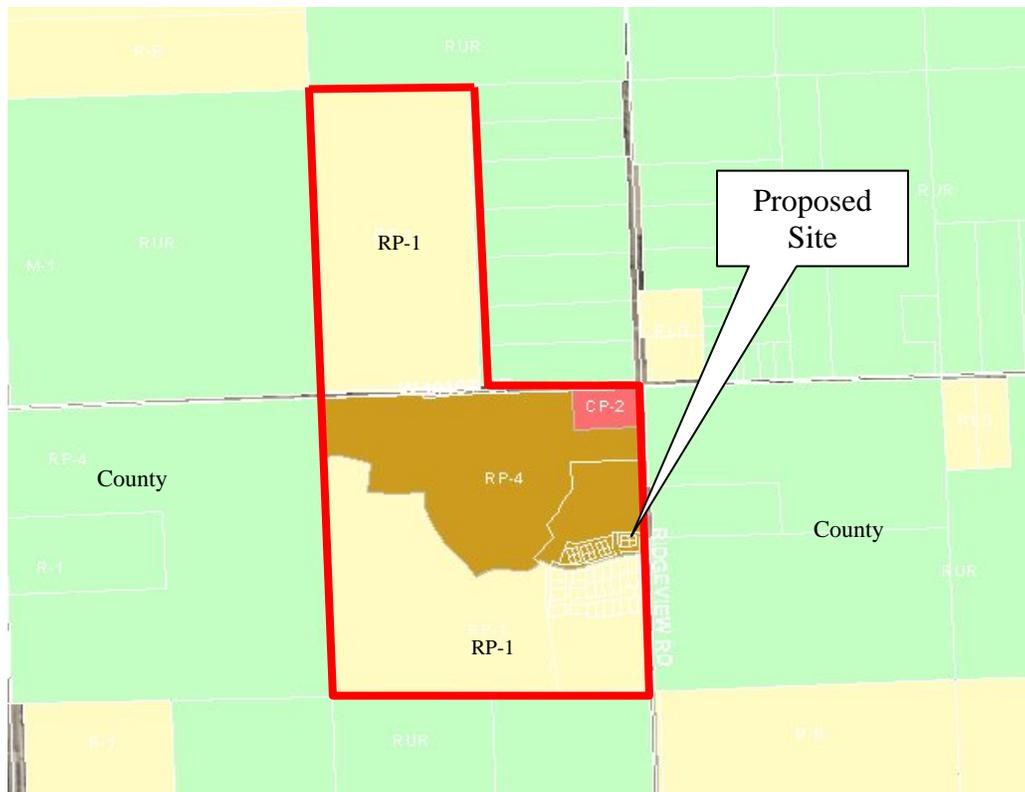
3. The plat has been distributed to various individuals for review including the City Engineer, Planning Consultant and Public Works Director. Comments from these individuals have been implemented into the plat.
4. The Replat of Lots 13-16 and Tract B is complete and in compliance with the Spring Hill Subdivision Regulations.

Recommendation: Staff recommends approval of FP-01-10.





Zoning Map



**BACKGROUND:** The applicant, Wolf Creek Development, has submitted an application for site plan approval for a neighborhood swimming pool to be located at 18300 W. 193<sup>rd</sup> Street. A copy of the site plan is included with the staff report. The Estates of Wolf Creek is an approved planned residential development with both RP-1 and RP-4 zoning.

In 2008 a site plan was approved for a neighborhood swimming pool at 18301 W. 193<sup>rd</sup>. This plan has been abandoned and replaced with the site plan detailed in this staff report.

The approved preliminary plat of the entire subdivision contained several amenities including two swimming pools. This site plan is for a third swimming pool that will be constructed in addition to the other pools previously identified and approved. Because the development is a planned residential development, the provisions of Section 17.336.A.12 allow the pool as a permitted use rather than a conditional use. A review of the site plan is as follows:

**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 proposed structures with applicable data are identified
- All parking areas have been identified and the type of surface and base course identified
- There will be no outside trash storage at this facility
- There will be no exterior lighting for the parking area other than ordinary street lighting already provided or identified on the plans. Limited lighting will be

## Agenda item #4

- provided for the pool area with lights mounted on the walls of the buildings in such a manner to prevent glare or intrusion onto surrounding properties
- Landscaping is identified on the site plan and is in compliance with code requirements
  - The exterior finish of the building is brick and stucco combination and in compliance with the provisions for a Planned Development
  - The pool barrier/fence is in compliance with adopted regulations for swimming pools
  - Utilities are identified and in compliance with regulations
  - Adequate erosion and pollution control systems are identified
  - Consultants, utility providers and city staff have reviewed the site plan and provided comments. These comments and recommendations have been implemented into the site plan as applicable

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 proposes use is an allowed use without a conditional use permit as provided for in Section 17.336.A.12
2. *The extent to which the proposal conforms to the provisions of the Spring Hill Subdivision Regulations.*  
This neighborhood pool is in addition to two previously approved pools for the subdivision, both of which are centrally located within the subdivision preliminary plan. The neighborhood pool project approved in 2008 on the south side of 193rd Street has been abandoned and replaced with the pool detailed in this site plan.
3. *The extent to which the development would be compatible with the surrounding area.*  
The surrounding area is residential of both single and multi-family. A neighborhood pool for the subdivision is a desired and accepted amenity.
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.*  
Neighborhood pools are to be centrally located within the subdivision. This pool is in addition to two pools approved in the preliminary plan. Therefore, additional amenities need not necessarily comply with all the provisions of the Comprehensive Plan.
5. *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.
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.*

#### **Agenda item #4**

Streets were previously approved with the final plat and have not been altered. The proposed project locates the parking lot entrance an acceptable distance from street intersections. Sidewalks are provided on both sides of Tipton Street to provide pedestrian safety. The parking lot is located in an area that is screened from view from Ridgeview Road by landscaping.

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 Planning Commission approve the site plan with the following stipulation:

- The pool/clubhouse facility at 18300 W. 193<sup>rd</sup> Street shall not be permitted in lieu of the two neighborhood pool/clubhouse amenity areas depicted on the approved preliminary development plan. The two neighborhood pool/clubhouse amenity areas depicted on the preliminary development plan shall be constructed during the appropriate phases of development.

# Memo

To: Spring Hill Planning Commission  
From: Jim Hendershot, Director Community Development  
CC: file  
Date: August 19, 2010  
Re: Annual renewal of CUP for 169 Auto

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The conditional use permit for 169 Auto Parts was approved by the Miami County Commission on September 25, 1995, with the condition that it be reviewed annually for compliance with the conditions of approval (see attached).

Staff has visited the site and the property owner is complying with the revised site plan approved November 1, 2001, (attached).

As requested by the PC in 2008, the Fire Department has been asked to inspect the property and provide reports of any inspections since the last renewal (attached).

In 2009 the Planning Commission approved the renewal and noted that the property owner should continue to comply with: 1) the conditions set forth in the Conditional Use Permit 95003-CUP; and 2) the revised site plan of November 1, 2001.

**RECOMMENDATION:** Approve the CUP renewal for one year subject to compliance with the following documents: 1) the conditions set forth in the Conditional Use Permit 95003-CUP; and 2) the revised site plan that was approved November 1, 2001.

Attachments: Site Plan approved 11/1/01  
CUP 95003-CUP  
JOCO Rural Fire District #2 reports  
Memo of inspection, Dennis Rogers

# Memo

To: Spring Hill Planning Commission  
From: Jim Hendershot, Director Community Development  
CC: file  
Date: August 19, 2010  
Re: Quarterly review, CU-01-10 Newcome Trucking.

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The conditional use permit for Newcome Trucking was approved on May 27, 2010 with the condition that it be reviewed quarterly for compliance with the conditions of approval (see attached Ord. 2010-06).

Staff has visited the site and found the property in compliance with the site plan and approval ordinance.

It should be noted that staff received a complaint on August 13 from a nearby resident claiming the number of trucks being parked at the property was in excess of the approved four, and that repair work was being done outside of the shop building. In addition, the complaint stated truck parts were visible in front of the shop. Staff investigated the complaint and visited with Mr. Newcome. Staff found no violations on the property but will continue to monitor the property for compliance.

**RECOMMENDATION:** Staff recommends acceptance of the quarterly review for CU-01-10, Newcome Trucking finding the property to be in compliance with the provisions of the site plan and approval ordinance #2010-06.

Attachments: Site Plan  
Ordinance 2010-06  
Memo of inspection, John (Butch) Wateski