

**SPRING HILL PLANNING COMMISSION
SPECIAL MEETING AGENDA**

Wednesday, September 22, 2010

7:00 p.m.

Spring Hill Civic Center

401 N. Madison St.

CALL TO ORDER

ROLL CALL

Tobi Bitner
Janet Harms
Brian Haupt
Valerie Houpt

Bill Kiesling
Troy Mitchell
Michael Newton
Stephen Sly
Cindy Squire

FORMAL COMMISSION ACTION

1. Approval of Minutes

September 9, 2010

NON-PUBLIC HEARING

2. Rezoning

Case Number	Z-02-10
Requestor:	Ralph Schlatter
Address:	21814 W. 223 rd St.
Applicant:	Jim Lambie

ADJOURN

PUBLIC HEARING PROCEDURE

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

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

**SPRING HILL PLANNING COMMISSION
SPECIAL MEETING
September 9, 2010**

Members Present: Tobi Bitner
Brian Haupt
Valerie Houpt
Bill Kiesling
Troy Mitchell
Michael Newton
Stephen Sly

Members absent: Janet Harms
Cindy Squire

Staff Present: Jonathan Roberts, City Administrator
Dennis Rogers, Chief Building Inspector
Mary Nolen, Planning Commission Secretary
Frank Jenkins, City Attorney

CALL TO ORDER

Chairman Bitner called the meeting to order at 7:05 P.M.

ROLL CALL

Roll call by Mary Nolen.

APPROVAL OF AGENDA

A special meeting cannot change the agenda.

FORMAL COMMISSION ACTION

1. Approval of Minutes: July 29, 2010

Motion by Bill Kiesling to approve the July 29, 2010, minutes.

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

PUBLIC HEARING

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

Chair Bitner asked if anyone had any contact or conflict with this item, there being none, she asked Mr. Roberts to proceed with the staff report.

BEGINNING OF STAFF REPORT

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:

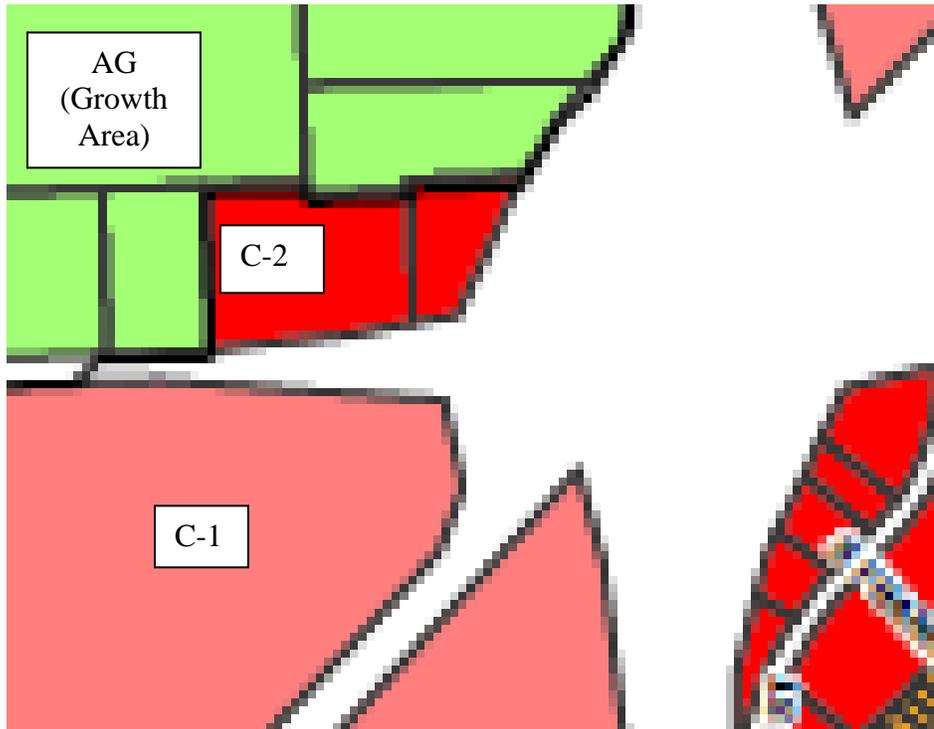
The review of the proposed rezonings are consistent with Golden v. City of Overland Park, 224 Kan. 591, 584 P. 2d 130 (1978).

- 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

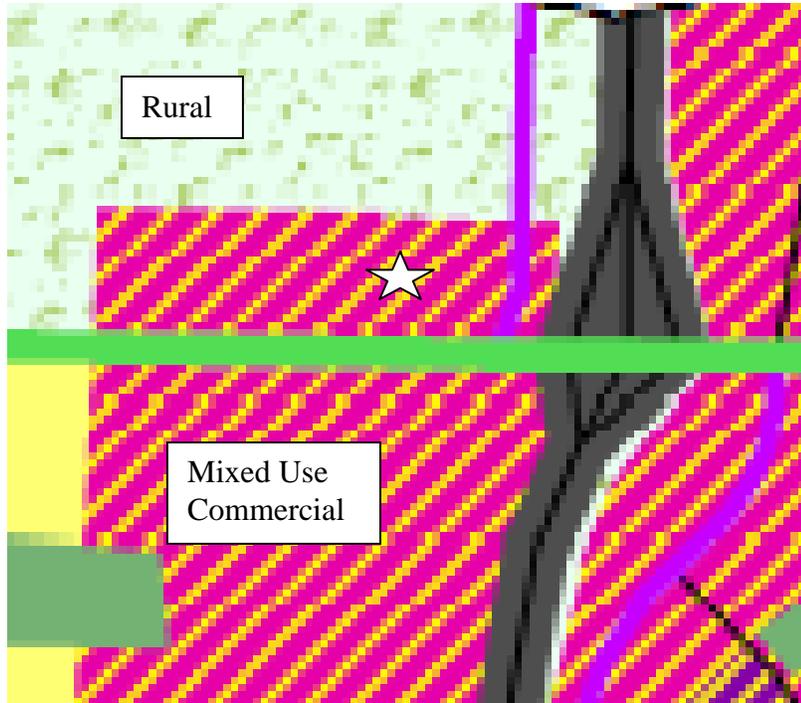
and highway right-of-way to the east. Current land use is salvage yard to the north, residential to the west, vacant to the south and road right-of-way to the east.



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.

FUTURE LAND USE MAP



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.

END OF STAFF REPORT

Ms. Bitner asked if the Planning Commissioners had any questions for Mr. Roberts. Mr. Haupt asked about the previous use of the property, which included sales of various items. He asked why the zoning change is needed for this tractor business. Mr. Roberts discussed outdoor display requirements. The Commissioners talked about other uses of the property as commercial, related to sales of RV's in the past, did they require a conditional use permit? The Commissioners wonder why industrial zoning is needed. It was stated the main cause for the request for industrial zoning is the outside display and storage of equipment for sale

Jim Lambie, the applicant, talked about a contract with Foley Industries which is for sales only and would not include service for the first five years of operation. When the company is able to build a new building on the site, they will offer service and sales. At that time, they will need to provide a site plan for the construction to be approved by the Planning Commission.

Mr. Newton wondered if the entire lot would be used, and its proximity to the exit ramp off 169 Highway. Mr. Lambie said that yes it would be utilized, and showed the Commissioners pictures of similar type buildings as they plan to build in the future.

Chair Bitner opened the public hearing.

Lee Gardner of 22326 W. 221st St. stated that the M-1 zoning request is premature. He cited sections of the zoning ordinance talking about the purpose of M-1, and the requirement that "adequate public facilities and infrastructure are available". Mr. Gardner noted the word "are" and not "will be" available. He cited the subdivision regulations which define adequate public facilities to include road, sewer, water and distribution systems. He noted that the site is not connected to a sewer system and that drainage is an issue in the area. Mr. Gardner referenced the Business Park Appendix's description of Site C, a piece of land on the south side of 223rd St, across from the proposed rezoning location. That report indicates Site C does not meet City standards related to sewer, water and traffic, and does not meet the Comprehensive Plan which calls for mixed use commercial and residential. Mr. Gardner emphasized the zoning regulations state that the infrastructure needs to be in place at the time of the rezoning, not some future date.

Terry Atkin of 22074 Lone Elm Rd. stated that the salvage yard has been grandfathered in, and when it closes, it will not be able to return. She feels the road is too narrow for industrial traffic. She recalls a study done on 223rd St. a few years ago which discussed a round-a-bout for that area, but the road was not wide enough. She is concerned with traffic from the on and off ramps onto 223rd St. She is worried that because they won't attach to the sewer system, they will have a septic or lagoon, and that will just add to the drainage issues in the area.

Gary Jubratic of 22176 W. 221st St. agrees that the area has many drainage issues on the north side of the property. The City says it's a County problem, the County says it's the City problem. Nothing gets done. They are unhappy with the "car dealership" at the corner of Lone Elm and 223rd, it's unsightly. Does the City really want that again? They know its revenue, but it will cost more than it's worth.

Dan Brandon's property at 21994 W. 221st St catches all the drainage from the salvage yard, he picks up batteries, tires, all kinds of things. He doesn't need any more. They pay for their own roads, they get no public services, and they would like to be left alone.

Chairman Bitner asked for further public comment, there being none, she closed the public hearing.

Mr. Haupt stated his concerns for zoning the property M-1. He is not sure of the future plans of the applicant, and is worried about a zoning issue similar to 701 N. Webster St. He is aware the applicant plans to build and have a permanent business. He's worried that changes in zoning tied to a business that goes out, will cause the parcel to be changed back to commercial. Mr. Haupt understands the logic of M-1 due to outside storage, but he wonders about a conditional use under the C-2 zoning. How does this differ from a car lot, who has outside storage? Mr. Haupt feels this location is not for permanent industrial use.

Mr. Kiesling is concerned about the points discussed by the residents who came to the meeting. He agrees with the regulations on the infrastructure not being in place.

Mr. Newton talked about the traffic on 223rd Street, there are no shoulders, and the road is narrow. It cannot sustain any more than it has to handle now. Earth moving equipment will stop traffic at a very bad location.

Mr. Roberts talked about the fact that some of the items being discussed were not part of the rezoning process, but rather are discussed later, at the time of a site plan. He also told the Planning Commission the City is having discussion with the applicant about a sewer/septic system.

Mr. Lambie answered some of the concerns raised stating:

- They intend to have only 5 employees at this site
- A septic system is already in place, there will be no lagoon type sewer system.
- They are looking into the use of the established sewer system; they think there is a connection near Columbia Rd.
- There will be no added drainage issues from this site, since the site is already in use
- When they decide to build a building, many of these issues will be part of the site plan.

Mr. Roberts reiterated the M-1 zone is required due to the outside sales. The Planning Commission also discussed the Business Park appendix and the property to the south as shown in a power point presentation. They had questions as to how it relates to rezoning this property.

Ms. Bitner discussed several of the points of Golden vs Overland Park, criteria used to determine suitability for rezoning. Her issues are:

- The suitability of the parcel for uses restricted by the current zone,
- The detrimental effect of the zoning change,
- The adequacy of facilities
- The conformance with the Comprehensive Plan

The rest of the Planning Commissioners expressed concern with traffic, drainage, and sewer issues. They were all concerned that the zoning does not agree with the future land use map of the Comprehensive Plan. They would like to hear comments from the Public Works director related to sewer and drainage issues. The Commission does not want this to be an environmental issue for the neighborhood. They would like to have the business, but they have too many issues.

Mr. Jenkins asked the Commissioners to list the concerns of the residents as discussed at the meeting, for the applicant. Ms. Nolen created a list based on the comments (in no order), and it's included in the motion.

Motion by Brian Haupt to continue Z-2-10 to the October 7, 2010 meeting of the Planning Commission with the applicant to address the following issues:

- Traffic
- The site does not comply with the future land use map of the Comprehensive Plan
- There is inadequate infrastructure
- Drainage issues
- They are unsure of the future of the business

Seconded by Steve Sly. Motion passed 7 yes 0 no 0 abstention

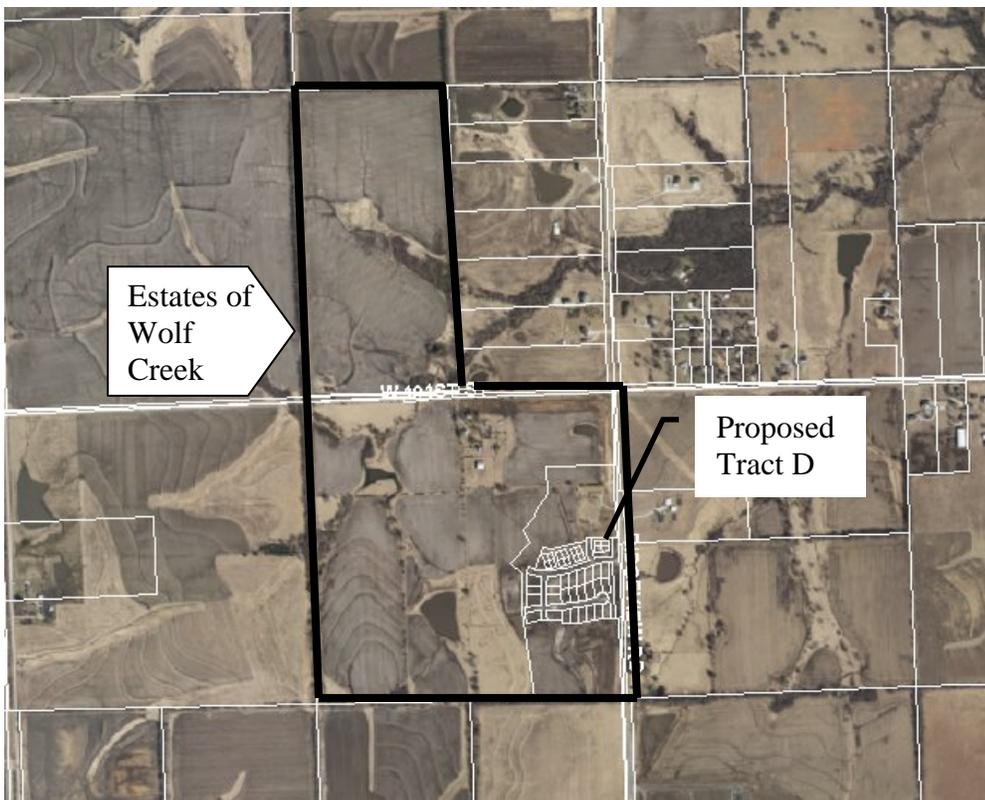
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The Planning Commissioners asked for a short recess at 8:20.

NON-PUBLIC HEARING

3. Final Plat
Case Number: FP-01-10
Requestor: Estates of Wolf Creek
Address: 193rd St. and Ridgeview Rd.
Applicant: Phelps Engineering

BEGINNING OF STAFF REPORT



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.

END OF STAFF REPORT

Chair Bitner asked if there was any contact or conflict of interest, and there being none, she asked Mr. Rodgers to proceed with the staff report.

Mr. Kiesling asked why they were moving the pool to the other side of the street. Doug Ubben, of Phelps Engineering said they wanted to create a larger pool with a clubhouse, and add a small playground. The larger area will be better for the new plans.

Motion by Brian Haupt to approve FP-1-10 as presented by staff.

Second by Bill Kiesling: Motion passed 7 yes 0 no 0 abstention

4. Site Plan
Case Number: SP-02-10
Requestor: Phelps Engineering
Address: 193rd St. and Ridgeview Rd.
Applicant: Phelps Engineering

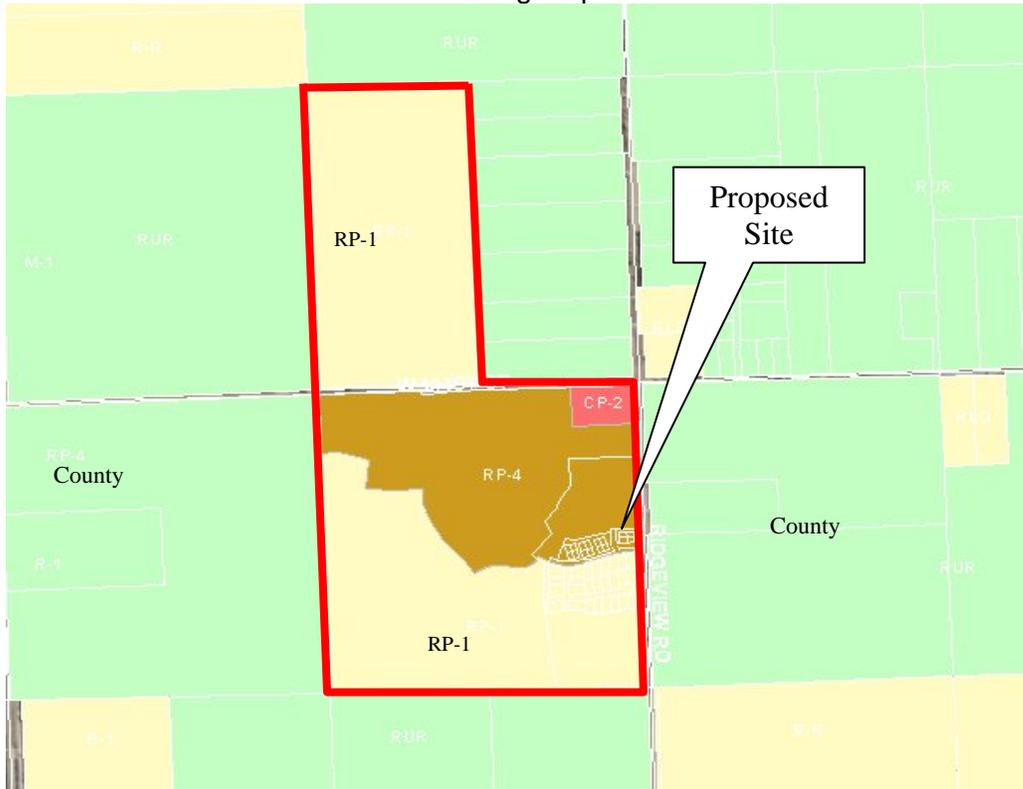
Chair Bitner asked if there was any contact or conflict of interest, and there being none, she asked Mr. Rodgers to proceed with the staff report.

BEGINNING OF STAFF REPORT

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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. 193rd 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. 193rd. 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 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.*
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. 193rd 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.

END OF STAFF REPORT

Mr. Haupt asked Mr. Ubben about the lighting in the plan, and noted that all lighting will have to be fully shielded.

Motion by Brian Haupt to recommend approval of SP-2-10 with the following stipulations:

- The pool/clubhouse facility at 18300 W. 193rd 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.
- The lighting used must be fully shielded.

Second by Michael Newton: Motion passed 7 yes 0 no 0 abstention

5. Annual Review of 169 Auto CUP

Chair Bitner asked if there was any contact or conflict of interest, and there being none, she asked Mr. Rodgers to proceed with the staff report.

BEGINNING OF STAFF REPORT

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.

Ms. Bitner asked if anyone had any questions. Lee Gardner of 22326 W. 221st St. offered congratulations to Mr. Towne, telling him the 169 Auto Parts was in the best shape he's seen, and he was very happy with the results.

Motion by Brian Haupt to recommend approval of 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.

Second by Valerie Houpt: Motion passed 7 yes 0 no 0 abstention

END OF STAFF REPORT

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

Chair Bitner asked if there was any contact or conflict of interest, and there being none, she asked Mr. Rodgers to proceed with the staff report.

BEGINNING OF STAFF REPORT

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.

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END OF STAFF REPORT

Chair Bitner asked for any comments, there being none, a motion was proposed.

Motion by Brian Haupt finds the quarterly review in compliance.

Second by Troy Mitchell: Motion passed 7 yes 0 no 0 abstention

ADJOURN

Motion by Brian Haupt to adjourn.

Second by. Troy Mitchell. Motion passed unanimously.

Meeting adjourned at 9:00 PM.

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.

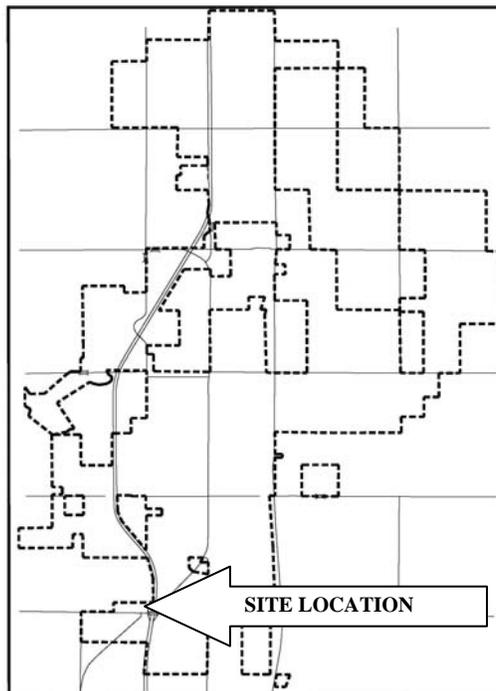
Applicant: Ralph Schlatter

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
Site:	"C-2"	Commercial-unoccupied	Mixed Use Commercial
North:	"AG" Growth Area	Salvage Yard	Rural
South:	"C-1"	Vacant	Industrial (2008 update)
East:	"C-2"	Highway R-O-W	Mixed Use Commercial
West:	"AG" Growth Area	Residential	Mixed Use Commercial
Proposed Use: Industrial			



BACKGROUND:

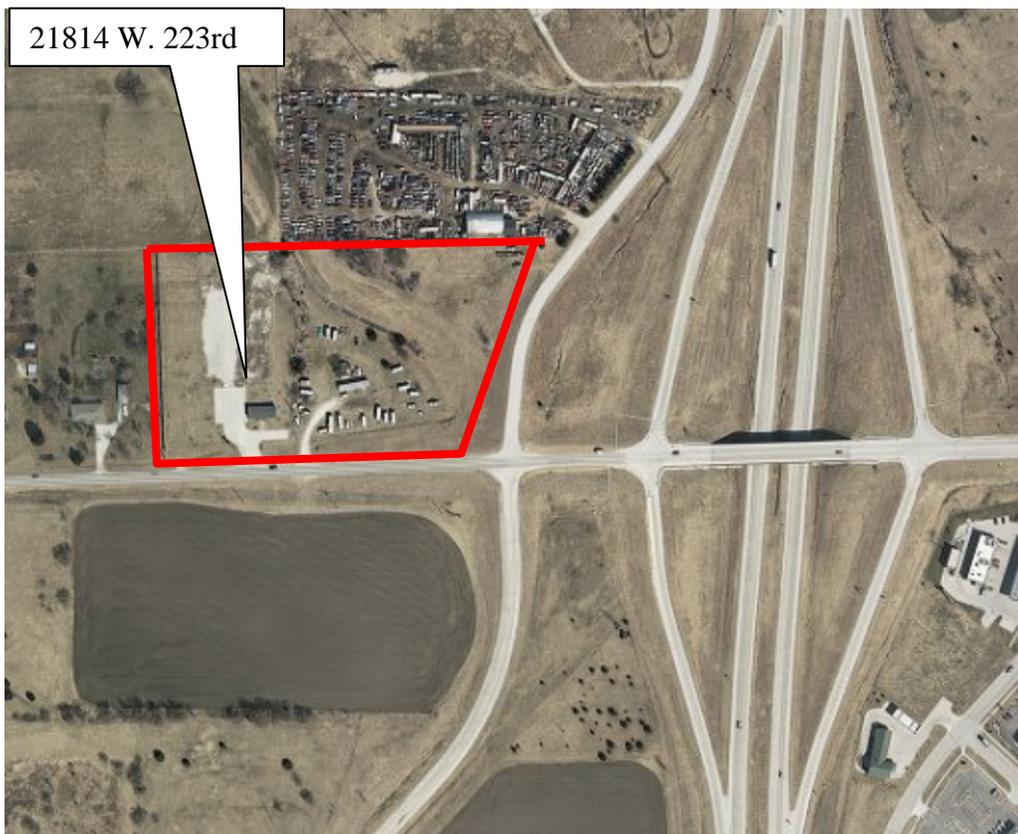
The applicant, Jim Lambie, has submitted a rezoning application on behalf of the owner, Ralph Schlatter, for 21814 W. 223rd and the two properties east of 21814 W. 223rd in Spring Hill. The request is to rezone the properties from C-2 (General Business) to M-1

(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.

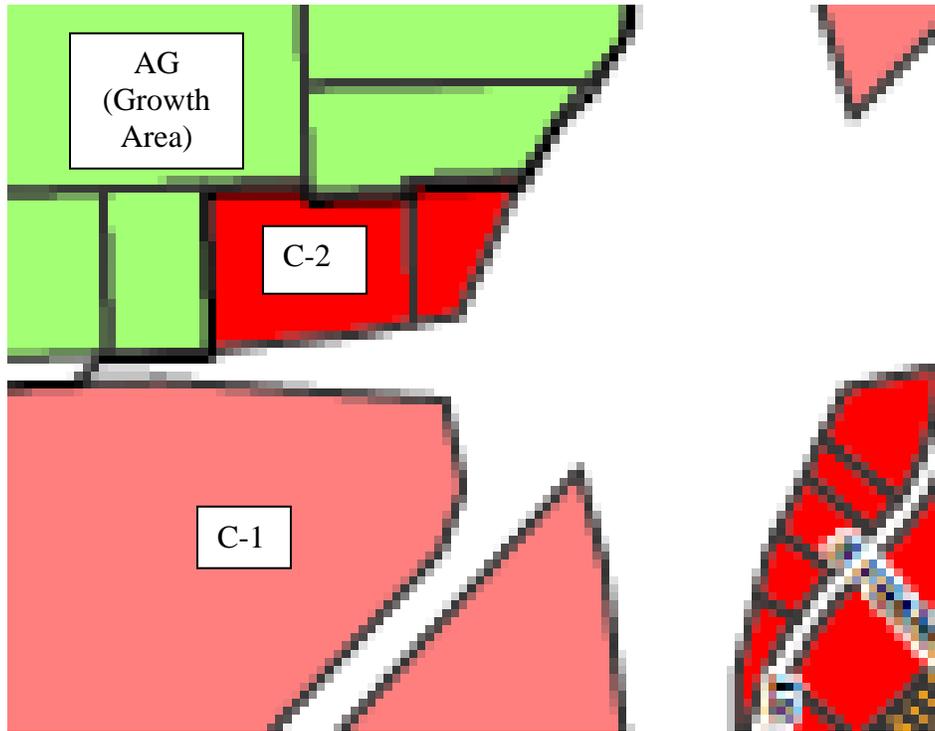
REZONING:

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.

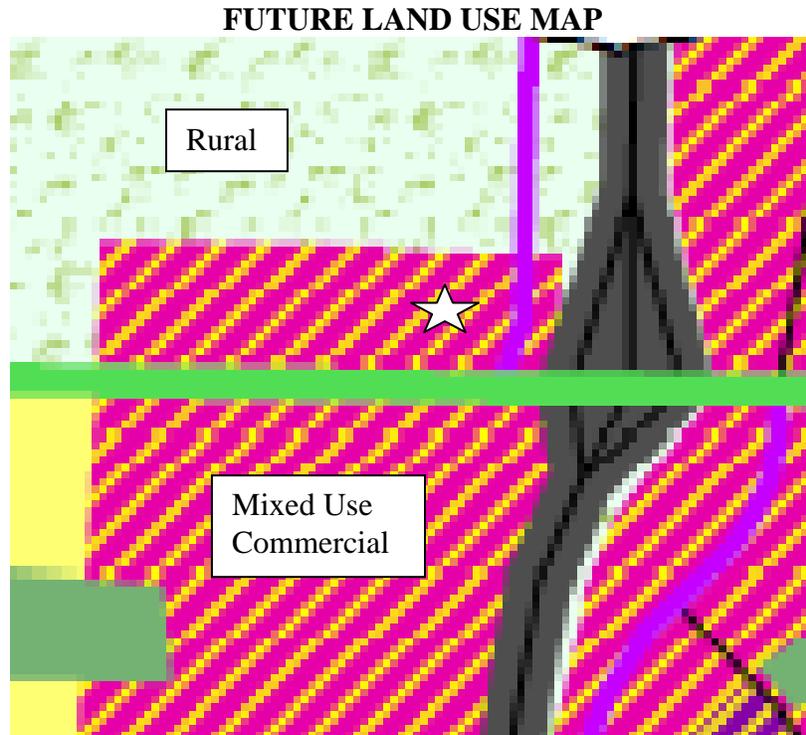


- 3. Zoning and uses of nearby parcels:** Adjacent zoning districts include AG (Agricultural - Miami County Growth Area) to the north and west, C-1 (Restricted Business) to the south and highway right-of-way to the east. Current land use is salvage yard to the north, residential to the west, vacant to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