

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA**

Thursday, October 7, 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

APPROVAL OF AGENDA

FORMAL COMMISSION ACTION

1. Approval of Minutes

September 22, 2010

DISCUSSION

2. Nonconforming Zoning Issues
3. Training
 - a. Conflict of interest
 - b. KOMA
 - c. KORA

4. Schedule Joint Meeting with Governing Body

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: September 30, 2010
Re: October 7, 2010 regular meeting

The following offers a brief explanation of items on the October 7, 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:** September 22, 2010 meeting
2. **Discussion, Nonconforming Use:** At a previous meeting of the PC staff was directed to compile an inventory of properties along Webster Street from North Street to 223rd. The purpose of the inventory was to assist in the discussion of nonconforming uses in the Webster Street corridor. Included in this packet you will find a review of the inventory results along with information from the Comprehensive Plan.
3. **Training:** Training is an important part of any professional duty whether it be for your job or a volunteer service such as the Planning Commission. After visiting with many of you it became apparent that training is desired by the majority of the PC members. I have visited with City Attorney Frank Jenkins and he has agreed to assist with training as much as possible. In my opinion, the concept of conflict of interest, communication with the public and/or other PC members and what constitutes an open record are very important areas that can lead to legal issues if not understood correctly. With this in mind, Frank and I will be conducting a short training session to review these issues.

In addition, you will find with the packet a manual from previous training provided by our planning consultants at BWR. This manual will be used as a reference for future training topics.

In an effort to provide training that is relevant to the PC I have included with this packet a list of possible training topics. Please review the list and prioritize them as to your opinion of importance and feel free to suggest additional training topics. This will assist me with the sequence of training sessions.

4. **Joint meeting with Governing Body:** As you may be aware the Planning Commission and Governing Body attempt to meet jointly at least annually. Historically this meeting has been

in the last quarter of the year. Since the PC and Governing Body each meet on Thursday's I suggest we look for a Thursday date to meet. Please check your schedule for availability on October 21, November 18 and December 16. It is possible the Governing Body may reschedule their November 25 (Thanksgiving Day) meeting to November 18. Other dates are possible other than Thursday's. We can discuss at the meeting of Oct. 7.

NOTE: The PC recommendation to approve the rezoning of 21814 W. 223rd St. from C-2 to M-1 was forwarded to the Governing Body on September 23. After a few brief comments from the public and discussion by the Governing Body, the request was unanimously approved.

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
SPECIAL MEETING
September 22, 2010**

Members Present: Tobi Bitner
Janet Harms
Valerie Houpt
Troy Mitchell
Michael Newton
Stephen Sly
Cindy Squire

Members absent: Brian Haupt
Bill Kiesling

Staff Present: Jim Hendershot, Community Development Director
Rory Hale, Public Works Director
Frank Jenkins, City Attorney
Mary Nolen, Planning Commission Secretary

CALL TO ORDER

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

ROLL CALL

Roll call by Mary Nolen.

FORMAL COMMISSION ACTION

1. Approval of Minutes: September 9, 2010

Motion by Troy Mitchell to approve the September 9, 2010, minutes.

Seconded by Michael Newton. Motion passed 7 yes 0 no 0 abstention

NON-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. Hendershot 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:

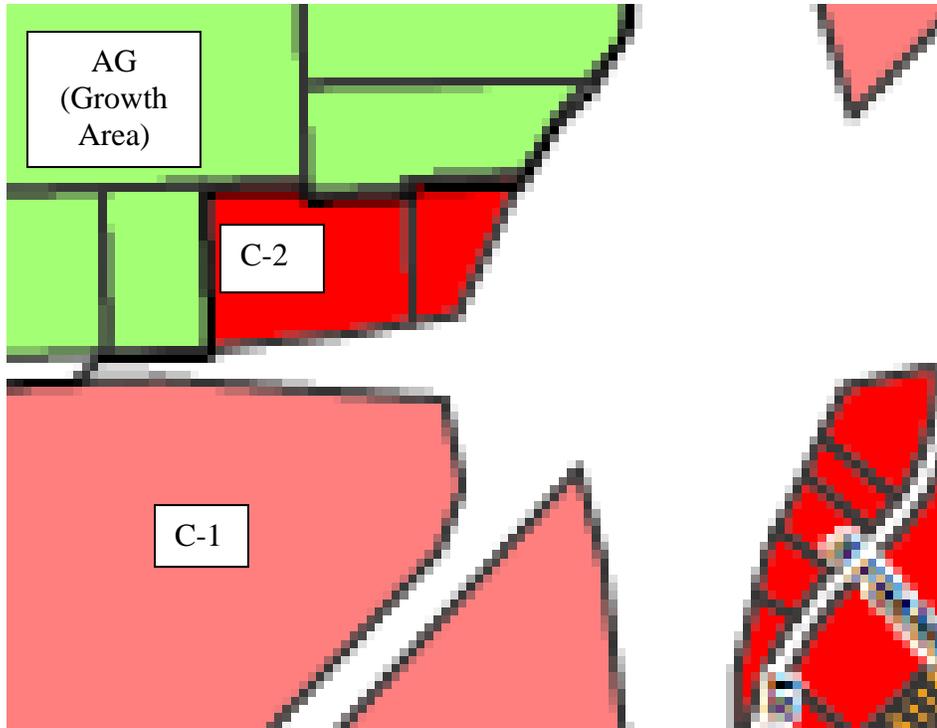
The review of the proposed rezonings are consistent with Golden v. City of Overland Park, 224 Kan. 591, 584 P. 2d 130 (1978).

- 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.



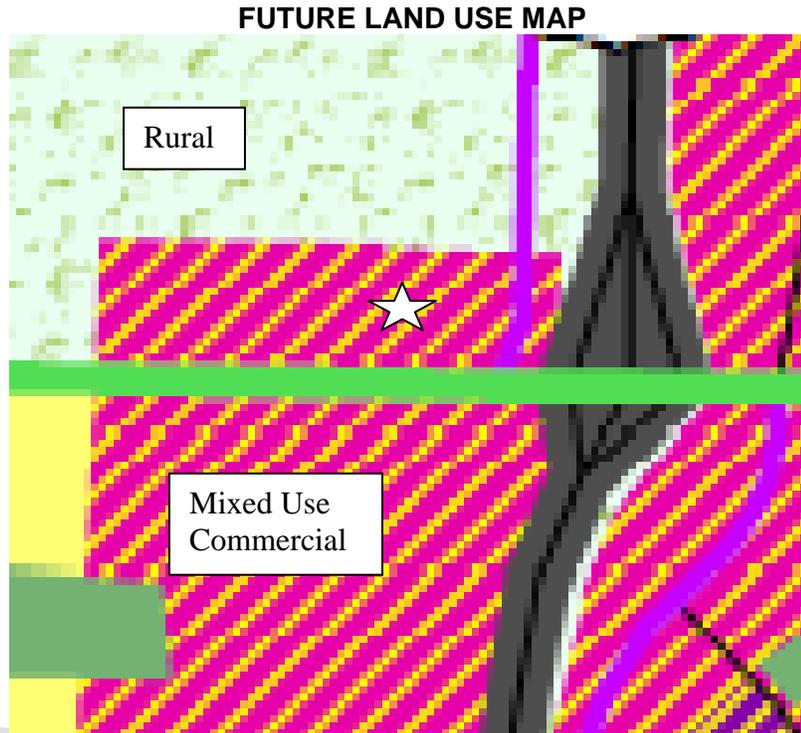
- 3. Zoning and uses of nearby parcels:** Adjacent zoning districts include AG (Agricultural - Miami County Growth Area) to the north and west, C-1 (Restricted Business) to the south and highway right-of-way to the east. Current land use is salvage yard to the north, residential to the west, vacant to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

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



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.

END OF STAFF REPORT

Mr. Hendershot included information that is attached to these minutes. Those documents are emails from Penny Evens, Rory Hale, and Steve Bachenberg and a memo from Mr. Hendershot summarizing his presentation.

The memo addresses the 5 elements of concern from the last meeting. They are:

- Traffic
- Compliance with the Comprehensive Plan
- Inadequate infrastructure
- Drainage
- Uncertainty of future of business

Mr. Hendershot reviewed notes from Penny Evans with Miami County, Steve Bachenberg of BHC Rhodes, City Traffic consultant; and Rory Hale related to infrastructure and drainage issues. The memo also discussed the compliance with the comprehensive plan, infrastructure and the business.

Ms. Bitner asked if the Planning Commissioners had any questions for Mr. Hendershot. Mr. Newton questioned the issue of the lot size not being large enough for most industrial use. The land is 6.9 acres; possible M-1 uses of warehousing, freight terminals, or businesses that usually require large parking areas. Most industries would prefer a larger property size. The size limits the industrial interest of that property to others. Mr. Newton is concerned with the idea of an industrial lot being abandoned allowing anything to be able to occupy the industrial zoned site.

The Commissioners discussed the idea of a C-2 zoned area with a conditional use permit, instead of industrial zoning. Ms. Harms stated her opinion that there are no traffic issues on 223rd St. in that area, where she has lived for many years.

Ms. Bitner asked if there were people in attendance that wanted to speak. She asked them to not reiterate previously discussed points since this is not a public hearing, and to be brief.

Terry Atkins of 22074 Lone Elm Rd. asked if the Hillsdale watershed district was notified. She talked about an old well on the property, is it capped? She asked how big and how old the holding tank is for the sewer system. She noted the crosses on W223rd, indicating vehicle fatalities, and she doesn't think the road is safe or wide enough for this type of use. She stated that a round-a-bout discussed for that area was scrubbed because the road was too narrow.

Mr. Hendershot replied that drainage issues in Hillsdale watershed are always considered during the site plan process, and it is very important to the City. Since there is no change on this property, Hillsdale was not contacted. Mr. Hendershot could not find information on a round-a-bout on the west side of 169 highway. Mr. Hale's report details the inspection process of the holding tank prior to its use. He is not aware of a well, and water is provided to the building from rural water #7. The holding tank will be used on a temporary basis, possibly 3 to 5 years.

Lee Gardner of 22326 W. 221st St. repeated his reading of the zoning ordinances that require infrastructure to be in place. He was also concerned that a draft ordinance and staff reports were a part of the City Council agenda released to the public last week, for the City Council meeting on September 23. He thought that was rather presumptuous. He's concerned that the protest petitions may not get counted properly.

Mr. Hendershot indicated that it is standard operating procedure, when an ordinance is to be presented to the City Council, a draft be prepared for them to review. The agenda review sheet is also for the Council to review, and it states: "**Recommendation:** Due to the timing of the rescheduled Planning Commission meeting, staff will present the recommendation of the Planning Commission at the meeting of the Governing Body on September 23, 2010"

Related to the protest petitions, any received have already been sent to Mr. Brann, and both Mr. Brann and Mr. Hendershot will work to be sure the petitions are handled properly. Mr. Brann was contacted previously by Mr. Hendershot to discuss preparatory work in the event petitions are received.

Ms. Bitner asked Mr. Hendershot about the relationship of a future possible industrial area on the south side of 223rd, and how that relates to the property in question, showing it could be commercial. Ms. Bitner is worried that this is an entrance into the city and she is unsure of the advisability of another industrial area at the entrance to the city. Mr. Newton agreed, once it's changed, it will be hard to change back from M-1. They feel commercial is more conducive to an entrance area to the city from the south. Mr. Hendershot said the reference to the land on the south side of 223rd St. shows that industrial may be a consideration.

Ms. Bitner wonders why a commercial zone with a conditional use permit is not more acceptable than the industrial zone. Mr. Hendershot was not familiar with the previous use of this land to sell mobile homes. A C-2 with a CUP could have solved the issue, but staff felt M-1 was a cleaner solution for the outside storage question. Mr. Hendershot noted that prior to any future construction; a site plan would be required. Once approved, the site plan must be complied with by the business. Failure to continue to comply with an approved site plan could result in legal actions. The business has the option of submitting a revised site plan for review.

Ms. Squire feels the proximity to the freeway is an advantage, keeping the large trucks off the local roads. Also, the existence of the salvage yard will limit other types of commercial business who might be attracted to this site.

The rest of the Planning Commissioners discussed many of the items. The applicant, Jonathan Cutler, told the Commission they wanted to be a good citizen of Spring Hill and they will meet all the rules and regulations of the City.

Motion by Janet Harms to recommend approval of Z-02-10 for the reasons set forth in the Community Development Director's report submitted to the Planning Commission on September 9, 2010.

Second by Troy Mitchell. The vote was as follows:

Tobi Bitner	No
Janet Harms	Yes
Valerie Houpt	No
Troy Mitchell	Yes
Michael Newton	No
Stephen Sly	Yes
Cindy Squire	Yes

Yes 4, no 3, 0 Reasons for the no votes were summarized in the minutes above.

ADJOURN

Motion by Janet Harms to adjourn.

Second by. Michael Newton. Motion passed unanimously.

Meeting adjourned at 8:30 PM.

Mary Nolen, Planning Secretary

Webster Street Property Inventory Nonconforming vs. Conforming Uses

Inventory of properties adjacent to Webster St. from North St. to 223rd reveals the following:

<u>Properties</u>	<u>Johnson Co.</u>	<u>Miami Co.</u>		
86	60	26		
<u>Zoning Dist.</u>	<u>Total</u>	<u>Nonconforming Use*</u>	<u>Conforming Use*</u>	
C-2 (Gen. Bus.)	51	13	38	
C-1 (Office Bus.)	2	2	0	
R-1 (Single-Fam. Resid.)	31	2	29	
AG (Agricultural)	2	0	2	

*Information for property use was derived from Johnson and Miami County tax records and Spring Hill utility records.

"The Spring Hill Comprehensive Plan provides a long-term directive for change. The real and perceived image of the community is often the result of incremental changes, therefore, the planning process must incorporate the Plan into the decision making process. Without this incorporation, the long-term vision of Spring Hill cannot be realized". (Page 2-2 Spring Hill Comprehensive Plan)

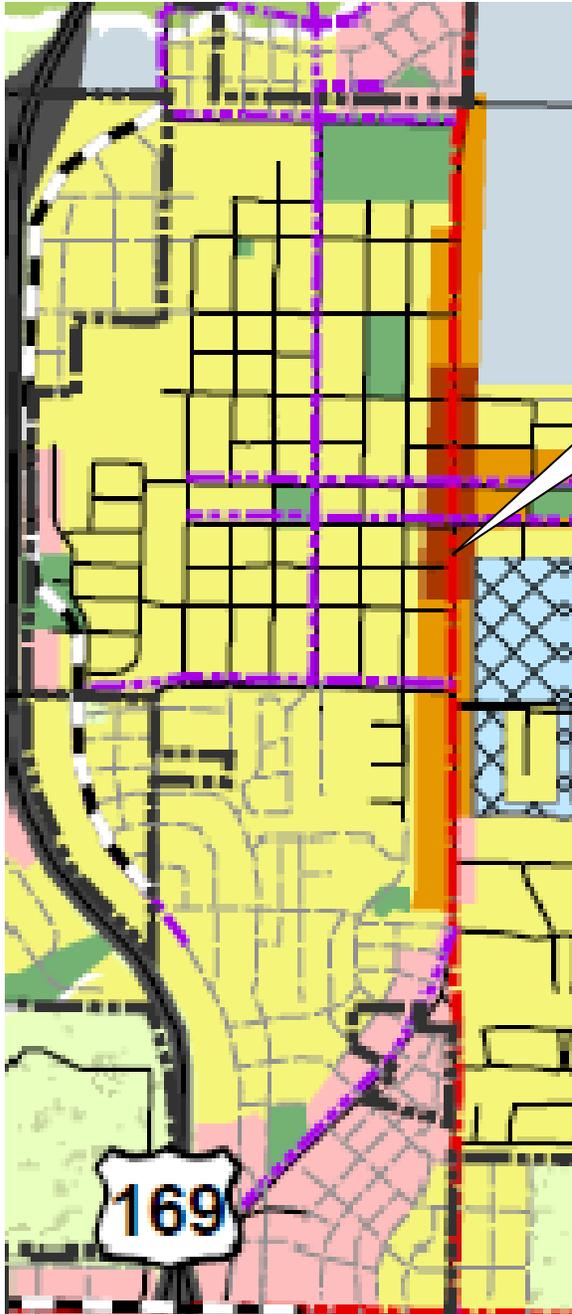
The Vision Plan as detailed in Section 3-1 of the Comprehensive Plan identifies the Webster Street Corridor from 207th to Sycamore as the Urban Center Zone. Webster St. from approximately Lawrence St. to Spring St. is identified as Urban Core Zone. These zones are associated with commercial development along with dense residential development such as apartments. The downtown Main Street area is also identified as being within the Urban Core Zone. Both the Urban Center Zone and Urban Core Zone are considered the most appropriate areas for commercial development.

The Future Land Use Map identifies all of Webster St. from 207th Street to 223rd St. (and beyond) as being Mixed Use Commercial. Mixed Use Commercial promotes a mixture of neighborhood-oriented office, retail-commercial, institutional, civic , and medium to higher density residential uses.

In short, both the Vision Plan and Future Land Use Map identify Webster Street as being an area for future commercial growth. Inserts from the Vision Plan Map and Future Land Use Map are included with this packet.

Map 3-1
Vision Plan Map

Webster St.



COMPREHENSIVE PLAN 2006

Legend

City limit	Transect Zone
Proposed Street Network	T1-Streamway Buffer Zone
Boulevard	T2-Rural Zone
Avenues	T3-Sub-Urban Zone
Other Streets	T4-General Urban Zone
Trails	T5-Urban Center Zone
Existing Streets	T6-Urban Core Zone
	SD-Special District-Industrial
	SD-Special District-Schools
	Park
	Golf Course

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WISCONSIN STATE UNIVERSITY
COMMUNITY DEVELOPMENT

Map 4-1 Future Land Use Map



Webster St.

Legend **COMPREHENSIVE PLAN 2006**

Conservation Areas	Mixed-Use Commercial	Parkway
Rural Areas	Institutional	Major Arterial
Residential	Industrial	Minor Arterial
Mixed-Use Residential	Park	Collector
Highway Buffer Zone	Golf Course	Olathe Annexation Agreement
		Potential Regional Park

RICHES, WELLS & SATLUFF
CONSULTANTS
PLANNING & POLICY

Spring Hill Zoning Map

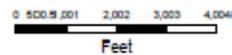
Webster St.



City of Spring Hill, Kansas ZONING MAP

Legend

- AG Agricultural District
- R-R Rural Residential District
- R-1 Single-Family Residential District
- RP-1 Planned Single Family District
- R-2 Two-Family Residential District
- RP-2 Planned Two-Family District
- R-3 Multi-Family District
- R-4 Multi-Family District
- RP-4 Planned Multi-Family District
- MH Manufactured Home District
- C-O Office Building District
- C-1 Restricted Business District
- C-2 General Business District
- CP-2 Planned General Business District
- MP Industrial Park District
- M-1 General Industrial District
- City Limits



June 2009