

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA**

Thursday, December 2, 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
November 4, 2010
2. Conditional Use Permit CU-01-09
Johnson County Auto Exchange
210 N. Webster St.
Bob Peacock
3. Preliminary Plat renewal PP-01-07
Ridgefield/Jim Lambie

DISCUSSION

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: November 23, 2010
Re: December 2, 2010 regular meeting

The following offers a brief explanation of items on the December 2, 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:** November 4, 2010 meeting
2. **Conditional Use Permit CU-01-09:** CU-01-09 was approved for a used auto sales business at 210 N Webster as evidenced by Ordinance #2009-04. It is important to note that a conditional use permit is granted to the property and not to an individual or business. This fact has been verified by City Attorney Frank Jenkins and can be further verified by Section one of the ordinance that specifically references the property not an individual.

Recently staff met with Mr. Bob Peacock who is interested in opening Johnson County Auto Exchange at the same location. Staff explained the concept of a conditional use permit and that without acceptance of all conditions of CU-01-09 a new conditional use permit would be required. Mr. Peacock understood the regulations and desires to conduct his business in compliance with the previously approved CUP, including the five year review scheduled for 2014.

Staff then explained the difficulties with the former business and that compliance with the CUP must be maintained. Staff then suggested that Mr. Peacock meet with the Planning Commission to explain his business plans.

Included with this packet you will find copies of the approved site plan and Ordinance 2009-04. Section Two of the ordinance refers to storage of vehicles within the fenced area. As with the former business, this condition is no longer applicable as the fence has been removed and the gravel area properly paved as required for storage areas.

3. **Preliminary Plat, Ridgefield Subdivision:** In February 2007 the Planning Commission approved the preliminary plat for Ridgefield Subdivision located at 199th & Renner. A final plat application was not filed within the 12 month period as provided in Section 17.372.C.d.7of the Subdivision Regulations. As allowed by this same code section an

extension of one year was granted by staff. This extension has now expired. Conversations with the developer, Jim Lambie, indicate he has a continued desire to proceed with the project subject to improvements in today's economy and real estate market. Staff has a desire to work with developers rather than declare a plat null and void. Based on this combination of events staff has suggested Mr. Lambie approach the Planning Commission with an application that in effect, reaffirms the 2007 preliminary plat. The development shown in the preliminary plat of 2007 remains valid as no changes are sought in the plat. As a result, it is staff's opinion that a public hearing is not required.

Included with this packet staff has included the following information for your review:

1. Preliminary Plat dated 1/25/07
2. Staff Report, PP-01-07, dated 2/1/07 from Mr. Peterson
3. Letter from Dave Peterson to Pete Opperman outlining PC approval
4. Traffic review, BHC Rhodes dated 2/6/07
5. Planning Commission minutes, Feb. 1, 2007

Staff has also assigned a new number for the application, PP-02-10. Staff recommends approval of PP-02-10 for Ridgefield Subdivision. If approved, the developer would have 12 months to file a final plat application with a possible staff extension of an additional 12 months.

*******Remember to mark your calendars for the joint meeting with the City Council on January 20, 2011*******

I look forward to meeting with you and please contact Mary Nolen or myself at 592-3664 if you are unable to attend the meeting or if you have question concerning the agenda.

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
November 4, 2010**

Members Present: Janet Harms
Brian Haupt
Valerie Houpt
Bill Kiesling
Troy Mitchell
Michael Newton
Steve Sly

Members absent: Tobi Bitner
Cindy Squire

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

Motion by Brian Haupt to approve the agenda.
Seconded by Bill Kiesling. Motion passed 7 yes 0 no 0 abstention

FORMAL COMMISSION ACTION

1. Approval of Minutes: October 7, 2010

Motion by Bill Kiesling to approve the October 7, 2010, minutes.
Seconded by Michael Newton. Motion passed 7 yes 0 no 0 abstention

2. Preliminary Plat

Case No.: PP-01-10
Address: 110 E. Wilson St.
Spring Hill Plaza
Applicant: Steve Smyth

Ms. Harms asked if anyone had any contact or conflict of interest. Ms. Harms announced that since she is a tenant in the property to be discussed tonight, she will not vote on the items.

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

BEGINNING OF STAFF REPORT



BACKGROUND:

Steve Smyth has submitted an application on behalf of Spring Hill Plaza, LLC for consideration of a preliminary plat for property located east of N. Webster St, south of Lawrence Ave, west of N. Race St, and north of E. Nichols Street; also known as the Spring Hill Plaza with a primary address of 110 E. Wilson St. A copy of the preliminary plat is included with this staff report for your review.

STAFF COMMENTS:

The preliminary plat subdivides the existing four parcels into ten parcels. The property is under contract for sale (except the parcel on the NW corner of the plat) with the former grocery store building planned for conversion into a place of worship. The east wing of the plaza will continue to serve the current tenants with vacant areas being used for additional tenants or church purposes. The remaining lots will be marketed for future development. All existing and planned parcels are zoned C-2, General Business.

Copies of the plat have been distributed to various city departments as well as consultants and utility providers to submit comments on the plat. Comments from these firms and individuals have been considered by staff and implemented into the plat as applicable.

The applicant provided the required ownership list of property located within 200 feet of the proposed plat and staff notified those on the list of the date for the Planning Commission review of the preliminary plat. To date, staff has received two phone inquiries of general nature about the plat with no objection being voiced.

ADDITIONAL STAFF COMMENTS:

1. All required and applicable information as required by Section 17.372.C.3 is included with the preliminary plat.
2. Traffic and storm water issues are addressed in the enclosed letter from McAfee Henderson Solutions.
3. All lots are required to have direct access to a public street. Because Wilson Street does not extend from Webster to Race Street, a cross access easement has been established through the platted area that provides access to Lot 7.
4. Sidewalks are identified and noted as being constructed with future development on each lot.
5. Traffic studies are noted as being required with future development on each lot.
6. Storm water and erosion control plans are noted as being required with future development on each lot.
7. Landscaping plans will be required with future development on each lot.

RECOMMENDATION:

Staff recommends approval of the preliminary plat PP-01-10 subject to the following conditions:

1. Construction of sidewalks on Lots 1-4, 8 & 9 will be required with future development of each lot.
2. Traffic studies, storm water & erosion control studies and landscaping plans will be required with future development of each lot.

END OF STAFF REPORT

Mr. Hendershot started the discussion saying this is a replat of the Spring Hill Plaza. Currently there are four lots, and this replat will result in 10 lots. The proposed use is a church and the continued use of retail. Some of the new lots will be for sale. It is all zoned commercial. With no actual changes in structure or design at this time, traffic studies or storm water studies will not be required. As future development occurs, those studies, as well as sidewalks, will be required.

The Commissioners discussed cross easements and access of all the lots. Mr. Hendershot noted that all lots must have access to a public way. Most people think Wilson Street extends across the parking lot but it does not, it is private.

Ms. Houpt asked who would be responsible for the upkeep of the parking lot area; Mr. Hendershot said it's noted on the plans that the owner of lot 10 is responsible for maintenance. Mr. Kiesling asked about storm sewer issues, and Mr. Hendershot said the Wilson street project is dealing with those issues in the area.

Motion by: Bill Kiesling to approve the preliminary plat PP-01-10 subject to the following conditions:

1. Construction of sidewalks on Lots 1-4, 8 & 9 will be required with future development of each lot.
2. Traffic studies, storm water & erosion control studies and landscaping plans will be required with future development of each lot.

Second by: Brian Haupt Motion passed 6 yes 0 no 1 abstention

3. Final Plat
Case No.: PP-01-10
Address: 110 E. Wilson St. Spring Hill Plaza
Applicant: Steve Smyth

Ms. Harms asked if anyone had any contact or conflict of interest. Ms. Harms announced that since she is a tenant in the property to be discussed tonight, she will not vote on the items. She asked Mr. Hendershot to present his staff report.

BEGINNING OF STAFF REPORT

BACKGROUND:

Steve Smyth has submitted an application on behalf of Spring Hill Plaza, LLC for consideration of a final plat for property located east of N. Webster St, south of Lawrence Ave, west of N. Race St, and north of E. Nichols Street; also known as the Spring Hill Plaza with a primary address of 110 E. Wilson St. A copy of the final plat is included with this staff report for your review.

STAFF COMMENT:

Site Layout and Design. The site layout complies with the approved preliminary plat.

Public facilities and Services. Fire, police and public services will be able to serve this subdivision adequately. All utility services are available to the site.

Transportation. Sidewalks are required on all subdivisions. Construction of sidewalks on Lots 1-4, 8 & 9 will be required with development of each lot. Traffic studies will also be required with the development of each lot.

Drainage. The final plat under consideration is a replat of the area. There is no additional development currently proposed with the replat. As a result, storm water and erosion control studies will be required with future development of each lot. Existing drainage on the property is adequate for the platted area and will not be altered with the approval of this final plat.

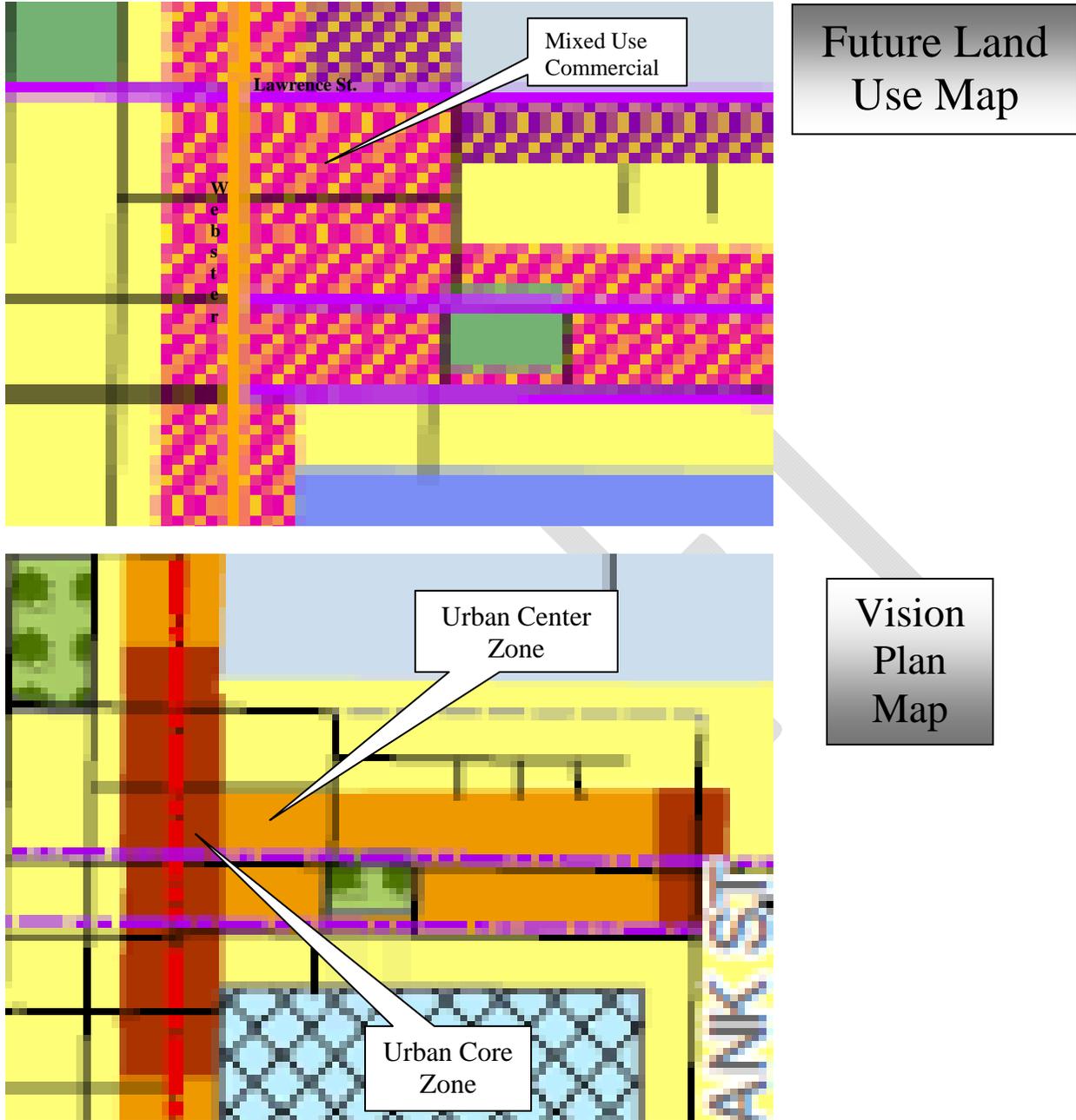
Neighborhood Character. The proposed plat is compatible with the surrounding area.

Public Improvements: There are no public improvements or dedications associated with this plat.

Improvement Agreement: An Improvement Agreement is not required for this plat as it is a replat and contains no public improvements or other work associated with an improvement agreement.

Impacts. The proposed plat is in compliance with the Spring Hill Comprehensive Plan as well as the Zoning and Subdivision Regulations. It provides for future commercial development in an area identified as Mixed Use Commercial on the Future Land Use Map. It also provides for development in areas identified on the Vision Plan Map as being both the Urban Center Zone and Urban Core Zone.

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



Other Staff Comments.

1. All required and applicable information as required by Section 17.372.D is included with the final plat.
2. Traffic and storm water issues are addressed in the enclosed letter from McAfee Henderson Solutions.
3. All lots are required to have direct access to a public street. Because Wilson Street does not extend from Webster to Race Street, a cross access easement has been established through the platted area that provides access to Lot 7.
4. Sidewalks are identified and noted as being constructed with future development on each lot.
5. Traffic studies are noted as being required with future development on each lot.

6. Storm water and erosion control plans are noted as being required with future development on each lot.
7. Landscaping plans will be required with future development on each lot.

RECOMMENDATION:

Staff recommends approval of the Final Plat for the Spring Hill Plaza subject to the following:

1. Construction of sidewalks on Lots 1-4, 8 & 9 will be required with future development of each lot.
2. Traffic studies, storm water & erosion control studies and landscaping plans will be required with future development of each lot.

END OF STAFF REPORT

Mr. Kiesling asked Mr. Hendershot if there were any additional right of way or easements required? Mr. Hendershot said there were none required.

Mr. Haupt talked about the sidewalks on lot #1 and their connection to the new post office. He wondered when they might be built. Mr. Hendershot felt the sidewalks would be included on the next site plan for that lot.

Motion by: Brian Houpt to approve the final plat FP-02-10 subject to the following conditions:

1. Construction of sidewalks on Lots 1-4, 8 & 9 will be required with future development of each lot.
2. Traffic studies, storm water & erosion control studies and landscaping plans will be required with future development of each lot.

Second by: Steve Sly Motion passed 6 yes 0 no 1 abstention

Mr. Hendershot said this will go before the City Council on November 18, 2010.

4. Mr. Hendershot thanked the Commissioners for submitting the ranking sheets for training. This list was in the memo for this packet. Most of the training will be done as time on future agenda will allow.
5. Mr. Hendershot asked the Commissioners to hold the date of Thursday, January 20, 2011, for a joint meeting with the Governing Body. The meeting will start at 7, with a meal at 6:30. You will be sent an agenda and reminded at the next two meetings.

ADJOURN

Motion by Bill Kiesling to adjourn.

Second by. Michael Newton. Motion passed unanimously.

Meeting adjourned at 7:30 PM.

Mary Nolen, Planning Secretary

ORDINANCE NO. 2009-04

AN ORDINANCE AUTHORIZING CONDITIONAL USE PERMIT CU-01-09 (AUTO DEALER AND DETAIL SHOP).

WHEREAS, the Spring Hill Planning Commission did hold a public hearing on February 5, 2009, in accordance with the requirements as set forth in Section 17.354 of the Spring Hill Zoning Ordinance to consider the Conditional Use Permit for an Auto Dealer and Detail Shop (CU-01-09) on the real property described in Section One below; and

WHEREAS, the public hearing was closed on February 5, 2009; and

WHEREAS, fourteen (14) days have passed since the hearing before the Planning Commission and no sufficient protest has been filed with the office of the City Clerk; and

WHEREAS, after reviewing all written and oral testimony presented at said hearing, the Planning Commission did on February 5, 2009, recommend that the City Council approve Conditional Use Permit No. CU-01-09 (auto dealer and detail shop); and

WHEREAS, the City Council has reviewed the Conditional Use Permit along with the recommendations of the Planning Commission and finds the Conditional Use Permit is substantially in compliance with the Goals and Objectives of the City's Comprehensive Plan and will not adversely affect surrounding property or neighborhood values.

NOW, THEREFORE, BE IT ORDAINED THAT THE GOVERNING BODY OF THE CITY OF SPRING HILL, KANSAS:

SECTION ONE: Conditional Use Permit No. CU-01-09 is hereby approved for an auto dealer and detail shop located on the following tract of land located in Johnson County:

Lot 80, and the South 20 feet of vacated Lawrence Street, SPRING HILL OUTSIDE LOTS, a subdivision in the City of Spring Hill, Johnson County, Kansas.

SECTION TWO: The real property described in Section One shall be deemed to be authorized for an auto dealer and detail shop, pursuant to Section 17.326.C.4 of the Spring Hill Zoning Ordinance for a period of five (5) years, subject to the following conditions:

1. Parking. The Site Plan shall provide for eight (8) automotive parking stalls; and
2. Automobile Storage. Storage of vehicles in inventory to be allowed in the fenced area on a gravel surface subject to the fence being maintained in good condition.

SECTION THREE: The zoning administrator is hereby authorized to amend the Official Zoning District Map of the City of Spring Hill, Kansas, in accordance with the above and foregoing changes in zoning.

SECTION FOUR: This Ordinance shall take effect upon publication in the official City Newspaper. All Zoning and Regulations of Spring Hill, Kansas, affecting the use of the real property heretofore described, which are inconsistent with this ordinance are hereby made inapplicable to said property until the Conditional Use Permit is vacated or is declared null and void.

PASSED BY THE CITY COUNCIL this 26TH day of February, 2009.

APPROVED BY THE MAYOR this 26th day of February, 2009.

ATTEST:

/s/Mark Squire
Mark Squire, Mayor

/s/ Beverly A. Hayden
Beverly A. Hayden, City Clerk

APPROVED AS TO FORM:

/s/ Frank H. Jenkins, Jr.
**Frank H. Jenkins, Jr.,
City Attorney**

BACKGROUND: This application serves to renew the approval of PP-01-07. The original application was approved by the Planning Commission on February 1, 2007 and all allowable time extensions to submit a final plat application have expired.

ADDITIONAL STAFF COMMENTS:

All previous reviews and approvals were granted under the guidance of Dave Peterson, the former Planning Director. The current application contains no modifications to the original submittal. Attached to this staff report is the original staff report for PP-01-07 dated February 1, 2007.

RECOMMENDATION:

Staff recommends approval of the Ridgefield Subdivision Preliminary Plat, PP-02-10 subject to the following conditions that are identical to the conditions placed on the original preliminary plat application PP-01-07:

- 1) The final plat shall clearly designate future access to 199th Street to be limited to one full access intersection at Norton Street and a right-in/right-out access to the CP-2 area when the road is built to four-lanes with a median.
- 2) The City only accepts the park land, trail, and water feature if they meet the City standards when the final plat is submitted. Financial guarantees shall be provided with the final plat to ensure construction of the amenities to be dedicated to the City.
- 3) The City-at-large is granted access to the neighborhood trail system through a public access easement on the final plat.
- 4) A home owners association maintain the parks, open space and trail system that the City does not accept.
- 5) The applicant pays a park fee when a building permit is issued if the City does not accept the park land; and access to the trail system is granted to the City-at-large.
- 6) A master landscape plan for areas of common open space tracts, and a landscape buffer for residential areas abutting 199th St. or Renner Road shall be submitted with the final plat(s). This includes the parking lot frontage being screened with meandering and undulating berms of no less than 4-feet in height topped by dense evergreens to form a solid screen at maturity with a total height of 10 to 12 feet from grade. In addition, staff recommends that the developer provide some ornamental trees and shrubs under the overhead power line along the trails in accordance with the planting types recommended by KCP&L.
- 7) The final plat(s) for residential areas abutting 199th Street or Renner Road shall identify a perimeter common open space landscape buffer tract on the

rear of any lots along those roadways (minimum 25-foot width) exclusive of utility easements along the roadway.

- 8) A street tree plan for all local and collector streets will need to be submitted with the final plat(s) addressing the following, unless more restrictive city requirements are in effect at the time of installation:
 - Street tree species approved by the City.
 - An average spacing of forty (40) linear feet between trees, with a minimum planting size of two and one-half (2 ½) inch caliper to three (3) inch caliper as measured six (6) inches above ground.
 - The location of such trees must be coordinated so the trees at maturity are an adequate distance away from storm sewer inlets, street lights, fire hydrants, and sight-distance triangles at the street intersection.
 - All trees must be guaranteed for a period of no less than two years.
- 9) The developer builds the street improvements at the time identified in the City Traffic Engineer's letter.
- 10) The developers contribution to the cost of the traffic signal at 199th Street and Norton Street will be determined at the time the signal is warranted, based on the percentage of traffic contributed by this development.

BACKGROUND:

At the December 7, 2006, Planning Commission meeting the Planning Commission denied this preliminary plat for Ridgefield. On December 28, 2006, the City Council approved the plan and the rezonings for Ridgefield. The applicant, Pete Oppermann, has re-submitted an application for a Preliminary Plat of Ridgefield. (A copy of the proposed preliminary plat is included with this staff report.)

STAFF COMMENT:

On December 28, 2006, during the City Council meeting the applicant presented a revised plan. It included reducing the number of residential lots adjacent to Renner Road from six to four (recommended by the Planning Commission during the approval of the "RP-1" rezoning request) and moving the proposed grocery store to the west 60 feet to provide more area to screen the commercial use from the abutting residential properties (the Planning Commission recommended additional screening during the approval of the "CP-2" rezoning request). With the approval of the rezonings, the applicant is now re-submitting a preliminary plat including these two additional changes.

There are 166 residential units in the Preliminary Plat of Ridgefield. The applicant is applying for the Planned Zoning to reduce the minimum size, width, and building setbacks of the lots. (A copy of the proposed preliminary plat and landscape plan is included with this staff report.)

The City Engineer, the Public Works Director, the Police Chief, the fire department, the City Traffic Engineer, and the Hillsdale Water Quality Project have reviewed the preliminary plat. (See attached information from the City Engineer, the Public Works Director, City Traffic Engineer and the Hillsdale Water Quality Project.)

The Public Works Director and the City Engineer have noted that the preliminary plat meets all of the City's requirements.

Comments from the Hillsdale Water Quality Project will be addressed with the submission of a Notice of Intent for storm water discharges.

The Ridgefield Preliminary Plat meets all of the City's platting requirements. The utility easements are shown with dimensions meeting the minimum easement requirements for the City.

The City Traffic Engineer has reviewed the traffic study for this subdivision. In his attached letter he outlines when street improvements are needed based upon the traffic study for this subdivision.

There are three access points on 199th Street and two access points on Renner Road. However, due to the County plans for 199th Street only one median break for a full access intersection will be allowed at Norton Street when 199th Street is built to four-lane standards. The other intersection on 199th Street will be allowed full access until 199th Street

is built as a four-lane road with medians. This full access to the other intersections until the road improvements are completed must be shown on the preliminary plat.

The City will provide sanitary sewers and Johnson County WaterOne will provide water to the subdivision. This property is participating in the north sewer benefit district. Construction of the sewer is scheduled to be completed by spring 2007.

Staff has reviewed whether the park land/open space is in conformance with the Spring Hill regulations. (See enclosed landscape plan showing the proposed park and open space areas.)

1. The subdivision is 80 acres and is required to provide 3.2 acres (four percent) of public or private active open space. The applicant has identified Tract E with 3.33 acres as an Active Park and Tract C and Tract D with 3.45 acres as Active Open Space. If all of Tract E is accepted by the City it would meet the required four percent. However, staff will not be able to determine if all of Tract E is acceptable to the City until the final plat is submitted. Also, parts of Tract C and Tract D that have the regional trail running through them may be eligible for acceptance by the City as park land, but that will not be determined until the final plat is submitted.
2. The Comprehensive Plan does not show any park land or open space in the area of this subdivision. However, the Comprehensive Plan does show a regional trail extending through the subject property along the tributary to Sweetwater creek. The applicant is showing a regional trail next to the major entrance into this subdivision which is approximately where the Comprehensive Plan shows it. In addition, the applicant is showing the following amenities: 1) a parking lot in Tract E that can be used by the City-at-large to park and ride the regional trail; 2) a possible water feature in Tract E; and 3) a secondary neighborhood trail system that feeds off the regional trail. This secondary trail system would be required to be maintained by the home owners association, but staff will require that the public-at-large have access to it.

Staff recommends that: the City only accept the park land, trail, and water feature if they meet the City standards when the final plat is submitted; the improvement agreement that is provided with the final plat ensures construction of the amenities to be dedicated to the City; a home owners association maintain the neighborhood parks, open space and trail system that the City does not accept; the applicant pays a park fee when a building permit is issued if the City does not accept the park land; and access to the trail system is granted to the City-at-large.

3. Staff recommends that the developer provide some ornamental trees and shrubs under the overhead power line along the trails in accordance with the planting types recommended by KCP&L.

It should be noted that the applicant has developed an offsite landscape for the property owners on the east side of Renner Road. (See enclosed offsite landscape plan.)

RECOMMENDATION:

Approve the Preliminary Plat of Ridgefield subject to:

- 1) The final plat shall clearly designate future access to 199th Street to be limited to one full access intersection at Norton Street and a right-in/right-out access to the CP-2 area when the road is built to four-lanes with a median.
- 2) The City only accepts the park land, trail, and water feature if they meet the City standards when the final plat is submitted. Financial guarantees shall be provided with the final plat to ensure construction of the amenities to be dedicated to the City.
- 3) The City-at-large is granted access to the neighborhood trail system through a public access easement on the final plat.
- 4) A home owners association maintain the parks, open space and trail system that the City does not accept.
- 5) The applicant pays a park fee when a building permit is issued if the City does not accept the park land; and access to the trail system is granted to the City-at-large.
- 6) A master landscape plan for areas of common open space tracts, and a landscape buffer for residential areas abutting 199th St. or Renner Road shall be submitted with the final plat(s). This includes the parking lot frontage being screened with meandering and undulating berms of no less than 4-feet in height topped by dense evergreens to form a solid screen at maturity with a total height of 10 to 12 feet from grade. In addition, staff recommends that the developer provide some ornamental trees and shrubs under the overhead power line along the trails in accordance with the planting types recommended by KCP&L.
- 7) The final plat(s) for residential areas abutting 199th Street or Renner Road shall identify a perimeter common open space landscape buffer tract on the rear of any lots along those roadways (minimum 25-foot width) exclusive of utility easements along the roadway.
- 8) A street tree plan for all local and collector streets will need to be submitted with the final plat(s) addressing the following, unless more restrictive city requirements are in effect at the time of installation:
 - Street tree species approved by the City.
 - An average spacing of forty (40) linear feet between trees, with a minimum planting size of two and one-half (2 ½) inch caliper to three (3) inch caliper as measured six (6) inches above ground.

- The location of such trees must be coordinated so the trees at maturity are an adequate distance away from storm sewer inlets, street lights, fire hydrants, and sight-distance triangles at the street intersection.
 - All trees must be guaranteed for a period of no less than two years.
- 9) The developer builds the street improvements at the time identified in the City Traffic Engineer's letter.

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
February 1, 2007**

The Spring Hill Planning Commission met in regular session on Thursday, February 1, 2007, at 7:00 P.M., in room 15, at the Civic Center located at 401 N. Madison.

Members Present: per role call	Tobi Bitner Lee Gardner Brian Haupt Daniel Rittgers Steven Sebasto Scott Snavelly	Members absent:	Bill Kiesling Miles Masters Cindy Squire
-----------------------------------	--	-----------------	--

Staff Present: Dave Peterson, Community Development Coordinator
Frank H. Jenkins, Jr., City Attorney
Mary Nolen, Planning Secretary

CALL TO ORDER

Chair Bitner called the meeting to order at 7:03 P.M.

ROLL CALL

Roll call by Mary Nolen.

APPROVAL OF AGENDA

Motion by Brian Haupt to approve the agenda.
Seconded by Scott Snavelly. Motion passed 6 yes 0 no 0 abstention.

FORMAL COMMISSION ACTION

1. Approval of Minutes:
January 4, 2007

Motion by Brian Haupt to approve the minutes as revised for December 4, 2006.
Seconded by Scott Snavelly. Motion passed 5 yes; 0 no; 1 abstentions.
Tobi Bitner abstained because she was not at the January meeting.

- **Non-Public Hearing Items**

2. Preliminary Plat

Case No.:	PP-1-07
Request	Ridgefield Preliminary Plat
Address	South of 199 th Street, west of Renner Road
Applicant	Pete Oppermann

Chair Bitner asked if anyone had any contact or conflict of interest with the applicant, and there being none, she asked Mr. Peterson to present his staff report.

BACKGROUND:

At the December 7, 2006, Planning Commission meeting the Planning Commission denied this preliminary plat for Ridgefield. On December 28, 2006, the City Council approved the plan and the rezonings for Ridgefield. The

applicant, Pete Oppermann, has re-submitted an application for a Preliminary Plat of Ridgefield. (A copy of the proposed preliminary plat is included with this staff report.)

STAFF COMMENT:

On December 28, 2006, during the City Council meeting the applicant presented a revised plan. It included reducing the number of residential lots adjacent to Renner Road from six to four (recommended by the Planning Commission during the approval of the "RP-1" rezoning request) and moving the proposed grocery store to the west 60 feet to provide more area to screen the commercial use from the abutting residential properties (the Planning Commission recommended additional screening during the approval of the "CP-2" rezoning request). With the approval of the rezonings, the applicant is now re-submitting a preliminary plat including these two additional changes.

There are 166 residential units in the Preliminary Plat of Ridgefield. The applicant is applying for the Planned Zoning to reduce the minimum size, width, and building setbacks of the lots. (A copy of the proposed preliminary plat and landscape plan is included with this staff report.)

The City Engineer, the Public Works Director, the Police Chief, the fire department, the City Traffic Engineer, and the Hillsdale Water Quality Project have reviewed the preliminary plat. (See attached information from the City Engineer, the Public Works Director, City Traffic Engineer and the Hillsdale Water Quality Project.)

The Public Works Director and the City Engineer have noted that the preliminary plat meets all of the City's requirements.

Comments from the Hillsdale Water Quality Project will be addressed with the submission of a Notice of Intent for storm water discharges.

The Ridgefield Preliminary Plat meets all of the City's platting requirements. The utility easements are shown with dimensions meeting the minimum easement requirements for the City.

The City Traffic Engineer has reviewed the traffic study for this subdivision. In his attached letter he outlines when street improvements are needed based upon the traffic study for this subdivision.

There are three access points on 199th Street and two access points on Renner Road. However, due to the County plans for 199th Street only one median break for a full access intersection will be allowed at Norton Street when 199th Street is built to four-lane standards. The other intersection on 199th Street will be allowed full access until 199th Street is built as a four-lane road with medians. This full access to the other intersections until the road improvements are completed must be shown on the preliminary plat.

The City will provide sanitary sewers and Johnson County WaterOne will provide water to the subdivision. This property is participating in the north sewer benefit district. Construction of the sewer is scheduled to be completed by spring 2007.

Staff has reviewed whether the park land/open space is in conformance with the Spring Hill regulations. (See enclosed landscape plan showing the proposed park and open spare areas.)

1. The subdivision is 80 acres and is required to provide 3.2 acres (four percent) of public or private active open space. The applicant has identified Tract E with 3.33 acres as an Active Park and Tract C and Tract D with 3.45 acres as Active Open Space. If all of Tract E is accepted by the City it would meet the required four percent. However, staff will not be able to determine if all of Tract E is acceptable to the City until the final plat is submitted. Also, parts of Tract C and Tract D that have the regional trail running though them may be eligible for acceptance by the City as park land, but that will not be determined until the final plat is submitted.
2. The Comprehensive Plan does not show any park land or open space in the area of this subdivision. However, the Comprehensive Plan does show a regional trail extending through the subject property along the tributary to Sweetwater creek. The applicant is showing a regional trail next to the major entrance into this subdivision

which is approximately where the Comprehensive Plan shows it. In addition, the applicant is showing the following amenities: 1) a parking lot in Tract E that can be used by the City-at-large to park and ride the regional trail; 2) a possible water feature in Tract E; and 3) a secondary neighborhood trail system that feeds off the regional trail. This secondary trail system would be required to be maintained by the home owners association, but staff will require that the public-at-large have access to it.

Staff recommends that: the City only accept the park land, trail, and water feature if they meet the City standards when the final plat is submitted; the improvement agreement that is provided with the final plat ensures construction of the amenities to be dedicated to the City; a home owners association maintain the neighborhood parks, open space and trail system that the City does not accept; the applicant pays a park fee when a building permit is issued if the City does not accept the park land; and access to the trail system is granted to the City-at-large.

3. Staff recommends that the developer provide some ornamental trees and shrubs under the overhead power line along the trails in accordance with the planting types recommended by KCP&L.

It should be noted that the applicant has developed an offsite landscape for the property owners on the east side of Renner Road. (See enclosed offsite landscape plan.)

RECOMMENDATION:

Approve the Preliminary Plat of Ridgefield subject to:

- 1) The final plat shall clearly designate future access to 199th Street to be limited to one full access intersection at Norton Street and a right-in/right-out access to the CP-2 area when the road is built to four-lanes with a median.
- 2) The City only accepts the park land, trail, and water feature if they meet the City standards when the final plat is submitted. Financial guarantees shall be provided with the final plat to ensure construction of the amenities to be dedicated to the City.
- 3) The City-at-large is granted access to the neighborhood trail system through a public access easement on the final plat.
- 4) A home owners association maintain the parks, open space and trail system that the City does not accept.
- 5) The applicant pays a park fee when a building permit is issued if the City does not accept the park land; and access to the trail system is granted to the City-at-large.
- 6) A master landscape plan for areas of common open space tracts, and a landscape buffer for residential areas abutting 199th St. or Renner Road shall be submitted with the final plat(s). This includes the parking lot frontage being screened with meandering and undulating berms of no less than 4-feet in height topped by dense evergreens to form a solid screen at maturity with a total height of 10 to 12 feet from grade. In addition, staff recommends that the developer provide some ornamental trees and shrubs under the overhead power line along the trails in accordance with the planting types recommended by KCP&L.
- 7) The final plat(s) for residential areas abutting 199th Street or Renner Road shall identify a perimeter common open space landscape buffer tract on the rear of any lots along those roadways (minimum 25-foot width) exclusive of utility easements along the roadway.
- 8) A street tree plan for all local and collector streets will need to be submitted with the final plat(s) addressing the following, unless more restrictive city requirements are in effect at the time of installation:
 - Street tree species approved by the City.
 - An average spacing of forty (40) linear feet between trees, with a minimum planting size of two and one-half (2 ½) inch caliper to three (3) inch caliper as measured six (6) inches above ground.

- The location of such trees must be coordinated so the trees at maturity are an adequate distance away from storm sewer inlets, street lights, fire hydrants, and sight-distance triangles at the street intersection.
- All trees must be guaranteed for a period of no less than two years.

9) The developer builds the street improvements at the time identified in the City Traffic Engineer's letter.

**** Also included with the staff report is the following letter regarding traffic issues.**

The January 25, 2007, letter from BHC RHODES has been revised to include the comments from the Planning Commission meeting held on February 1, 2007.

Based on our review of the most recent site plan for the Ridgefield development prepared by Phelps Engineering, Inc., and the Transportation Impact Study prepared by Peterson Transportation Solutions, Inc., we hereby summarize the street and traffic improvements which are to be constructed by the developer for Ridgefield. These improvements were identified in the Transportation Impact Study:

1. *If the exclusive left and right turn lanes on 199th St. at the intersection of Norton Street are not constructed by 2010 as part of the Johnson County Public Works 199th Street improvement project, the developer will be responsible to construct the turn lanes.*
2. *Construct exclusive left and right turn lanes on Renner Road at the intersection of W. 200th Street. The turn lanes should be constructed as part of the 200th Street construction. The developer will be eligible to be reimbursed for the construction cost of the turn lane through the excise tax.*
3. *Norton Street should be constructed as a three-lane section with a dedicated left-turn lane at the intersection of Norton Street and W. 200th Street.*
4. *The northbound approach of Norton Street with 199th Street should be constructed with a dedicated left-turn lane and a shared through/right-turn lane. The median should be at least 16 feet wide and the southbound lane of Norton Street should be at least 18 feet wide (back of curb to back of curb).*
5. *As reported in the traffic study, a traffic signal will be required at the intersection of 199th Street and Norton Street when the traffic signal warrants are met. It is anticipated that the traffic signal will be warranted when the commercial portion of the development is constructed. Traffic signal warrants should be check prior to the construction of the commercial portion of the development. At the time the traffic signal warrant is met, the developer should contribute a portion of the traffic signal costs, including design costs, based his proportion of traffic that enters the intersection.*
6. *W. 200th Street should be constructed as a three-lane section between Renner Road and Norton Street with dedicated left-turn lanes at each of the intersections along 200th Street – Heatherwood and Harbinger Street.*
7. *Construct northbound and southbound left-turn lanes on Renner Road at the intersection with 199th Street. The left-turn lanes should be constructed with a minimum of 150 feet of storage. The turn lanes should be constructed as part of the commercial development. The timing of the improvement will be determined by the type of user that will be included in the commercial portion of the development. A trip generation update to the study will need to be completed to determine how much traffic the specific land use will generate.*
8. *The intersection of 199th Street and Harbinger Street can be constructed as a full access intersection until such time that Johnson County improves 199th Street to a four-lane divided arterial. When that occurs, the intersection will become a Right-In/Right-Out intersection.*

Ms. Bitner introduced the applicant, Pete Opperman, landscape architect for the development. He stated the main changes to this plan, which are the movement of the large store west about 60 feet, and changing the number of lots abutting Renner Rd from 6 to 4 lots.

Mr. Gardner asked about the difference between a detention and retention area or pond. Mr. Opperman said a retention area would always have water, but a detention area will detain heavy water over flow during a storm to not allow more water to drain off the area as does prior to development.

Mr. Rittgers asked about the wording on “some” ornamental trees, should that be quantified. Mr. Peterson said the details will be available at the final plat stage. Mr. Haupt wanted to clarify the area of the berm that is adjacent to the grocery store, and would do so in the motion with item 6. Mr. Opperman noted the developer is already planning landscaping for property across from the exit of the development. They can wait for the final plat, but would also want to plant now to allow growth prior to construction.

Jim Jussell of BHC Rhodes discussed the numbers and percentages of when a traffic signal may be anticipated, what percentage of traffic will be due to this development and who will cover the cost of the signal. Mr. Peterson noted that when traffic volumes warrant a traffic signal, there may be other developments contributing to the volume, and each developer will pay the percentage of cost based on percentage of volume for each development involved.

Chair Bitner opened up the meeting to public comment, even though it was not a public hearing.

Patricia Carlson of 20025 S. Renner Rd. said she got a letter about the meeting. Mr. Peterson said that it is not a requirement to notify the residents, or hold a public hearing on a preliminary plat, but he notified them anyway. Ms. Carlson said that at the last meeting, the developer said they could not move the grocery store off of the corner, because of the business health of the store. The Carlsons found that the Price Chopper at Mission and 135th St. was off Mission Rd by 225 feet to the parking lot, and the parking lot was another 400 feet to the store. The 225 foot area included park benches and trail with trees to separate that from the road. Ms. Carlson and her husband provided pictures to the Planning Commission of this area. They said the store was 360 feet to the back of the lots in a residential area to the north. Their point is that the store at Ridgefield could move off the corner. Currently there is a pond on the corner and that would create a nice park area. They think the store should be in the center of the development. They also sited the Oak Park plaza area at 99th Street where a brick wall was used to buffer the area from existing residential. They are not happy with the landscaping provided by the developer for their front yard. They were never asked, as the owners of the property, what they thought would be appropriate.

Cord Maxwell, a lawyer with Polsinelli Law firm spoke representing the developer. He recognizes the need for screening, and the developer has drawn up preliminary plans for the neighbors landscaping. At this point, we are in the preliminary plat stage, which has been approved by the governing body. At the time of the final plat, landscape plans will be discussed as well as the placement of the buildings. Mr. Maxwell mentioned the store in Leawood is one of the biggest mistakes in planning and placement of a grocery store. It is the worst performing Price Chopper in the KC metro area, and now Leawood is looking at ways to rework this area to create a functioning commercial area. His law firm has been involved with those issues in Leawood.

Mr. Gardner asked why the developer has not met with the landowners related to the landscaping in their yards. The Carlsons said they had not been contacted. Mr. Maxwell stated the plans are preliminary and will be finalized at the final plat, which will come before the Planning Commission.

Chair Bitner asked about this preliminary plat, which contained two changes from the preliminary plat presented in December, those changes being the placement of the store, and reduction of lots on Renner Road. Ms. Bitner read the staff report saying this plat has been approved by the City Council. Mr. Peterson said that was true. The developer also stated they had met with property owners, but he has not had a chance to meet with all of them. Someone asked if there will be a public hearing for the final plat, and the answer is no.

Don Stoecklein of 20075 S. Renner Rd. wonders why it's more important for the grocery store to succeed than to worry about property owners who have lived in the area for years.

Motion by Brian Haupt to approve the Preliminary Plat PP-1-07 for Ridgefield subject to:

1. The final plat shall clearly designate future access to 199th Street to be limited to one full access intersection at Norton Street and a right-in/right-out access to the CP-2 area when the road is built to four-lanes with a median.
2. The City only accepts the park land, trail, and water feature if they meet the City standards when the final plat is submitted. Financial guarantees shall be provided with the final plat to ensure construction of the amenities to be dedicated to the City.
3. The City-at-large is granted access to the neighborhood trail system through a public access easement on the final plat.
4. A home owners association maintain the parks, open space and trail system that the City does not accept.
5. The applicant pays a park fee when a building permit is issued if the City does not accept the park land; and access to the trail system is granted to the City-at-large.
6. A master landscape plan for areas of common open space tracts, and a landscape buffer for residential areas abutting 199th St. or Renner Road shall be submitted with the final plat(s). This includes the parking lot frontage being screened from the intersection of 200th Street and Renner Road north to the parking lot entrance on Renner Road (approximately 400 ft.), with meandering and undulating berms of no less than 4-feet in height topped by dense evergreens to form a solid screen at maturity with a total height of 10 to 12 feet from grade. In addition, staff recommends that the developer provide some ornamental trees and shrubs under the overhead power line along the trails in accordance with the planting types recommended by KCP&L.
7. The final plat(s) for residential areas abutting 199th Street or Renner Road shall identify a perimeter common open space landscape buffer tract on the rear of any lots along those roadways (minimum 25-foot width) exclusive of utility easements along the roadway.
8. A street tree plan for all local and collector streets will need to be submitted with the final plat(s) addressing the following, unless more restrictive city requirements are in effect at the time of installation:
 - Street tree species approved by the City.
 - An average spacing of forty (40) linear feet between trees, with a minimum planting size of two and one-half (2 ½) inch caliper to three (3) inch caliper as measured six (6) inches above ground.
 - The location of such trees must be coordinated so the trees at maturity are an adequate distance away from storm sewer inlets, street lights, fire hydrants, and sight-distance triangles at the street intersection.
 - All trees must be guaranteed for a period of no less than two years.
9. The developer builds the street improvements at the time identified in the City Traffic Engineer's letter with modifications as stated by the Planning Director.
10. This developers contribution to the cost of the traffic signal at 199th Street and Norton Street will be determined at the time the signal is warranted, based on the percentage of traffic contributed by this development.

**The items listed in the traffic study letter of January 25, 2007, (shown above, which has been revised to include comments from this meeting) are included in this motion.

Seconded by Steve Sebasto. Motion passed 6, yes; 0 no; 0 abstentions.

3. Transitions between Large-lot and Urban Subdivisions

Transition between Large Rural Lots and Urban Subdivision Lots Policy

Urban subdivision lots that abut large rural lots of five acres or less shall:

1. have a lot area ranging from 14,200 square feet up to one acre;
2. have a rear setback line of 50 feet;
3. meet the requirements of Section 17.360.H.2. to provide medium impact screening
4. protect any existing natural feature, tree areas and/or hedgerows and incorporate as buffers whenever possible. Utility easements must not be placed within the drip area of trees to be preserved.

Mr. Peterson noted that he plans to present this item at the joint work session with the City Council for discussion with both groups. This subject will be detailed in a policy and not in an ordinance, to allow for flexibility in each situation.

The Commission and Mr. Peterson talked about several of the points in the memo above. He drew from Olathe and Lee's Summit's attempts to regulate this concept. They talked about setbacks, issues in the Miami County growth area, and some of the concepts from Olathe, such as this policy only impacting abutting lots, not lots across a street.

ADJOURN

Motion by Dan Rittgers to adjourn

Seconded by Brian Haupt. Motion passed 6, yes; 0 no; 0 abstentions.

Meeting adjourned at 10:10 P.M.

Mary Nolen, Planning Secretary