

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA**

Thursday, January 6, 2011
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

December 2, 2010

DISCUSSION

2. Report on the Miami County Growth Area
3. Electronic packets for interested Commissioners

ADJOURN

PUBLIC HEARING PROCEDURE

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

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

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
December 2, 2010**

Members Present: Tobi Bitner
Janet Harms
Brian Haupt
Valerie Houpt
Bill Kiesling
Troy Mitchell
Cindy Squire

Members absent: Michael Newton
Steve Sly

Staff Present: Jim Hendershot, Community Development Director
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.

APPROVAL OF AGENDA

Mr. Hendershot asked to add a discussion item related to signs.

Motion by Brian Haupt to approve the agenda as amended.

Seconded by Janet Harms. Motion passed 7 yes 0 no 0 abstention

FORMAL COMMISSION ACTION

1. **Approval of Minutes:** November 4, 2010

Mr. Haupt noted a misspelling of his name on these minutes, which has been corrected.

Motion by Brian Haupt to approve the November 4, 2010, minutes with changes noted.

Seconded by Bill Kiesling. Motion passed 7 yes 0 no 0 abstention

2. **Conditional Use Permit CU-01-09**

Johnson County Auto Exchange
210 N. Webster St.
Bob Peacock

Chair Bitner asked if anyone had any contact or conflict of interest, there being none, and she asked Mr. Hendershot to begin.

BEGINNING OF STAFF REPORT

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.

END OF STAFF REPORT

Mr. Hendershot discussed the ordinance that enabled the CUP for Midwest Auto. He introduced Mr. Peacock to the Commissioners.

Mr. Haupt discussed the area that is now paved, and felt we should note that the area that is now paved, is the main area where cars should be parked. He felt it was important to note how the property has changed since the CUP was issued.

The Commissioners talked about not allowing parking on the Apple Mart parking lot, and they discussed the three parking spaces for the rental unit to the south of the Auto Expo. Mr. Hendershot said the entire building should have eight parking spaces. The applicant stated he expects to park about 20 cars on the paved area.

Motion by Brian Haupt to affirm CU-01-09 for Johnson County Auto Expo and with Bob Peacock understanding the ordinance 2009-04, section 2.2 noting the automobile storage on gravel is no longer applicable. The area has been paved.

Seconded by Bill Kiesling. Motion passed 7 yes 0 no 0 abstention

3. Preliminary Plat renewal PP-01-07

Chair Bitner asked if there was any contact or conflict of interest, there being none, she asked Mr. Hendershot to proceed.

BEGINNING OF STAFF REPORT

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.

END OF STAFF REPORT

Mr. Hendershot reviewed the history with the Commissioners, discussing the filing of the final plat, and expired extensions and today's market. The City wants to work with the applicant, so Mr. Hendershot recommends approving PP-01-07 again, knowing it contains no changes to the preliminary plat. This will give the developer some time to keep the work already accomplished valid.

Motion by Bill Kiesling renew PP-01-07 for Ridgefield Subdivision, and assigning a current file code of PP-02-10.

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

DISCUSSION

Mr. Hendershot asked the Commissioners about a few items that the inspectors have been dealing with, and should we change or enforce current rules. The temporary banner sign is causing problems because it's not allowed to be off site. Should we allow that? The sign for a home occupation is one square foot, should it be bigger, and why is there a time limit on temporary banner signs of 140 days a year. It's hard to enforce that rule.

Several of the Commissioners made comments, noting they were very aware of the time restraints on temporary banner signs, and that rule needs to be enforced. The sign for a home occupation is not an advertising sign, but more of a directional sign. They would like to speak to the inspector at a future date to discuss some of these issues.

ADJOURN

Motion by Janet Harms to adjourn.

Second by Bill Kiesling. Motion passed unanimously.

Meeting adjourned at 7:50 PM.

Mary Nolen, Planning Secretary

Memo

To: Spring Hill Planning Commission
From: Jim Hendershot, Community Development Director
CC: file
Date: December 29, 2010
Re: January 6, 2011 regular meeting

The following offers a brief explanation of items on the January 6, 2011 Planning Commission agenda. Please feel free to contact the Community Development Department 913-592-3664 if you have any questions.

- 1. Approval of Minutes:** December 2, 2010 meeting
- 2. Report on Miami County Growth Area:** On September 29, 2010 the Miami County Commission voted to terminate the interlocal "growth area" agreements with cities in Miami County including Spring Hill. This termination becomes effective September 1, 2011. With the hiring of a new County Planner, Erik Pollum, staff from all affected communities has begun a series of monthly meetings in an attempt to resolve issues caused by this agreement termination. The first of these meetings was on December 15. Several issues were mentioned at this meeting and a copy of the Meeting Summary is included with this packet. Updates and a review of staff's work on this matter since the Dec. 15 meeting will be provided at the upcoming PC meeting.
- 3. Electronic Packets for Interested Planning Commissioners:** In an effort to save time and money Mary Nolen will discuss options for delivering future Planning Commission packets. After a brief discussion you will have the option to continue to receive packets via regular mail or begin email delivery or get them online. In some instances, such as plat review with large documents, a combination of both methods may be an option.

*******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.