

**SPRING HILL PLANNING COMMISSION  
REGULAR MEETING AGENDA**

Thursday, April 12, 2012  
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  
February 2, 2012
2. Election of Officers
3. PUBLIC HEARING - Conditional Use Permit  
Case No. : CU-02-12  
Request: Off-site billboards  
Address: 169 Highway  
Applicant: C & C Holdings
4. Final Plant  
Case No FP-02-12  
Request Neighborhood Pool/Cabana/Playground  
Address 194<sup>th</sup> and Ridgeview Rd.  
Applicant Phelps Engineering
5. Site Plan  
Case No. SP-02-12  
Request Neighborhood Pool/Cabana/Playground  
Address 194<sup>th</sup> and Ridgeview Rd.  
Applicant Phelps Engineering

**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.

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

# Memo

To: Spring Hill Planning Commission  
From: Jim Hendershot, Community Development Director  
CC: file  
Date: April 6, 2012  
Re: April 12, 2012 regular meeting

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The following offers a brief explanation of items on the April 12, 2012, Planning Commission agenda. If you are unable to attend the meeting **PLEASE** contact my office at 913-592-3664.

- 1. Approval of Minutes:** February 2, 2012 meeting
- 2. Officer Elections:** Elections will be conducted for Chairman and Vice-Chairman. The annual appointment of Mary Nolen as Planning Commission Secretary will also be considered.
- 3. Conditional Use Permit, Billboard Signs on US169:** Included with this packet you will find a staff report on the renewal of a conditional use permit for three billboard signs located on the east side of US169, south of 191st Street. Staff is recommending approval of the conditional use permit. The City Council would then take final action on the permit request on May 10, following the required 14 day protest period.
- 4. Final Plat, Estates of Wolf Creek, 4th Plat:** Included with this packet you will find a staff report on the Final Plat application for Estates of Wolf Creek, 4th Plat. This is a replat of two lots on 194th Street for the purposes of constructing a neighborhood pool facility. As noted in the staff report, the plat and accompanying site plan is to relocate the previously approved plan for a neighborhood pool located on property that is now part of the Wolf Creek Elementary School property. Staff is recommending approval of the plat.
- 5. Site Plan, Estates of Wolf Creek Neighborhood Pool:** Along with the final plat for the pool area, the developer has submitted a site plan for the pool facility as well. As noted in the staff report, this site plan replaces the previously approved site plans in various locations at the subdivision. The staff report notes several items that were reviewed as required by the site plan provisions of the Spring Hill Code. Staff is recommending approval of the site plan with the conditions noted at the end of the staff report. If approved by the Planning Commission, both the final plat and site plan will be forwarded to the City Council for final action on April 26.

**Note:** Plats are viewable on our web site. Departments/Comm Devo/Boards/Planning Comm./Plats



The following minutes are subject to modification  
And are not official minutes  
Until approved by the Planning Commission

### BEGINNING OF STAFF REPORT

Wolf Creek Elementary School  
19250 Ridgeview Rd.



#### **BACKGROUND:**

The applicant, USD 230, has submitted an application for a Conditional Use Permit for an elementary school to be located at 19250 Ridgeview Road. The site was previously approved as part of Wolf Creek Estates Subdivision and is currently zoned RP-4. As per Section 17.318.C.3 schools are allowed in an RP-4 district with an approved Conditional Use Permit.

The site plan associated with this CUP application was approved by the Planning Commission on January 5, 2012. Due to a publication error, the CUP public hearing was rescheduled for February 2, 2012. Notice of the hearing was published in the official newspaper on January 11, 2012 providing the required 20 day period between publication and date of the hearing. In addition, meeting notices were mailed to surrounding owners as required.

#### **GOLDEN FACTORS:**

The review of the proposed conditional use permit is 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 of the Proposed District: Schools are an allowed use within residentially zoned districts with the approval of a Conditional Use Permit.
2. **Neighborhood Character.** The surrounding area is primarily residential in character with county zoning to the east of the site.

3. **Adjacent Zoning and Land Use:** Specific zoning districts and current land uses are identified on page 1 of this staff report.
4. **Requested Because of Changing Conditions:** Growth in the community and within the boundaries of USD230 have necessitated the need for a new elementary school.
5. **Suitability for Current Zoning.** The site is zoned RP-4 (Planned Multi-Family). Planned zoning districts refer to the base zone (R-4) for many of the required regulations. A school is allowed within an RP-4 or R-4 District with an approved Conditional Use Permit.
6. **Detrimental Effects on Nearby Parcels:** Possible detrimental effects on the area can best be identified by the surrounding property owners and residents. For this reason, the developer and owner held a neighborhood meeting to explain the project and respond to concerns. Minutes from the meeting are available and were primarily limited to traffic and lighting. These concerns are addressed in the site plan and traffic impact study.
7. **Length of Time at Current Zoning.** The site was rezoned to RP-4 in 2006.
8. **Adequacy of Current Facilities:** All utilities are adequately available to the site with the installation and construction of service lines to the facility. As identified in the Traffic Impact Study, Ridgeview Road is capable of handling the increased traffic with improvements made to both 192nd and 193rd Streets as provided on the site plan.
9. **Hardship if Application is Denied:** Denial of the application could result in unreasonable expense to USD 230 as the land was donated to the District. In addition, denial would delay the project beyond the anticipated opening schedule of August 2013. The placement of the school in this location provides an elementary school in the area identified by the District as being the most desirable based on growth. Denial of the application would result in locating the school in a less desirable location.
10. **Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit.
11. **Conformance with Comprehensive Plan.** The proposed conditional use permit is in conformance with the Spring Hill Comprehensive Plan.

**RECOMMENDATION:**

Staff recommends the approval of CU-01-12 for a elementary school located at 19250 Ridgeview Road with the following conditions:

1. The conditional use permit is subject to renewal in 25 years (January 2037).

END OF STAFF REPORT

Chair Bitner asked if there were any conflicts, there being none, she asked Mr. Hendershot to start his presentation. Mr. Hendershot discussed the meeting in January, where the preliminary plat, final plat, and site plan were discussed and approved. Due to a publishing error for the CUP, the meeting was re-published and residents within 200 feet of the school were notified of the meeting again.

The Commissioners asked when the school is scheduled to open, Mr. Hendershot noted that date is August, 2013.

Chair Bitner opened the public hearing and asked for comments from the audience.

Cal Engelman of 19411 S. Ridgeview Rd. asked why the school was being built on this location. He understood when USD230 was built, future schools would be built on the land set aside for the high school. He also does not like the location of the entrance to the subdivision Estates of Wolf Creek because it's at the top of a hill. He feels the new school will be detrimental to that already bad situation. He doesn't understand why the land by the high school is not being used.

H. A. Wiswell of 19275 S. Ridgeview Rd. who lives across the street from the proposed school also wonders why this school is not being built at the high school location. What does USD230 plan to do with that land.

Chair Bitner closed the public hearing.

Dr. Goering responded by saying the land was donated to USD230. They had planned to use the land by the high school. However, they received a lot of feedback from parents to keep the children of the elementary school separated from the high school students. With the land being donated, there was no cost for the land, and they are confident they have designed a good system.

Councilman Mitchell wondered why the people who are present tonight were not at the previous months meeting, when the site plan and other technical aspects of this project were discussed in much detail.

Mr. Engelman responded by asking what the traffic pattern will be on Ridgeview Rd. Mr. Hendershot stated that a decision has not been made between reducing the speed to 35 mph from 191<sup>st</sup> to 199<sup>th</sup> St. or 2 separate school zones. Mr. Hendershot has passed Mr. Engelman's comments on to the county. The decision will be a county/city decision. A traffic study when the Estates of Wolf Creek is built out will determine future needs of Ridgeview Rd.

**Motion by** Brian Haupt to recommend approval of CU-01-12 for an elementary school located at 19250 Ridgeview Road with the following conditions:

1. The conditional use permit is subject to renewal in 25 years (January 2037).

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

### **3. Public Improvements, conformity with the Comprehensive Plan (K.S.A.12-748)**

K.S.A 12-748 requires all public improvement projects of a municipality be reviewed by the Planning Commission for compliance with the Comprehensive Plan. The city has recently purchased the former post office building and plans to remodel the building for use as the new location of the Spring Hill Police Department.

The proposed site for the new police department is located at 418 E. Nichols in an area zoned C-2 or General Business District. The location is identified on the Future Land Use Map as Mixed Use Commercial. Section 17.326.B.3 lists "government service" as an allowed use in a C-2 district. By definition, government service means a "building or facility owned or operated by a government entity and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices".

The site is also identified in the Comprehensive Plan Vision Plan as being in the "Town Core Zone". Section 5.8 of the Comprehensive Plan provides recommendations for Town Core development and places great emphasis on the development or redevelopment of this area. One of the recommendations for the Town Core is as follows: "Embed civic, institutional, and mid-sized commercial uses serving the larger community in the downtown and city core area, rather than isolating them in the remote single-use complexes of the community".

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Therefore, when considering zoning regulations, the definition of government service facilities, the vision plan and the future land use map, it is staff's opinion the site and proposed use is in compliance with the Comprehensive Plan.

Mr. Hendershot requested that a motion be made and approved indicating the Planning Commission has reviewed the proposed police department site and finds it to be in compliance with the Spring Hill Comprehensive Plan.

**Motion by** Janet Harms to say that the proposed police department site is in compliance with the Comprehensive Plan.

**Second by.** Valerie Houpt. Motion passed 6 yes 0 no 0 abstention

## DISCUSSION

### 4. Planning Commission meeting March 1, 2012

Mr. Hendershot told the Commissioners he would be unavailable for the next scheduled meeting on March 1. The Commissioners discussed several options and concluded they will not be able to meet until April 12, 2012.

### 5. Planning Commission yearly statistics

Mary Nolen gave each member the statistics for 2011. These included a Planning Commission review, housing by status of subdivision, summary of vacant lots, conditional use permits, building permit activity, a summary of code enforcement violations and a summary of building permit activity. If anyone would like this information from prior years, just let me know.

## ADJOURN

**Motion by** Janet Harms to adjourn.

**Seconded by** Valerie Houpt. Motion passed 5 yes 0 no 0 abstention

The meeting was adjourned at 7:45 PM.

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Mary Nolen, Planning Secretary

**SPRING HILL PLANNING COMMISSION  
CONDITIONAL USE STAFF REPORT**

**Case #:** CU-02-12 **Meeting Date:** April 12, 2012

**Description:** Renewal of Conditional Use Permit off-premise billboard signs.

**Location:** South of 191st St., east of US169 Highway

**Applicant:** 2008 Coulson Family Irrevocable Trust; Christopher Coulson

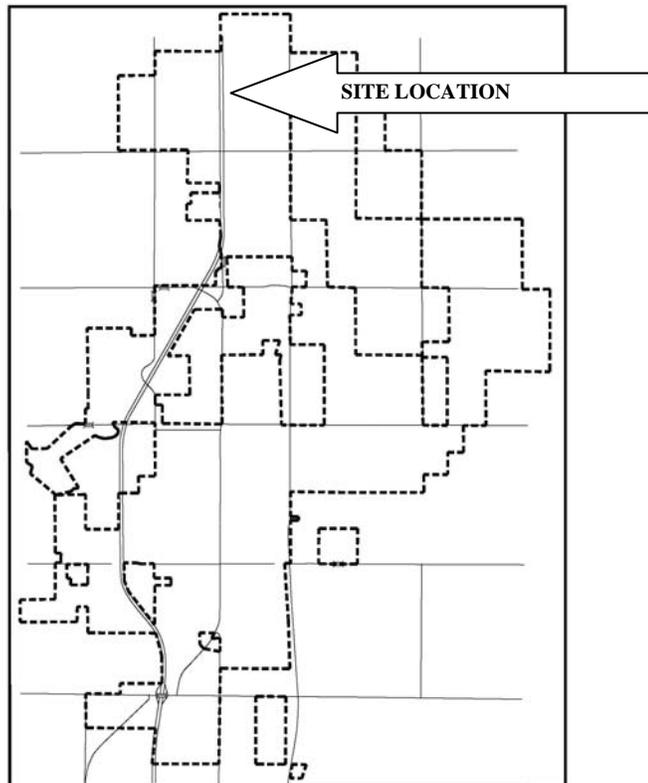
**Engineer:** N/A

**Current Zoning:** "M-P" Industrial  
Park

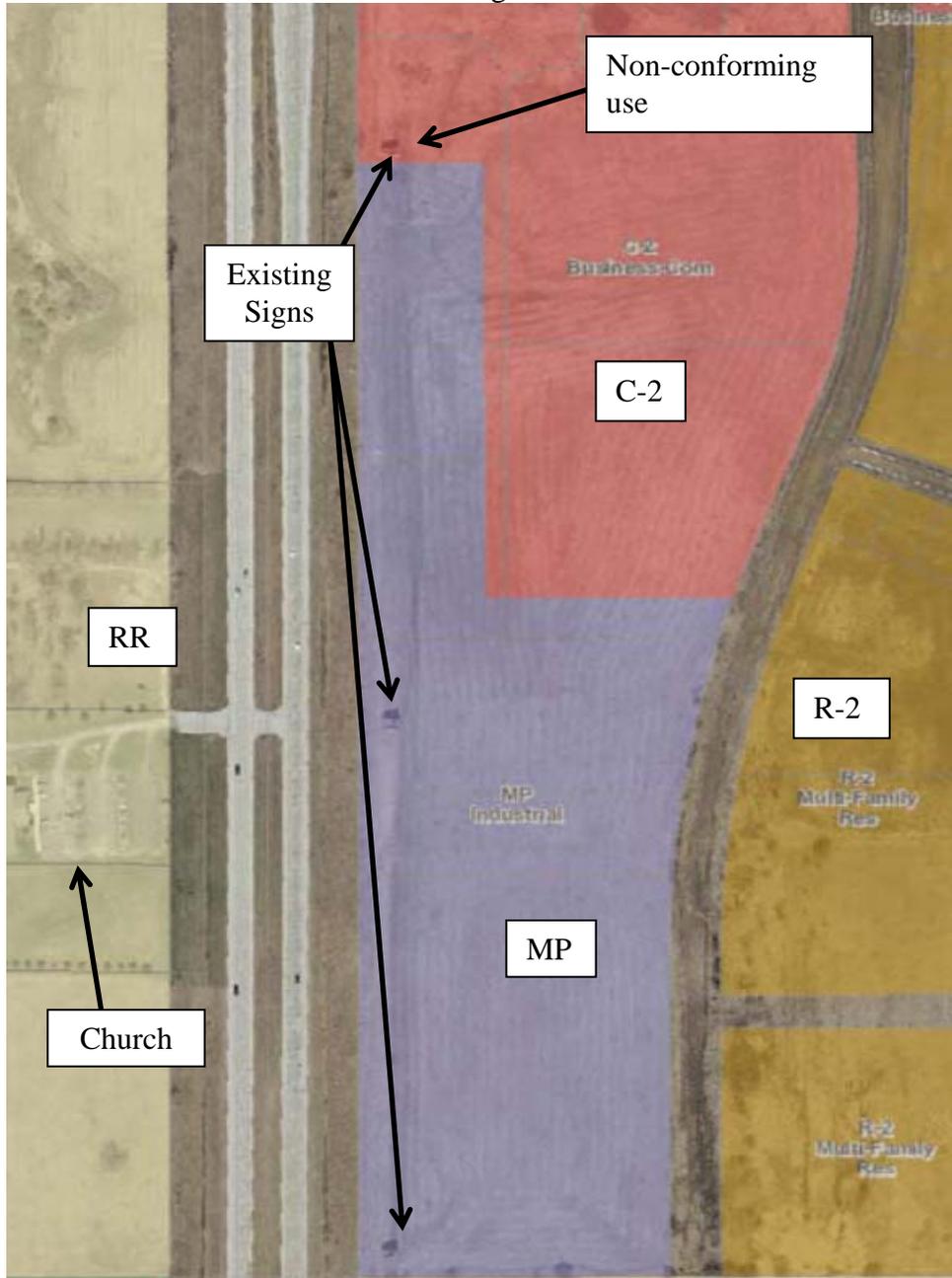
**Site Area:** 18 Acres **Number of Lots:** 3

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map</b>
<b>Site:</b>	"MP & C2"	Vacant	Industrial, Mixed Use Commercial & Residential
<b>North:</b>	"C2"	Vacant	Mixed Use Commercial
<b>South:</b>	"RR"	Vacant	Single Family
<b>East:</b>	"R2 & C2"	Vacant	Mixed Use Comm/Resid.
<b>West:</b>	RR & R2	Vacant & Church	

**Related Applications:** CU-02-06



### Area Zoning Districts



**BACKGROUND:**

The applicant, SSC Inc, has submitted an application for the renewal of a conditional use permit for three off-premise billboard signs. The CUP was most recently renewed in November, 2006 with a five year renewal. Off site billboard signs are an allowed use providing they are within either a M-1 or MP zone.

The signs were originally installed prior to 2005. In September 2005, the area containing the northern most of the three signs was rezoned to C-2 (General Commercial). This rezoning action resulted in this sign becoming a legal nonconforming use. As per Section 17.344 of the Spring Hill Zoning Regulations this sign is now subject to the regulations

of a nonconforming use. If the sign use is discontinued for six months or more, it shall not be re-established. For enforcement purposes, discontinued means the sign structure is removed. If the sign were destroyed, replacement of the sign must be made within six months to retain the nonconforming status. Minor repairs and improvements including sign face changes may be made to the sign while classified as a legal nonconforming use.

All required notifications to neighboring property owners have been completed with no comments received by staff. In addition, the required publication of the public hearing notice was published in the official newspaper.

**GOLDEN FACTORS:**

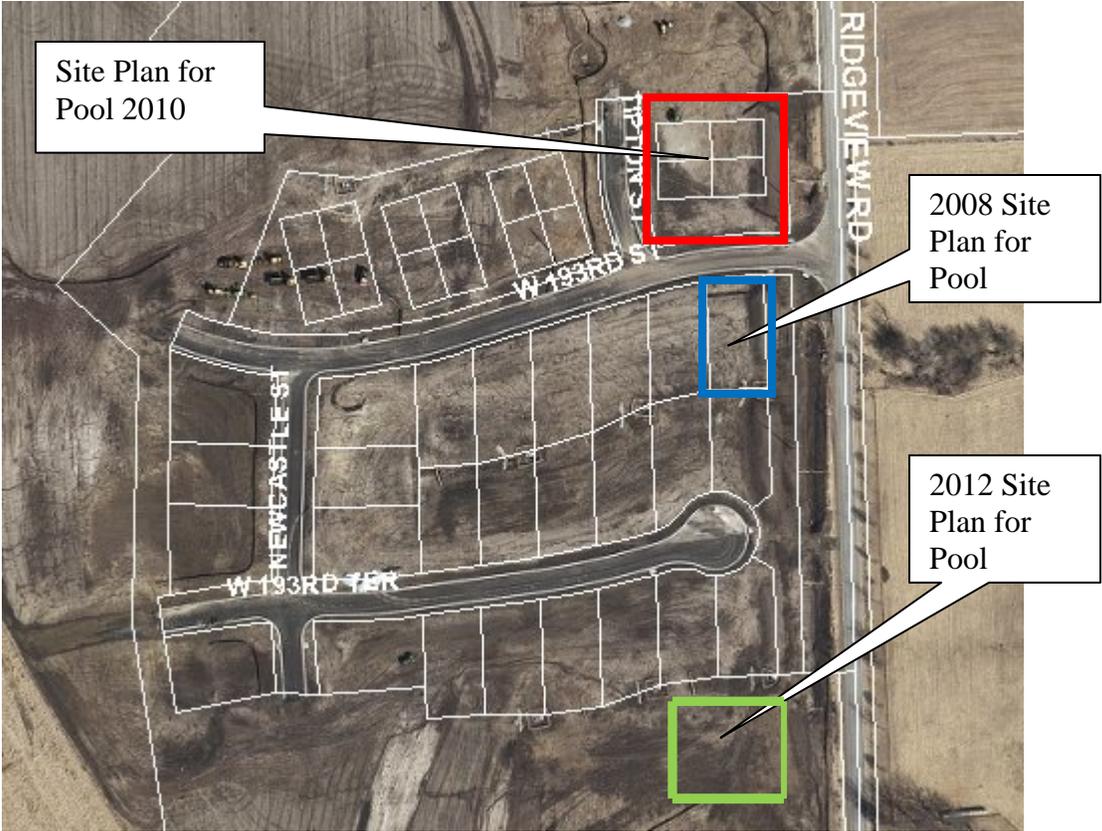
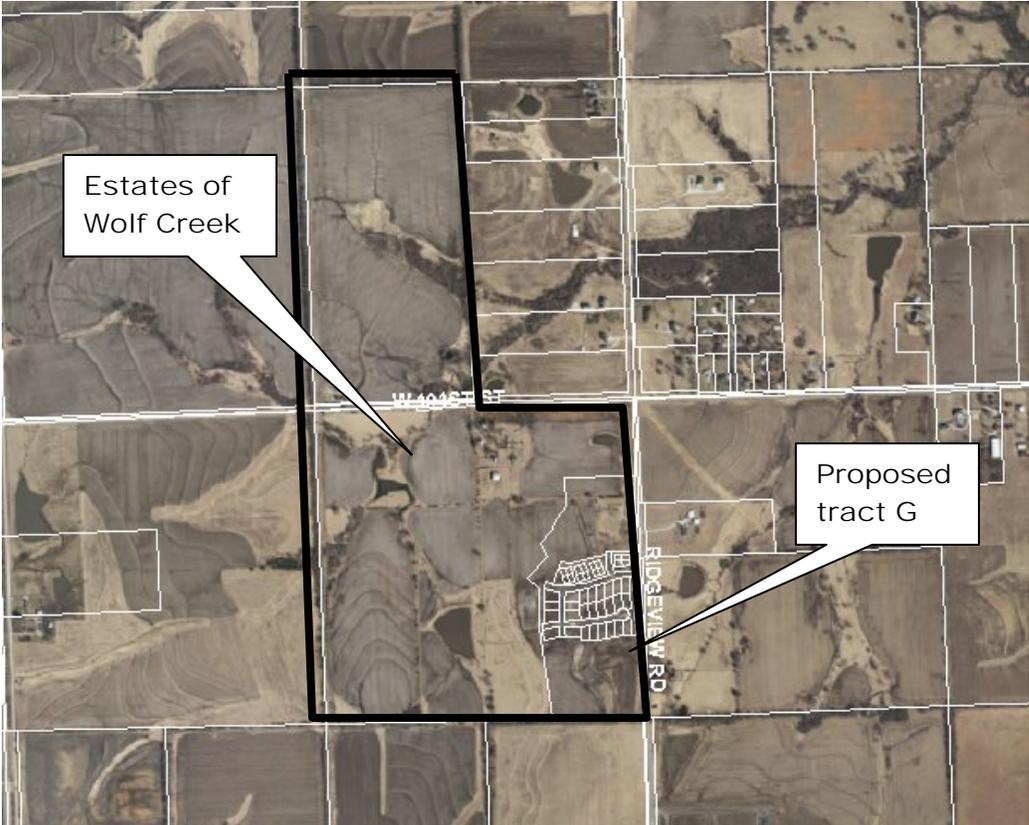
The review of the proposed conditional use permit is consistent with Golden v. City of Overland Park, 224 Kan. 591, 584 P. 2d 130 (1978).

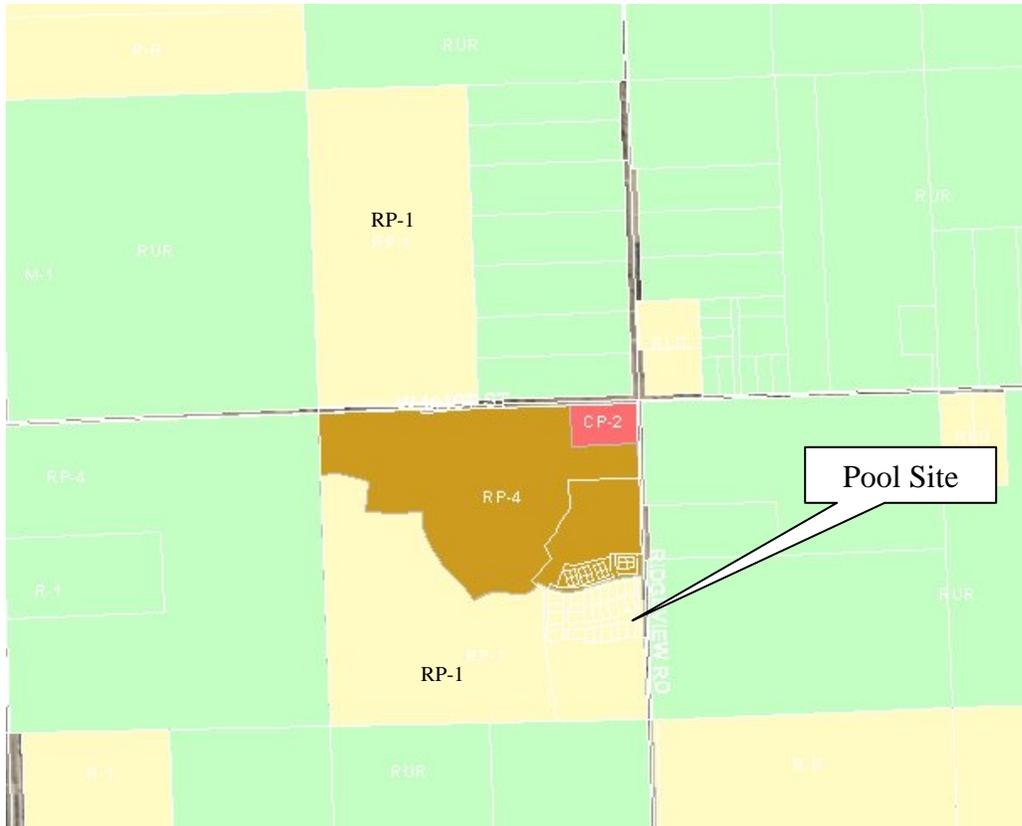
1. **Neighborhood Character.** The surrounding area is vacant or industrial in use with the exception of a church located on the west side of US169 (see photo above).
2. **Adjacent Zoning.** Adjacent parcels are zoned commercial and residential (see photo above).
3. **Suitability for Current Zoning.** The site is zoned industrial which allows off-site billboards as a conditional use.
4. **Detrimental Effect.** The proposed renewal of the CUP should not have a detrimental effect on nearby properties. There is no indication the nearby properties have been detrimentally affected by the current use, nor does staff believe that the proposed use will create land use conflicts with existing or planned future uses.
5. **Length of Time at Current Zoning.** The zoning of the area has been in effect since 1999 in some areas and 2005 in others.
6. **Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a conditional use permit.
7. **Conformance with Comprehensive Plan.** The proposed conditional use permit would be in conformance with the Spring Hill Comprehensive Plan, which shows the parcel as industrial. The nonconforming use remains in compliance through enforcement of the zoning regulations addressing these uses.

**RECOMMENDATION:**

Staff recommends the approval of CU-02-12 for the continued placement of three off-premise billboard signs as described in the above staff report for a period of five years.







**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 was abandoned and replaced with site plan application SP-02-10. The 2010 site is now owned by USD230 and will become part of the Wolf Creek Elementary School project. As a result, the applicant, Bob Garver, is requesting a replat of lots 53 and 54, Estates of Wolf Creek 3rd Plat for the placement of the neighborhood pool.

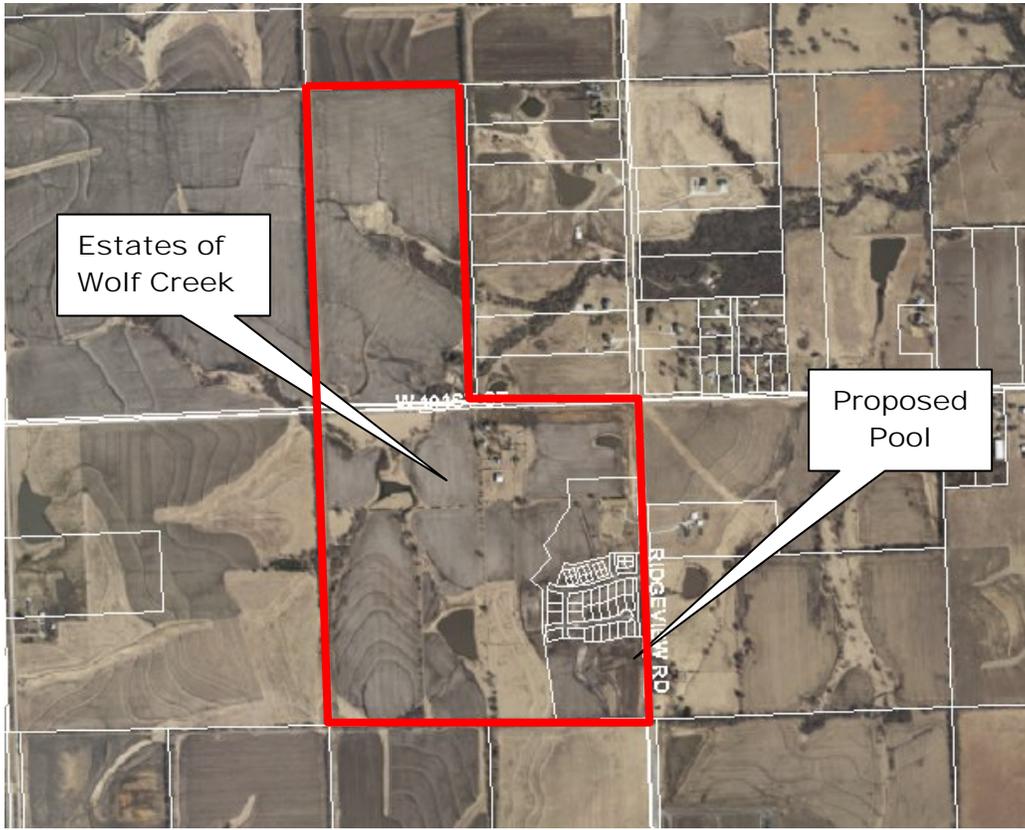
Staff has reviewed the Revised Final Plat with the following comments:

1. Section 17.332.J of the Zoning Regulations discusses 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. As with previous changes for the pool site, 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.

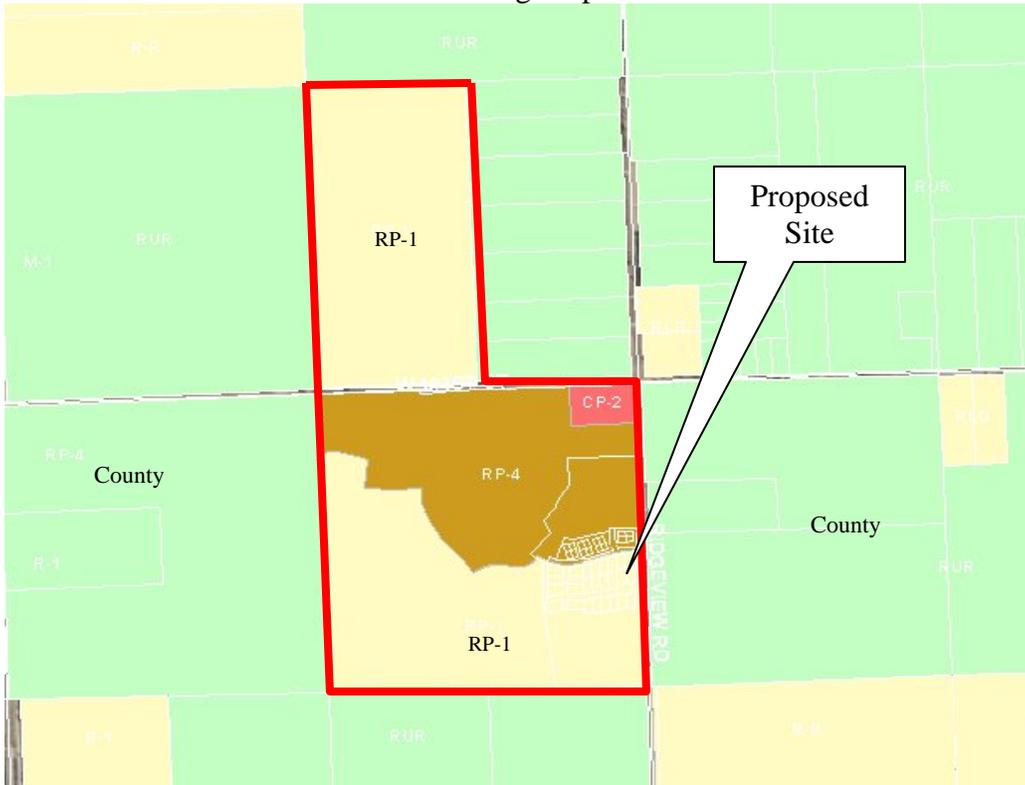
3. The plat has been distributed to various individuals for review including the City Engineer, Planning Consultant and Public Works Director. Comments from these individuals have been implemented into the plat.
4. Estates of Wolf Creek, 3rd Plat contained a 10 foot utility easement centered on the line separating Tract F and the proposed Tract G of the plat under consideration. The site plan for the pool placed the concrete pool deck on this utility easement. To avoid future conflicts the proposed plat vacates this easement. A separate permanent utility easement document reestablishes the utility easement entirely on Lot F.
5. An Improvement Agreement is not required for this replat as the infrastructure improvements and construction are covered under the Improvement Agreement for Estates of Wolf Creek, 3rd Plat.
6. Estates of Wolf Creek, 4th Plat is complete and in compliance with the Spring Hill Subdivision Regulations with regards to all information required to be included on the plat document.

Recommendation: Staff recommends approval of FP-02-12.





Zoning Map



**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 was abandoned and replaced with site plan application SP-02-10. The 2010 site is now owned by USD230 and will become part of the Wolf Creek Elementary School project. As a result, the applicant, Bob Garver, is requesting a replat of lots 53 and 54, Estates of Wolf Creek 3rd Plat for the placement of the neighborhood pool.

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. There will be no lighting on the exterior of the building.
- Landscaping is identified on the site plan and is in compliance with code requirements.
- The exterior finish of the building is stone 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 proposed 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

## Agenda item #5

subdivision, both of which are centrally located within the subdivision preliminary plan. The neighborhood pool projects approved in 2008 and 2010 have 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 single 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. A sidewalk is provided on the south side of 194th 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 18305 W. 194th 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.