

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY AUGUST 4, 2016
7:00 P.M.
SPRING HILL CIVIC CENTER
401 N. MADISON – ROOM 15**

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

FORMAL COMMISSION ACTION

1. **Approval of Minutes: July 7, 2016**
2. **Public Hearing – Conditional Use Permit (CU-2016-0002)**
Address/Vicinity: 102 E. Nichols St.
Applicant: Matt Kelly, RP Automotive
Request: To operate a used car and truck sales dealership
3. **Withdraw Request of Final Plat Application (FP-03-16) – Dayton Creek Subdivision**
Address/Vicinity: Northwest Corner of 191st St. and US169 Hwy
Owner: Brad Vince, PV Investments, LLC
Applicant: Curtis Holland, Polsinelli, PC
4. **Public Hearing – Rezoning (Z-01-16)**
Address/Vicinity: Northwest Corner of 191st St. and US169 Hwy
Owner: Brad Vince, PV Investments, LLC
Applicant: Curtis Holland, Polsinelli, PC
Request: Rezone from RP-1 to R-1
5. **Preliminary Plat (PP-02-16) – Dayton Creek Subdivision**
Address/Vicinity: Northwest Corner of 191st St. and US169 Hwy
Owner: Brad Vince, PV Investments, LLC
Applicant: Curtis Holland, Polsinelli, PC
6. **Election of Planning Commission Vice-Chairman**
7. **Establish an alternate date for the November 3, 2016 Planning Commission Meeting**

DISCUSSION

REPORTS

8. Staff to provide report of subdivisions and available lots in the City of Spring Hill.
9. Permit Summary Report

ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

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).

**City of Spring Hill, Kansas
Minutes of Planning Commission Regular Session
July 7, 2016**

A Regular Session of the Planning Commission was held in the Spring Hill Civic Center, 401 N. Madison, Room 15, Spring Hill, Kansas on July 7, 2016. The meeting convened at 7:00 p.m. with Chairman Stephen Sly presiding, and Christie Campbell, Planning Secretary recording.

Commissioners in attendance: Troy Mitchell
 Josh Nowlin
 Janell Pollom
 Tyler Vaughan (teleconference)

Commissioners absent: Paul Ray
 Cindy Squire
 Vacancy
 Vacancy

Staff in attendance: Jim Hendershot, Community Development Director
 Patrick Burton, Project Coordinator, Community Development Dept.
 Christie Campbell, Planning Secretary

Public in attendance: Ms. Karla Traul, Representative for The Wholesome Child
 Ms. Barb Bernitter, Resident
 Mr. and Mrs. Tom Ewing, Residents

ROLL CALL

The secretary called the roll of the Planning Commissioners. With a quorum present, the meeting commenced.

APPROVAL OF THE AGENDA

Motion by Mr. Nowlin, seconded by Mr. Mitchell, to approve the agenda as presented.
Roll Call Vote: Nowlin-Aye, Mitchell-Aye, Sly-Aye, Pollom-Aye, Vaughan-Aye
Motion carried 5-0-0

FORMAL ACTION

1. Approval of Minutes from the June 2, 2016 PC Meeting

Motion by Mr. Nowlin, seconded by Mr. Mitchell, to approve the minutes as presented.
Roll Call Vote: Nowlin-Aye, Mitchell-Aye, Sly-Aye, Pollom-Aye, Vaughan-Aye
Motion carried 5-0-0

2. Public Hearing – Conditional Use Permit (CU-2016-0001), The Wholesome Child, LLC

Beginning of Staff Report

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

Case #: CU-2016-0001 **Meeting Date:** July 7, 2016

Description: Proposed Conditional Use Permit for a Child Care Center

Location: 21901 Victory Road

Applicant: The Wholesome Child, LLC., Karla Traul

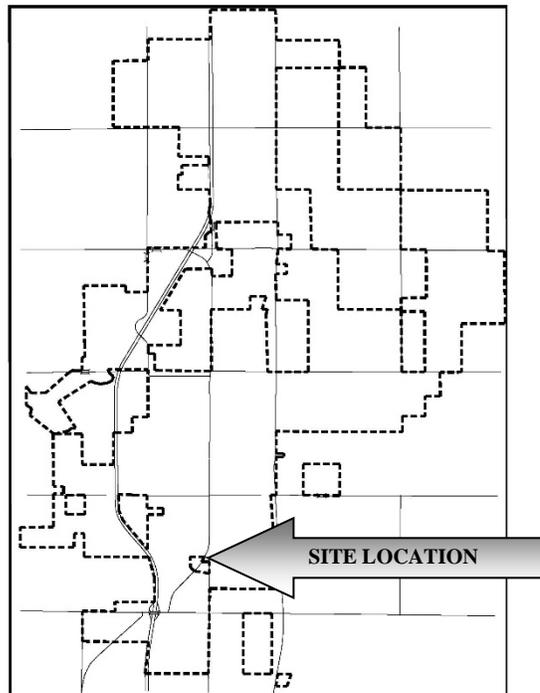
Engineer: N/A

Current Zoning: C-2 with P-O

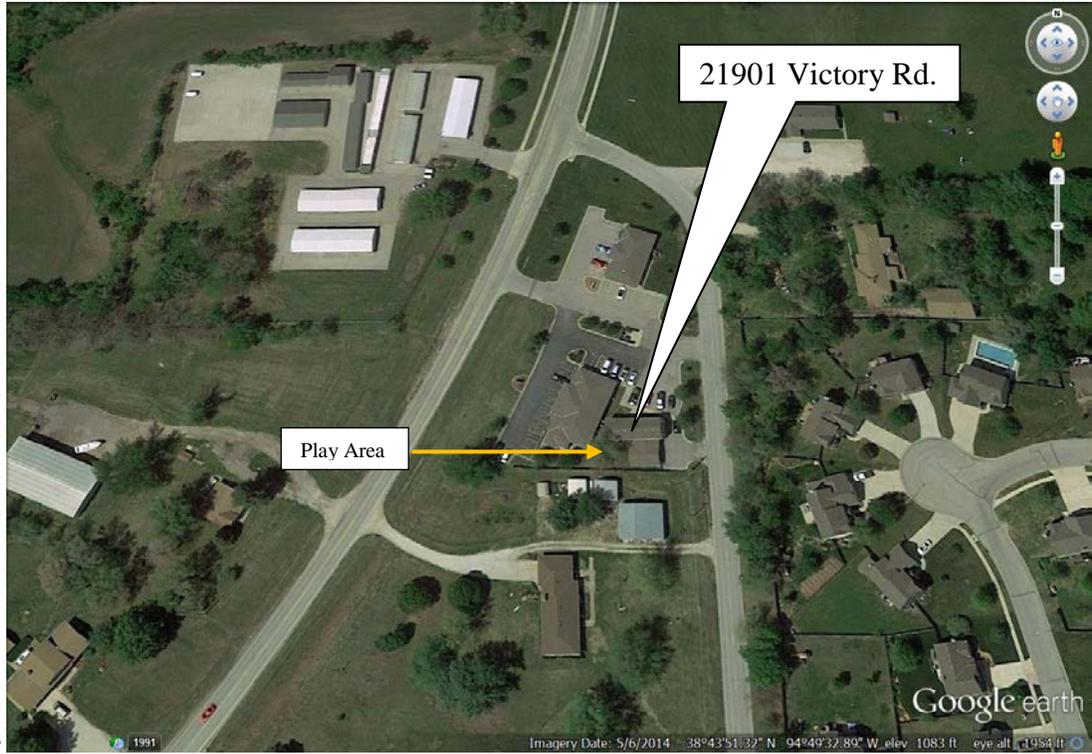
Site Area: 11,730 Sq. Ft. **Number of Lots:** 1

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	C-2 with P-O	Commercial	Mixed Use Comm.
North:	R-1	Commercial	Mixed Use Comm
South:	R-1	Residential	Mixed Use Comm.
East:	R-1	Residential	Residential
West:	C-2	Commercial	Mixed Use Comm.

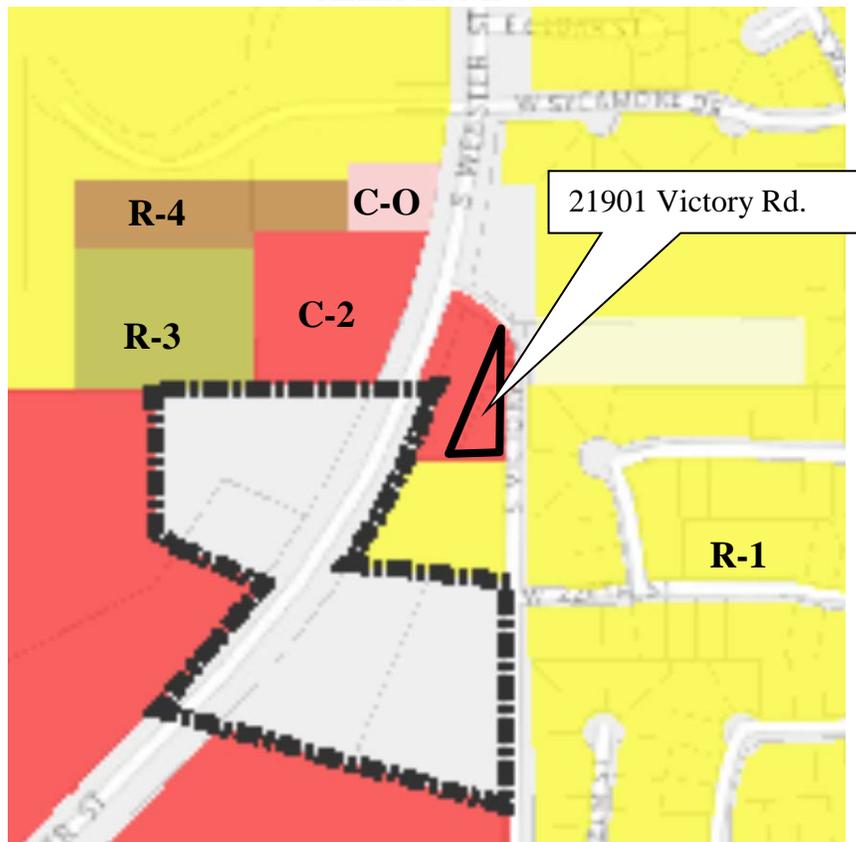
Related Applications:



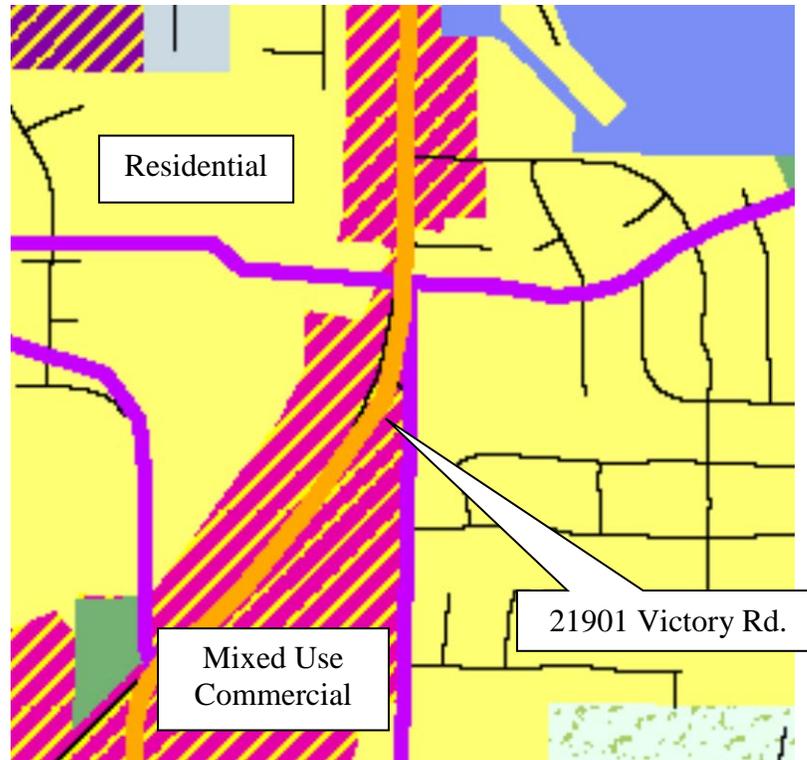
AREA PHOTO



AREA ZONING



FUTURE LAND USE



BACKGROUND:

The applicant, The Wholesome Child, LLC, has submitted a request for a CUP (Conditional Use Permit), CU-2016-0001, for a child care center. The center is licensed for the care of 30 children. At this time, they are anticipating approximately 20 children will be registered to attend the center at time of opening. The center will be operating Monday through Friday between the hours of 7:00 a.m. to 6:00 p.m. The outdoor play area space will be located in the back of the building as indicated on the area photo section of this report.

The zoning of the site is C-2 (General Business) with a P-O (Protective Overlay). The Spring Hill Zoning Ordinance allows for a day care in the “C-2 with P-O” district by means of a Conditional Use Permit. Currently, the building has a beauty salon in one portion. The child care center would utilize the remainder of the building for its operations. The surrounding properties owners were notified by mail of this Public Hearing. The affidavit of publication is attached.

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 neighborhood is comprised of commercial uses to the north and west of the site, with mixed use commercial indicated on the future land use map. On the south and east sides of the site is residential uses. The future land use map indicates mixed use commercial for the south and residential use on the east. Proposed uses and designs of the site will be compatible within the area or neighborhood.
- 2. Adjacent Zoning.** Adjacent parcels are zoned for residential and commercial uses. The proposed use under a conditional use permit will be compatible with existing zonings and uses.
- 3. Suitability for Current Zoning.** The site has “C-2 with P-O” zoning which allows child care use by way of a conditional use permit. The parcel will comply with all site planning factors appropriate to its proposed use. Outdoor play shall be limited use between the hours of 7:30 a.m. to 6:30 p.m.

4. **Detrimental Effect of Zoning Change.** The proposed conditional use permit will not have a detrimental effect on the nearby properties, which are residential and commercial uses. There is no indication that nearby properties will be adversely affected by the proposed 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 site has been zoned “C-2” for many years. The property was rezoned in 2015 to add “P-O” use. The property’s zoning is currently “C-2” with “P-O”.
6. **Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit issuance and a review within a time frame set by the Governing Body. A change in tenants does not require action on a CUP, provided the use is operated in the same manner as the previous tenant and within the conditions established in the approved CUP.
7. **Adequacy of facilities:** All utilities are adequately available to the property and the property is sufficiently suited for the proposed use. The State Fire Marshall’s office, as well as the local fire department, will conduct inspections and a review of the property to insure the center conforms to all regulations for the proper operations for a child care center.
8. **Conformance with Comprehensive Plan.** The Comprehensive Plan and Future Land Use Map identifies this area as Mixed Use Commercial. This classification promotes a mixture of neighborhood-oriented uses, retail-commercial, institutional, civic, and medium to high density residential uses through compatible site planning, site design and in this case CUP. The use of the property as a commercial business / child care center with the implementation of a CUP is in compliance with the Comprehensive Plan.

RECOMMENDATION:

Staff recommends approval of Conditional Use Permit # CU-2016-0001, located at 21901 S. Victory Road, for use as a child care center with a review of the CUP every year. The adopted “Conditional Use Permit Review / Renewal Guide, February 2014” was used as a matrix for a review timeframe. The category of “Day Care”, within the guide, shows a review period of once every year.

End of Staff Report

With no conflicts of interest between the members of the Planning Commission and the applicant, Chairman Sly formally opened the public hearing at 7:01 p.m.

Mr. Hendershot, Community Development Director, presented the staff report to the Planning Commission, as outlined above.

With no questions or comments from the public, Chairman Sly formally closed the public hearing at 7:07 p.m.

Commissioner Nowlin asked if the playground area would be fenced. The applicant, Karla Traul, confirmed that the play area is fenced.

Commissioner Nowlin asked the applicant, Karla Traul, how long she had been in business. Ms. Traul stated that the child care center is a new business, but she has been doing in-home child care for three years.

Chairman Sly inquired if the existing fence on the property would be fixed, as it seems to be leaning and not secure. Ms. Traul confirmed that the fence would be fixed.

Commissioner Mitchell asked if there would be any playground equipment on the property. Ms. Traul indicated that there would be small outdoor play equipment, but the property is not large enough to accommodate large equipment.

Commissioner Vaughan asked about the employee to child ratio. Ms. Traul indicated that she would be following the State of Kansas requirements, but planned to have more staff than required.

Motion by Mr. Mitchell, seconded by Ms. Pollom, to approve CU-2016-0001, located at 21901 S. Victory Road, for use as a child care center with an annual review.

Roll Call Vote: Nowlin-Aye, Mitchell-Aye, Sly-Aye, Pollom-Aye, Vaughan-Aye

Motion carried 5-0-0

The Conditional Use Permit application (CU-2016-0001) for The Wholesome Child, LLC will be forwarded to the City Council for review on July 28, 2016.

AGENDA ITEMS # 3, 4 and 5 – DAYTON CREEK SUBDIVISION

- 3. Withdraw Request of Final Plat Application (FP-03-16) – Dayton Creek Subdivision**
- 4. Public Hearing – Rezoning (Z-01-16) – Dayton Creek Subdivision (RP-1 to R-1)**
- 5. Preliminary Plat (PP-02-16) – Dayton Creek Subdivision**

Mr. Hendershot addressed the Planning Commission stating that the applicant has requested to table the items related to Dayton Creek Subdivision until the August 4, 2016 Planning Commission meeting.

Motion by Mr. Mitchell, seconded by Ms. Pollom, to table agenda items # 3, 4, and 5 until the August 4, 2016 Planning Commission Meeting, per the applicant's request.

Roll Call Vote: Nowlin-Aye, Mitchell-Aye, Sly-Aye, Pollom-Aye, Vaughan-Aye

Motion carried 5-0-0

DISCUSSION

REPORTS

ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

ADJOURN

Motion by Mr. Mitchell, seconded by Ms. Pollom, to adjourn.

Roll Call Vote: Nowlin-Aye, Mitchell-Aye, Sly-Aye, Pollom-Aye, Vaughan-Aye

Motion carried 5-0-0

The meeting adjourned at 7:11 p.m.

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

Case #: CU-2016-0002

Meeting Date: August 4, 2016

Description: Proposed Conditional Use Permit for a used car and truck dealership

Location: 102 E. Nichols Street

Applicant: Matt Kelly dba RP Automotive

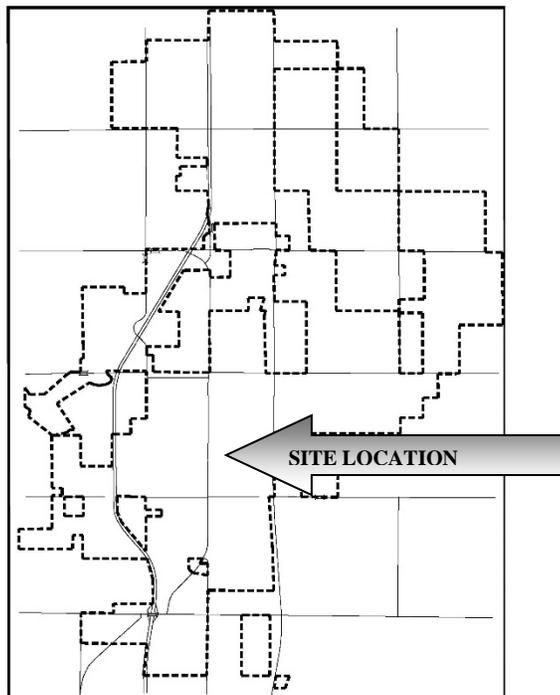
Engineer: A&D Allenbrand - Drews

Current Zoning: C-2

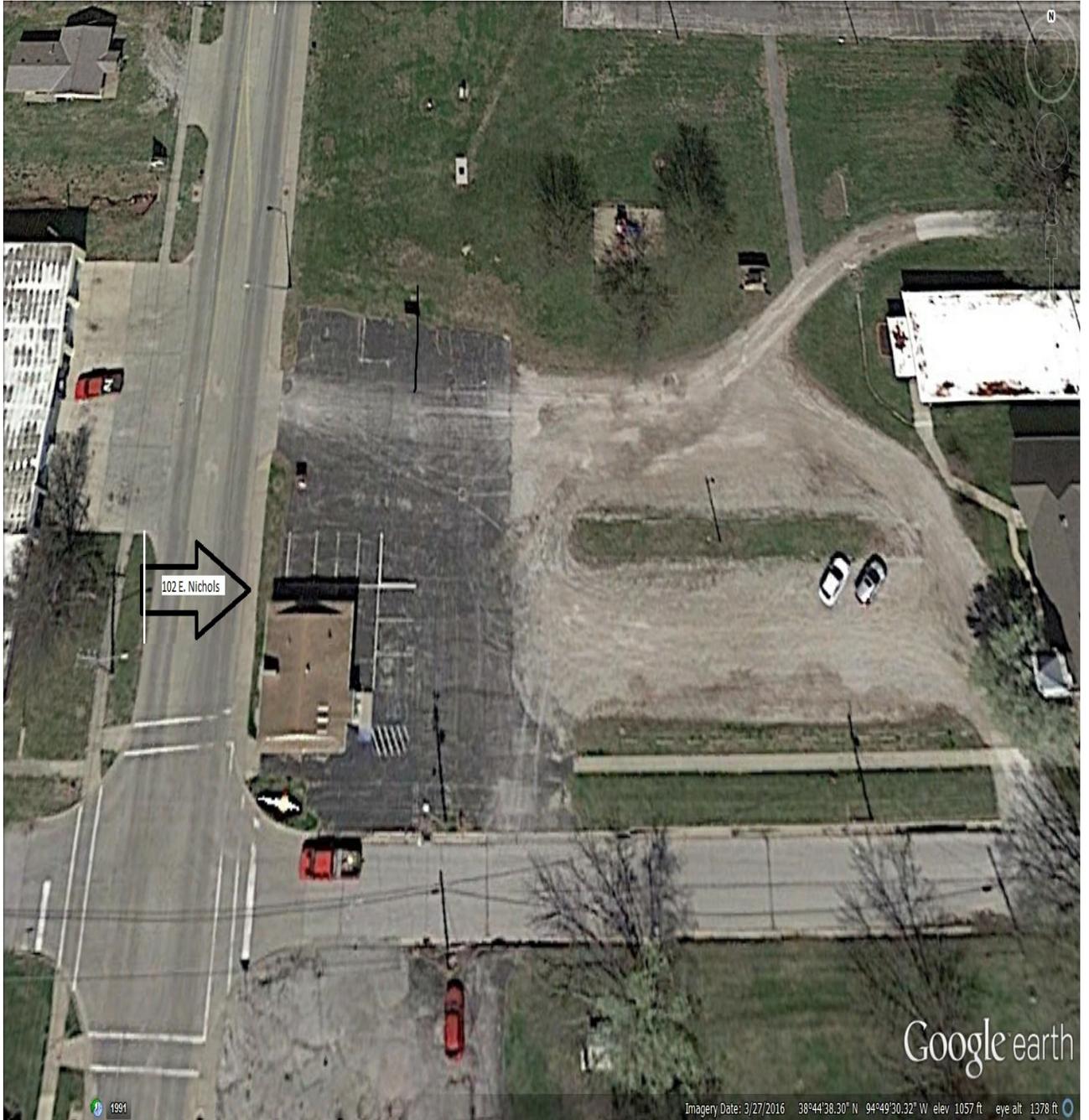
Site Area: 43,560 Sq. Ft. **Number of Lots:** 1

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	C-2	Commercial	Mixed Use Comm.
North:	C-2	Commercial	Mixed Use Comm
South:	C-2	Commercial	Mixed Use Comm.
East:	C-2 / R-1	Commercial Residential	Mixed Use Comm. / Residential
West:	C-2	Commercial	Mixed Use Comm.

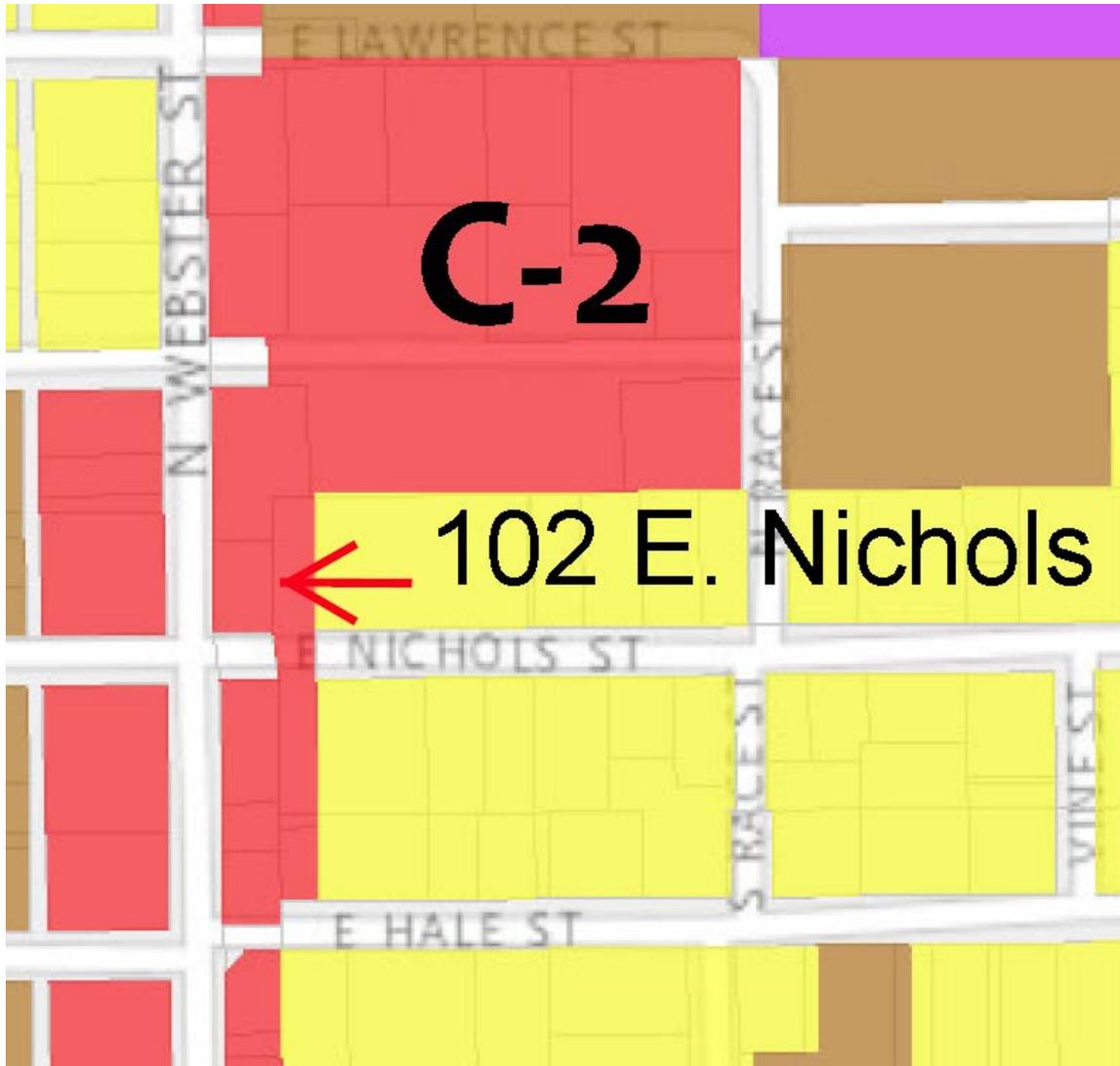
Related Applications:



AREA PHOTO



AREA ZONING



BACKGROUND:

The applicant, Matt Kelly dba RP Automotive, has submitted a request for a 'CUP' (Conditional Use Permit), CU-2016-0002, for a used car and truck sales dealership. At this time, he is anticipating approximately 23 vehicles will be on the lot for sale, as indicated on the site plan that is attached. The business will be operating Monday through Saturday between the hours of around 10:00 a.m. to 7:00 p.m. The lot will be illuminated with directional / shielded lights as to not affect the traffic or neighborhood. Staff will work with Mr. Kelly to assure the lighting is illuminating properly through the electrical permit process. For security reasons, the lot will have a low profile pipe fence with gates around the lot. All customer traffic will enter and exit on to Webster Street. There will be a gate going onto Nichols Street but it will be used for business operations only. All areas that are existing gravel will be replaced with hard surface materials.

The zoning of the site is 'C-2' (General Business). The Spring Hill Zoning Ordinance allows for the sale of vehicles in the "C-2" district by means of a Conditional Use Permit. Currently, the building is empty, and the last use was a restaurant type of business. The surrounding properties owners were notified by mail of this Public Hearing. A copy of the publication is attached.

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 adjacent properties are comprised of commercial zoning in all directions of the site. The properties to the north and east are religious centers with one in commercial zoning and the other in residential zoning. The proposed use and design of the site will be compatible within the area.
- 2. Adjacent Zoning.** Adjacent parcels are zoned for commercial uses. The proposed use under a conditional use permit will be compatible with existing zonings and uses.
- 3. Suitability for Current Zoning.** The site is zoned "C-2" which allows the sales of vehicles use by way of a conditional use permit. The parcel will comply with all site planning factors appropriate to its proposed use.
- 4. Detrimental Effect of Zoning Change.** The proposed conditional use permit will not have a detrimental effect on the nearby properties which are commercial uses. There is no indication that nearby properties will be adversely affected by the proposed 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 site has been zoned "C-2" for many years.
- 6. Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit issuance and a review within a time frame set by the Governing Body. A change in tenants does not require action on a 'CUP', provided the use is operated in the same manner as the previous tenant and within the conditions established in the approved "CUP".

7. Adequacy of facilities: All utilities are adequately available to the property and the property is sufficiently suited for the proposed use. They will be required to obtain the correct permits to insure the work that will take place conforms to all City codes and regulations.

8. Conformance with Comprehensive Plan. The Comprehensive Plan and Future Land Use Map identifies this area as Mixed Use Commercial. This classification promotes a mixture of neighborhood-oriented uses, retail-commercial, institutional, civic, and medium to high density residential uses through compatible site planning, site design and in this case “CUP”. The use of the property as a commercial business / used car and truck sales dealership with the implementation of a ‘CUP’ is in compliance with the Comprehensive Plan.

Planning Commission Review and Action: Upon review of the preliminary plat application the Planning Commission shall determine if the plat conforms to the provisions of the Subdivision Regulations and Comprehensive Plan. The Planning Commission shall take action to:

- Approve the application, or
- Approve the application with modifications, or
- Table action on the application to a specific date and notify the applicant of such action
- Reject the application

RECOMMENDATION:

Staff recommends approval of Conditional Use Permit # CU-2016-0002, located at 102 E. Nichols Street, for use as a used car and truck sales dealership, with a review of the ‘CUP’ every year. The adopted “Conditional Use Permit Review / Renewal Guide, February 2014” was used as a matrix for a review timeframe. The category of “Vehicle Repair General”, within the guide shows a review period of once every year.

Suggested Motion: Motion to recommend approval of Conditional Use Permit # CU-2016-0002, located at 102 E. Nichols Street, for use as a used car and truck sales dealership, with a review of the ‘CUP’ every year.

Attachments:

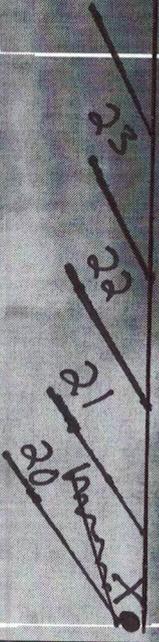
- Site Plan
- Public Hearing Notice – MICO Republic Publication

A product of Johnson County AIMS, 111 S Cherry, Ste 2000, Olathe, KS 66061 - 913.715.1600 - <http://aims.jocogov.org> - mapper@jocogov.org

EP70500000 0006
19,562.0 ft.

70.79

← Deded Right of Way →



102
EP70000000 00R3A
7,947.0 ft.

Handicap
customer
customer
customer



110.00



Johnson Co AIMS Map

LEGEND

AIMS Imagery: 2014

Property

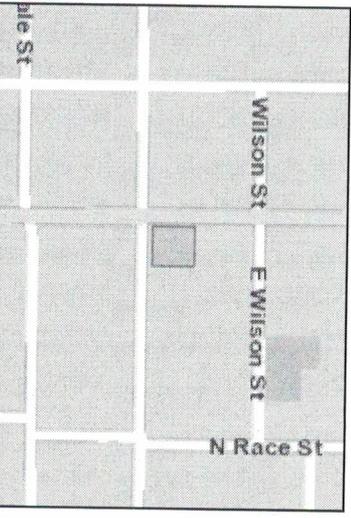
* All Gravel to be Blacktop

* 5-dots - Area to be fenced

* 3-inch low-lying pipe

* X's indicate lights

* NO trash dumpster



Disclaimer: No person shall sell, give, reproduce, or receive for the purpose of selling or offering for sale, any portion of the data provided herein. Johnson County makes every effort to produce and publish the most current and accurate information possible. Johnson County assumes no liability whatsoever associated with the use or misuse of such data, and disclaims any representation or warranty as to the accuracy and currency of the data.



7/28/2016

CU-2016-0002
102 E. Nichols St.
Applicant: Matt Kelly

(Published in the Miami County
Republic Wed., 07/13/16)

CITY OF SPRING HILL, KANSAS
NOTICE OF CONDITIONAL USE
PERMIT PUBLIC HEARING

Real Property: NOTICE is hereby given that the PLANNING COMMISSION of the CITY of SPRING HILL, KANSAS, will hold a Public Hearing at their regularly scheduled meeting at 401 N. Madison, Room 15, Spring Hill, Kansas on the **4th day of August, 2016 at 7:00 P.M.** at which time and place you may be heard in regard to an application for a Conditional Use Permit, for the following described real property, also known as 102 E. Nichols Street, situated in the City of Spring Hill, Johnson County, Kansas, to wit:

Owner requests a Conditional Use Permit to operate a Used Cars and Trucks Sales Dealership.

LEGAL DESCRIPTION:

Lot 83, EXCEPT the North 40 feet thereof, SPRING HILL Outside Lots, a subdivision in the City of Spring Hill, Johnson County, Kansas.

Tax Property ID EP70000000
0083A.

Also known as: 102 E. Nichols Street, City of Spring Hill, Johnson County, Kansas.

This notice shall be published once in the official city newspaper at least twenty (20) days prior to the date of said hearing.

Dated this 8th day of July 2016

**SPRING HILL
PLANNING COMMISSION**
Stephen Sly, Chairman
ATTEST:

(SEAL)

Glenda Gerrity, City Clerk



6201 College Boulevard, Suite 500, Overland Park, KS, 66211 • 913.451.8788

June 8, 2016

Curtis M. Holland
(913) 234-7411
(913) 451-6205 Fax
cholland@polsinelli.com

Jim Hendershot
Community Development
City of Spring Hill
401 N Madison St.
Spring Hill, KS 66083

Re: Dayton Creek/Final Plat Application (FP-03-16)

Dear Mr. Hendershot

As discussed, on behalf of the landowner, PV Investments, LLC, we hereby withdraw Final Plat Application (FP-03-16) from any further consideration by the City. Instead, PV Investments, LLC, has decided to pursue rezoning of the subject property to R-1, and will submit a final plat application consistent with that zoning designation at a later date.

Please advise if you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Curtis M. Holland".

Curtis M. Holland

Cc: Dr. Brad Vince

**SPRING HILL PLANNING COMMISSION
ZONING STAFF REPORT**

Case #: Z-01-16

Meeting Date: August 4, 2016

Description: Proposed Rezoning from RP-1 (Planned Single Family Residential) to R-1 (Single Family Residential)

Location: 191st & US169 Highway, northwest corner

Applicant: Polsinelli, PC – Curtis Holland

Owner: PV Investments, LLC – Brad Vince

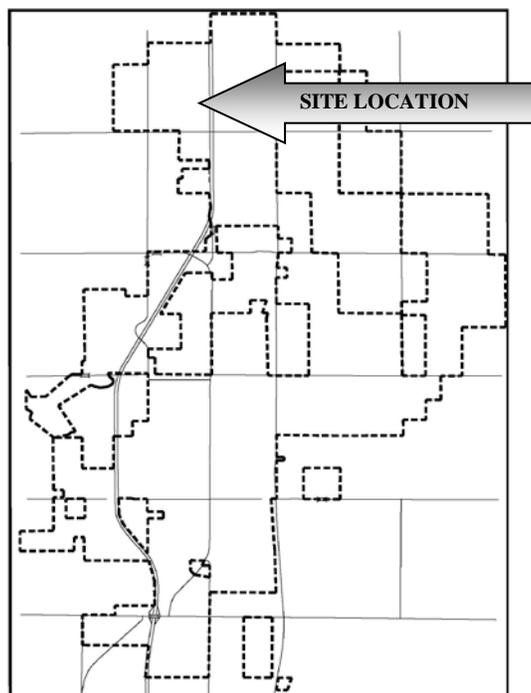
Engineer: Shafer, Kline & Warren, Inc. – Greg Watson

Current Zoning: RP-1 **Proposed Zoning:** R-1

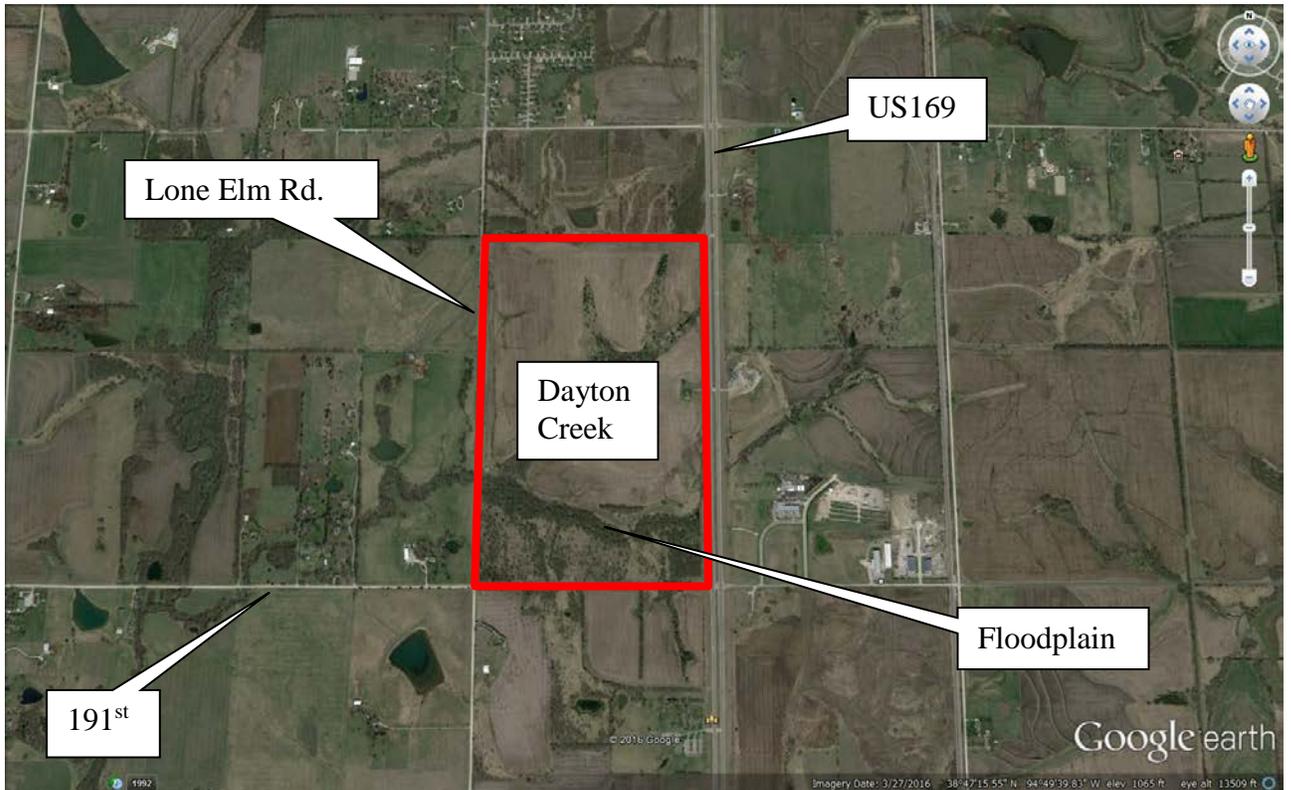
Site Area: 225.77 Ac. **Number of Lots:** 488

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	RP-1	Vacant	Residential
North:	Rural / RUR	Vacant	Residential
South:	R-R & RUR	Vacant	Residential
East:	N/A	KDOT R-O-W	Highway
West:	R-R & RUR	Vacant	Residential

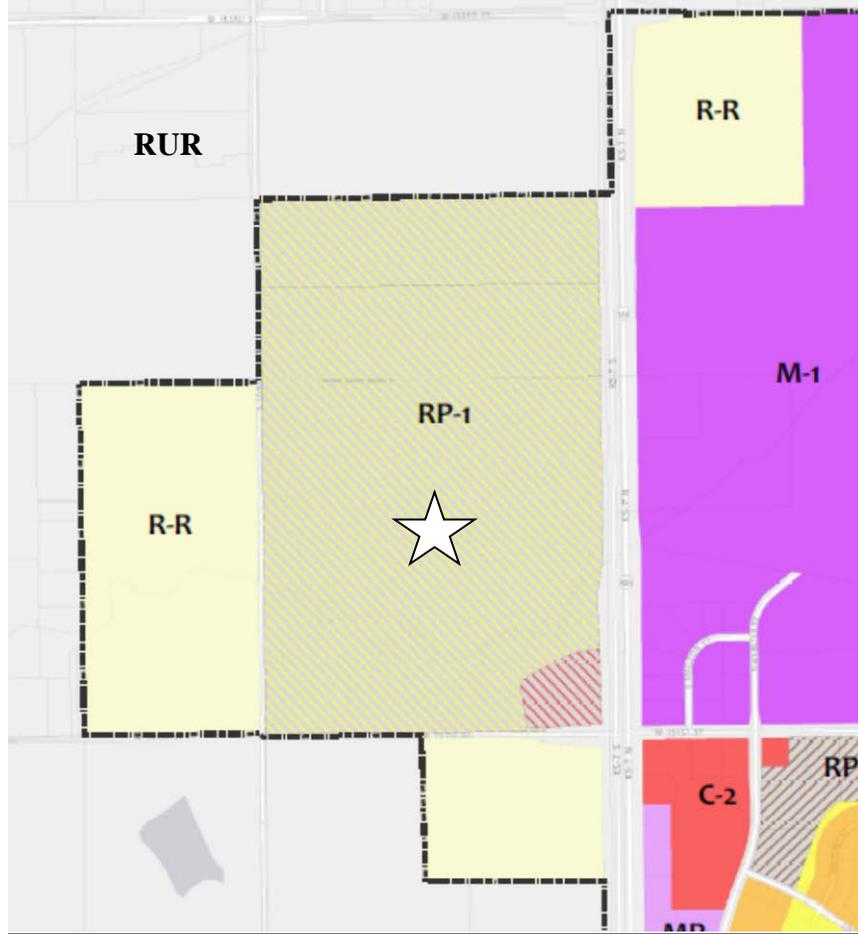
Proposed Use: Single Family Residential



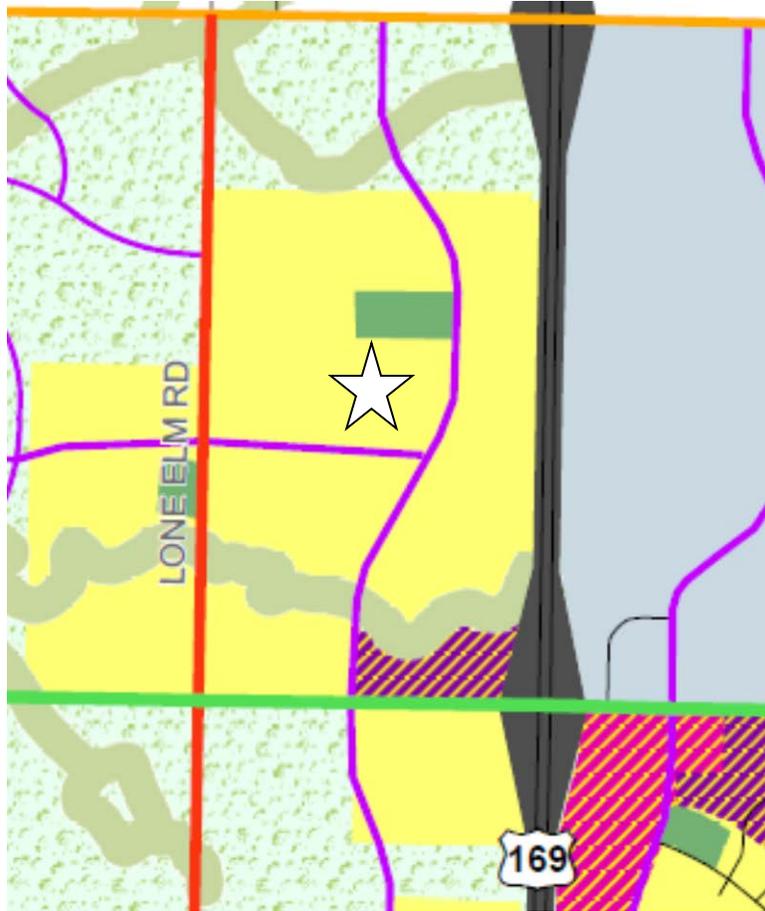
AREA PHOTO



AREA ZONING



FUTURE LAND USE



BACKGROUND: An application has been received for rezoning a 225.77 acre tract located at the northwest corner of 191st & US169 Highway. The property is currently zoned RP-1 (Planned Single Family Residential) with requested zoning to R-1 (Single Family Residential). The property was rezoned to RP-1 approximately 10 years ago as a part of a planned residential development. Changes in the ownership structure and market conditions have resulted in this current rezoning application.

REZONING:

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

- 1. Consistent with purposes of the regulations and intent and purpose of the proposed district:** The proposed rezoning is consistent with the purpose and intent of the regulations regarding R-1 district. Single family residential subdivisions are an allowed use in the R-1 district.
- 2. Neighborhood Character:** As shown on the aerial photo above, the surrounding area is primarily agricultural / rural residential with KDOT highway right-of-way to the east.
- 3. Zoning and uses of nearby parcels:** As shown on the area zoning map above, the properties to the south and west are a combination of Rural Residential (R-R city district) and unincorporated Johnson County, Rural Residential (RUR). The area to the north is also unincorporated Johnson County, RUR District. The area to the east is General Industrial (M-1) but is separated from the subject property by KDOT right-of-way. All uses within the adjoining district are compatible with their respective districts, with most being vacant ground and agricultural in uses.
- 4. Requested because of changing conditions:** Request is based on a business opportunity as determined by the applicant.
- 5. Suitability of parcel for uses restricted by the current zone:** Property adjacent to highway right-of-way is suitable for many land use opportunities. However, because of the floodplain that dissects the property from east to west, developments other than residential would be limited.
- 6. Suitability of parcel for uses permitted by the proposed district:** The proposed subdivision of Dayton Creek is single family residential and permitted within the R-1 district. With the change in zoning from RP-1, the density will be substantially decreased due to larger lots required in the R-1 district.
- 7. Detrimental Effect of Zoning Change:** No detrimental effects are anticipated.
- 8. Proposed amendment corrects an error:** No error is being corrected.
- 9. Length of time property has been vacant:** This property is undeveloped and has been vacant ground with limited agricultural in use for many years.
- 10. Adequacy of current facilities:** All utilities are adequate and available to the property with extensions as determined by the development plan.
- 11. Conformance with Comprehensive Plan.** As shown on the Future Land Use map above, the Comprehensive Plan identifies this area as Residential. The requested zoning district of R-1 and the proposed use are in conformance with the Comprehensive Plan.
- 12. Hardship if application is denied:** The issue of hardship can be better addressed by the applicant and owner.

ADDITIONAL REVIEW COMMENTS:

Staff distributed the rezoning application to various consultants and city staff for comment. Any applicable comments have been addressed by the applicant. As required, area property owners were notified of the hearing by mail and a newspaper publication was completed 20 days prior to the hearing date. In addition, signs advertising the public hearing date for this application were posted on the property as required. To date, no written public comments have been received.

ALTERNATIVE ACTION: Alternatives for action by Planning Commission include;

- *Approval of application* with final action by the Governing Body on August 25, 2016, subject to the protest period and petition as provided by Section 17.364.I of the Spring Hill Zoning Regulations, or
- *Denial of application* (application would be forwarded to Governing Body) on August 25, 2016, subject to the protest period and petition as provided by Section 17.364.I of the Spring Hill Zoning Regulations, or
- *Continuance* of item to future meeting identifying specific issues to be reviewed by staff and/or the applicant.

RECOMMENDATION: Staff recommends approval of rezoning application Z-01-16 from RP-1 (Planned Single Family Residential) to R-1 (Single Family Residential).

Suggested Motion: Motion to recommend approval to the Spring Hill Governing Body for rezoning application Z-01-16 as presented by staff.

AFFIDAVIT OF PUBLICATION

NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502

Reference: 182892
Ad ID: 6403220

P.O. :

DESC. :Rezone request from RP-1 to R-1

**GLEND A GERRITY
CITY OF SPRING HILL
PO BOX 424
SPRING HILL, KS 66083**

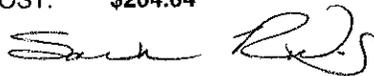
Miami County Republic

State of Kansas, Miami County, ss:

I, Sandra Ridings being duly sworn according to law, state that I am the Legal Advertising Coordinator of the Miami County Republic, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Miami County, Kansas, with a general paid circulation on a weekly basis in Miami County, Kansas; and that said newspaper is not a trade, religious, or fraternal publication. Said newspaper is published at least weekly fifty times a year and has been so published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of the said notice; and has been admitted to the post office of Paola, in said county as second class matter. That this notice, a true copy of which is hereto attached, was published in the regular and entire issue of said weekly newspaper as follows, to-wit:

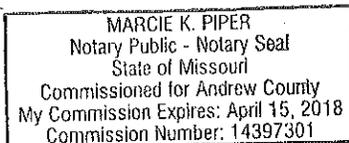
Run Dates: 06/15/16 to 06/15/16
Appearances: 1
AD SPACE: 217
TOTAL COST: \$204.64

(Signed)



Subscribed and sworn before me this
15th day of June 2016

Marcie K. Piper Notary Public



My Commission Expires:

April 15, 2018

(Published in the Miami County Republic Wed., 06/15/16)

**CITY OF SPRING HILL, KANSAS
NOTICE OF REZONING
PUBLIC HEARING**

Real Property: NOTICE is hereby given that the PLANNING COMMISSION of the CITY of SPRING HILL, KANSAS, will hold a Public Hearing at their regularly scheduled meeting at 401 N. Madison, Spring Hill, Kansas on the 7th day of July, 2016, at 7:00 P.M. at which time and place you may be heard in regard to the application for a rezoning hearing, for the following described real property, situated in the City of Spring Hill, Johnson County, Kansas, to wit:

Owner requests a rezoning from RP-1(Planned Single Family District) to R-1 (Single Family Residential District)

LEGAL DESCRIPTION:

The South Half of the Northwest One-Quarter and all of the Southwest One-Quarter of Section 35, Township 14 South, Range 23 East in Johnson County, Kansas, except that part taken for highway right-of-way being more particularly described as follows:

Beginning at the Southwest corner of the Southwest One-Quarter of said Section 35, Township 14 South, Range 23 East in Johnson County, Kansas; thence North 02° 07' 18" West, along the West line of the said Southwest One-Quarter, a distance of 2,659.02 feet to the Northwest corner of the said Southwest One-Quarter; thence North 02° 06' 50" West, along the West line of the South One-Half of the Northwest One-Quarter of Section 35, a distance of 1,353.60 feet, to a point; thence North 87° 40' 23" East, along the North line of the South One-Half of the said Northwest One-Quarter, a distance of 2,538.88 feet, to a point on the Westerly right-of-way line of U.S. Highway 169, said point being 100.70 feet West of the Northeast corner of said south One-half; thence South 01° 05' 19" West, along the Westerly right-of-way of said U.S. Highway 169, a distance of 347.56 feet, to a point; thence South 03° 41' 29" East, and continuing along the Westerly right-of-way line of said U.S. Highway 169, a distance of 1,004.80 feet, to a point on the North line of said Southwest One-Quarter; said point being 94.30 feet West of the Northeast corner of said Southwest One-quarter;

thence South 02° 33' 44" East, along the Westerly right-of-way of said U.S. Highway 169, a distance of 691.40 feet, to a point; thence South 02° 38' 39" East and continuing along the said Westerly right-of-way of U.S. Highway 169, a distance of 660.00 feet, to a point; thence South 08° 16' 21 " West, along the said Westerly right-of-way of U.S. Highway 169, a distance of 274.60 feet, to a point; thence South 03° 40' 39" East and continuing along the Westerly right-of-way of said U.S. Highway 169, a distance of 414.65 feet, to a point; thence South 81°56'21" West, a distance of 189.16 feet, to a point; thence South 54°46'19" West, a distance of 48.62 feet, to a point; thence South 55°50'06" West, a distance of 47.40 feet, to a point; thence South 55°17'48" West, a distance of 105.00 feet, to a point; thence South 69°37'49" West , a distance of 103.45 feet, to a point; thence South 55°48'36" West, a distance of 166.41 feet, to a point; thence South 09°50'01" East, a distance of 346.98 feet, to a point; thence North 87°50'21" East, a distance of 70.12 feet, to a point; thence North 87°48'17" East, a distance of 65.52 feet, to a point; thence South 02°10'39" East, a distance of 40.00 feet, to a point on the South line of the said Southwest One-Quarter of Section 35; thence South 87° 49' 21" West, along the South line of said Southwest One-Quarter, a distance of 2,105.60 feet, to the Point of Beginning and containing 226.76 acres, more or less.

This notice shall be published once in the official city newspaper at least twenty (20) days prior to the date of said hearing.

Dated this 7th day of June 2016
**SPRING HILL
PLANNING COMMISSION**
Stephen Sly, Chairman
ATTEST:

(SEAL)

Glenda Gerrity, City Clerk

BACKGROUND:

The applicant, Polsinell PC, and owner, PV Investments, LLC, has submitted an application for a new Preliminary Plat of Dayton Creek. (A copy of the proposed new preliminary plat is included with this staff report.)

In 2007, the Planning Commission approved a Preliminary Plat of Dayton Creek. The plat was reflective to “RP-1” / “CP-2” zoning. A change in the market conditions shows a need for larger lots that will accommodate the houses in demand. The applicant has submitted a new Preliminary Plat that conforms to “R-1” / “CP-2” zoning. The Preliminary Plat was submitted simultaneously with the rezoning request.

STAFF COMMENT:

The rezoning of the property to “R-1” was to increase the lot sizes; thus, decrease the density of the subdivision greatly. There are 489 proposed lots in the new Preliminary Plat of Dayton Creek. In the “R-1” district there are 488 lots and 1 lot in the “CP-2” district. The current approved Preliminary Plat has 712 platted lots with one of those lots being commercial.

The review comments from the government agencies, consultants and utility providers have been implemented as applicable on the new Preliminary Plat. The applicant and their engineer have addressed all of the provided comments.

The new plat has been reviewed by the City’s Traffic Engineer and their comments have been addressed. The plat and related information was sent to KDOT for review and comment. A new traffic study was conducted at the request of KDOT and is included in this packet. The items that KDOT requested to be changed have been addressed and changed on the Preliminary Plat. Again, the density of the newly revised plat has been greatly decreased.

There are 5 access points into this subdivision and 3 future street extensions toward the north.

The right-of-way and utility easements are shown with dimensions meeting the minimum requirements for the City and affected utility providers. Additional easement requirements will be looked at and maybe required on the Final Plats.

The plat conforms to the Property Development Standards addressed in Section 17.338.A, size of lots, and set-backs. Maximum height and building set-backs will be addressed during the building permit issuance process for approval.

The City will provide sewers, and WaterOne will provide water to the subdivision. This property is participating in the north sewer benefit district.

The subdivision layout provides 36.38 acres of open space / neighborhood parks and landscape easements. Therefore, if the preliminary plat is approved, the owner would not be subject to park impact fees if the open space / parks remain the same on the Final Plat. The pedestrian circulation system for each phase must be completed or the park impact fees will be assessed.

The excise tax will be calculated at the Final Plat phase. The amount of open space, KDOT road right-of-way, and certain road improvements will be used to off-set the excise tax. Due to these anticipated off-sets, the City does not anticipate there will be any excise tax assessed at this time.

Neighborhood park / pool area are shown on Tract L and Tract R. When these areas are built, a site plan will be required to accompany the building plans and permit applications.

The subdivision does comply with the Comprehensive Plan.

Planning Commission Review and Action: Upon review of the preliminary plat application the Planning Commission shall determine if the plat conforms to the provisions of the Subdivision Regulations and Comprehensive Plan. The Planning Commission shall take action to:

- Approve the application, or
- Approve the application with modifications, or
- Table action on the application to a specific date and notify the applicant of such action
- Reject the application

RECOMMENDATION:

Staff recommends approval of the Preliminary Plat (PP-02-16), Dayton Creek Subdivision of Spring Hill, KS, Johnson County, KS, Subject to:

- 1) A landscaping plan will need to be submitted and approved prior to the approval of a final plat. The landscape plan shall be in compliance with Section 17.358-Landscaping of the Spring Hill Unified Subdivision Regulations.
- 2) The applicant shall plant landscaping in accordance with the staff approved landscape plan. The trail systems shall be completed with each phase of development. The last building permit in that phase of development and building permits in next phase of development will not be issued until the above items are completed.
- 3) The trail system shall be open to the general public and an access easement to the trail system shall be shown on final plats.
- 4) Acceptance of the pedestrian circulation systems is subject to city sidewalks on both sides of all of Theden Street and both sides of West 186th Terrace that connects to South Lone Elm Road. In addition to those sidewalks, all local streets, terraces, lanes, and etcetera must have sidewalks on one side of the street in City right-of-way. The sidewalks and walking trails must be designed and constructed per the City Codes.
- 5) The owner shall be responsible for improving 191st Street between U.S. 169 Hwy and Lone Elm Road. Lone Elm Road must be improved from 191st Street to the north end of the subdivision. Lone Elm Road may be designed and constructed to meet chip and seal standards.

- 6) All areas and tracts shown to be dedicated to the City will not be accepted by the City by means of a Preliminary Plat. The areas to be dedicated are subject to a review and assessment by the City before acceptance at Final Platting stage.

Suggested Motion: Motion to recommend approval of Preliminary Plat application PP-02-16 for Dayton Creek Subdivision including conditions 1-6 as presented in the staff report.

Attachments: 1. Preliminary Plat
2. Traffic Study Report, July 2016, provided by Shafer, Kline & Warren
3. Traffic Study Review, July 28, 2016, provided by BHC Rhodes

PRELIMINARY PLAT OF DAYTON CREEK

CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS



SCALE: 1"=150'

STREET IMPROVEMENT NOTES:
 1. IMPROVEMENTS TO 191ST STREET AND LONE ELM WILL BE CONSTRUCTED IN CONJUNCTION WITH INFRASTRUCTURE IMPROVEMENTS FOR EACH PHASE AS SHOWN ON THE CONSTRUCTION PHASE EXHIBIT. 191ST STREET AND LONE ELM WILL BE RESURFACED WITH ASPHALT IN THEIR CURRENT WIDTH AND ALIGNMENT. EACH ENTRANCE INTO THE SUBDIVISION WILL ACCESS AN ASPHALT ROAD.
 2. THE DEN STREET AND 188TH TERRACE (CONNECTION TO LONE ELM) WILL BE CONSTRUCTED WITH 60' RIGHT-OF-WAY AND 36' ROAD WIDTH (BACK OF CURB TO BACK OF CURB).
 3. ALL OTHER INTERNAL STREETS WILL BE CONSTRUCTED WITH 50' RIGHT-OF-WAY AND 28' ROAD WIDTH (BACK OF CURB TO BACK OF CURB).

BUILDING LINE SETBACK DIMENSIONS:
 FRONT - 35 FEET
 SIDEYARD - 7 FEET
 REARIYARD - 25 FEET

TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM COUNTY MAPPING.

ZONING	GROSS ACRES	OPEN SPACE/NEIGHBORHOOD PARK LANDSCAPE EASEMENT
R-1	225.77	36.39
CP-2	7.58	N/A
TOTAL	233.35	36.39

EASEMENT NOTES:
 1. RIGHT-OF-WAY GRANTED TO SOUTHWESTERN BELL TELEPHONE COMPANY BY THE INSTRUMENT FILED IN BOOK MSC. 91, PAGE 198, OVER A PORTION OF THE PROPERTY TO BE PLATTED, AS MORE FULLY DESCRIBED THEREIN. SUPPLEMENTAL EASEMENT FILED IN VOLUME 1671, PAGE 784.
 2. ADDITIONAL EASEMENTS WILL BE PROVIDED WHEN FINAL PLAT & ENGINEERING PLANS ARE SUBMITTED AND APPROVED.

UTILITY NOTES:
 UTILITIES WILL BE PROVIDED BY:
 ELECTRIC - KCP&L 913-294-6200
 TELEPHONE - SPRINT TELEPHONE 800-788-3500
 WATER - WATERWORKS OF JOHNSON COUNTY 913-895-3500
 SANITARY SEWERS - CITY OF SPRING HILL 913-592-3317

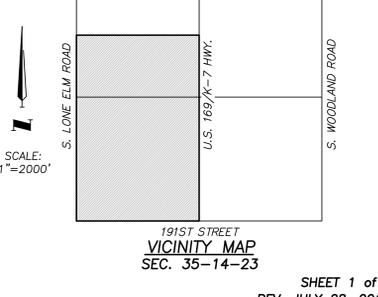
FLOOD NOTE:
 THIS PROPERTY LIES WITHIN FLOOD ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS, COMMUNITY NO. 200178, PANEL 325, SUFFIX F AND DATED JUNE 17, 2002.

LEGAL DESCRIPTION:
 The South Half of the Northwest One-Quarter and all of the Southwest One-Quarter of Section 35, Township 14 South, Range 23 East in Johnson County, Kansas, except that part taken for highway right-of-way being more particularly described as follows:
 Beginning at the Southwest corner of the Southwest One-Quarter of said Section 35, Township 14 South, Range 23 East in Johnson County, Kansas; thence North 02° 07' 18" West, along the West line of the said Southwest One-Quarter, a distance of 2,658.02 feet to the Northwest corner of the said Southwest One-Quarter; thence North 02° 06' 50" West, along the West line of the South One-Half of the Northwest One-Quarter of Section 35, a distance of 1,353.60 feet, to a point; thence North 87° 40' 23" East, along the North line of the South One-Half of the said Southwest One-Quarter, a distance of 2,538.88 feet, to a point on the Westerly right-of-way line of U.S. Highway 169, said point being 100.70 feet West of the Northeast corner of said south One-half; thence South 01° 05' 19" West, along the Westerly right-of-way of said U.S. Highway 169, a distance of 347.56 feet, to a point; thence South 03° 41' 29" East, and continuing along the Westerly right-of-way line of said U.S. Highway 169, a distance of 1,004.80 feet, to a point on the North line of said Southwest One-Quarter; thence South 03° 40' 39" East and continuing along the Westerly right-of-way of said U.S. Highway 169, a distance of 880.30 feet, to a point; thence South 01° 05' 19" West, along the said Westerly right-of-way of U.S. Highway 169, a distance of 430.80 feet, to a point; thence South 02° 10' 39" East, a distance of 40.00 feet, to a point on the South line of the said Southwest One-Quarter of Section 35; thence South 87° 49' 21" West, along the South line of said Southwest One-Quarter, a distance of 2,105.60 feet, to the Point of Beginning and containing 233.35 acres, more or less.

GENERAL NOTES:
 1. TRACTS A AND B PROPOSED TO BE DEDICATED TO THE CITY OF SPRING HILL, KANSAS.
 2. TRACTS C - R AND ASPHALT TRAILS (EXCEPT IN TRACTS A AND B) SHALL BE MAINTAINED BY A DULY CONSTITUTED HOMEOWNERS ASSOCIATION.
 3. THE TRAIL SYSTEM WILL BE OPEN TO THE GENERAL PUBLIC WHERE IT IS MAINTAINED BY A DULY CONSTITUTED HOMEOWNERS ASSOCIATION.
 4. TRACTS A AND B SHALL BE THE LIMITS OF THE STREAM WAY BUFFER.
 5. ALL DEDICATIONS SHALL BE SUBJECT TO THE CITY DEDICATION PROCESS AND ACCEPTED BY THE CITY.

SYMBOL LEGEND

- SW — PROPOSED SANITARY SEWER
- W — PROPOSED WATER MAIN
- — — EXISTING WATER MAIN
- BA — BUILDING LINE
- U/E — UTILITY EASEMENT
- L/E — LANDSCAPE EASEMENT



191ST STREET
VICINITY MAP
SEC. 35-14-23

SHEET 1 of 1
REV. JULY 28, 2016
REV. JUNE 20, 2016
JUNE 7, 2016

**REVISED PRELIMINARY PLAT
DAYTON CREEK
SEC. 35, TWP. 14, RNG. 23
CITY OF SPRING HILL
JOHNSON COUNTY, KANSAS**

SHAFFER, KLINE & WARREN, INC.
 11250 Corporate Avenue, Lenexa, KS 66219
 913-888-7800 FAX: 913-888-7868

OTHER OFFICE LOCATIONS:
 Columbia, MO
 Houston, TX
 Lenexa, KS
 North Kansas City, MO
 Mccook, MO
 Tulsa, OK

CIVIL ENGINEERS ELECTRICAL ENGINEERS MECHANICAL ENGINEERS LANDSCAPE ARCHITECTS LAND SURVEYORS PLANNERS

July 28, 2016

Jim Hendershot
Community Development Director
City of Spring Hill
401 N. Madison Street
P.O. Box 424
Spring Hill, KS 66083

Re: Dayton Creek Development Traffic Study Review
(BHC RHODES Project #2310)

Dear Mr. Hendershot:

Per your request, BHC RHODES is pleased to submit the following commentary regarding the traffic study report for the Dayton Creek Development prepared by Shafer, Kline & Warren on July 2016. The Dayton Creek Development is located in the northwest quadrant of the intersection of 191st Street and K-7/US-169.

Proposed Development (Section 2)

The assumption of a service station/convenience store containing 16 pumping stations is appropriate.

Existing and Developed Traffic (Section 4)

The trip estimates and assumptions for diverted trips and background traffic used were conservative and appropriate.

Traffic Analysis (Section 5)

The traffic analysis was comprehensive and appropriate.

Improvement Analysis (Section 6)

The traffic signal warrants and turn lane lengths discussed are appropriate. As noted, continued dialogue with all associated parties should be maintained regarding the future access control at Corbin Street and Theden Street as development progresses.

Summary (Section 7)

The assessment regarding the Phase 1 (51 residential lots in the southwest portion of the development) is appropriate. No improvements are needed prior to Phases 2 and 3.

Traffic signals at 183rd Street and 191st Street adequately handle Year 2023 or Year 2030 traffic for the K-7/US-169 background traffic and the trips generated from the Dayton Creek development. However, any additional development adjacent to K-7/US-169 between 183rd Street and 191st Street may push the Level of Service (LOS) at these intersections to unsuitable levels. In the interim, traffic signals should be installed; however, strong consideration from KDOT should be given to accelerate the construction of interchanges at 183rd Street and 191st Street to accommodate future developments.

Please feel free to contact me at 816-898-5725 or david.smalling@ibhc.com if you should have any questions or concerns regarding this review.

Sincerely,



David Smalling, P.E., PTOE, ENV SP



Dayton Creek Development



General Location of Study Area

TRAFFIC STUDY REPORT

July 2016

TRAFFIC STUDY REPORT

Dayton Creek Development, Spring Hill Kansas



July 2016

I HEREBY CERTIFY THAT THIS REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER EXISTING UNDER THE LAWS OF THE STATE OF KANSAS


Ronald D. Petering, P.E.
Kansas Professional Engineer
11621 7-19-2016

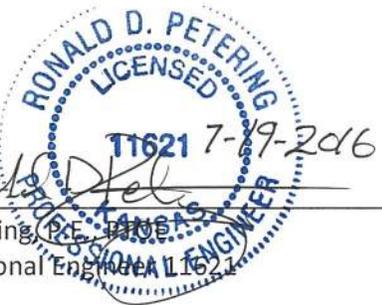
A circular blue ink seal for a professional engineer in the state of Kansas. The seal contains the text 'RONALD D. PETERING', 'LICENSED', '11621 7-19-2016', and 'KANSAS PROFESSIONAL ENGINEER' around the perimeter.

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- Exhibit 1 – Preliminary Plat of Dayton Creek
- Exhibit 2 – Existing Peak Hour Traffic Volumes
- Exhibit 3 – Trip Distribution Summary
- Exhibit 4 – Year 2023 Traffic Volumes (Partial Development of Dayton Creek)
- Exhibit 5 – Year 2030 Traffic Volumes (Full Development of Dayton Creek)
- Exhibit 6 – Year 2016 Level of Service Summary (2-way stop control)
- Exhibit 7 – Year 2023 Level of Service Summary (2-way stop control)
- Exhibit 8 – Year 2016 Level of Service Summary (Signalized control)
- Exhibit 9 – Year 2016 Level of Service Summary (Signalized control)

Appendix

- Section 1 – Raw Data from Intersection Traffic Counts
- Section 2 – Traffic Assignment Worksheets
- Section 3 – Excerpts for 183rd and 191 Streets from KDOT K-7 Corridor Management Plan
- Section 4 –Level of Service Analysis Worksheets
- Section 5 – Phase 1 Plat and Operations Analysis

SECTION 1: Introduction and Summary

1.1 Purpose and Objectives

The purpose of this study is to update previous study efforts for a proposed residential and commercial development named Dayton Creek along the K-7/US 169 corridor in Spring Hill, Kansas. The projected traffic impacts from this development were previously studied in 2006, however development was delayed with the downturn in the national economy. The developers are now seeking to move forward with the project and this study is to review, in accordance with KDOT's recently adopted Access Management Policy, the traffic impacts specifically as they relate to two existing public street intersections (183rd Street and 191st Street) on the K-7/US 169 corridor. A summary of the resulting conclusions and recommendations is provided in Section 7 of this report.

The location of the study area is indicated on Figure 1 below:

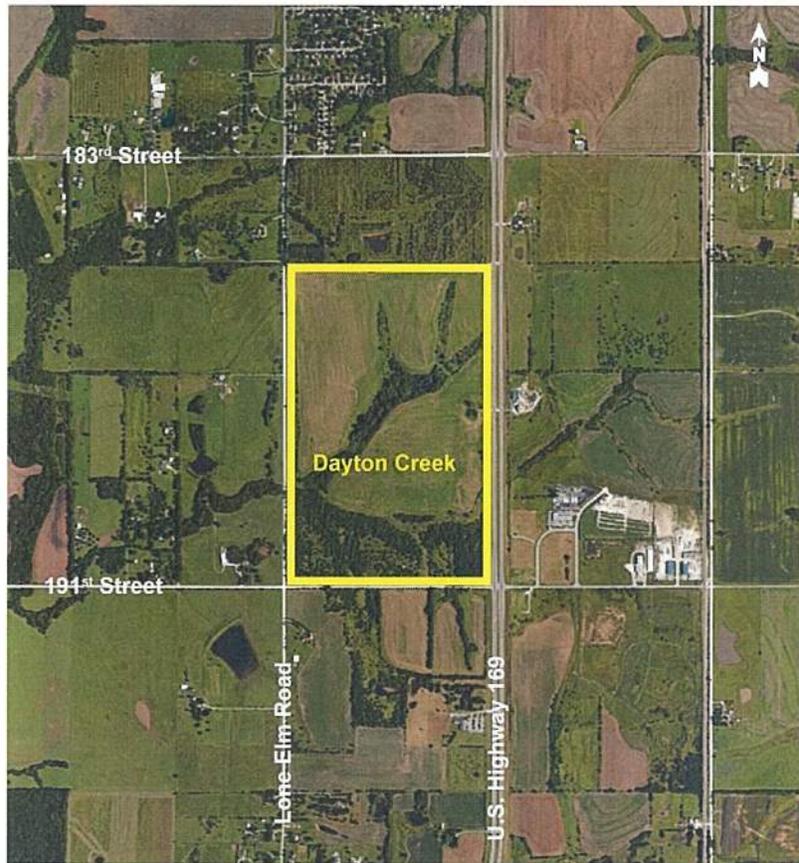


Figure 1 - Location Map of Study

SECTION 2: Proposed Development

The Dayton Creek tract consists of approximately 270 acres lying immediately west of the K-7/US 169 right of way and north of 191st Street. A preliminary plat of the proposed development is provided in Exhibit 1 at the end of the report narrative.

The development is currently anticipated to consist of 225 acres of R-1 zoning that will contain 491 single family residential lots and 7.5 acres of C-2 zoning that will be developed for commercial purposes. This number of residential lots is 184 home sites fewer than the 675 home sites proposed in 2006, as the average size of the proposed lots has now increased. While the C-2 tract is shown as 7.58 acres, future right of way for an interchange will decrease the size that is available for development. The nature of the commercial area is currently undetermined, but a service station/convenience store containing 16 pumping stations has been assumed for purposes of this study.

At this time the phasing and timeline for the development are indeterminate. Phase 1, similar to development plans in 2006, is planned to occur in the southwest corner of the property. Phase 1 will consist of 51 residential home sites with two points of access, one onto 191st via Theden Street and one onto Lone Elm Road via 190th Terrace.

Currently, offsite improvements are anticipated to consist of incremental roadway improvements to the public streets bordering the development. 191st Street and Lone Elm Road are both two-lane gravel roadways along much of their boundary with the Dayton Creek plat. As part of phase 1 construction, the developer is planning to improve 191st Street, from KDOT right-of-way to Theden Street, to a paved surface with open ditches. As subsequent phases are developed, paving improvements will continue along 191st and Lone Elm. Currently, there are no specific improvements programmed for the roadway segments within KDOT right-of-way.

SECTION 3: Existing Conditions

3.1 Study Area

The focus of this traffic study are the two existing roadway connections of 183rd Street and 191st Street to the K-7/US 169 corridor. The study area will include these two intersections and the Dayton Creek plat. The direct access connections from the development to 183rd Street, Lone Elm Road and 191st Street, are very similar to those studied in 2006. This study does not include any additional review of the direct access points onto streets controlled by the city of Spring Hill.

An aerial photo of the study area is provided in Figure 1. The existing land within and adjacent to the study area is nearly entirely undeveloped and zoned for agricultural and residential purposes. Long term corridor planning efforts performed by KDOT in 2006 have assumed ultimate development, west of K-7/US 169, to be entirely residential in nature.

3.2 Site Accessibility

The Dayton Creek tract will not have any direct access to the K-7/US 169 corridor. All access to the corridor will be from 183rd Street, 191st Street, or other, more indirect, connections to the corridor north or south of the site. 183rd Street and 191st Street are separated by a distance of one mile. Both 183rd and 191st Street intersect K-7/US 169 at grade, with the side street connections controlled by 2-way stop control. The side street approaches are all one lane, with all turning movements being made from this single lane. While there may be enough room for some east or westbound right turns to ease around queued left turn or through vehicles, this ability is certainly not guaranteed and the subsequent analysis contained herein will assume that right turns are subject to delays caused by any queues of through/left turn traffic. At both intersections, K-7/US 169 has auxiliary full-width left and right turn lanes of approximately 250 feet in length (not including entrance taper lengths) and has two lanes for through traffic. The posted speed limit on K-7/US 169 is 65 mph. The K-7/US 169 corridor currently has traffic signals installed north and south of the Dayton Creek site at 175th Street (one mile north of 183rd Street) and at 199th Street (one mile south of 191st Street).

At full development, there are five direct access points planned for the development onto 191st Street and Lone Elm Road. Additionally, there are three access points that extend onto property located north of the Dayton Creek tract. At least one of these connections (Theden Street) is expected to ultimately extend to 183rd Street.

SECTION 4: Existing and Developed Traffic

4.1 Existing Traffic Volumes

Peak hour turning movement counts were conducted at the intersections of 183rd Street and 191st Street with K-7/US 169 in January 2016. The turning movements for the peak 60-minute periods are summarized in Exhibit 2 and the full data from the counts is provided in the report Appendix.

The 2016 peak hour counts were compared with the counts taken as part of the original traffic study in 2006. The results show that the 2016 peak hour volumes are slightly lower than in 2006. While this may be somewhat counterintuitive, a review of historical traffic volume maps, as published annually by KDOT, confirm that volumes along this portion of the K-7/US 169 corridor have remained essentially unchanged over the past decade. The 24-hour count from the 2005 map showed a volume of 16,700 while the 2015 map shows an only slightly higher volume of 16,900.

4.2 Site-Generated Traffic

4.2.1 Trip Generation, Method, and Calculations

The ITE report Trip Generation, 9th Edition was used to develop estimates of the Dayton Creek residential and commercial development. For purposes of phasing and assignment, the residential tracts were divided into two groups, separated by open space tracts F-H, which bisect the development. The ITE average trip rate data for each land use type was used to develop the trip generation estimates. This resulted in the following trip estimates.

7/13/2016

Tract	Land Use	Variable	Unit Density	ITE Land Use Code	Daily	AM Trip Estimate			PM Trip Estimate		
						Total	Enter	Exit	Total	Enter	Exit
R-1	Residential - SF/ North	Dwelling Unit	336	210	3199	252	63	189	336	212	124
R-1	Residential - SF/South	Dwelling Unit	155	210	1476	116	29	87	155	98	57
C-2	Service Station/Conv. Store	Fueling Stations	16	945	2604	163	81	81	216	108	108
Total					7279	531	173	357	707	417	290

These volumes are somewhat less than those estimated during the 2006 traffic analysis, primarily due to the 27% reduction in single family home lots.

4.2.2 Reductions for pass-by and diverted-link trips

All of the residential trips were considered as new trips for purposes of trip assignment. The trips for the service station/convenience store were assumed to be 40% new trips and 60% diverted trips when making the trip assignments to the roadway system. The diverted trips were all assumed to occur from the K-7/US 169 traffic stream at the 191st Street intersection. The diverted trips were assigned based on the directional flow of corridor traffic for the time period being analyzed and the diverted trips were removed from the through traffic stream. The diverted trips were then reintroduced into the traffic stream as a left or right turn movement, from 191st Street approach, so as to continue to their primary travel destination along their original direction of travel. While a number of trips to the service station/convenience store will consist of residents of the Dayton Creek development, there was no reduction taken for internal capture of trips within the tract boundary.

4.2.3 Trip Distribution and Assignment

The overall trip distribution, used for purposes of assigning the development generated trips to the roadway, is summarized in Exhibit 3 at the end of the report narrative. Trip assignments were made on a per tract basis, with the residential traffic being assigned in two blocks, one representing the southern portion of the development and the second representing the northern section.

For purposes of assignment and subsequent analysis, two design years were assumed as 2023 and 2030. By year 2023, it was assumed that all of the residential in the southern portion of the development (155 home sites) and the commercial development will both be complete and fully occupied. By 2030, it is assumed that all of the remaining residential development (336 home sites) will be complete and fully occupied. The 2030 horizon was chosen arbitrarily to coincide with one of the design years included within the K-7 Corridor Management Plan.

4.3 Through Traffic

The K-7 Corridor Management Plan, completed by KDOT in 2006, provides long range traffic projections for the study area. Between the years of 2006 and 2030, it was projected that mainline average daily

traffic flows would increase from 16,100 to 46,000 vehicles. This is an increase in ADT of 29,900 which equates to a total percentage increase of 286% or a compounding annual increase of 4.1% per year. At this annualized rate of increase, the expected ADT in 2016 would be approximately 24,000. As has been already noted, the actual ADT, as counted by KDOT is 16,900, only slightly higher than the ADT in 2006. For purposes of projecting through traffic in years 2023 and 2030 for the Dayton Creek study, the 4.1% annualized rate of growth has been retained, but was applied beginning with the existing traffic counts from 2016. This results in a background traffic increase of 32% by year 2023 and 75% by year 2030. This growth was applied to all traffic movements, thus existing turning and side street volumes have also been increased by these percentages, prior to the addition of new traffic from the Dayton Creek Development.

4.4 Total Projection of Future Year Traffic Volumes

The resultant future year traffic projections for design years 2023 and 2030, which include the effects of new trips from Dayton Creek and the projected increases in background traffic, are summarized in Exhibits 4 and 5 at the end of the report narrative. Detailed worksheets of new trip assignments and background increases for each intersection and for each design year are contained in the Appendix for further reference.

SECTION 5: Traffic Analysis

5.1 Capacity and Level of Service

This section of the report reviews the current and projected capacity and level of service (LOS) for the intersections of 183rd Street and 191st Street with K-7/US 169. The operation analysis efforts were conducted using the principles contained in the Highway Capacity Manual and the software packages of HCM 2010 and Synchro were utilized to assess stop controlled and signalized intersections respectively.

5.1.1 Existing Conditions

The capacity and level of service (LOS) for the intersections of 183rd Street and 191st Street with K-7/US 169 were reviewed to establish existing or baseline conditions. This analysis was conducted using the traffic volumes in Exhibit 2 and the existing traffic control condition of a two-way stop. The results are summarized in Exhibit 6. The results show adequate ability for side street traffic to enter the K-7/US 169 traffic stream, but that for the eastbound approach of 191st Street, even for the very small volumes present in the PM peak hour, there is some significant delay in being able to find an adequate gap to use to enter or cross the traffic stream.

5.1.2 Ultimate K-7 Corridor Build Out Conditions

A long-term projection of the roadway infrastructure necessary to handle the full build-out of the K-7/US 169 corridor was conducted in 2006 by KDOT and are summarized in a document entitled K-7 Corridor Management Plan. For ultimate conditions, which includes full build-out of the Dayton Creek property along with full build-out of all other undeveloped areas along the corridor, the plan shows grade separated interchanges being needed at both 183rd Street and at 191st Street. Each of these are depicted as diamond interchange configurations which also contemplates the intersecting roadways of 183rd and 191st Streets being ultimately developed as 4-lane divided arterials. With the grade separations to handle the traffic volumes at these nodes, the plan shows K-7 as being able to handle the increased through movements utilizing the existing 4-lane divided cross section.

Thus in the long-term, KDOT plans for K-7/US 169 to remain a 4-lane divided roadway within the study area, but that the intersection with both 183rd and 191st will ultimately become grade separated diamond interchanges. Excerpts from the K-& Corridor Management Plan, showing the proposed configurations of these interchanges are provided in the Appendix of this report for reference.

5.1.3 Year 2023 and 2030 Conditions Partial and Full Build Out of Dayton Creek

As is noted in the previous sections, the subject intersections at 183rd Street and at 191st Street are expected to undergo dramatic change through the coming decades. They will transform from at-grade stop controlled intersections for gravel surfaced cross streets to grade-separated interchanges for 4-lane arterial cross streets. The reasons for this change will be driven by the collective development of vast areas that are currently agricultural in nature and the increase in baseline traffic along the K-7/US 169 corridor. The current traffic control at these intersections is a two-way stop. As noted in section 5.1.1, this is currently adequate to handle existing volumes. However, the heavy through movements on the mainline during the peak hours currently provide very few unused gaps that can be used for additional entering traffic. Thus, any addition of left turn or through traffic can quickly degrade operations on the side street and result in queues that can become unreasonable and erode intersection operations and safety. It is apparent that an advanced form of traffic control, such as signalization, will be needed at each intersection as the area develops. This traffic control will ideally be able to accommodate increasing traffic until such time that the planned interchanges are constructed. The analysis of year 2023 and 2030 conditions is intended to determine if and when a need for a traffic signal is likely at these design years.

The level of service analysis for design year 2023 volumes (Exhibit 4) was conducted using the existing two-way stop traffic control. The results show that at this time, the level of service on both of the side street approaches of 183rd and 191st Street will be in a failed level of service. These results are summarized in Exhibit 7 and detailed calculation sheets are provided in the Appendix for additional reference. It should be noted that even for year 2023 the westbound approaches, which are only slightly impacted by the Dayton Creek development, also degrade to a failed level of service. Thus, the anticipated growth in mainline traffic and the corresponding reduction in available gaps is a primary factor in the level of service degrading. Additional analysis, included in the Appendix, was performed for the two-way stop conditions with the assumption of one or more additional lanes being added to the eastbound approaches to segregate the traffic movements. These lane additions did little to improve the level of service, except for the right turn movements. The design year 2023 volumes were next analyzed using signalized traffic control. With signalized control being developed for the intersections, the assumption was also made that the east and westbound approaches would be improved to include three lanes, one each for right turn, through, and left turn movements. The results show that, with signalized control and the lane improvements, both intersections can operate at an acceptable level of service. LOS calculations can be heavily influenced by the assumed cycle length. For this analysis, a cycle length of 90 seconds was utilized. The results of the signalized analysis are summarized in Exhibit 8 and detailed calculation sheets are provided in the Appendix for additional reference.

The intersections were next analyzed for design year 2030 volumes (Exhibit 5) using signalized traffic control. The results, which are summarized in Exhibit 9, show levels of service degrading and average delays increasing, but the intersections continuing to operate at acceptable levels of service during the peak hour. The northbound approaches, during the AM peak hour, are the one movement nearing a failed state. The year 2030 analysis was performed using a longer cycle length of 120 seconds.

In summary, the level of service calculations show that for existing conditions, with very low numbers of traffic entering the K-7/US 169 corridor from 183rd or 191st Streets, the vehicles entering the traffic stream are currently subject to significant delays and undoubtedly need to deploy as 2-stage left turn or crossing maneuver where they cross one direction of traffic flow and then wait in the median to find a gap in which to complete the maneuver. If traffic volumes begin to increase along the corridor as previously projected (again this increase has not yet materialized) then prior to the completion of the residential and commercial development in the southern portion of the Dayton Creek development, the combination of more entering traffic and fewer available gaps will cause a failed level of service. Traffic signalization and lane improvements can restore acceptable level of service for the side street movements and the intersection as a whole (although the signals will introduce additional delays for through traffic along the corridor). The traffic signal is expected to continue to adequately accommodate traffic volumes until nearer the time that a planned interchange is constructed.

5.1.4 Analysis of Phase 1 Only Conditions

A final analysis was performed only considering the phase 1 development proposal, as it is currently documented. Phase 1 is proposed to include 51 residential lots in the southwest corner of the development. This analysis was performed to review the level of service at the 191st Street intersection considering only the impacts of this initial development. For this analysis, a total growth factor of 4% was applied to the current year baseline volumes. The results show the eastbound approach to 191st Street to have a LOS designation of D and an average delay of 25.7 seconds during the AM peak hour and to have a LOS designation of F and an average delay of 54.5 seconds during the PM peak hour. While the PM peak hour shows a failed level of service, the average delay is only a few seconds per vehicle beyond the limits of a level of service E designation and the approach is only projected to have a volume of 20 total vehicles in this hour. Thus, while not ideal, we do not see this as significant issue that must be addressed during phase 1, however it does show that as subsequent phases are added, that improvements to the intersection of 191st Street, and possibly 183rd Street, will be necessary. When signalized, the eastbound approach at each of these intersections are recommended to be improved to include three lanes in which to separate left turn, straight, and right turn movements. The construction of these lanes, prior to signalization, will be of some benefit to traffic flows, specifically to the right turns that only need to find a gap in southbound traffic in order to complete their movements. A plat of proposed phase 1 and analysis documents related to this phase 1 review are provided in the Appendix for reference.

SECTION 6: Improvement Analysis

This section of the report will review any infrastructure improvements that are indicated to be necessary as a result of the traffic analysis summarized in Section 5.

6.1 MUTCD Traffic Signal Warrants

The MUTCD is the most widely used national guide to the consistent application of various traffic control devices. The MUTCD contains extensive guidelines on the selection and application of traffic signals as a form of traffic control at intersections. When considering traffic signals, there are nine “warrants” that have been established as minimum thresholds of when it is appropriate to consider a traffic signal over other forms of traffic control, such as stop signage. The nine warrants cover a variety of conditions, including school crossings, high crash locations, and intersections near railroad grade crossings. The three most commonly applied warrants deal solely with combinations of vehicular volumes. For each volume based warrant, there are certain hourly traffic volumes which must be present on the *combined* approaches of the major street while, during the same hour, there is a certain minimum volume on the *highest* of the minor street approaches. The three volume warrants, numbered 1 through 3, address traffic conditions which are present for differing lengths of time. Warrant 1 requires the lowest volumes to be present, but the volumes must be present for eight different hours of an average day. Warrant 2 requires higher volumes to be present, but the volumes need only to be present for four different hours of an average day. Finally, warrant 3 requires the highest volumes to be present, but the volumes need only occur during a single hour of an average day.

Based on the counted in 2016, it was readily apparent the existing volumes on K-7/US 169, with major street volumes of 1356 or more for each of the four hours counted, will support signalization warrants for each of the three volume based warrants. Thus, a signal warrant being documented as satisfied is going to be more a function of existing or expected volumes on the side streets. The following volumes are necessary to meet each of the signal warrants 1-3. Warrant 1 requires one of three volume combinations, designated conditions A, B, or Combination, to be met for eight separate hours of an average day. These volume combinations are summarized as follows:

Warrant Condition	Volume Requirements	
	Major Street (both approaches)	Minor Street (Highest Approach)
1- A	420	105
1-B	630	53
1-Combo	504	84
2	>1000	60
3	>1300	75

Table 2, Summary of Conditions for Volume Based Signal Warrants

The volume projections for design year 2023, which represent development of the southern portion of the Dayton Creek development, show eastbound approach volumes in the AM peak hour of 114 on 183rd Street (including 51 left turn and through movements) and of 159 on 191st Street (including 124 left turn and through movements). The eastbound approach volumes during the PM peak are projected

to be 69 and 152 respectively on 183rd and 191st Streets. Thus both warrants 2 and 3 should be satisfied by this time for installation of traffic signals, with 191st Street experiencing higher eastbound approach volumes and reaching signal warrants first.

6.2 Intersection Geometrics with Signalized Control

6.2.1 Auxiliary Lanes on K-7/US 169

The KDOT Access Management Guide describes the length of auxiliary lanes as being comprised of three components, storage length, deceleration length and taper length. The storage length is to be “based on 2 times the 95th percentile back of queue as determined by traffic modeling software, such as Synchro”. The signalized analysis completed for this study utilized Synchro for the signal modeling and to provide an indication of queue lengths. These lengths and the resultant storage lengths are summarized in Table 3. The deceleration distance for a speed limit of 65 mph is recommended in Table 4-30 of the KDOT guide as being 600 ft. The bay taper for a speed of 50 mph or greater is recommended in Table 4-31 of the KDOT guide as being 180 feet (assuming a “developed” area as there are existing signalized intersections both north and south of the study area). The resultant auxiliary lane requirements are shown in Table 3.

Table 3, Summary of KDOT Recommended Turn Lane Lengths and Existing Lengths

	95th Queue from model	Storage (2*95th%)	Decel Length	Total (Full Width)	Taper	Total Length	Existing
183rd							
NB Left	83	166	600	766	180	946	500
NB Right	0	0	600	600	180	780	500
SB Left	60	120	600	720	180	900	500
SB Right	23	46	600	646	180	826	500
191st							
NB Left	123	246	600	846	180	1026	500
NB Right	0	0	600	600	180	780	500
SB Left	91	182	600	782	180	962	500
SB Right	22	44	600	644	180	824	500

The recommendation of a 600 foot deceleration length, in and of itself, is longer than any of the current north/south bound left or right turn auxiliary lane lengths, even including their taper lengths. Thus, to comply with KDOT policy, significant lengthening of the north and southbound right and left turn lanes at each of the intersections will be required at the time that traffic signals are installed at either intersection. The recommended turn lane lengths are in that same range as the left turn lane lengths currently in place at the 175th Street intersection.

6.3 Right of Way for Future Interchange

During the initial consideration of this development in 2006, there was dialogue with KDOT over the preservation/dedication of right of way in the northwest quadrant of the intersection of 191st Street and K-7/US 169 to allow for future construction of an interchange. This resulted in a triangular area approximately 980 feet by 308 feet by 1311 feet being discussed for this purpose. This area is shown on the preliminary plat and at the widest point extends approximately 457 feet from the centerline of K-7. However, the proposed right-of-way, as now contained within the K-7 Corridor Study, depicts a

somewhat larger right of way, extending to 500 feet from the centerline of K-7 and beyond. This proposed right of way is contained within the proposed C-2 tract and tract A. The final right of way requirements could have a significant impact on the size and type of development that can occur on the C-2 tract. Tract A, being designated as a possible neighborhood park, could potentially be a future issue as obtaining right of way from dedicated park land is regulated and many time very difficult process. The issue of future interchange right of way, as it relates to both of these tracts, should be finalized prior to development or final platting of these tracts.

6.4 Future Interchange Impact on Corbin Street Access

Corbin Street is a proposed access located approximately 900 feet west of the centerline of K-7/US 169. As the access is currently envisioned to be constructed, while 191st Street is a two-lane roadway, the access is expected to be a full access connection, with all turning movements allowed in and out of the access. The next access, at Theden Street, is located approximately 600 feet further to the west. Until time that an interchange is constructed, we see no operational issues with allowing full access at Corbin Street. The connection is expected to serve only the commercial development and a few residential home sites. However, as 191st Street evolves over time into an arterial street carrying much higher traffic volumes and at the time that an interchange is constructed, full access at Corbin can be expected to become an operational issue. KDOT's Access Management Policy recommends a minimum spacing of 750 feet from a ramp terminal to the first access driveway (which is limited to right turns in and out) and 2640 feet to the first full and/or signalized access point. Theden Street, at approximately 1250 feet from a future ramp terminal will be less than the recommended distance, but it is imperative that full access be provided for this major collector serving the entirety of the development. Corbin Street, at approximately 650 feet from a future ramp terminal, will be less than the recommended 750 feet for a partial access, but will be close enough that any operational issues should be minimal. However, it will likely require, at some point in the future, limiting of left turn movements into and out of the access. This should be kept in mind and documented with any agreements for development or any tenant agreements for rental of commercial space in the C-2 tract.

SECTION 7: Summary

This section of the report is intended to provide a concise summary of key findings and recommendations. As such it will not contain all of the data and analysis provided throughout the report.

7.1 Summary of Findings

Dayton Creek is a primarily a residential development of approximately 270 acres in size that is expected to generate the traffic volumes summarized in Table 1 of this report. Access to the development will be onto 191st Street, Lone Elm Road, and eventually 183rd Street, all of which are currently two-lane roads, much of which are currently gravel. The eastbound approaches of 183rd and 191st Streets to K-7/US 169, which are the primary focus of this traffic study currently consist of a single lane, from which all movements are made. The operational analysis of existing traffic conditions show the stop control on the side street approaches to K-7/US 169 are sufficient for now, but any significant combination of baseline growth on K-7/US 169 and/or growth in traffic volumes on the side streets will soon result in a failed level of service, indicating average delays of greater than 50 seconds per vehicle. Further analysis

of phase 1 only of Dayton Creek indicates that intersection improvements are likely necessary beginning with phases 2 or 3.

Signalization of the subject intersections will introduce artificial gaps in mainline traffic to accommodate entrance of side street traffic flows. Analyzed using signalized control, the intersections were found to operate acceptably throughout the development of Dayton Creek, although it should be noted that no analysis was performed whereby other development traffic, of any significant nature, was added to the side streets of 183rd or 191st. Thus, if other developments become active in the area, the cumulative traffic impacts could hasten the time limits where even signalization becomes inadequate. When signals are installed, current KDOT guidelines indicate that all of the north and southbound right and left turn auxiliary lanes will need to be lengthened significantly. The side street approaches will also need to be improved to three lanes, left turn, through, and right turn, to provide additional separation of traffic movements and make the signal operations more efficient.

Ultimately, KDOT has planned that the K-7/US 169 corridor will include grade separated interchanges at both 183rd and at 191st Streets. The programming of construction of these interchanges is indeterminate at this time, but concept drawing have been developed whereby KDOT is actively attempting to reserve and acquire necessary right-of-way before development occurs along the corridor. The future interchange will require additional right-of-way from the Dayton Creek development in the northwest quadrant of the 191st Street intersection.

7.1 Summary of Recommendations

1. Prior to final platting of Tract A and prior to development of the C-2 commercial tract, the future interchange right-of-way for 191st Street should be agreed upon with KDOT. The limits of future right-of-way as discussed in 2006 and shown on the preliminary plat is less than what has since been developed in the KDOT concept design contained in the K-7 Corridor Management Plan.
2. Phase 1 of Dayton Creek consisting of 51 residential lots, can proceed as planned with no improvements other than the planned paving of 191st Street from KDOT right-of-way to Theden Street.
3. At the time that any significant additional development occurs within the study area, a brief update of peak hour traffic counts and signal warrants should occur to determine the timing with which to improve the 191st Street (likely the first to require improvement) and/or 183rd Street connections to K-7/US 169. The traffic volumes on K-7 should satisfy any of the volume based signal warrants. The review will determine whether enough traffic has built on the side street approaches to need signals from a level of service standpoint and whether signal warrants are satisfied or are expected to be satisfied with the proposed development. Collective funding mechanisms should be explored, as the signal improvements will serve multiple developments and traffic generators. At such time that signalization occurs, the plans should include the following design elements:
 - Improve the auxiliary turn lane lengths along K-7/US 169 to the lengths shown in Table 3.
 - Improve at least the eastbound approach to three lanes, consisting of separate lanes for left turn, through, and right turn movements. These turn lanes should be developed for a minimum distance of 150 feet plus applicable taper.
 - As both 183rd and 191st Streets are envisioned as future arterial streets, the traffic signal and lane improvements should be designed as to accommodate future dual left turns in all

directions. This includes provision for the side streets to ultimately be improved to include two lanes departing from the intersection in which to accommodate the dual left movements from K-7/US 169.

4. The connection of Corbin Street to 191st can be initially constructed as a full access, however as 191st Street changes over time to take on an arterial character and at such time that an interchange is constructed, access management principles will dictate that the left turn movements in and out of this street should be restricted, resulting in a right turn in/right turn out intersection. This eventuality should be kept in mind and documented in any development agreements or tenant agreements to rent commercial space on the C-2 tract.