

**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**

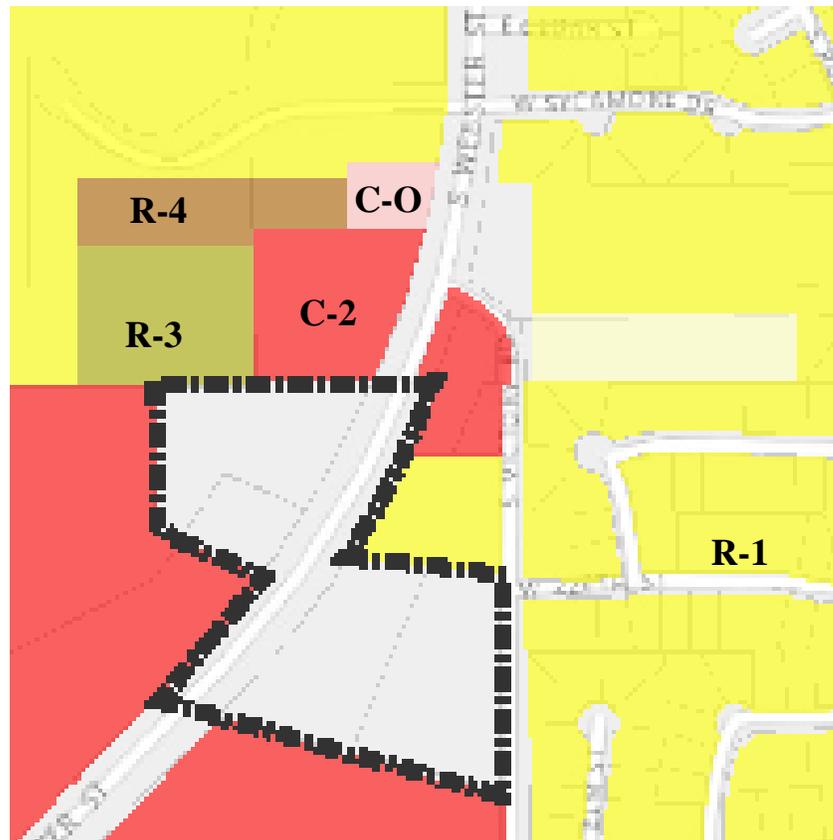
*Beginning of Staff Report*



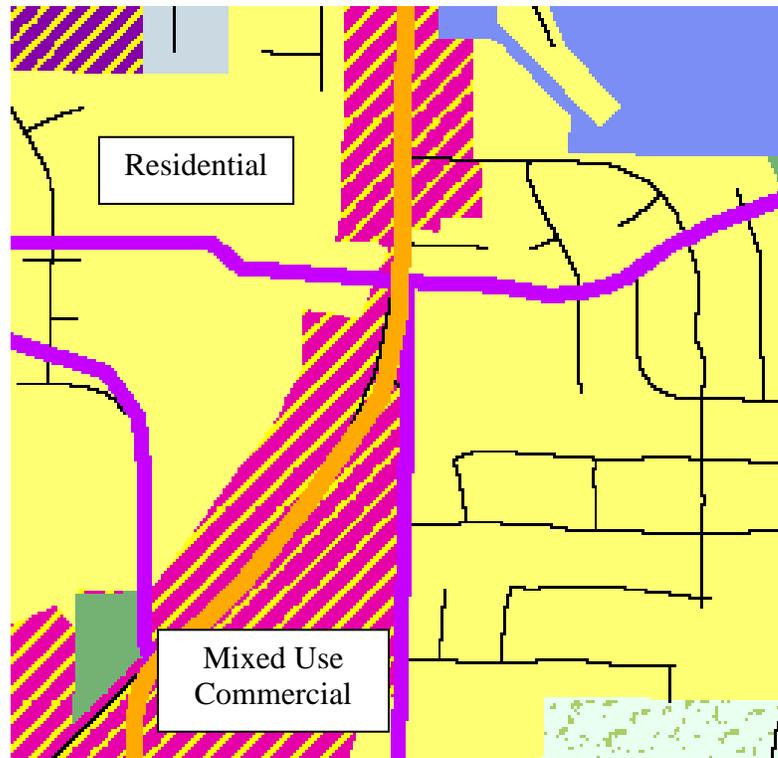


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### AREA ZONING



## 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.

**The July 7, 2016 meeting minutes were approved by the Planning Commission on August 4, 2016, as presented.**



Christie Campbell  
Planning Commission Secretary