

City of Spring Hill, Kansas
Minutes of Planning Commission Regular Session
March 2, 2017

A Regular Session of the Planning Commission was held at the Community Center, 613 S. Race St., Spring Hill, Kansas on March 2, 2017. The meeting convened at 7:05 p.m. with Chairman Stephen Sly presiding, and Christie Campbell, Planning Secretary recording.

Commissioners in attendance: Josh Erhart
Troy Mitchell
Josh Nowlin
Stephen Sly
Cindy Squire

Commissioners absent: Janell Pollom
Paul Ray
Tyler Vaughan
Vacancy

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

Public in attendance: Mr. Mark Squire

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. Mitchell, seconded by Ms. Squire, to approve the agenda as presented.

Roll Call Vote: Nowlin-Aye, Squire-Aye, Sly-Aye, Mitchell-Aye, Erhart-Aye

Motion carried 5-0-0

FORMAL ACTION

1. Approval of Minutes from the Feb. 2, 2017 Regular Meeting

Motion by Mr. Mitchell, seconded by Mr. Nowlin, to approve the minutes with the amended note in the discussion section.

Roll Call Vote: Nowlin-Aye, Squire-Aye, Sly-Aye, Mitchell-Aye, Erhart-Aye

Motion carried 5-0-0

2. Public Hearing for Renewal of Conditional Use Permit (CU-2017-0001)

Beginning of Staff Report

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

Case #: CU-2017-0001 **Meeting Date:** March 2, 2017

Description: Renewal of conditional use for operation of a car wash

Location: 22361 S. Harrison Street

Applicant: Big C, LLC (Daniel Tri)

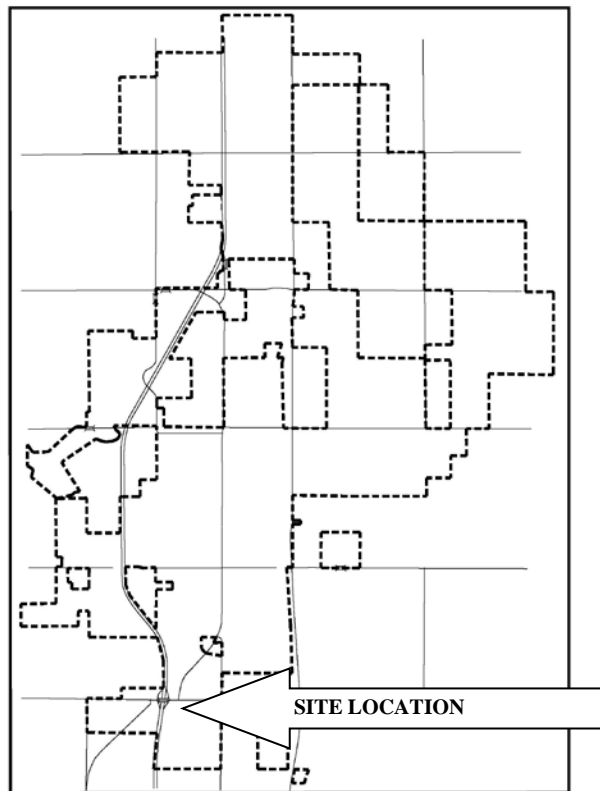
Engineer: N/A

Current Zoning: C-2 General
Business District

Site Area: 1.44 Ac. **Number of Lots:** 1

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	C-2	Retail	Mixed Use Commercial
North:	C-2	Road R-O-W	Mixed Use Commercial
South:	C-2	Retail	Mixed Use Commercial
East:	C-2	Retail	Mixed Use Commercial
West:		Highway R-O-W	

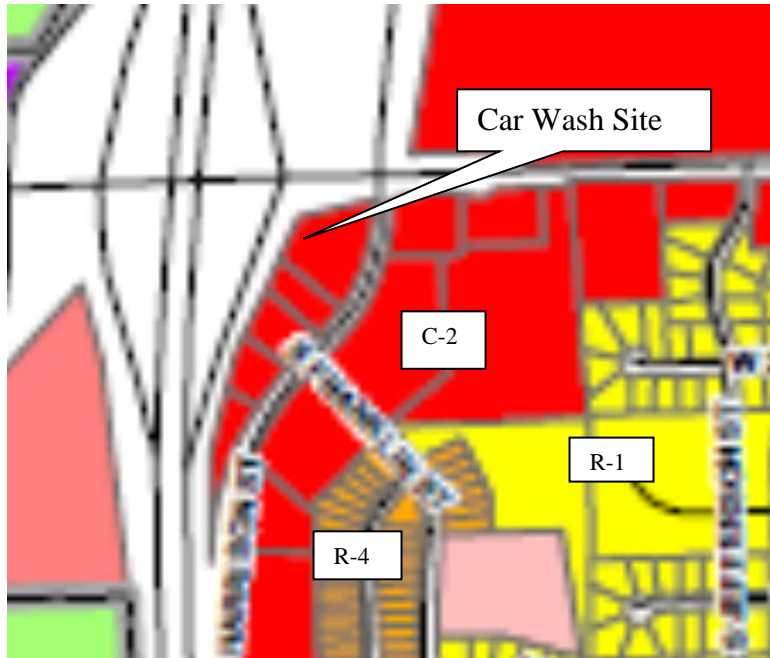
Related Applications: CU-01-00, CU-04-06, CU-04-11



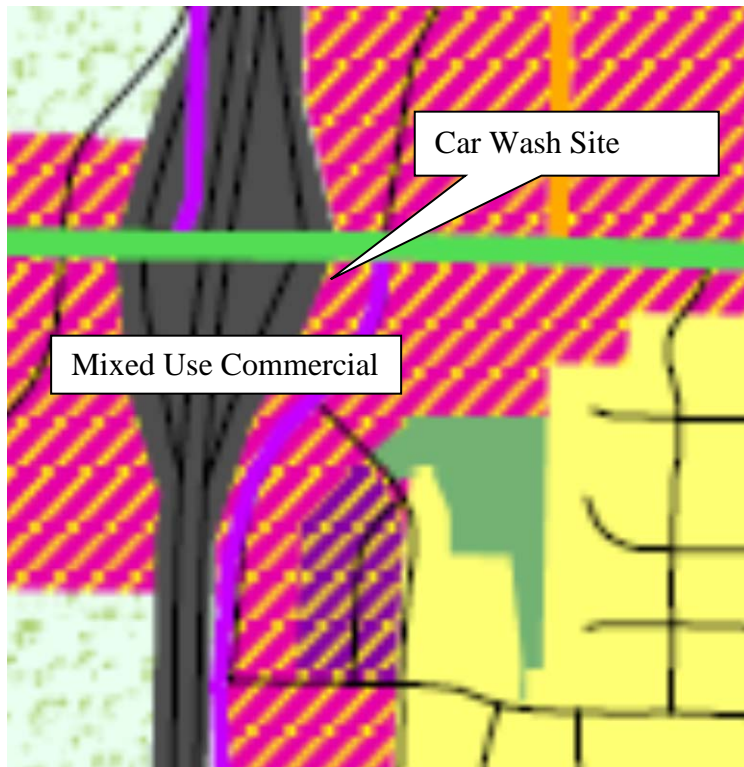
Aerial View



Zoning Map



Future Land Use Map



BACKGROUND:

The applicant, Daniel Tri representing Big C, LLC, has submitted an application for the renewal of a conditional use permit for the operation of a car wash located at 22361 S. Harrison Street.

Initially approved in July 2000, and renewed in 2006 and 2011, the conditional use permit (CUP) stipulates a five-year renewal. The previous conditional use permit was approved with the agreement that they would need to renew every five (5) years, and the Planning Commission would be required to conduct a Public Hearing. Staff recommends changing the conditions of the CUP to review annually and all aspects of the review to be conducted by staff with notification to the Planning Commission of the findings. This would bring this CUP into compliance with the matrix policy put into place by the Planning Commission in 2014.

All required notification of neighboring property owners has been completed with no comments received by staff. In addition, the required publication of the public hearing notice was published on February 8, 2017 in the official newspaper.

GOLDEN FACTORS:

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

- 1. Neighborhood Character.** The surrounding area is commercial or highway right-of-way.
- 2. Adjacent Zoning.** With the exception of the highway right-of-way to the west, all adjoining property is zoned C-2 “General Business District” commercial.
- 3. Suitability for Current Zoning.** The site is zoned C-2 commercial which allows a car wash as a conditional use. The site is in compliance with Section 17.336.A.4 as required by the general commercial conditional use regulations contained in 17.326.C.4.
- 5. Length of Time at Current Zoning.** The site has been zoned C-2 for many years with the initial approval for the car wash being in 2000 and renewed in 2006 and 2011.
- 6. Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit.
- 7. Conformance with Comprehensive Plan.** The proposed conditional use permit is in conformance with the Spring Hill Comprehensive Plan, which shows the parcel as mixed use commercial.

RECOMMENDATION:

Staff recommends the approval of CU-2017-0001 for a car wash located at 22361 S. Harrison Street with the following condition:

1. The conditional use permit subject to annual staff review and reporting to the Planning Commission.

ATTACHMENTS:

- Publication of Public Hearing Notice
- 2014 CUP review/renewal guide
- Draft Ordinance

End of Staff Report

Chairman Sly formally opened the public hearing. There were no ex parte contacts nor conflicts of interest between the members of the Planning Commission and the applicant.

Mr. Hendershot, Community Development Director, presented the staff report to the Planning Commission as outlined above. He reiterated that it is staff's recommendation to change this CUP from a five year renewal to an annual staff review process with a report to the Planning Commission each year.

With no questions or comments from the public, Chairman Sly formally closed the public hearing.

Motion by Mr. Mitchell, seconded by Mr. Nowlin, to recommend approval of CU-2017-001 for a car wash located at 22361 S. Harrison Street with an annual review by staff.

Roll Call Vote: Nowlin-Aye, Squire-Aye, Sly-Aye, Mitchell-Aye, Erhart-Aye

Motion carried 5-0-0

The Conditional Use Permit application (CU-2017-0001) for the operation of a car wash will be forwarded to the City Council for consideration on April 13, 2017.

3. Final Plat Application (FP-01-17) – Dayton Creek, Second Plat

Beginning of Staff Report

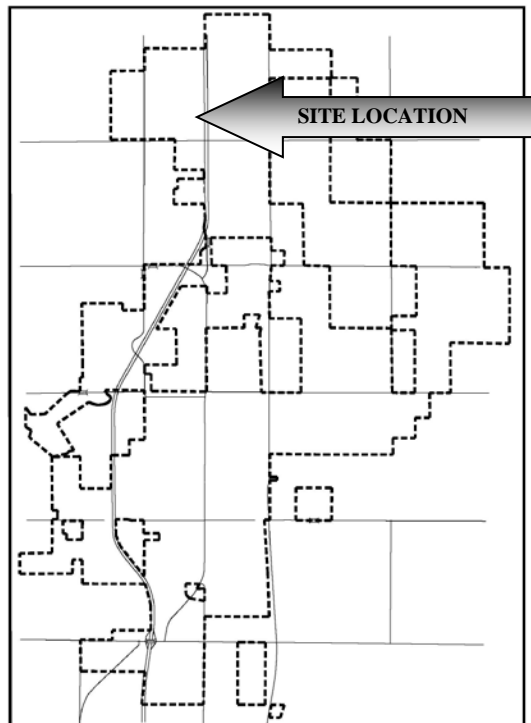
**SPRING HILL PLANNING COMMISSION
FINAL PLAT STAFF REPORT**

Case #: FP-01-17 **Meeting Date:** March 2, 2017
Description: Dayton Creek Second Plat
Location: Northwest corner 191st & US169 Highway
Applicant: Polsinelli, PC; **Owner:** PV Investments, LLC
Engineer: Shaffer, Kline & Warren
Site Area: 1.671 acres more or less

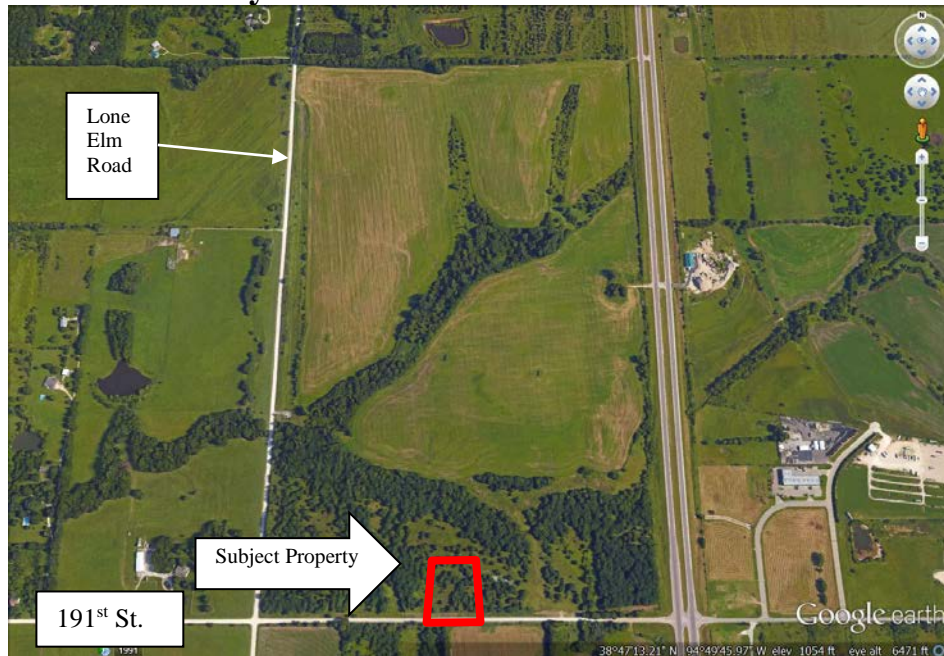
Minimum Lot Area: 72,804 sq. ft. **Number of Lots:** 1 Lot/Common Area Tract "D"

Current Zoning: "R-1" **Proposed Use:** Public Open Space

Related Applications: Z-01-16, PP-02-16 and FP-07-16



Dayton Creek 191st & US169



BACKGROUND:

The Dayton Creek Subdivision revised Preliminary Plat (PP-02-16), was approved at the Planning Commission meeting on August 4, 2016. Rezoning (Z-01-16) of this property was approved by the City Council on August 25, 2016. The Final Plat of Dayton Creek, First Plat (FP-0-16), was approved by the Planning Commission at the September 1, 2016 meeting. The First Plat consists of 48 residential lots and 3 common area tracts. Public improvements have begun on the First Plat.

The applicant has submitted a Final Plat, Dayton Creek, Second Plat (FP-01-17), for approval. This plat consists of one tract "D", located at the southeast corner of 191st Street and Theden Street near the subdivision entrance. The tract is assembled by combining proposed tract "R", lots 480 and 481, as shown on the Preliminary Plat. A copy of the approved Preliminary Plat is attached to this staff report for your review. The use of the proposed tract is public open space / park area. The proposed tract is 1.671 acres. The owner is preparing to proceed with a park project, consisting of a pool and a multitude of park playground type uses.

With regards to US169 Highway, the assumption was made in the study that the interchange at 191st Street and US169 Highway would be completed in 2012. Obviously, that is not the case, but the recent traffic counts allow the timeframe for all the road improvements to be pushed out in the same manner as the 2007 approval. The approved Preliminary Plat greatly reduced the density that the Preliminary Plat from 2007 had proposed. The proposed use of this tract should not increase the traffic count.

The comments from the consultants and City Staff have been listed below in Staff Comments section of this report. The infrastructure improvements will be in place for this plat, so an improvement agreement is not needed to be implemented.

STAFF COMMENT:

Dayton Creek, Second Plat consists of 1 common area tract. Staff finds the final plat to be in compliance with the previously approved Preliminary Plat and offers the following review per Section 17.372.D of the Spring Hill Subdivision Regulations:

1. Staff has verified the person or persons name on the plat are the owner(s) of the area subject to the final plat.
2. Staff has verified all due or unpaid taxes have been paid in full.
3. It is required to have a 20 foot Utility Easement (U/E) along Theden Street and the east side of the proposed tract D.
4. In line eleven (11) of the legal description, it shows the bearing of N18°56'26". This bearing must be changed to read, N18°56'26"W.
5. Adequate control of storm water will be reviewed by the City Engineer at site plan review stage.
6. Erosion control shall be installed and maintained per City Standards.
7. This tract is not effected by the defined FEMA Flood Zones.
8. There is no required Improvement Agreement on this tract, due to the fact, that no improvement are needed to be constructed. The code allows this tract to be exempt from excise tax due to the fact that the use will be open space / public park area.
9. Staff finds the proposed final plat in substantial compliance with the preliminary plat for the subdivision approved by the Planning Commission on August 4, 2016, and with the Comprehensive Plan for the City of Spring Hill.

ADDITIONAL STAFF COMMENTS:

1. *Storm Water Study:* The original 2007 submittal included a storm water study that was reviewed by staff and consultants. Adjustment were made to the plans according to comments received and the study was accepted with the approval of the preliminary and final plats. Staff required an update to the study be completed for the 2016 submittal. No revisions were required to the study for this phase.
2. *Road Improvements:* This plan duplicates the approval from Dayton Creek, First Plat, including the following:
 - Improve 191st Street with full asphalt road surface from US169 Highway to just west of Theden Street. This will be completed with Dayton Creek, First Plat.
 - Theden Street will be completed with Dayton Creek, First Plat
3. *Park Fees and Excise Tax:* The plat meets the requirements for open space, and therefore park fees and excise tax are not applicable.

STAFF RECOMMENDATION:

Staff recommends approval of final plat application FP-01-17, Dayton Creek, Second Plat as presented in this staff report.

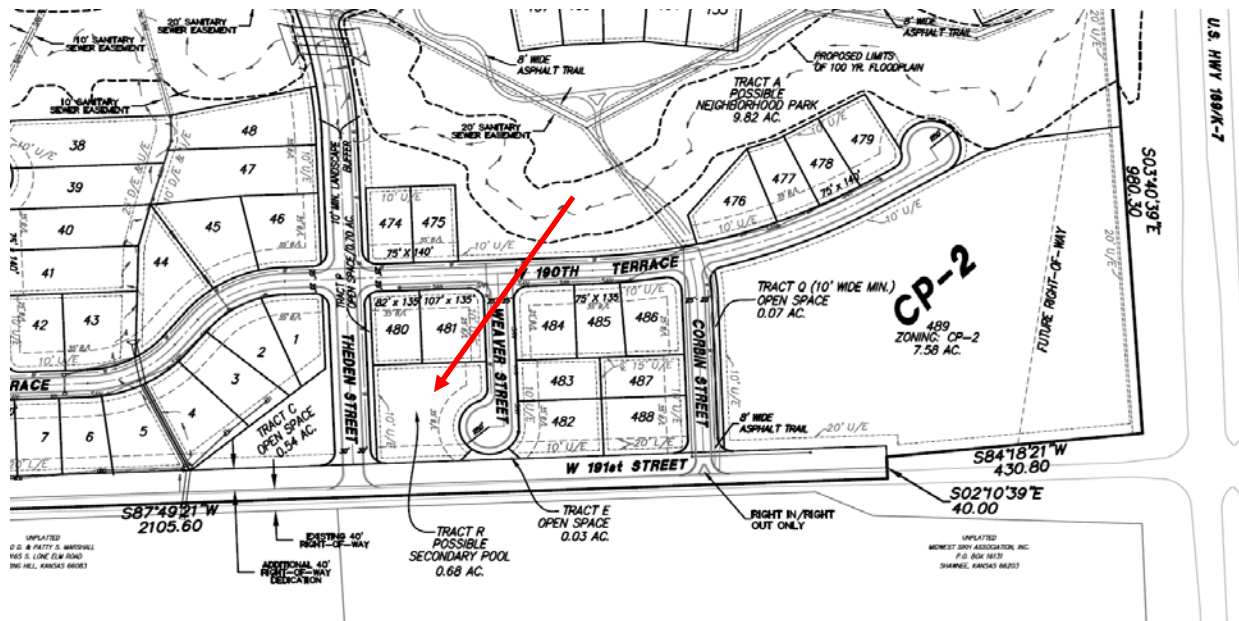
PLANNING COMMISSION REVIEW AND ACTION: Upon review of the final plat application, the Planning Commission may by a majority vote of those members present:

- Recommend approval of the application to the Governing Body, or
- Recommend denial of the application to the Governing Body and notify the applicant of such action, or
- Table action on the application to a specific date and notify the applicant of such action

Attachments: Final Plat
Preliminary Plat

End of Staff Report

Mr. Hendershot, Community Development Director, presented the staff report to the Planning Commission, as outlined above. He explained that the purpose for the second plat is primarily to combine lots 480 and 481 with Tract R and Weaver Street for the purpose of creating open space in the subdivision that is maintained by the Home Owners Association. He stated that staff feels the final plat is still in substantial compliance with the Preliminary Plat based on the fact that there are no streets being added. Mr. Hendershot further explained that the applicant plans to submit an application requesting to rezone and replat the existing lots adjacent to this second plat that would change the layout of the existing lots, along with access points, due to the fact that Weaver Street would be eliminated with this proposed second plat.



Mr. Mitchell asked if potential rezoning or replatting in the future would be considered a substantial change to the Preliminary Plat, even though there are no streets being added at this time. Mr. Hendershot explained that he does not feel this would be a substantial change due to the fact that the approved Preliminary Plat notes Tract D (formerly Tract R) as the site for a possible secondary pool.

Ms. Squire asked about parking. Mr. Hendershot stated that there will be adequate space for parking, which will be outlined on the Site Plan that will be submitted for the pool area. He added that Site Plans must be reviewed and approved by the Planning Commission.

Mr. Mitchell asked for clarification on the difference between a plat and site plan. Mr. Hendershot explained that a plat legally establishes property lines, right-of-ways and easements. A site plan is the approval of what is built within those established property lines.

Mr. Erhart asked if there is a revised Preliminary Plat that depicts the area in question. Mr. Burton stated that the Preliminary Plat presented is the most current revised plat. He further explained that a new Preliminary Plat is not required to be submitted when there are no substantial changes that affect the previously approved concept.

Mr. Mitchell stated that he was trying to understand how this would not be considered a significant change, as Weaver Street is being eliminated. He further explained that he wasn't concerned with what is shown, but rather what is not shown. He stated that he is concerned about the access to lots 482 and 483.

Mr. Hendershot stated that if a revised Preliminary Plat is required, then it would set back the process for the applicant at least ninety days. He reiterated that a Site Plan must be presented to the Planning Commission for approval before any development can take place; therefore, if there is not adequate access to lots, then it must be corrected before any building would commence. He stated that staff cannot approve anything that creates a sub-standard lot; one of the sub-standard lot criteria considered is that it has to have access to a public street.

Mr. Hendershot pointed out that items # 3 and 4 in the staff comments section of the staff report have been resolved. He also stated that he can share the Planning Commissions' concerns with the applicant in regards to potentially land locking lots 482 and 483 if this final plat is approved.

3. *It is required to have a 20 foot Utility Easement (U/E) along Theden Street and the east side of the proposed tract D.*
4. *In line eleven (11) of the legal description, it shows the bearing of N18°56'26". This bearing must be changed to read, N18°56'26"W.*

Motion by Mr. Nowlin, seconded by Ms. Squire, to recommend approval of final plat application FP-01-17, Dayton Creek, Second Plat as presented with all staff comments except items # 3 and 4.

Roll Call Vote: Nowlin-Aye, Squire-Aye, Sly-Aye, Mitchell-Aye, Erhart-Aye

Motion carried 5-0-0

The Final Plat application (FP-01-17) for Dayton Creek, Second Plat will be forwarded to the City Council for consideration on March 23, 2017.

DISCUSSION

4. Comprehensive Plan, Commercial Building Recommendations

Mr. Hendershot stated that staff continues to research possible changes to the Spring Hill Zoning Regulations with regards to commercial buildings. Staff will provide feedback in the near future.

REPORTS

5. Conditional Use Permit (CU-01-14) Annual Staff Review – Ad-Trend Off-Premise Billboard Sign located approximately 1,100 feet north of 191st Street on the east side of US169 Highway; staff reported that it is in compliance with the conditions set forth in the CUP.

ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

- Mr. Hendershot announced that a joint work session will be held on Thursday, April 20, 2017, to include the City Council, Planning Commission, Green Board and the Board of Zoning Appeals.
- Mr. Hendershot announced that Mayor Ellis will be hosting an Appreciation Dinner for all Spring Hill Boards on Thursday, June 15, 2017.
- Mr. Hendershot stated that he would be attending the National Planning Association Conference in New York in May 2017.
- Mr. Josh Erhart was welcomed as a new member to the Planning Commission. He is a resident of Spring Hill, and brings extensive knowledge and experience to the commission with his background as a landscape architect.

ADJOURN

Motion by Mr. Nowlin, seconded by Mr. Mitchell, to adjourn.

Roll Call Vote: Nowlin-Aye, Squire-Aye, Sly-Aye, Mitchell-Aye, Erhart-Aye

Motion carried 5-0-0

The meeting adjourned at 8:21 p.m.

The March 2, 2017 regular meeting minutes were approved by the Planning Commission on April 6, 2017, as presented.

Handwritten signature of Christie Campbell in cursive script.

Christie Campbell
Planning Commission Secretary