

**SPRING HILL PLANNING COMMISSION
SPECIAL MEETING AGENDA**

**Thursday, July 29, 2010
7:00 p.m.
Spring Hill Civic Center
401 N. Madison, Room 15**

CALL TO ORDER

ROLL CALL

Tobi Bitner
Janet Harms
Brian Haupt
Valerie Houpt

Bill Kiesling
Troy Mitchell
Michael Newton
Stephen Sly
Cindy Squire

APPROVAL OF AGENDA

FORMAL COMMISSION ACTION

1. Approval of Minutes

June 3, 2010

DISCUSSION

2. 2011 to 2015 CIP Discussion
3. Nonconforming Zoning

OTHER BUSINESS

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).

Memo

To: Spring Hill Planning Commission
From: Jim Hendershot, Community Development Director
CC: file
Date: July 23, 2010
Re: July 29, 2010 Special Planning Commission meeting

The following offers a brief explanation of items on the July 29, 2010 Planning Commission agenda. Please feel free to contact the Community Development Department 913-592-3664 if you have any questions.

- 1. Approval of Minutes:** June 3, 2010 meeting
- 2. 2011 -2015 Capital Improvement Plan:** Included with this packet you will find a copy of the proposed CIP covering the years 2011-2015. As requested by the PC, a sidewalk program has been included in the CIP. Finance Director, Melanie Landis, will be present at the meeting to review the document and answer questions. At the conclusion of the discussion the PC will be asked to approve the CIP as required for the budget process.
- 3. Nonconforming Zoning:** When hearing the recent rezoning request for 701 N. Webster, the City Council directed staff to meet with the applicant to discuss possible amendments to the zoning code regarding nonconforming uses. Staff met with the owners representative, Steve Smyth, and discussed possible alternatives to allow a property to revert back to a previous nonconforming status. During these discussions the concept of community support for amendments was discussed. As a result, Mr. Smyth distributed the attached survey to members of the Spring Hill Chamber of Commerce. Results of the survey are as follows:

Total Returned	25
Yes	21
No	4
Breakdown of Returns	
Realty Professionals	8
Newspaper Professionals	2
Retail, Banks & Insurance	13
Church	1
Apartment Owner	1

Based on this survey there seems to be some support for amending the code for nonconforming uses. Staff, along with Mr. Smyth, will discuss the current regulations and ask for Planning Commission comments.

I look forward to meeting with you and please contact Mary Nolen or myself at 592-3664 if you are unable to attend the meeting or if you have question concerning the agenda.

The following minutes are subject to modification
and are not official minutes
until approved by the Planning Commission

**SPRING HILL PLANNING COMMISSION
REGULAR MEETING
June 3, 2010**

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

Members absent: Michael Newton

Staff Present: Jim Hendershot, Community Development Director
Mary Nolen, Planning Secretary

CALL TO ORDER

Chairman Bitner called the meeting to order at 7:00 P.M.

ROLL CALL

Roll call by Mary Nolen.

APPROVAL OF AGENDA

Motion by Bill Kiesling to approve the agenda.
Seconded by Janet Harms. Motion passed unanimously.

FORMAL COMMISSION ACTION

1. Approval of Minutes: May 6, 2010

Motion by Bill Kiesling to approve the May 6, 2010, minutes.
Seconded by Janet Harms. Motion passed 7 yes 0 no 0 abstention

2. Kendal Shives of Midwest Auto

Mr. Shives had asked to speak to the Planning Commission, but he did not attend the meeting.

Mr. Haupt arrived at the meeting at 7:10

3. Report of Planning Commission workshop by Janet Harms

Ms. Harms attended a workshop in Junction City in May, and provided course material to the Planning Department for use by interested parties. The topics included ethics, sign regulations and things Planning Commissioners can do to avoid law suits for the City. She noted that the Commissioners have a job of trust with the City, they need to be ethical, they should work well with staff to investigate issues, and then bring the

issue to the commission. Members should not investigate issues on their own; staff is to do that job. She mentioned other cities bypass the city staff and act on their own.

The class had discussion of how to adjust to current situations such as economy, or other cases as when to be lenient or not, when to set a precedence or not. They discussed zoning issues like spot zoning, which we just encountered here. They talked about content on signs, what can be allowed or not allowed. There are many examples of how other Planning Commissions react to different and odd issues.

Ms. Harms recommended attending this kind of seminar. It took the entire day, but she found it interesting and worth her time. Mr. Haupt also commented that he has enjoyed these meetings when he's had time to attend. Also, on occasion, these meetings are held locally.

Some of the topics covered in the class material available are:

- Kansas Planning and Zoning Statute Overview
Overview of laws governing Planning and Zoning and the organization and operation of the Planning Commission and Board of Zoning Appeals.
- Public Hearings, procedures and practices
In-depth discussion of conduct at a public hearing.
- Conflicts of interest and code of ethics
How to recognize and handle conflicts of interest.
- Annual Zoning and Planning Law report awards
Compilation of the wackiest land use cases across the country.
- Recent Kansas cases and other relevant case law
Review of recent Kansas cases and other relevant zoning cases.
- Sign regulations and electronic signs
The challenge of incorporating new technology into sign regulations.

Don't forget that this information is at City Hall, and can be borrowed at any time.

4. July 1 meeting availability

A meeting will be held in July, only Ms. Bitner, Mr. Sly and Ms. Squire will not be able to attend.

Ms. Squire and Ms. Harms will not be able to attend the meeting in August.

ADJOURN

Motion by Janet Harms to adjourn.

Second by. Troy Mitchell. Motion passed unanimously.

Meeting adjourned at 8:00PM.

Mary Nolen, Planning Secretary

Chamber Survey

On April 22, 2010, I appeared before the Spring Hill City Council concerning a zoning change on property at 701 N. Webster (formerly the Front Porch). The request for a zoning change from Commercial to Residential was denied by the City Council and the Planning Commission.

The current zoning for the majority of properties along the Webster Street corridor between North Street and South Street is presently Commercial. If a property is zoned commercial but its actual use is residential, the property is "grandfathered" or classified as a non-conforming use. As long as the residential use is maintained its nonconforming status remains in place. If a residential nonconforming property is vacant for a period of six months or the use changes to commercial, it loses its nonconforming status. Thereafter the property cannot be used as a residence without a zoning change.

The property referenced above was changed to a commercial use in 2008 when the owner chose to lease to the Front Porch. He now desires to lease the property as a single family residential use again. As noted above, current zoning regulations do not allow this occupancy without a zoning change as the property lost its nonconforming use status. I am requesting your support for a change in the zoning regulations that would give the city "flexibility" in making a zoning change or reestablishing the nonconforming status of a property.

Steve Smyth

_____ YES, I support the city implementing "flexibility" into the zoning code for rezoning applications and/or restoring the nonconforming use status of a property.

_____ NO, I do not support the city implementing "flexibility" into the zoning code for rezoning applications and/or restoring the nonconforming use status of a property.

Name: _____ Business: _____

Address: _____

Email: _____