



PLANNING COMMISSION SPECIAL MEETING AGENDA

**FRIDAY, JULY 10, 2020, 7:00 P.M.**

SPRING HILL CIVIC CENTER  
401 N. MADISON ST.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**CITIZEN PARTICIPATION**

This is an opportunity for those in attendance to address the Planning Commission regarding items not on the agenda.

*Guest speakers are asked to fill out a "request to speak" card located on the back table by the door and hand it to staff, although the provision of a name, address or other identifying information is optional. Speakers are limited to five (5) minutes each; the Chair may adjust the time limit in-light of the number of anticipated speakers.*

**FORMAL COMMISSION ACTION**

**1. Approval of Minutes: June 4, 2020**

**2. Site Plan (SP-000005-2020) – Boulder Springs III Pool**

**Address/Vicinity:** 196<sup>th</sup> and Emerald St.

**Applicant:** Day 3 Development – Travis Schram

**Purpose:** Community Pool

**3. Final Plat (PLAT-000020-2020) – Woodland Crossing, 1st**

**Address/Vicinity:** Woodland Road & 199<sup>th</sup> Street

**Applicant:** Phelps Engineering, Inc. – Tim Tucker

**Purpose:** Residential Lots

**4. Final Plat (PLAT-000025-2020) – Bear Creek II**

**Address/Vicinity:** Jefferson Street & Johnson Street

**Applicant:** Payne & Brockway, P.A. – Todd Allenbrand

**Purpose:** Residential Lots

## **DISCUSSION**

## **REPORTS**

**5. The following item(s) related to Community Development were approved at the June 11, 2020 City Council meeting:**

- Consumer Fireworks Retail Sales Permits Approved:
  - FS-000249-2020, Tim Durkin

**6. The following item(s) related to Community Development were approved at the June 25, 2020 City Council meeting:**

- Site Plan – Peach State Roofing

## **ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF**

## **ADJOURN**

**Temporary changes due to COVID-19.** — Attendance at meetings was limited to 10 individuals including Commissioners and staff. Public comments, for agenda items only, must be submitted in writing by noon on the day of the meeting to [planning@springhillks.gov](mailto:planning@springhillks.gov). There were no comments received. Public access to the meeting was available via phone or by a link that was provided at the City of Spring Hill website [www.springhillks.gov](http://www.springhillks.gov).

## **City of Spring Hill, Kansas Minutes of Planning Commission Regular Session June 4, 2020**

A Regular Session of the Planning Commission was held by way of Zoom under the temporary meeting protocol on June 4, 2020. The meeting convened at 7:06 p.m. with Chairman Stephen Sly presiding, and Amy Long, Planning Secretary recording.

Commissioners in attendance: Stephen Sly  
Cindy Squire  
Mary Dobson  
Troy Mitchell  
Janell Pollom – logged in at 7:22  
Roger Welsh, II  
Josh Erhart

Commissioners absent: Mike Denny

Staff in attendance: Patrick Burton, Director of Community Development  
Amy Long, Planning Secretary  
Antwone Smoot, I.T.

### **PLEDGE OF ALLEGIANCE**

### **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. Erhart seconded by Mr. Welsh to approve the agenda with deletion of Agenda Item No. 10.  
**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Squire-Aye; Erhart-Aye  
**Motion carried 6-0-0**

### **CITIZEN PARTICIPATION**

Under Temporary Meeting Protocol, only participation is with items on the Agenda.

## FORMAL COMMISSION ACTION

### 1. Approval of Minutes from the March 5, 2020 Regular Meeting – No meeting held in April

**Motion by** Ms. Squire seconded by Mr. Erhart to approve the minutes as presented.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Squire-Aye; Erhart-Abstain

**Motion carried 5-0-1**

### 2. Approval of Minutes from the May 7, 2020 Regular Meeting

**Motion by** Ms. Squire seconded by Ms. Dobson to approve the minutes as presented.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Squire-Aye; Erhart-Abstain

**Motion carried 5-0-1**

### 3. Lot Split (L-000019-2020) – Samuel Abbott

*Beginning of Staff Report*

#### SPRING HILL PLANNING COMMISSION LOT SPLIT STAFF REPORT

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<b>Case #:</b>	L-000019-2020	<b>Meeting Date:</b>	June 4, 2020
<b>Description:</b>	Lot Split		
<b>Location:</b>	19640 W. 207 <sup>th</sup> St.		
<b>Applicant:</b>	Samuel Abbott		
<b>Engineer:</b>	Allenbrand-Drews Engineering		
<b>Site Area:</b>	North side of 207 <sup>th</sup> Street		

**Total Lot Area:**

**Proposed Number of Lots:**

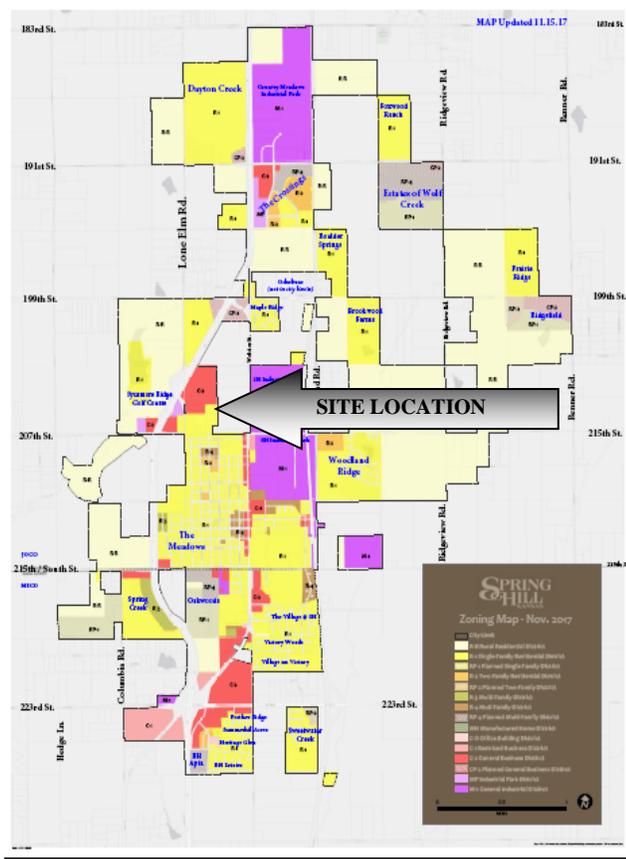
**Current Zoning:** R-R  
(Rural Residential)

**Proposed Use:** Residential

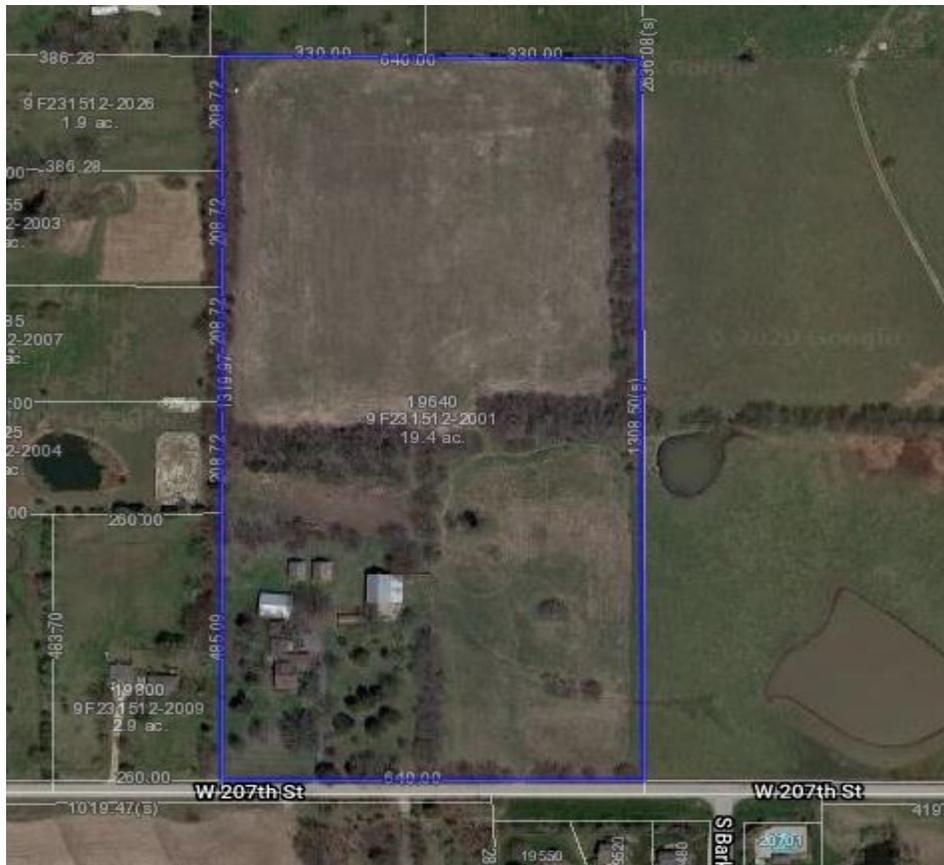
**Related Applications:** Annexation Ord. 2020-02

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THE FOLLOWING MINUTES ARE SUBJECT TO MODIFICATION  
AND ARE NOT OFFICIAL MINUTES  
UNTIL APPROVED BY THE SPRING HILL PLANNING COMMISSION

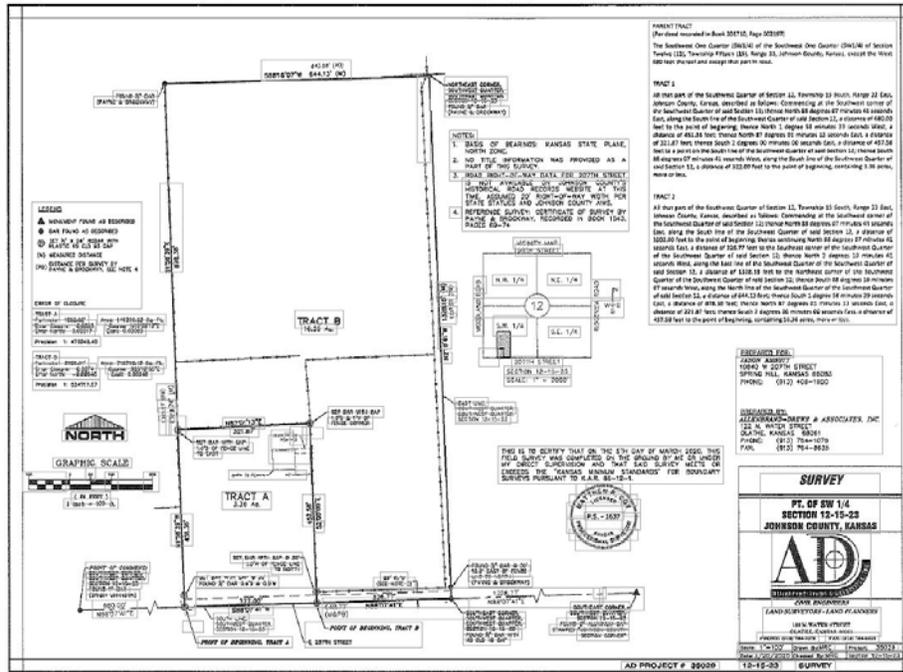


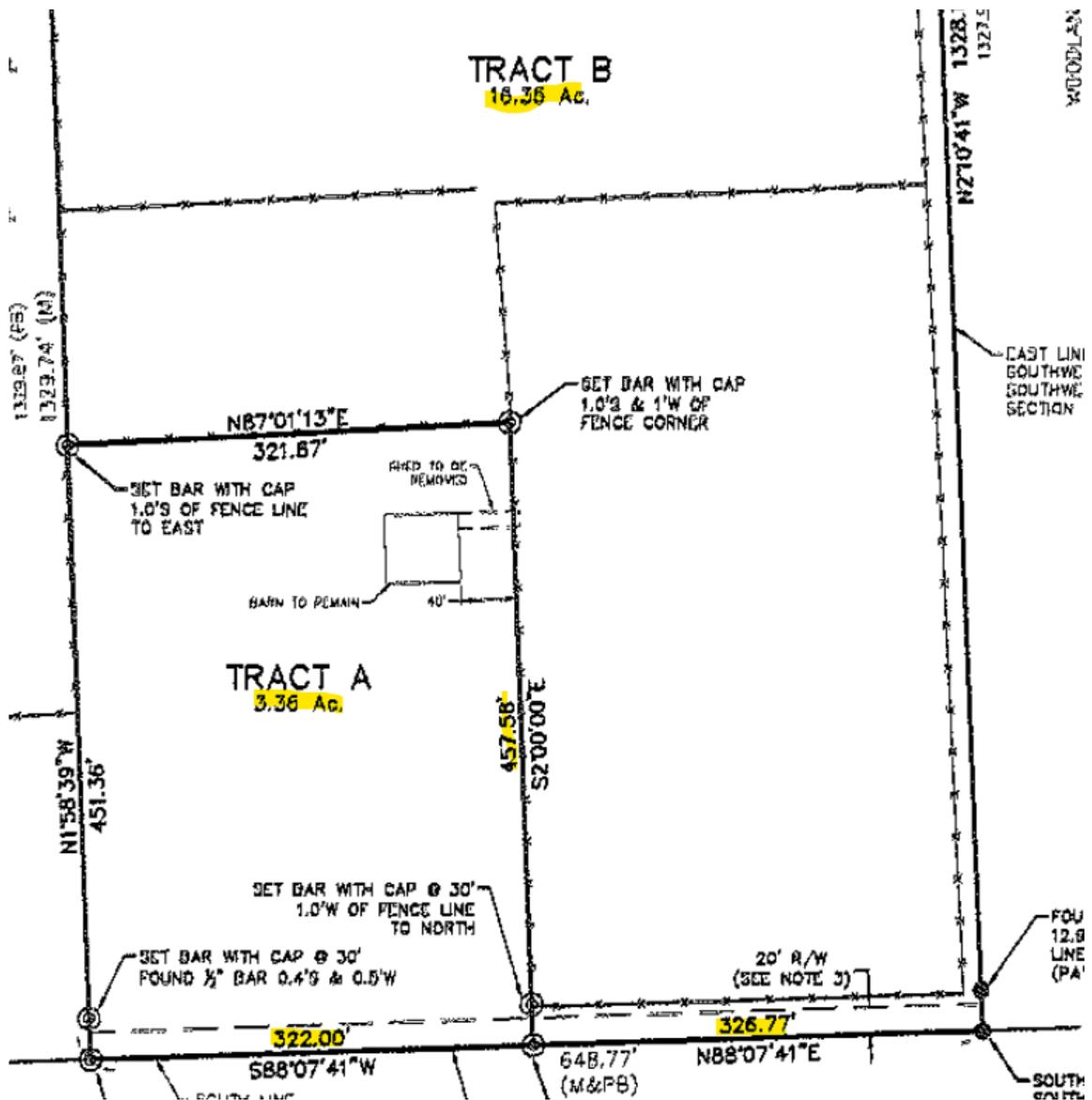
**AERIAL**



**SURVEY**

THE FOLLOWING MINUTES ARE SUBJECT TO MODIFICATION  
AND ARE NOT OFFICIAL MINUTES  
UNTIL APPROVED BY THE SPRING HILL PLANNING COMMISSION





**BACKGROUND:**

The owners and applicant, L-000019-2020 Samuel Abbott., have requested 19.22 acre parcels be split into two tracts and adding a private street to correct a land locked parcel. The property is currently zoned R-R and sewer can be extended from Woodland Ridge Subdivision by crossing 207<sup>th</sup> Street at Emerald Street. There is a house and accessory structure located on proposed tract A. Water and sewer are available to all tracts.

**STAFF COMMENT:**

The owners and applicants are requesting a lot split to create two tracts referred to as Tract A and B. Tract “A” is proposed to contain 3.36 acres and lot “B” 16.35 acres. Both proposed lots will remain R-R zoning in use after the split. It is staff’s understanding that there will be single-family structures built on the lot B in the future. Both lot meet the R-R zoning standards of 2 acre minimum and 250 ft of frontage and 300 ft lot depth (as seen above).

Staff finds the lot split to follow the intent of the established guidelines of Section 17.374 and Section 17.308 (R-R), of the Spring Hill Subdivision Regulations.

**PLANNING COMMISSION REVIEW AND ACTION:** Upon review of the lot split application the Planning Commission may by a majority vote of those members present:

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

**STAFF RECOMMENDATION:**

Staff recommends approval of the lot split application L-000019-2020, Samuel Abbott.

Attachments: Survey

*End of Staff Report*

Mr. Patrick Burton presented the staff report as outlined above.

**Motion by** Mr. Welsh seconded by Mr. Mitchell to approve the lot split (L-000019-2020) for Samuel Abbott as presented.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye, Erhart-Aye

**Motion carried 7-0-0**

**4. Preliminary Plat (PLAT-000015-2020) – Spring Hill Middle School #3**

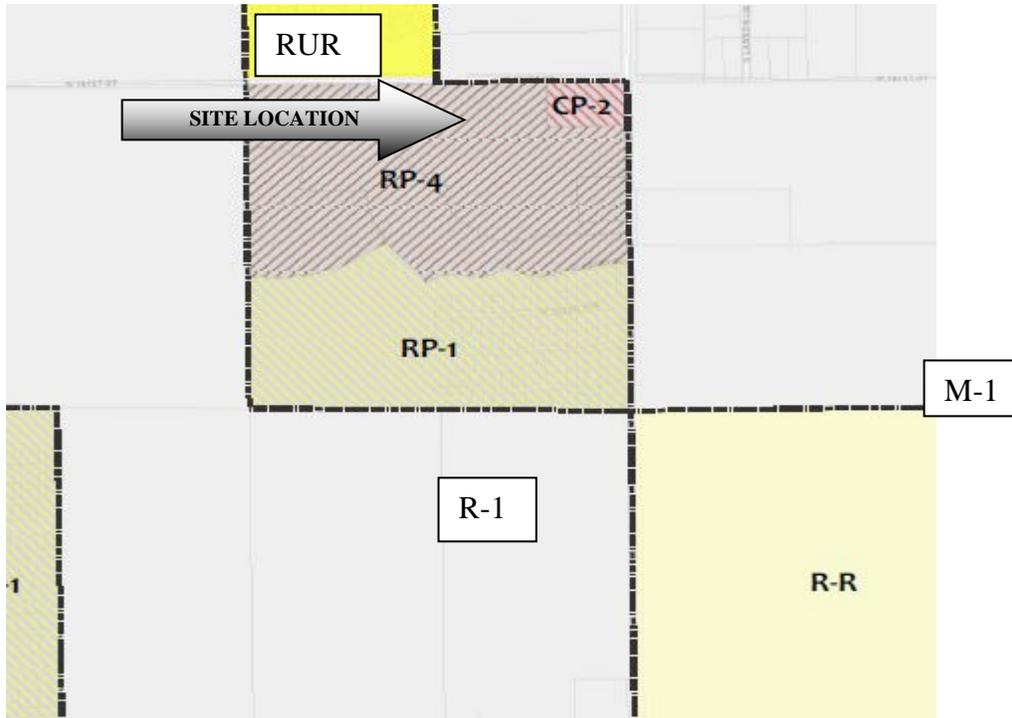
*Beginning of Staff Report*

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

<b>Case #:</b>	<b>PLAT-000015-2020</b>	<b>Meeting Date:</b>	June 04, 2020
<b>Description:</b>	Proposed Preliminary Plat		
<b>Location:</b>	18685 W. 191 <sup>st</sup> Street		
<b>Applicant:</b>	RIC – Chip Corcoran	<b>Owner:</b>	USD#230
<b>Engineer:</b>	RIC – Chip Corcoran		
<b>Current Zoning:</b>	“RP-4”	<b>Proposed Zoning:</b>	N/A
<b>Site Area:</b>	34.60 +/- acres	<b>Number of Lots:</b>	1

	Current Zoning	Existing Land Use	Future Land Use Map
<b>Site:</b>	RP-4	Agricultural	Planned Multi-Family
<b>North:</b>	R-R	Agricultural	Institutional
<b>South:</b>	RP-1	Residential	Mixed-Use Residential
<b>East:</b>	CP-2	Planned General Business	Planned General Business
<b>West:</b>	RP-4	Agricultural	Planned Multi-Family





Aerial



## Existing Preliminary Plat of Estates of Wolf Creek



### Background:

**AN APPLICATION HAS BEEN RECEIVED FOR THE PRELIMINARY PLAT ON A 34.60 ACRE TRACT LOCATED APPROXIMATELY 629 FEET WEST OF THE 191<sup>ST</sup> ST. & RIDGEVIEW RD CENTER INTERSECTION. THE PROPERTY IS CURRENTLY ZONE RP-4 (PLANNED MULTI -FAMILY DISTRICT). THIS PRELIMINARY PLAT IS A MAJOR CHANGE IN THE NEXT PHASE OF DEVELOPMENT FOR THE ESTATES OF WOLF CREEK SUBDIVISION.**

### **ADDITIONAL REVIEW COMMENTS:**

Staff distributed the preliminary plat application to various consultants and City staff for comment. 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 will have addressed all of the provided comments by Final Plat approval.

### Preliminary Plat:

The existing plat shows 442 +/- multi-family residential units. The new Preliminary Plat will not have any multi-family. A copy of the proposed preliminary plat and landscape plan is included with this staff report.

The utility easements are shown with dimensions meeting the minimum easement requirements for the City. Additional easements will be required and addressed during the infrastructure construction design process. 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 reviewed and maybe required on the Final Plats.

The City will provide sanitary sewers and Johnson County WaterOne will provide water.

Additional Staff Comment:

1. Staff has coordinated plan reviews with internal utility, street, and community development staff. Staff has also received comments back from our On-Call City Engineer firm for the engineers to address. All comments and revised plans will be addressed prior to filling the Final Plat.

Recommendation:

Staff recommends

Recommend Approval PLAT-000015-2020 Spring Hill Middle School #3 Preliminary Plat subject to:

- 1) The City-at-large is granted access to the neighborhood trail system through a public access easement on the final plat.
- 2) The applicant pays a park fee when a building permit is issued if the access to the trail system is not granted to the City-at-large.
- 3) Improvement Agreement must be signed and excise tax (if any) must be paid prior to recording the Final Plat.
- 4) A master landscape plan for areas of common open space tracts, and a landscape buffer for residential areas.
- 5) A street tree plan for all local and collector streets will need to be submitted with the final plat(s) addressing the following, unless more restrictive city requirements are in effect at the time of installation:
  - Street tree species approved by the City.
  - An average spacing of forty (40) linear feet between trees, with a minimum planting size of two and one-half (2 ½) inch caliper to three (3) inch caliper as measured six (6) inches above ground.
  - The location of such trees must be coordinated so the trees at maturity are an adequate distance away from storm sewer inlets, street lights, fire hydrants, and sight-distance triangles at the street intersection.
  - All trees must be guaranteed for a period of no less than two years.

**ALTERNATIVE ACTION:** Alternatives for action by Planning Commission include:

- *Approval of application, or*
- *Denial of application, or*
- *Continuance* of item to future meeting identifying specific issues to be reviewed by staff and/or the applicant.

**RECOMMENDATION:** Staff recommends approval of PLAT-000015-2020 and allow applicant to proceed with Final Plat (with noted changes, if any).

*Suggested Motion: Motion to recommend approval of the preliminary plat application PLAT-000015-2020 as presented by staff.*

Attachments: preliminary plat

*End of Staff Report*

Mr. Erhart recused himself from this agenda item.

Mr. Mitchell disclosed his wife is a member of the school board, but it will not interfere with his ability to make a decision.

Mr. Sly disclosed his wife works for the school district, but it will not affect in any way his decision with voting.

Ms. Pollom disclosed she works for the school district and does not believe it will affect how she votes.

Ms. Squire disclosed she works for the school district and does not believe it will affect how she votes.

Mr. Patrick Burton presented the staff report as outlined above.

Mr. Welsh put on record that he does not believe the infrastructure will increase, or the roads will get any better. If they do, it will not be within the next couple of years. He does not believe there are plans or anyone will do anything.

Ms. Pollom read the traffic study and questioned how many more “new” trips it would take to tip it over where a traffic study would recommend improvements.

**Motion by** Mr. Welsh seconded by Ms. Squire to approve the Preliminary Plat (PLAT-000015-2020) for Spring Hill Middle School #3 as presented by staff.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye, Erhart-Abstain  
**Motion carried 6-0-1**

**5. Final Plat (PLAT-00016-2020) – Spring Hill Middle School #3**

*Beginning of Staff Report*

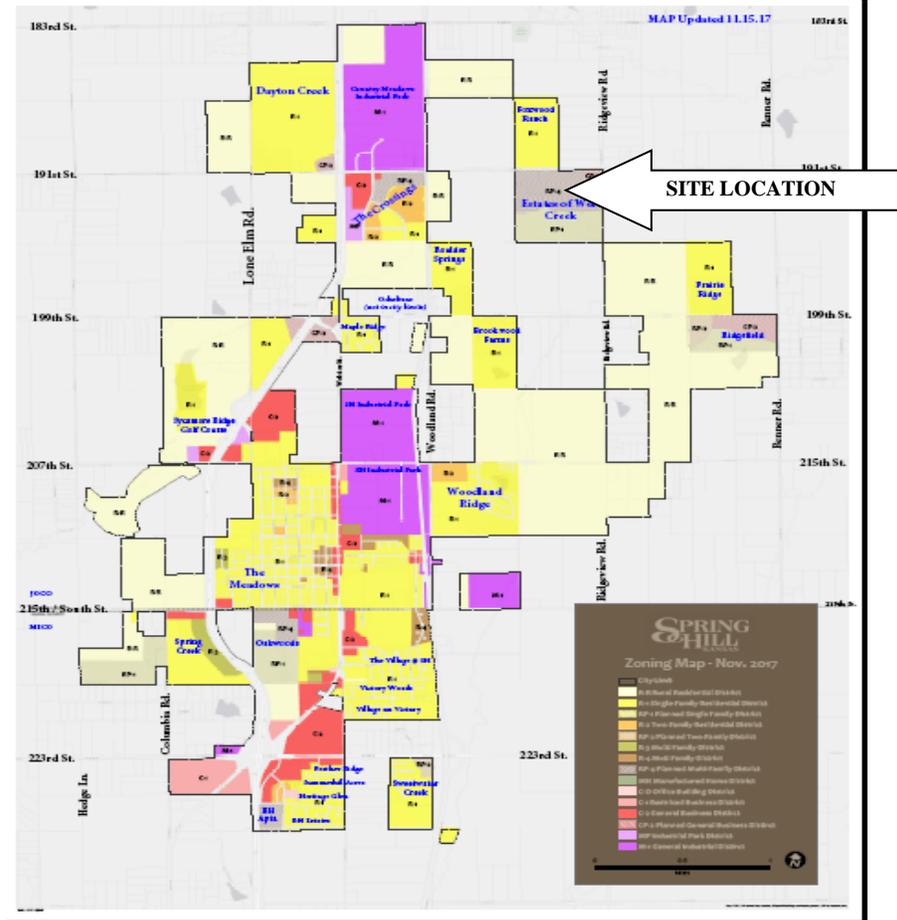
**SPRING HILL PLANNING COMMISSION  
FINAL PLAT STAFF REPORT**

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<b>Case #:</b>	PLAT-000016-2020	<b>Meeting Date:</b>	June 04, 2020
<b>Description:</b>	Proposed Final Plat – Spring Hill Middle School #3		
<b>Location:</b>	18685 W. 191 <sup>st</sup> St.		
<b>Applicant:</b>	RIC – Chip Corcoran	<b>Owner:</b>	USD#230
<b>Engineer:</b>	RIC – Chip Corcoran		
<b>Site Area:</b>	34.60 acres / RP- 4		
<b>Minimum Lot Area:</b>	34.60 +/- acres	<b>Number</b>	1

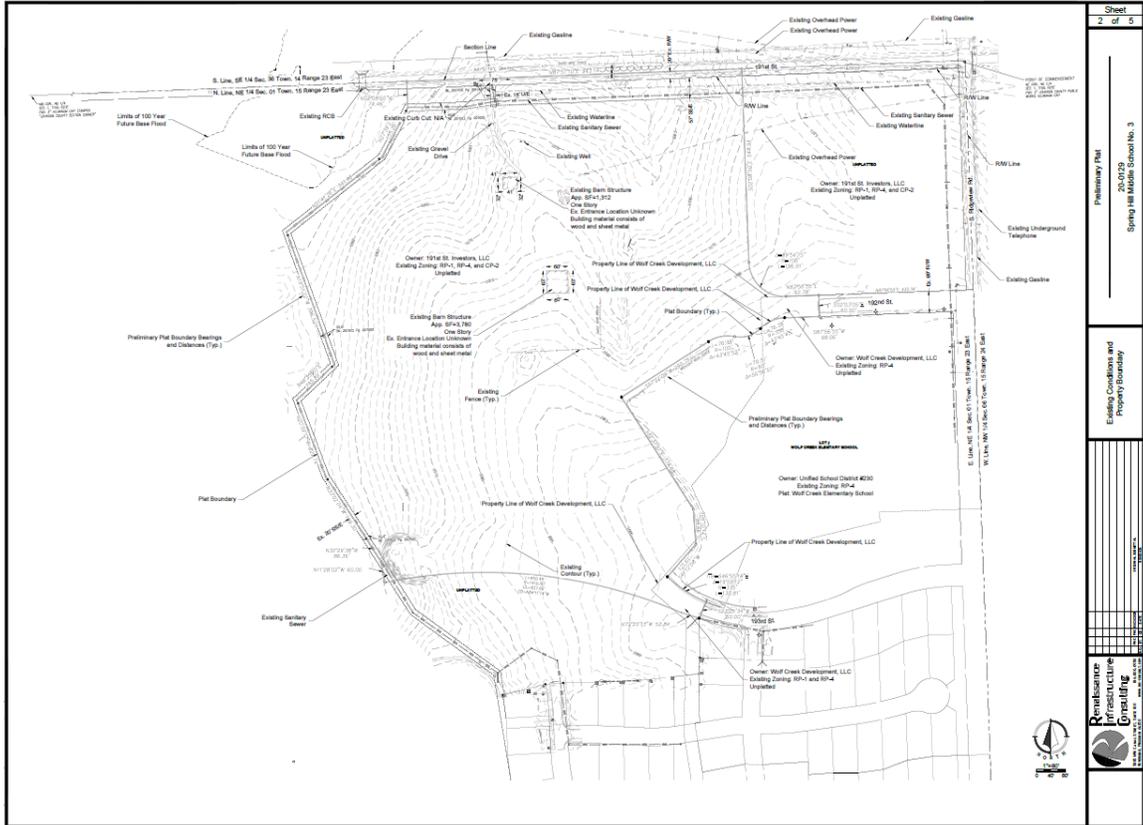
**of Lots:**

SP-000011-2020; PP-  
000015-2020; CUP-  
000014-2020





## PRELIMINARY PLAT



### BACKGROUND:

The applicant, RIC – Chip Corcoran and owner, USD#230, has submitted an application for a Final Plat of Spring Hill Middle School #3.

The Planning Commission approved the Preliminary Plat of Spring Hill Middle School #3.

### STAFF COMMENT:

Spring Hill Middle School #3 plat consists of 1 lot. Staff offers the following review per Section 17.372.D of the Spring Hill Subdivision Regulations:

1. Separate drawings of profiles and cross section of streets and public use areas are to be forwarded to the City Engineer for review.
2. Staff has verified the person or persons name on the plat are the owner(s) of the area subject to the final plat.
3. Staff has verified all due or unpaid taxes have been paid in full.
4. Adequate control of storm water through appropriate BMP's will be detailed on drawings submitted to the City Engineer for approval and will address the City Engineer comments regarding the drainage study.
5. Erosion control shall be installed and maintained per City Standards.
6. Construction refuse will be disposed of in an appropriate manner.
7. Must comply with erosion control standards throughout the development and construction of the improvements and home construction.

8. Park Fees: The total project meets the requirements for open space; therefore, park fees are not applicable.
9. The required Improvement Agreement is being prepared by staff and will be forwarded to the applicant, City Engineer and City Attorney for review and approval. This Agreement will be signed, and applicable excise tax paid by the applicant prior to consideration of the final plat by the Governing Body. All required bonds and insurance documents would be submitted to the City prior to issuance of a Notice to Proceed from the City Engineer.
10. The review comments from the government agencies, consultants and utility providers have been implemented as applicable. The applicant and their engineer have addressed all of the provided comments. Additional easements may be required to accommodate the improvements.
11. The plat conforms to the Property Development Standards addressed in Section 17.338.A, size of lots and setbacks. Maximum height and building setbacks will be addressed during the building permit issuance process for approval.
12. The City will provide sewers, and WaterOne will provide water to the subdivision.
13. The proposed final plat and subdivision complies with the Comprehensive Plan.
14. The Proposed final plat is in substantial compliance with the approved preliminary plat.
15. If plat is for a school, a CUP is required.

**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

**RECOMMENDATION:**

Staff recommends approval of the Final Plat (PLAT-000016-2020), Spring Hill Middle School #3 of Spring Hill, KS, Johnson County, KS, Subject to:

*Suggested Motion: Move to recommend approval of Final Plat application PLAT-000016-2020 for Spring Hill Middle School #3, as presented in the staff report.*

Attachments: 1. Final Plat

*End of Staff Report*

Mr. Erhart recused himself from this agenda item.

Mr. Mitchell disclosed his wife is a member of the school board, but it will not interfere with his ability to make a decision.

Mr. Sly disclosed his wife works for the school district and lives in the Estates of Wolf Creek, but it will not affect in any way his decision with voting.

Ms. Pollom disclosed she works for the school district and does not believe it will affect how she votes.

Ms. Squire disclosed she works for the school district, but it will affect how she votes.

Mr. Patrick Burton presented the staff report as outlined above.

**Motion by** Ms. Squire seconded by Mr. Mitchell to approve the Final Plat (PLAT-000016-2020) for Spring Hill Middle School #3 as presented by staff.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye, Erhart-Abstain

**Motion carried 6-0-1**

**6. Conditional Use Permit (CUP-000014-2020) – Spring Hill Middle School #3**

*Beginning of Staff Report*

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

**Case #:** CU-000014-2020

**Meeting Date:** June 4, 2020

**Description:** Proposed Conditional Use Permit for a USD 230 Middle School #3

**Location:** Estates of Wolf Creek Subdivision, 191<sup>st</sup> St. & Ridgeview Rd.

**Applicant:** USD230

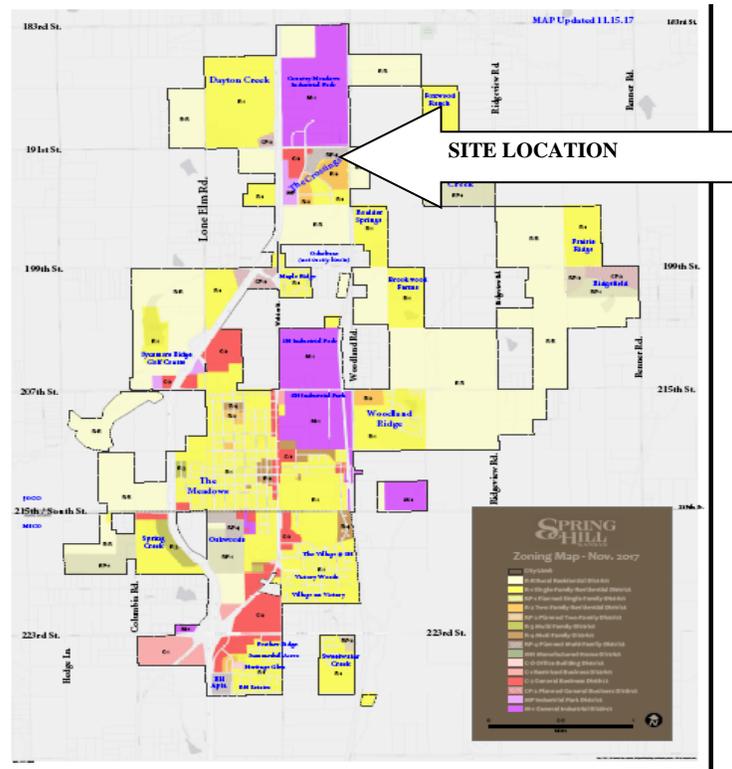
**Engineer:** RIC

**Current Zoning:** RP-4 Multi-Family Residential

**Site Area:** 34.60 acres

**Number of Lots:** 1

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map</b>
<b>Site:</b>	RP-4	Agricultural	Residential
<b>North:</b>	R-R	Agricultural	Institutional
<b>South:</b>	RP-1	Single Family Resid.	Residential
<b>East:</b>	CP-2	Planned General Business.	Planned General Business
<b>West:</b>	RP-4	Institutional.	Planned Multi-Family



**Background:**

The applicants, USD230, have submitted a request for a conditional use permit for a middle school that would be that would be located in the Estates of Wolf Creek Subdivision. The Spring Hill Zoning Ordinance allows for a school in an RP-4 district with a Conditional Use Permit, as per section 17.310.C.3.

**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 currently is vacant land as this proposed use is a part of the Estates of Wolf Creek Subdivision.
2. **Adjacent Zoning.** Adjacent parcels are zoned RP-1 Single Family Residential and CP-2 Planned General Business. The Proposed conditional use permit is compatible with existing zoning.
3. **Requested Because of Changing Conditions:** Growth in the community and within the boundaries of USD230 have necessitated the need for a new middle school.
4. **Detrimental Effect of Zoning Change.** The proposed conditional use permit will not have a detrimental effect on the nearby properties. It is the opinion of staff that the proposed use will not create land use conflicts with existing or planned future uses. To date, staff has not received comments negative to the request from adjoining owners or the general public.
5. **Public Gain Balanced by Landowner Hardship.** Public gain includes regulating the property with a Conditional Use Permit.
6. **Conformance with Comprehensive Plan.** The proposed conditional use permit Is in conformance with the Spring Hill Comprehensive Plan, which shows the parcel as planned multi-family residential.

7. **The proposed project is consistent with purposes of the regulations and intent of the district.** The proposed development is consistent with regulations and intent of the district in that a school is allowed in an RP-4 zone with a conditional use permit.
8. **Review of suitability of parcel for uses permitted by the district.** The proposed project is suitable for this particular parcel when considering zoning, current use and future land use.
9. **The proposed project corrects an error.** The project does not correct an error of any kind.
10. **Adequacy of current facilities.** Facilities such as road access, water, sewer, electric and gas are available to be extended to the site.
11. **Conformity with Comprehensive Plan.** The proposed use is in compliance with the Comprehensive Plan with regards to zoning and future land use.
12. **Hardship if application is denied.** The applicant could better speak to any perceived hardship if the application is denied.

**SITE PLAN:**

Conditional Use Permit applications are to be accompanied by a detailed site plan. The site plan is an additional item for consideration by the Planning Commission in connection with this CUP application. The site plan information and staff report are included with the PC packet. The site plan was approved by the Planning Commission at the May 7, 2020 meeting.

**ADDITIONAL REVIEW CRITERIA:**

As per the matrix adopted by the Planning Commission in 2014, schools with a Conditional Use Permit are recommended for annual review rather than scheduled renewal.

**PLANNING COMMISSION REVIEW AND ACTION:**

Upon review of the CUP application, the Planning Commission may, by a majority vote of those Members present:

- Recommend approval of the application to the Governing Body, or
- Recommend approval of the application to the Governing Body with conditions or modifications, 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.

**Recommendation:**

Staff recommends the approval of CU-000014-2020, for a school located within Estates of Wolf Creek subdivision, as described in the above staff report, with the following condition(s):

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

*Suggested Motion: Move to recommend approval of Conditional Use Permit, CU-000014-2020, for a middle school located within Estates of Wolf Creek subdivision as presented by staff, subject to the following:*

Annual staff review and reporting to the Planning Commission

*End of Staff Report*

Ms. Sly opened the hearing to the Public

Mr. Erhart recused himself from this agenda item.

Mr. Mitchell disclosed his wife is a member of the school board, but it will not interfere with his ability to make a decision.

Mr. Sly disclosed his wife works for the school district and lives in the Estates of Wolf Creek, but it will not affect in any way his decision with voting.

Ms. Pollom disclosed she works for the school district and does not believe it will affect how she votes.

Ms. Squire disclosed she works for the school district, but it will affect how she votes.

City Staff received the following comment/question from resident, Peggy Richey, 19306 Newcastle St which Mr. Sly ready aloud.

I live in Estates of Wolf Creek and I am very concerned about traffic flow on 193rd St, 191st St, and Ridgeview. It is already a nightmare getting out of my house at end of school, Between elementary and high school traffic. Mornings are not much better.

How do you plan to handle the traffic flow in these areas? In accordance with the traffic study, staff is working on the total area street improvements.

Are the three parking lots truly separated? Will the only traffic on 193rd St come Just from the south lot west of the building? Or will there be traffic flow between the lots? The bus traffic will flow only from the east side of the building parking lot. Busses will be completely separated from other traffic within the school.

Where will the buses go? Busses travel in on 192<sup>nd</sup> St and out on 192<sup>nd</sup> St.

How will arrival time and dismissal time be coordinated between the two buildings and the high school? Mr. Burton answered – Mr. Elliott with the school district answered that the arrival and dismissal times between the schools was established at the May 11 Board of Education meeting the middle schools will start 10 min later than elementary and the high school is five minutes in the middle of middle schools and elementary schools.

I plan to attend the meeting via zoom. I wish I could be there in person but understand the limitations.

Thank you for addressing these questions.

While I am not thrilled with the school going back there and all the noise and traffic that will be associated with it, I do realize it has to go somewhere. I am just really concerned with the poor capacity of these streets to handle it.

Mr. Patrick Burton presented the staff report as outlined above.

Mr. Sly closed public hearing.

**Motion by** Mr. Welsh seconded by Ms. Squire to approve the Conditional Use Permit (CUP-000014-2020) for Spring Hill Middle School #3 as presented by staff with annual staff review and reporting to Planning Commission.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye, Erhart-Abstain

**Motion carried 6-0-1**

**7. Preliminary Plat (PLAT-000018-2020) – Dayton Creek, 7th**

*Beginning of Staff Report*

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

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**Case #:** PLAT-000018-2020                      **Meeting Date:** June 04, 2020  
**Description:** Proposed Preliminary Plat (Dayton Creek Subdivision)  
**Location:** South Lone Elm Road and U.S. 169  
**Applicant:** Polsinelli PC – Curtis Holland                      **Owner:** PV Investments, LLC.  
**Engineer:** McClure Engineering – Tom Smith  
**Site Area:** 138.90 acres / R-1

**Minimum Lot Area:** 9,000 sq. ft.                      **Number of Lots:** 300 / R-1

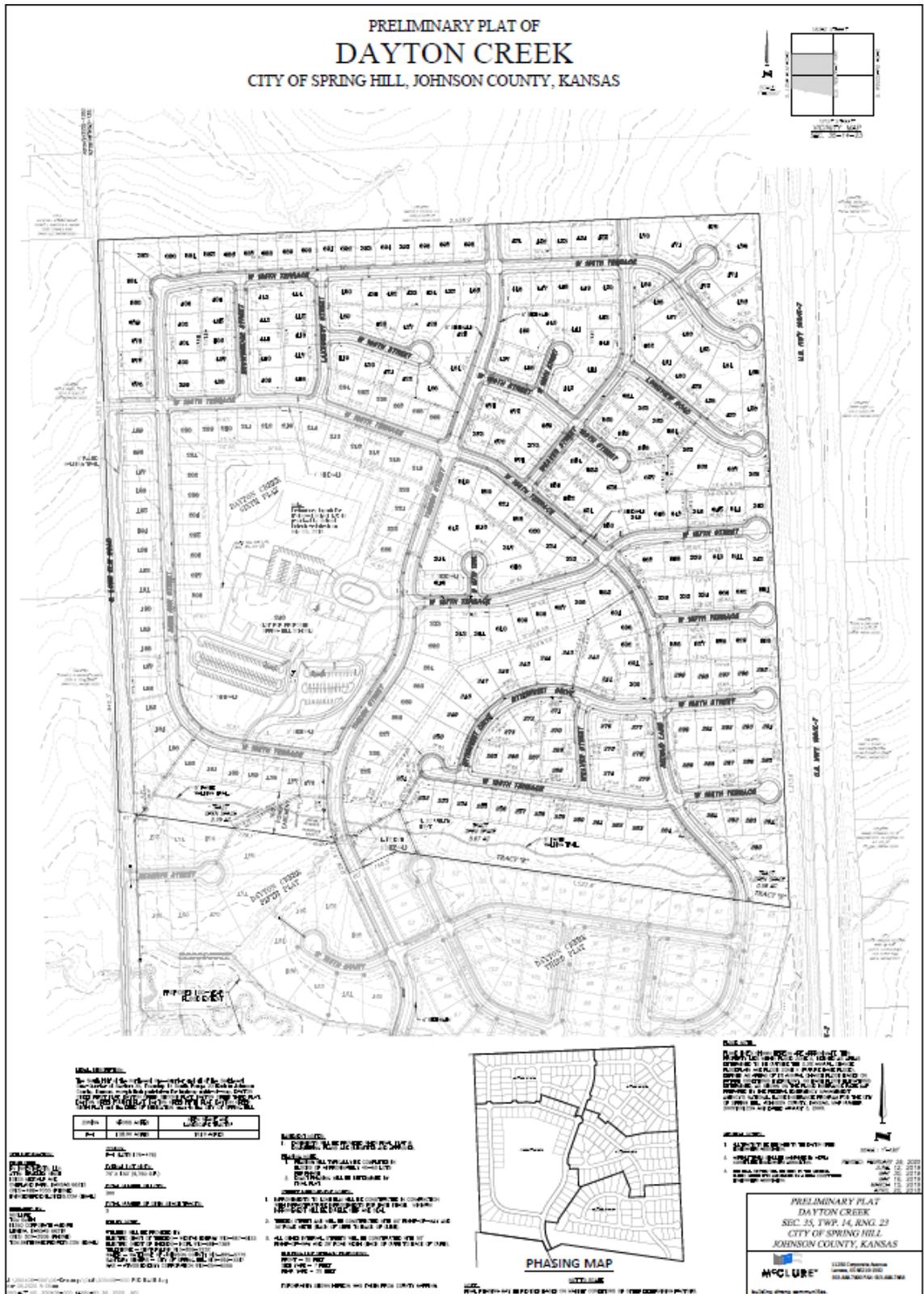
**Lot Area R-1:** 330,185 sq. ft.                      **Number of Lots:** 300

**Current Zoning:** “R-1”                      **Proposed Use:** Residential

**Related Applications:** PLAT-000017-  
2020

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**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 2016, the Planning Commission approved a Preliminary Plat of Dayton Creek. The plat was reflective to “RP-1” / “CP-2” zoning. The applicant submitted and the PC approved a Preliminary Plat changing the commercial area of the plat to a planned residential district. This plat is another change in the R-1 zoned area. Market conditions shows a need for a few larger lots that will accommodate the houses in demand. The applicant has submitted a new Preliminary Plat that conforms to “R-1” zoning with 300 standard lots.

Staff Comment:

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 the provided comments. Additional easements may be required to accommodate the improvements.

The plat and related information were sent to KDOT for review and comment. A new traffic study was not requested by KDOT due to the reduction in the number of lots. 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 decreased.

There remains 5 access points into this subdivision and 2 rather than 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 setbacks. Maximum height and building setbacks 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 overall. The first 3 phases of this subdivision is already developed or being developed with 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 and pool areas are being constructed at this time. The monument sign has been constructed and the water feature within the sign is operational.

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 (PLAT-000018-2020), Dayton Creek Subdivision, 7<sup>TH</sup> Plat 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. Note: The street tree plan has now been submitted.
- 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 public and an access easement to the trail system shall be shown on final plats.
- 4) The owner shall be responsible for improving 191<sup>st</sup> Street between U.S. 169 Hwy and Theden Street.

*Suggested Motion: Motion to recommend approval of Preliminary Plat application PLAT-000018-2020 for Dayton Creek Subdivision, 7<sup>th</sup> Plat including conditions 1-4 as presented in the staff report.*

Attachments: 1. Preliminary Plat

*End of Staff Report*

Mr. Patrick Burton presented the staff report as outlined above.

**Motion by** Mr. Erhart seconded by Ms. Squire to approve the Preliminary Plat (PLAT-000018-2020) for Dayton Creek, 7<sup>th</sup> as presented by staff.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye, Erhart-Aye

**Motion carried 7-0-0**

**8. Final Plat (PLAT-000017-2020) – Dayton Creek, 7th**

*Beginning of Staff Report*

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

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<b>Case #:</b>	PLAT-000017-2020	<b>Meeting Date:</b>	June 04, 2020
<b>Description:</b>	Proposed Final Plat (Dayton Creek, 7th Plat)		
<b>Location:</b>	South portion of 18780 S. US169 Hwy		
<b>Applicant:</b>	Polsinelli PC – Curtis Holland	<b>Owner:</b>	PV Investments, LLC.

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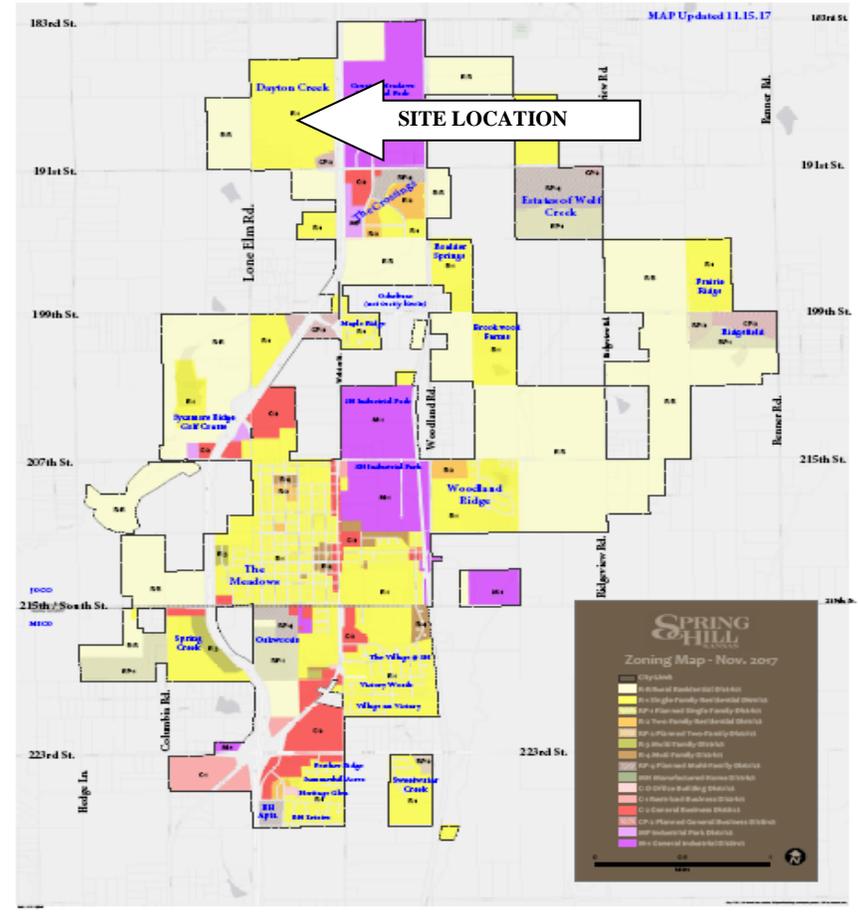
**Engineer:** McClure Engineering – Tom Smith

**Site Area:** 29.315 +/- acres / R-1

**Minimum Lot Area:** 9,000 sq. ft.

**Number of Lots:** 59 / R-1 ZONING & 2 Tracts

**Related Applications:** PLAT-000018-2020





Background:

The applicant, Polsinell PC and owner, PV Investments, LLC, has submitted an application for a Final Plat of Dayton Creek, 7th Plat.

Staff Comment:

The review comments from the government agencies, consultants and utility providers have been implemented as applicable on the new Final Plat. The applicant and their engineer have addressed all of the provided comments. Additional easements may be required to accommodate the improvements.

The plat and related information were sent to KDOT for review and comment. A new traffic study was not requested by KDOT due to the reduction in the number of lots. The items that KDOT requested to be changed have been addressed and changed on the Preliminary Plat and Final Plat. Again, the density of the newly revised plat has been decreased by platting out the elementary school.

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 may be required on the Final Plat when the design of utilities is completed.

The plat conforms to the Property Development Standards addressed in Section 17.338.A, size of lots and setbacks. Maximum height and building setbacks 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 connects to 36.38 acres of open space / neighborhood parks and landscape easements overall. The first 5 phases of this subdivision are already developed or being developed with parks and open space; therefore, the owner would not be subject to park impact fees. The pedestrian circulation system for each phase must be completed or the park impact fees will be assessed.

The excise tax will be calculated and paid before Final Plat is recorded. 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 and pool areas are constructed. The monument sign has been constructed, and the water feature within the sign is operational.

The proposed final plat and subdivision does comply with the Comprehensive Plan.

**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

Recommendation:

Staff recommends approval of the Final Plat (PLAT-000017-2020), Dayton Creek, 7th Plat, a Subdivision of Spring Hill, KS, Johnson County, KS, Subject to:

- 5) 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 required improvements are completed.
- 6) The trail system shall be open to the public and an access easement to the trail system shall be shown on final plat. The sidewalks and walking trails must be designed and constructed per the City Codes.
- 7) The owner shall be responsible for improving 191<sup>st</sup> Street between U.S. 169 Hwy and Theden Street.

**CLAIRIFICATION OF RECOMMENDATION #3:**

**Planning Commission members,**

This is a clarification on item #3 under recommendation. The recommendation should state that the developer is responsible for any repairs to 191<sup>st</sup> Street from Hwy 169 to Theden Street during the maintained bond timeframe for Dayton Creek, 7<sup>th</sup> Plat.

**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

Recommendation:

Staff recommends approval of the Final Plat (PLAT-000017-2020), Dayton Creek, 7th Plat, a Subdivision of Spring Hill, KS, Johnson County, KS, Subject to:

- 1) 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 required improvements are completed.
- 2) The trail system shall be open to the public and an access easement to the trail system shall be shown on final plat. The sidewalks and walking trails must be designed and constructed per the City Codes.
- 3) **The owner shall be responsible for improving 191<sup>st</sup> Street between U.S. 169 Hwy and Theden Street.**

*Suggested Motion: Move to recommend approval of Final Plat application PLAT-000017-2020 for Dayton Creek, 7th Plat, including conditions 1-3 as presented in the staff report.*

Attachments: 1. Final Plat

*End of Staff Report*

Mr. Patrick Burton presented the staff report as outlined above.

**Motion by** Ms. Squire seconded by Mr. Erhart to approve the Final Plat (PLAT-000017 -2020) for Dayton Creek, 7<sup>th</sup> including conditions 1-3 as presented by staff.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye, Erhart-Aye

**Motion carried 7-0-0**

**9. Site Plan (SP-000013-2020) – Peach State Roofing**

*Beginning of Staff Report*

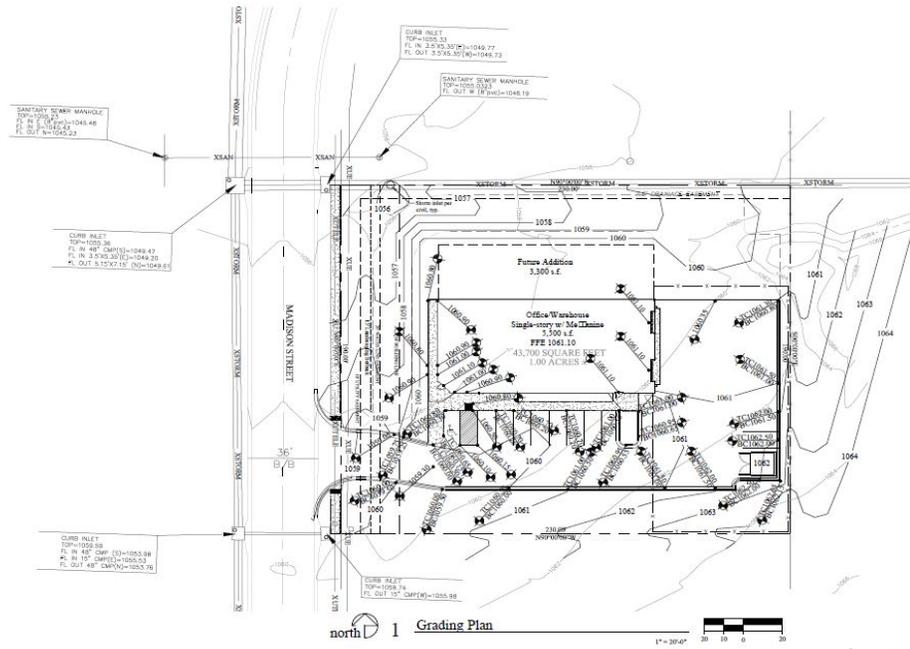
**SPRING HILL PLANNING COMMISSION  
SITE PLAN STAFF REPORT**

<b>Case #:</b>	SP-000013-2020	<b>Meeting Date:</b>	June 4, 2020
<b>Description:</b>	Site Plan – Peach State Roofing		
<b>Location:</b>	19069 Madison St.		
<b>Applicant:</b>	K&S Realty		
<b>Engineer/Architect:</b>	Abeln & Associates Architects, P.A. – Mark Abeln		
<b>Site Area:</b>	1.0 Acres +/-		

<b>Minimum Lot Area:</b>	N/A	<b>Related Case:</b>	
<b>Current Zoning:</b>	C-2	<b>Proposed Use:</b>	Commercial Office/Warehouse
	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map</b>
<b>Site:</b>	C-2	Agricultural	Mixed - Use Commercial
<b>North:</b>	M-1	Agricultural	Industrial
<b>South:</b>	C-2	Vacant	Mixed-Use Commercial
<b>East:</b>	C-2	Vacant	Mixed-Use Commercial
<b>West:</b>	C-2	Vacant	Mixed-Use Commercial







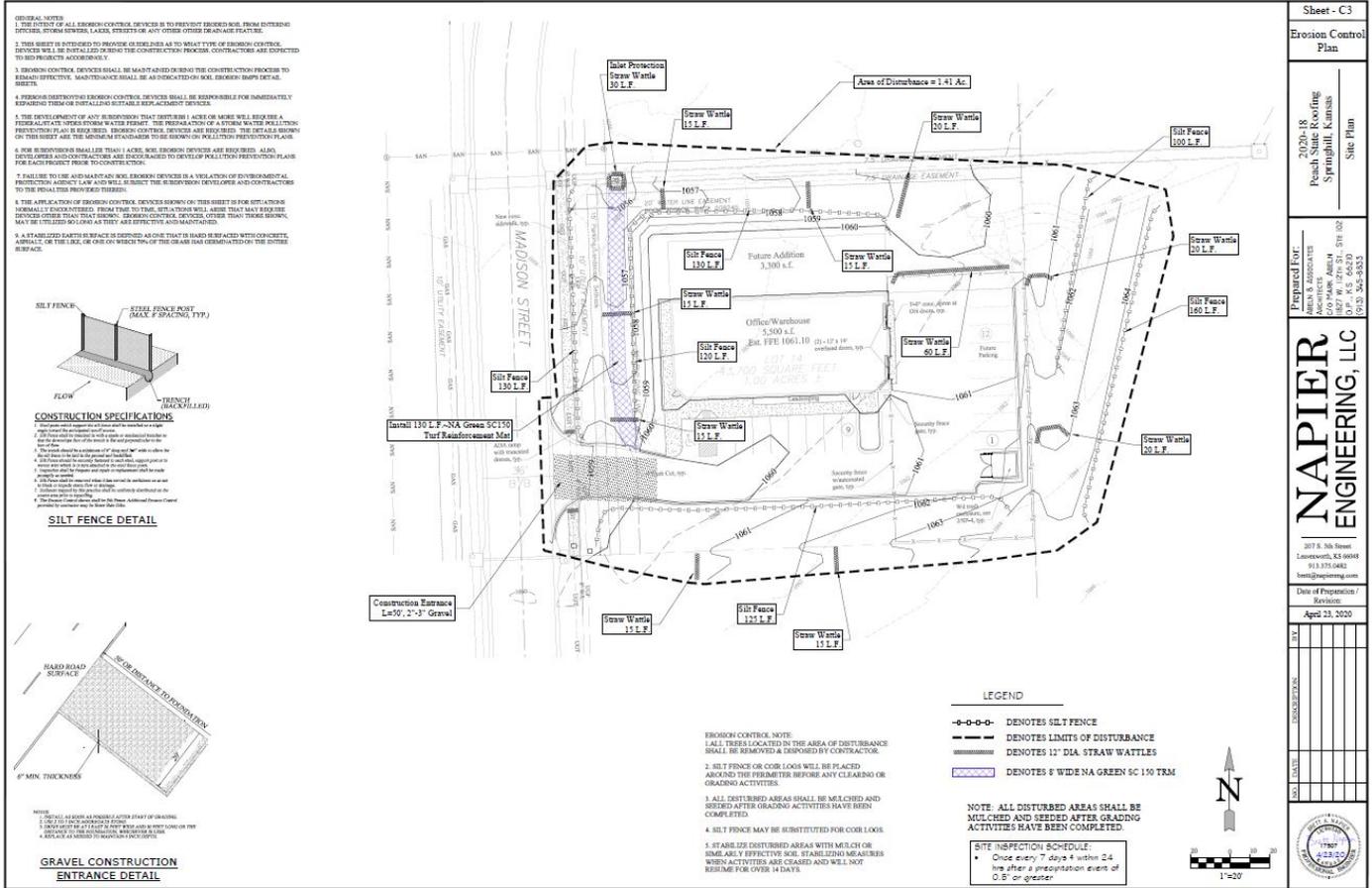
KWEMA

**PEACH STATE ROOFING**  
 Lot 14 Country Meadows  
 Springfield, Kansas

Project # - 2009

**DATE**  
 April 23, 2020

**SHEET NUMBER**  
**SP-2**



Sheet - C3  
Erosion Control Plan  
2020-18  
Derrick State Roofing  
Spring Hill, Arkansas  
Site Plan  
Prepared For:  
K&S REALTY  
ARCHITECTS  
1827 W. 127th St.  
Spring Hill, TN 37074  
Date of Preparation / Revision:  
April 23, 2020  
NAPIER ENGINEERING, LLC  
207 S. 5th Street  
Cape Girardeau, MO 64558  
616.375.0483  
napiere@napiereng.com  
17807

**BACKGROUND:** THE APPLICANT, K&S REALTY, HAS SUBMITTED A REQUEST FOR APPROVAL OF A SITE DEVELOPMENT PLAN AT 19069 MADISON ST. THE PROJECT CONSISTS OF A 5500 SQ. FT. NEW BUILDING, NEW ASPHALT PARKING, FENCING, LIGHTING AND LANDSCAPING.

**STAFF REVIEW:**

Staff has reviewed the site plan under the requirements of Section 17.340 of the Spring Hill Zoning Ordinance as follows:

- All lot lines and right-of-ways are identified
- All proposed structures with applicable data are identified until building permit stage.
- All parking and traffic areas have been identified and the type of surface and base course identified
- Utilities are available, identified, and in compliance with regulations
- Exterior lighting on the proposed structure will be reviewed with the building permit application. Manufacturer information on the fixtures will be reviewed by staff.
- Consultants, utility providers, and city staff have reviewed the site plan and provided comments. These comments and recommendations have been and will be implemented into the site plan as applicable.
- New storage areas will be enclosed with chain-link fence.

**STANDARDS OF REVIEW**

In addition to the above noted items the site plan has been reviewed for compliance with the following standards:

1. The extent to which the proposal conforms to the provisions of the Code

The proposed use follows the Spring Hill Zoning Code.

2. *The extent to which the proposal conforms to the provisions of the Spring Hill Subdivision Regulations.*

The site follows the Spring Hill Subdivision Regulations.

3. *The extent to which the development would be compatible with the surrounding area.*

The project is compatible with the surrounding area which is industrial in use.

4. *The extent to which the proposal conforms to the recommendations of the Spring Hill Comprehensive Plan including but not limited to the Vision Plan, the Community Development Recommendations, and the Planning and Principles and Design Guidelines.*

The proposed site plan and use meets the C-2 requirements with staff and consultant comments implemented.

5. *The extent to which the proposal conforms to customary engineering standards used in the City.*

The overall project has been designed by recognized and licensed architects and engineers

**ADDITIONAL REVIEW CRITERIA:**

1. A stormwater study was provided with the application and was reviewed by City Engineer. Comments from this review were forwarded to the design team and changes are being implemented into the design as applicable.
2. Site plan indicates 8 parking stalls and 1 Handicap. The code requires 4 and 1. This is following the required 1 per 1500 sq. ft. of building square footage required by the zoning code.
3. The erosion control plan is identified with in the excavation plans submitted to the City Engineer. Since the size of the area that is being disturbed is greater than one acre, the applicant has submitted a Notice of Intent for storm water discharges associated with construction activity under the National Discharge Elimination System and the City Engineer.
4. The required detention basin is an area basin along Hwy 169 for the plat.
5. Park fee in the amount of \$4,370.00 will be due at time of issuing building permit.

**Planning Commission Review and Action:** Upon review of the site plan 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

**RECOMMENDATION:**

It is the recommendation of staff that the Planning Commission recommend approval of site plan SP-000013-2020, for the Peach State Roofing Site Development Plan.

*Suggested Motion: Motion to recommend approval of site plan application SP-000013-2020, for Peach State Roofing, as presented by staff.*

Attachments: Site Development Plan

*End of Staff Report*

Mr. Patrick Burton presented the staff report as outlined above.

**Motion by** Mr. Erhart seconded by Mr. Mitchell to approve the Site Plan (SP-000013 -2020) for Peach State Roofing as presented by staff.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye, Erhart-Aye

**Motion carried 7-0-0**

**10. Site Plan (SP-000005-2020) – Boulder Springs Community Pool**

**APPLICANT WITHDREW APPLICATION**

**11. Final Plat (PLAT-000003-2020) and Site Plan (SP-000010-2019) – Cedar Hills Early Childhood Center**

*Beginning of Staff Report*

**SPRING HILL PLANNING COMMISSION  
FINAL DEVELOPMENT PLAN AND FINAL PLAT STAFF REPORT**

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<b>Case #:</b>	Plat-000003-2020	<b>Meeting Date:</b>	June 04, 2020
<b>Description:</b>	Proposed Final Development of Lot 1 and Final Plat		
<b>Location:</b>	South of 191 <sup>st</sup> Street and west of Ridgeview Road		
<b>Applicant:</b>	Ronald A. Mather	<b>Owner:</b>	191st Street Investors
<b>Engineer:</b>	Phelps – J. Claussen / Harold Phelps		
<b>Current Zoning:</b>	“CP-2”		
<b>Site Area:</b>	10.21 +/- acres	<b>Number of Lots:</b>	4

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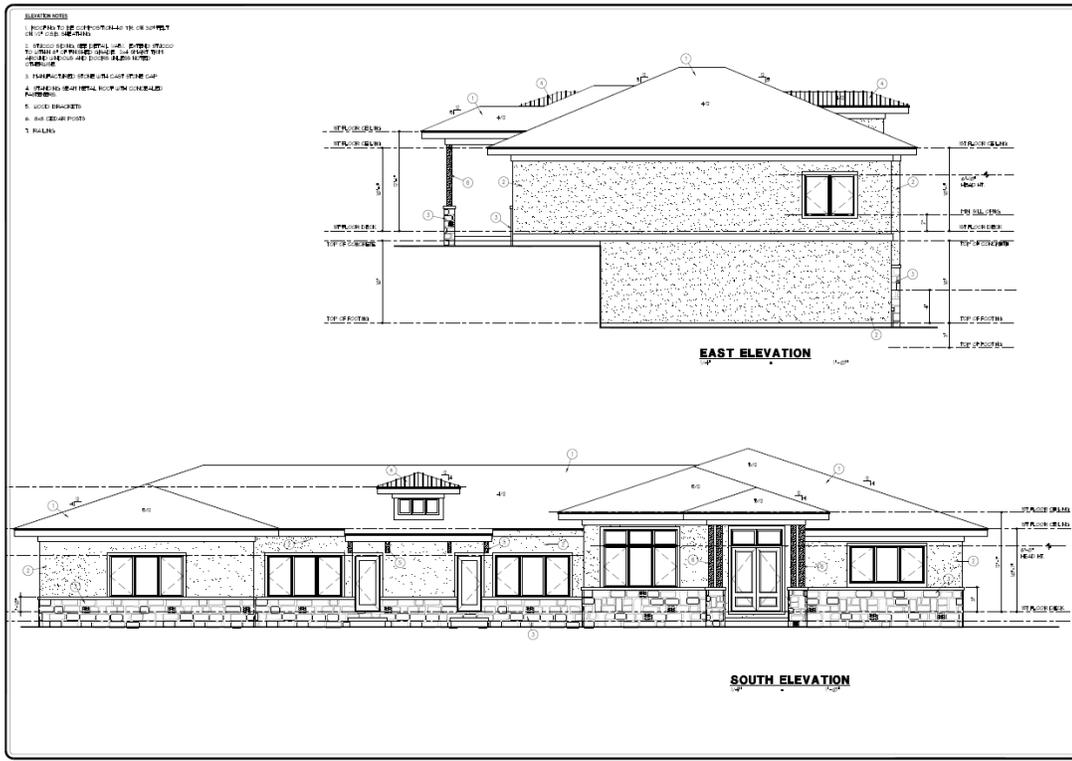
**Proposed Use:** CP-2 - Planned General Business District

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**WEBSTER**
  
**CEAR HILLS CHAMBER OF COMMERCE**
  
**DONALD W. MILLER PROPERTIES LLC**
  
**1920 STREET (PUBLIC STREET) (BY OTHERS)**
  
**1920 STREET (EXISTING PUBLIC STREET)**
  
**Scale 1" = 20'**

**PLANT SCHEDULE**

TREE	QTY	BOTANICAL / COMMON NAME	CONT.	CAL.	SHR.
+	3	Acer campestre / Hedge Maple	8.5	3.0' x 4	
+	10	Acer rubrum 'Red Pointe' / Red Pointe Red Maple	8.5	3.0' x 4	
+	2	Cercis canadensis / Okanona Redbud	8.5	1.0' x 4	
+	2	Hamamelis mollis / Seven Stars Flower	9	1.0' x 4	
+	6	Jurinea dichroma 'Coral' / Coral Juniper	8.5	6' high	
+	1	Quercus laevis / Swamp White Oak	8.5	3.0' x 4	
+	5	Syringa oblata 'Ivory Silk' / Ivory Silk Japanese Tree Lilac	8.5	2.0' x 4	
+	7	Zelkova sericea 'Village Green' / Saddle Zelkova	8.5	3.0' x 4	
+	2	Baccharis rubra / Blackberry / Dwarf Redleaf Japanese Barberry	2 gal	10" x 10" x 8" in.	
+	20	Hydrangea macrocarpa 'Santitas' / Santitas Hydrangea	3 gal	10" x 10" x 8" in.	
+	38	Jurinea dichroma 'Sea Green' / Sea Green Juniper	3 gal	24" x 24" x 8" in.	
+	12	Jurinea dichroma 'Grey Owl' / Grey Owl Juniper	3 gal	24" x 24" x 8" in.	
+	7	Physocarpus opulifolius 'Center Glow' / Center Glow Nivea	3 gal	10" x 10" x 8" in.	
+	12	Rhus aromatica 'Ginkgo' / Ginkgo Fragrant Sumac	3 gal	10" x 10" x 8" in.	
+	10	Spiraea cantoniensis 'Autumn Fire' / Shiny Stenopae	1 gal	10" x 10" x 8" in.	
+	2	Spiraea japonica 'Gold Flame' / Gold Flame Spirea	3 gal	10" x 10" x 8" in.	
+	23	Cercocarpus diandra 'Blue Flame' / Blue Flame	1 gal	10" x 10" x 8" in.	
+	25	Calamagrostis canadensis 'Gold Flame' / Feather Reed Grass	3 gal	24" high	
+	6	Miscanthus sinensis 'Morning Light' / Eureka Grass	3 gal	24" high	

**LANDSCAPE PLAN**  
**Estates of Wolf Creek Daycare**  
**Scale 1" = 20'**  
**1920 STREET (PUBLIC STREET) (BY OTHERS)**  
**1920 STREET (EXISTING PUBLIC STREET)**  
**Proposed Building: 5,500 SQ. FT.**  
**Proposed Parking: 15 SPACES (10-15' x 20-25' x 8-10')**  
**Proposed Play Area: 1,500 SQ. FT.**  
**Proposed Garden: 1,000 SQ. FT.**  
**Proposed Deck: 1,000 SQ. FT.**  
**Proposed Walkways: 1,000 SQ. FT.**  
**Proposed Fencing: 1,000 SQ. FT.**  
**Proposed Lighting: 1,000 SQ. FT.**  
**Proposed Irrigation: 1,000 SQ. FT.**  
**Proposed Retention Wall: 1,000 SQ. FT.**  
**Proposed Stormwater Management: 1,000 SQ. FT.**  
**Proposed Security: 1,000 SQ. FT.**  
**Proposed Signage: 1,000 SQ. FT.**  
**Proposed Other: 1,000 SQ. FT.**

Background:

**AN APPLICATION HAS BEEN RECEIVED FOR THE FINAL DEVELOPMENT PLAN AND FINAL PLAT OF A 10.21 AC. LOCATED AT THE SOUTHWEST CORNER OF 191<sup>ST</sup> & RIDGEVIEW ROAD. THE PROPERTY IS CURRENTLY ZONED CP-2 (PLANNED GENERAL BUSINESS DISTRICT). THE PRELIMINARY DEVELOPMENT PLAN AND SITE PLAN WERE APPROVED AT THE OCTOBER 2020 PLANNING COMMISSION MEETING.**

**STAFF COMMENTS:**

The Planning Commission approved the preliminary development plan and site plan after changes were made by the request of the Planning Commission. The PC required the C-Store to be relocated on a lot on 191<sup>st</sup> Street further away from the elementary school. The revised plan was re-submitted to the PC in October 2020, and the PC approved the preliminary development plan and the site plan.

The review comments from the government agencies, consultants and utility providers have been implemented as applicable on the new Final Plat. The applicant and their engineer have addressed all of the provided comments. Additional easements may be required to accommodate the improvements

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 may be required on the Final Plat when the design of utilities is completed.

The City will provide sewers, and WaterOne will provide water to the subdivision.

The excise tax will be calculated and paid before Final Plat is recorded and the park impact fee will be collected at the building permit stage

The proposed final plat and subdivision does comply with the Comprehensive Plan.

**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

**RECOMMENDATION:** Staff recommends approval of the Final Development Plan and Final Plat in the CP-2 (Planned General Business District) of the Estates of Wolf Creek.

Attachments: 1. Final Plat

*End of Staff Report*

Mr. Patrick Burton presented the staff report as outlined above.

Commissioners stated concerns on traffic increase in the area.

**Motion by** Mr. Mitchell seconded by Mr. Erhart to approve the Final Development Plan and Final Plat (SP-000010 -2019 and PLAT-000003-2020) for Cedar Hills Early Childhood Center as presented by staff.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye, Erhart-Aye

**Motion carried 7-0-0**

## DISCUSSION

## REPORTS

**12. The following item(s) related to Community Development were approved at the May 14, 2020 City Council meeting:**

- Final Plat – Brookwood Farms, 5th

**13. The following item(s) related to Community Development were approved at the May 28, 2020 City Council meeting:**

- Site Plan – Spring Hill Middle School #3
- Consumer Fireworks Retail Sales Permits Approved:
  - FS-000177-2020, Fireworks Mania Superstore
  - FS-000187-2020, Jakes Fireworks, Inc.
  - FS-000190-2020, Pyro Papas
  - FS-000191-2020, Pyro Papas
  - FS-000188-2020, Eddie’s Discount Fireworks
  - FS-000189-2020, Dale Shay

## ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

### ADJOURN

**Motion by** Mr. Welsh, seconded by Mr. Erhart, to adjourn.

**Roll Call Vote:** Dobson- Aye, Welsh- Aye, Sly-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye

**Motion carried 7-0-0**

The meeting adjourned at 9:41 p.m.

**SPRING HILL PLANNING COMMISSION  
SITE PLAN STAFF REPORT**

**Case #:** SP-000005-2020      **Meeting Date:** July 10, 2020

**Description:** Boulder Springs Subdivision Community Pool and Clubhouse

**Location:** 196<sup>th</sup> St. and Emerald St. Boulder Springs, Tract C

**Applicant:** Day 3 Development – Travis Schram

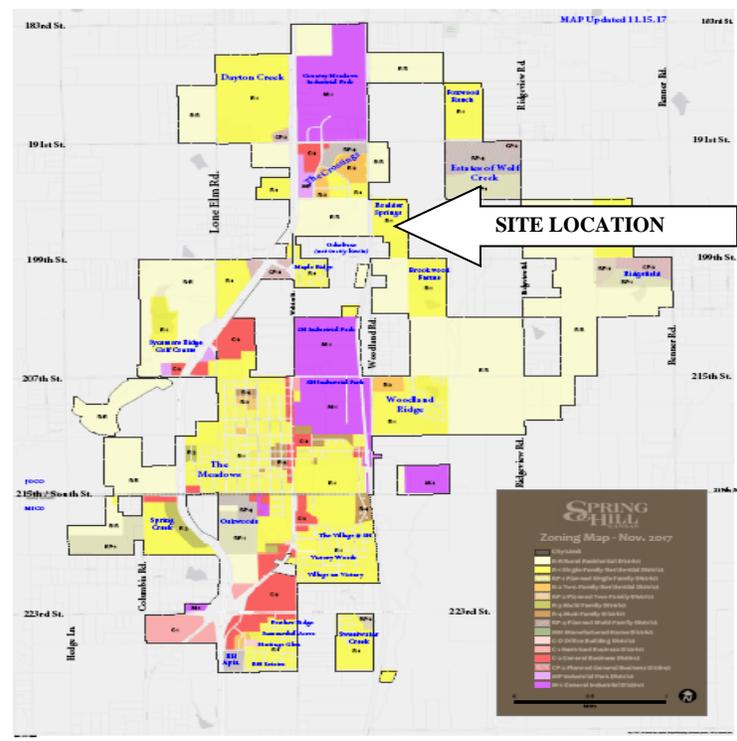
**Engineer/Architect:** Schlaegel – Mark Breuer

**Site Area:** 3.7 +/- acres 161,172 +/- square feet

**Minimum Lot Area:** N/A      **Related Case:** Final Plat Boulder Springs

**Current Zoning:** R-1      **Proposed Use:** Community pool, recreational area, parking and club house.

	Current Zoning	Existing Land Use	Future Land Use Map
<b>Site:</b>	R-1	Vacant	
<b>North:</b>	RP-2	Vacant	Two Family Residential
<b>South:</b>	R-R	Vacant	Open Space
<b>East:</b>	R-1	Vacant	Residential
<b>West:</b>	R-1	Being Developed	Residential









**BACKGROUND:** The applicant, Day 3 Development, has submitted a request for approval of a site development plan in Boulder Springs Subdivision. The clubhouse, parking, recreational area, and pool are proposed on Tract “C”. The track contains 3.7 acres more or less. The project consists of constructing a clubhouse building that is shown to have stucco and rock exterior finish. The pool is approximately 24,000 +/- sq. ft. This project will be owned and maintained by the Boulder Springs homeowners association.

**STAFF REVIEW:**

- 1) All lot lines, easements and R/W lines are identified.
- 2) All proposed structures and uses are identified.
- 3) The parking lot has 6 standard parking spaces with 1 ADA H/C spaces. This amount of parking exceeds the code requirements of 4 standard and 1 ADA H/C spaces.
- 4) Type of materials to be used for the parking lot is shown.
- 5) The storm water discharge from this site has been reviewed by the City Engineer.
- 6) The landscape shown on the plan exceeds the required landscape per the code.
- 7) The area lighting is not shown, but the illumination summary will be reviewed at the building permit stage.
- 8) Fencing is shown enclosing the pool area as required.

**STANDARDS OF REVIEW**

In addition to the above noted items, the site plan has been reviewed for compliance with the following standards:

1. *The extent to which the proposal conforms to the provisions of the Code.*  
The proposed use is in compliance with the Spring Hill Zoning Code.
2. *The extent to which the proposal conforms to the provisions of the Spring Hill Subdivision Regulations.*

## Agenda item No. 2

The site is in compliance with the Spring Hill Subdivision Regulations. This is an existing platted lot.

3. *The extent to which the development would be compatible with the surrounding area.*  
The project is design to service the surrounding subdivision area.
4. *The extent to which the proposal conforms to the recommendations of the Spring Hill Comprehensive Plan including but not limited to the Vision Plan, the Community Development Recommendations, and the Planning and Principles and Design Guidelines.*  
The proposal is in conformance with the recommendations of the Comprehensive Plan including the Future Land Use map that identifies this area as residential use in nature. The use conforms to the Preliminary Plat.
5. *The extent to which the proposal conforms to customary engineering standards used in the City.*  
The overall project has been designed by recognized and licensed architects and engineers. The City Engineer and Building Official has reviewed the site plan.
6. *The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.*  
The streets layout was designed in the Preliminary Plat to accommodate the pool area on Tract C.

### **STAFF AND CONSULTANTS REVIEW COMMENTS:**

Staff has reviewed the site plan under the requirements of Section 17.340 of the Spring Hill Zoning Ordinance as follows:

1. Need to show the entrance approach areas to be poured concrete to R/W line.
2. Water service and sanitary sewer service lines for the clubhouse and pool must be shown.
3. Parking areas have been identified and the type of surface and base course to be used.
4. Utilities are available.
5. Exterior lighting will need to be reviewed at the building permit stage to insure it complies with City regulations as not to negatively affect surrounding properties or traffic. Manufacturer information on the fixtures are required to be submitted at time of building permit application review.
6. The pool will need to be reviewed, inspected and approved by the JOCO Health Department Division before opening for use.
7. Consultants, utility providers, and city staff have reviewed the site plan and provided comments. These comments and recommendations will be implemented on the site plan.

### **Planning Commission Review and Action:**

Upon review of the site plan 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

### **RECOMMENDATION:**

It is the recommendation of staff, that the Planning Commission recommend approval of site plan SP-000005-2020.

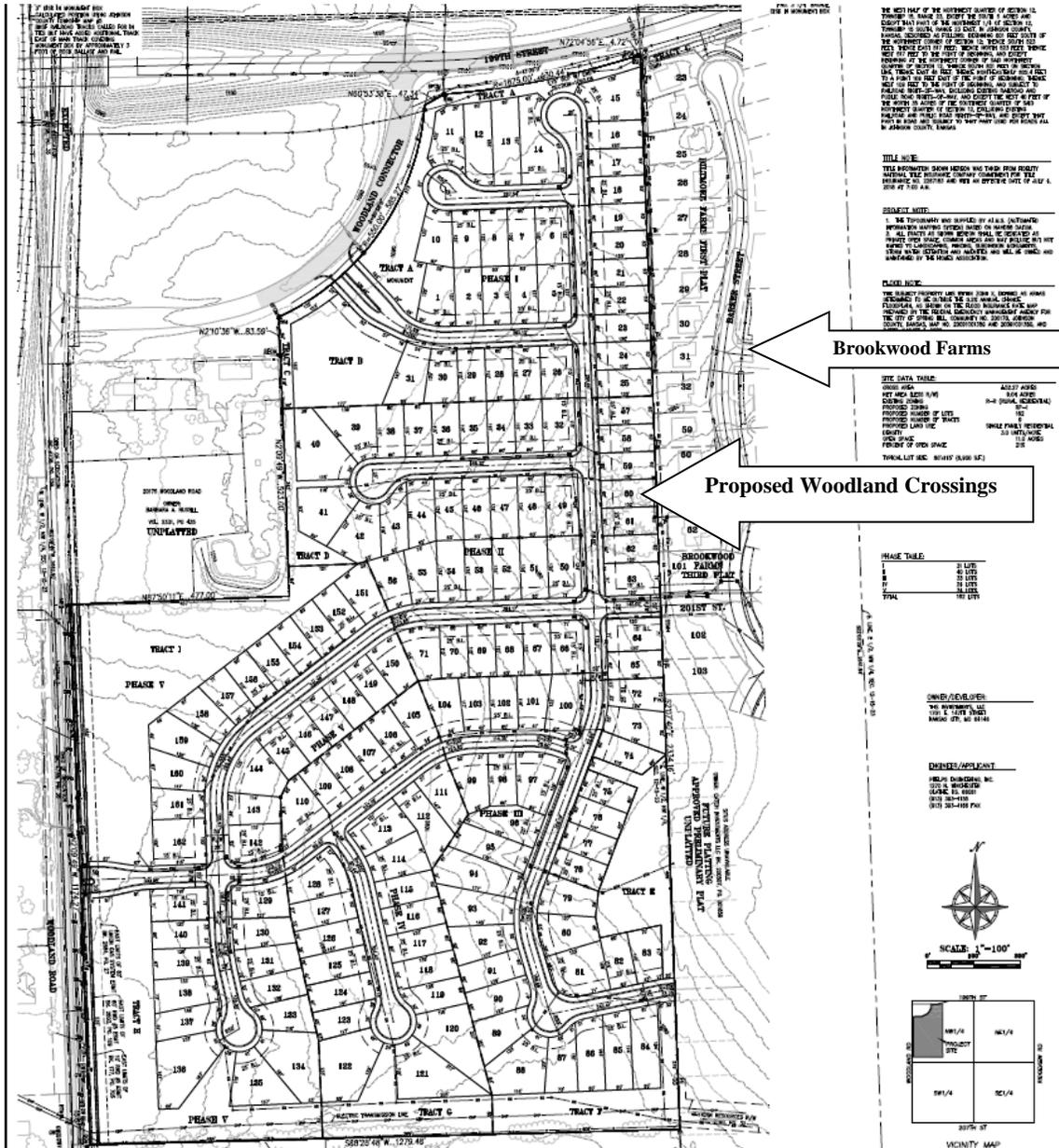
Attachments:        Site Development Plans  
                             Elevations







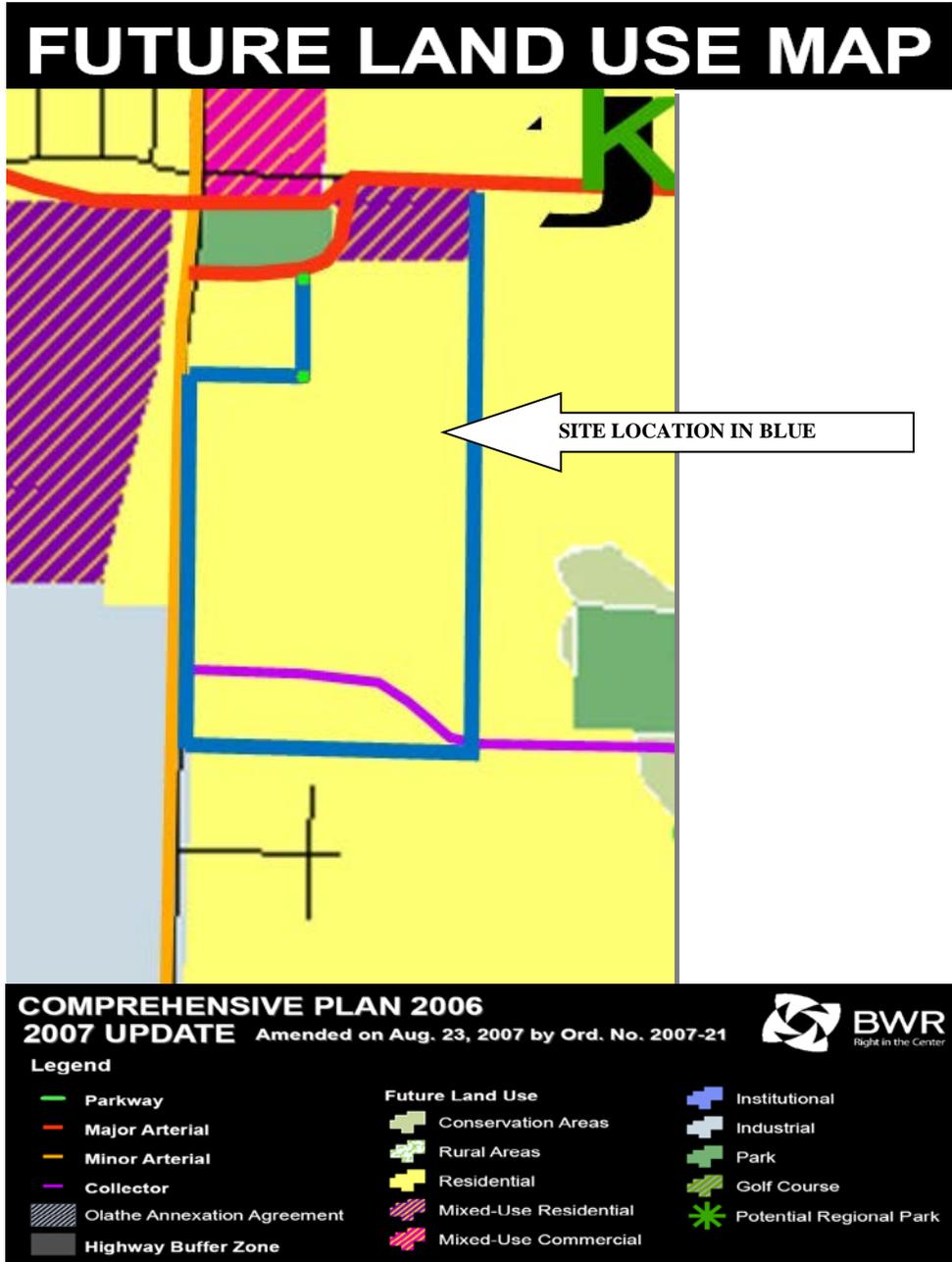
# Preliminary Plat / Development Plan





**BACKGROUND:**

The applicant, Phelps Engineering, Inc. – Tim Tucker has submitted a request for the first phase final plat of Woodland Crossing subdivision located south of 199<sup>th</sup> Street and east of Woodland Road. The property is currently zoned RP-1 (Planned Single Family District). The Preliminary Plat / Development Plan was approved on the November 7, 2019 Planning Commission meeting and then by the Governing Body.



**STAFF COMMENT:**

Woodland Crossing, First Plat contains 31 residential lots on 12.25 +/- acres. Staff offers the following review per Section 17.372.D of the Spring Hill Subdivision Regulations:

1. Separate drawings of profiles and cross section of streets and public use areas are to be forwarded to the City Engineer for review.
2. Staff has verified the person or persons name on the plat are the owner(s) of the area subject to the final plat.
3. Staff has verified all due or unpaid taxes have been paid in full.
4. Adequate control of storm water through appropriate BMP's will be detailed on drawings submitted to the City Engineer for approval and will address the City Engineer comments regarding the drainage study.
5. Erosion control shall be installed and maintained per City Standards.
6. Construction refuse will be disposed of in an appropriate manner.
7. Must comply with erosion control standards throughout the development and construction of the improvements and home construction.
8. House elevations and typical plot plans have been submitted.
9. Park Fees: With no trail system, park fee of \$300.00 per lot will be paid at the issuance of a building permit.
10. The required Improvement Agreement is being prepared by staff and will be forwarded to the applicant, City Engineer and City Attorney for review and approval. This Agreement will be signed and excise tax in the amount of \$40,653.32 will need to be paid by the applicant prior to consideration of the final plat by the Governing Body. All required bonds and insurance documents would be submitted to the City prior to issuance of a Notice to Proceed from the City Engineer.
11. All utilities are adequate and available to the property with extensions as determined by the development plan(s).

The proposed site development plan is in conformance with the Spring Hill Comprehensive Plan. The utility easements are shown with dimensions meeting the minimum easement requirements for the City. The City will provide sanitary sewers and Johnson County WaterOne will provide water to the subdivision. This property will be required to participate with a buy-in to a sewer benefit district.

The plat was sent out to City Staff and consultants for review. The review comments from the government agencies, consultants and utility providers will be implemented as applicable on the plan. The applicant and their engineer have agreed to address all the provided comments.

The minimum easement requirements for the City and the locations will be addressed on the Final Development Plans. Additional easements will be required and addressed during the infrastructure construction design process.

**ADDITIONAL STAFF COMMENT:**

The attached proposed site layout and building elevations have been reviewed:

- 1) The RP-1 area proposes lot size reductions from the minimum standards required for standard R-1 developments. The minimum lot width would be reduced from 75-feet to 60-feet. The Comprehensive Plan recommends developments with reduced lot sizes and widths comply with minimum architectural standards (Guideline 10, Page A-5, Appendix A, Planning Principles and Design Guidelines).
- 2) The RP-1 areas propose building setback reductions: side setback reduction from 7-feet to 5-feet; rear setback may be reduction from 25-feet to 20-feet if needed; and front setback reductions from 35-feet to 25-feet.
- 3) The submitted building elevations are conceptual in nature. However, the building elevations are consistent with the architectural recommendations of the Comprehensive Plan, that all facades would be finished to the same level of detail as the front façade including windows, awnings, variety of high quality material finishes, etc. Final building plans will need to address such compatibility issues at the time of issuance of a building permit.

**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

If approved, this plat would be presented to the Governing Body at the last Council meeting in July.

*Suggested Motion: Move to recommend approval of application Plat-000020-2020, Final Plat of Woodland Crossing, First Plat, to the Spring Hill Governing Body, including conditions as presented in the staff report*

Attachments: Plans





**LEGAL DESCRIPTION:**  
 THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 15, RANGE 23, EXCEPT THE SOUTH 5 ACRES AND EXCEPT THAT PART OF THE NORTHWEST 1/4 OF SECTION 12, KANSAS DESCRIBED AS FOLLOWS: BEGINNING 80 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 12; THENCE SOUTH 523 FEET 11 INCHES TO THE POINT OF BEGINNING; AND THENCE WEST 512 FEET TO THE POINT OF BEGINNING; AND THENCE WEST 169 FEET TO THE POINT OF BEGINNING; AND SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY; AND EXCEPT THE WEST 40 FEET OF THE NORTH 35 ACRES OF THE SOUTHWEST QUARTER OF SAID NORTHWEST QUARTER OF SECTION 12, EXCLUDING EXISTING TRACTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 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**TREE PLANTING NOTES:**

- DO NOT HEAVILY PRUNE THE TREE. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, & BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS & LATERAL BRANCHES MAY BE PRUNED. DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN
- MARK THE NORTH SIDE OF THE TREE IN THE NURSERY AND ROTATE TREE TO FACE NORTH AT THE SITE WHENEVER POSSIBLE
- SET TOP OF ROOT BALL 1-2 INCHES HIGHER THAN SURROUNDING GRADE
- APPLY 4" THK WOOD MULCH. DO NOT PLACE MULCH IN DIRECT CONTACT W/ TREE TRUNK

**STAKING REQUIREMENTS:**

- WIRE / CABLE SHALL BE GALV. 12-GAUGE
- TIGHTEN WIRE / CABLE ONLY ENOUGH TO KEEP FROM SLIPPING. ALLOW FOR SOME TRUNK MOVEMENT. PLASTIC HOSE SHALL BE LONG ENOUGH TO ACCOMMODATE 1/2" OF GROWTH
- STAKES SHALL BE 2" x 2" HARDWOOD OR EQUAL

**PERENNIAL PLANTING NOTES:**

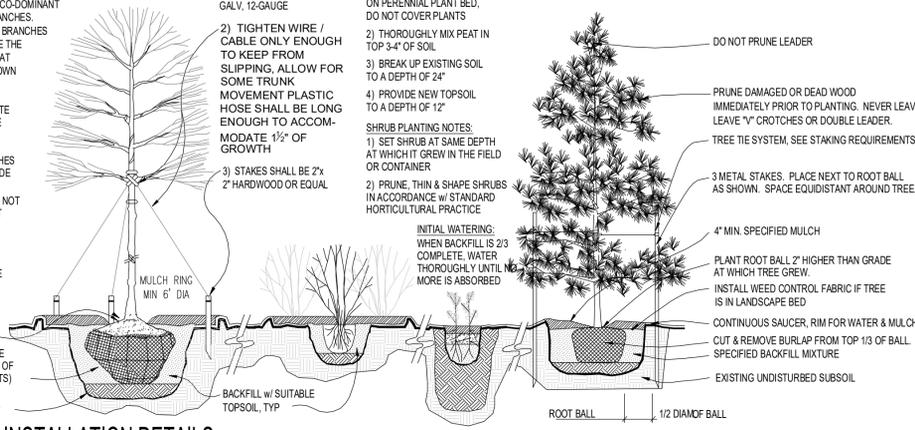
- APPLY 2" THK BED OF MULCH ON PERENNIAL PLANT BED. DO NOT COVER PLANTS
- THOROUGHLY MIX PEAT IN TOP 3-4" OF SOIL
- BREAK UP EXISTING SOIL TO A DEPTH OF 24"
- PROVIDE NEW TOPSOIL TO A DEPTH OF 12"

**SHRUB PLANTING NOTES:**

- SET SHRUB AT SAME DEPTH AT WHICH IT GREW IN THE FIELD OR CONTAINER
- PRUNE, THIN & SHAPE SHRUBS IN ACCORDANCE W/ STANDARD HORTICULTURAL PRACTICE

**INITIAL WATERING:**

WHEN BACKFILL IS 2/3 COMPLETE, WATER THOROUGHLY UNTIL NO MORE IS ABSORBED



**1 PLANTING INSTALLATION DETAILS**  
SCALE: NTS

**Planting Notes**

- Location of all existing utilities needs to done before commencing work.
- The planting plan graphically illustrates overall plant massings. Each plant species massing shall be placed in the field to utilize the greatest coverage of ground plane. The following applies for individual plantings:
  - Creeping groundcover shall be a minimum of 6" from paving edge.
  - All trees shall be a minimum of 3' from paving edge.
  - All plants of the same species shall be equally spaced apart and placed for best aesthetic viewing.
  - All shrubs shall be a minimum of 2' from paved edge.
  - Mulch all planting bed areas to a minimum depth of 3". Mulch individual trees to a minimum depth of 4".
  - Note: If plants are not labeled - they are existing and shall remain.
  - In the event of work in or on a JCW sanitary main, any trees or plantings placed within the sewer easement may be removed without replacement or compensation there-of and shall be replaced by the property owner as required by the City
  - All landscaped areas in ROW shall be sodded and irrigated unless otherwise specified.

**Materials:**

- Plant material shall be healthy, vigorous, and free of disease and insects as per AAN standards.
- Shredded bark mulch installed at trees shall be finely chipped and shredded hardwood chips, consisting of pure wood products and free of all other foreign substances. Pine bark compost mulch installed at planting bed areas shall be free of all other foreign substances.

**Installation:**

- All planting beds shall be amended with 1 cubic yard of peat moss per 1,000 square feet. Till peat moss into soil to a 6" depth. A 10-10-10 fertilizer shall be spread over all planting areas prior to planting, at a rate of 50 pounds per 2,000 square feet.
- After plants have been installed, all planting beds shall be treated with Dacthal pre-emergent herbicide prior to mulch application.
- Plant pit backfill for trees and shrubs shall be 50% peat or well composted manure and 50% topsoil.
- Plant material shall be maintained and guaranteed for a period of one year after Owner's acceptance of finished job. All dead or damaged plant material shall be replaced at Landscape Contractor's expense.
- Landscape contractor shall maintain all plant material until final acceptance, at which point the one year guarantee begins.

**Landscape Calculations**

**Street Trees:** In all zones, one large shade tree is required for each 50 feet of street frontage or portion thereof. REQUIREMENT MET.

**Buffer Plantings:** A minimum for each 100 linear feet or portion thereof of thoroughfare or super-collector frontage.

- Eight (8) evergreen (conifers) trees with a minimum size of six (6) feet in height;
- Two (2) shade trees with a minimum caliper of two (2) inches as measured six (6) inches above the ground;
- One (1) ornamental tree with a minimum size of 10 feet in height.

480 LF of road along 199th Street  
38 Evergreens Required - 38 Provided  
10 Shade trees required - 10 Provided  
5 Ornamental trees required - 5 Provided  
REQUIREMENTS MET.

**Landscape Schedule**

Symbol	Qty.	Botanical Name	Common Name	Min.Root	Min.Size	Caliper	Remarks
<b>OVERSTORY TREES</b>							
	000	Gleditsia triacanthos 'Skyline'	Shademaster Honeylocust			2.5"	6' min. clear, ground to canopy
	000	Quercus bicolor	Swamp White Oak			2.5"	6' min. clear, ground to canopy
	000	Acer x truncatum 'Warrenred'	Pacific Sunset Maple			2.5"	6' min. clear, ground to canopy
	000	Acer griseum	Paperbark Maple			2.5"	6' min. clear, ground to canopy
	000	Ulmus parvifolia	Lacebark Elm			2.5"	6' min. clear, ground to canopy
	000	Platanus x acerifolia	London Plane Tree			2.5"	6' min. clear, ground to canopy
<b>EVERGREEN TREES</b>							
	00	Juniperus chinensis 'Keteleeri'	Keteleeri Juniper			6' ht.	symmetrical pyramidal form
	00	Juniper chinensis	Eastern Red Cedar			6' ht.	symmetrical pyramidal form
	00	Picea abies	Norway Spruce			6' ht.	symmetrical pyramidal form
<b>ORNAMENTAL TREES</b>							
	00	Cercis canadensis	Eastern Redbud			1.5"	

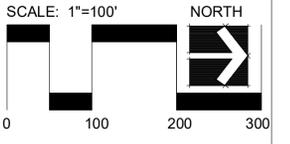


**2 LANDSCAPE PLAN (OVERALL SITE)**  
SCALE: 1"=100'-0"



**CLIENT**  
THS Investments  
1701 E 147TH ST  
KANSAS CITY, MO 64146

**PROJECT**  
SITE PLAN  
Woodland Crossing  
SE corner of 199th and  
Woodland Road  
Spring Hill, KS

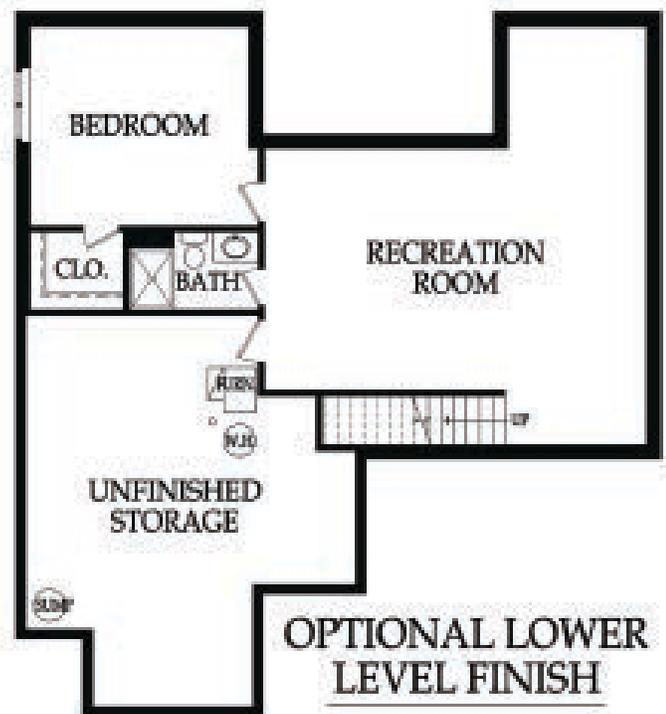
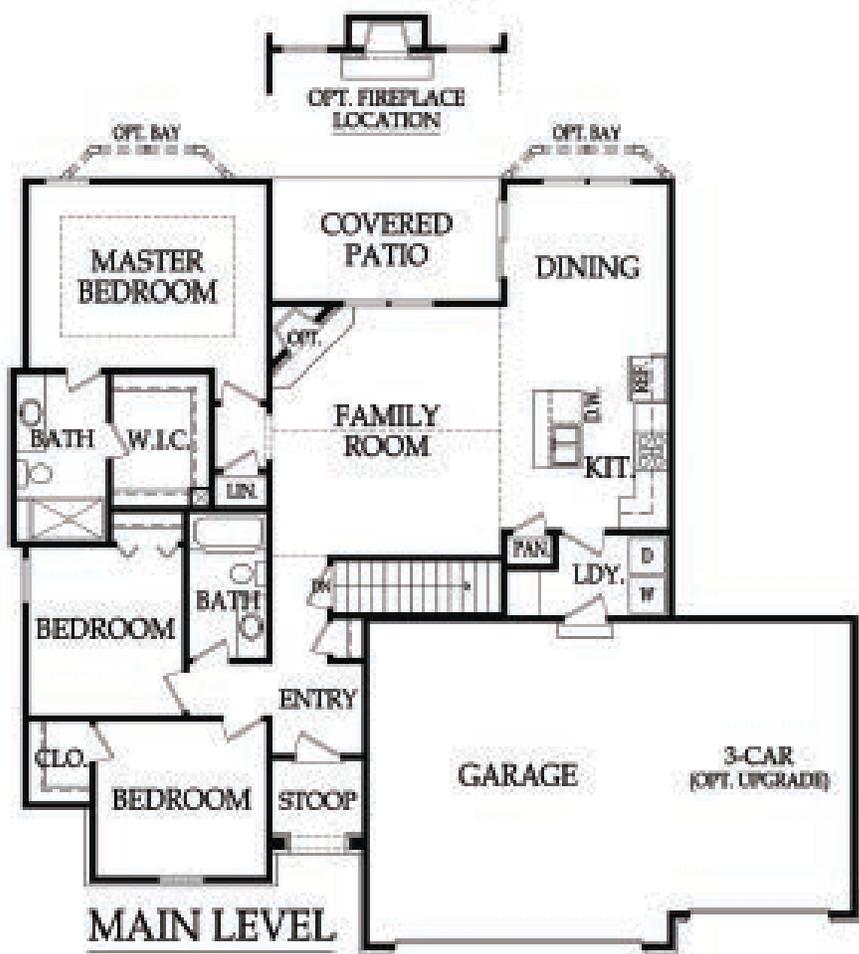


Date: 9.10.19  
Project #: 566  
Landscape Plan

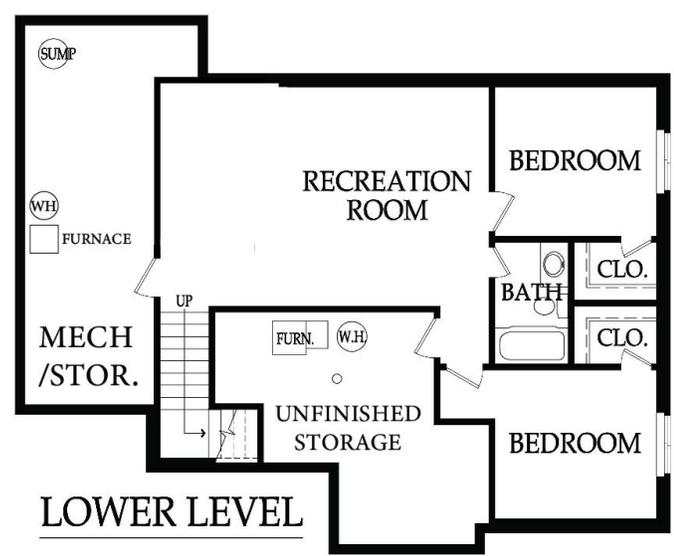
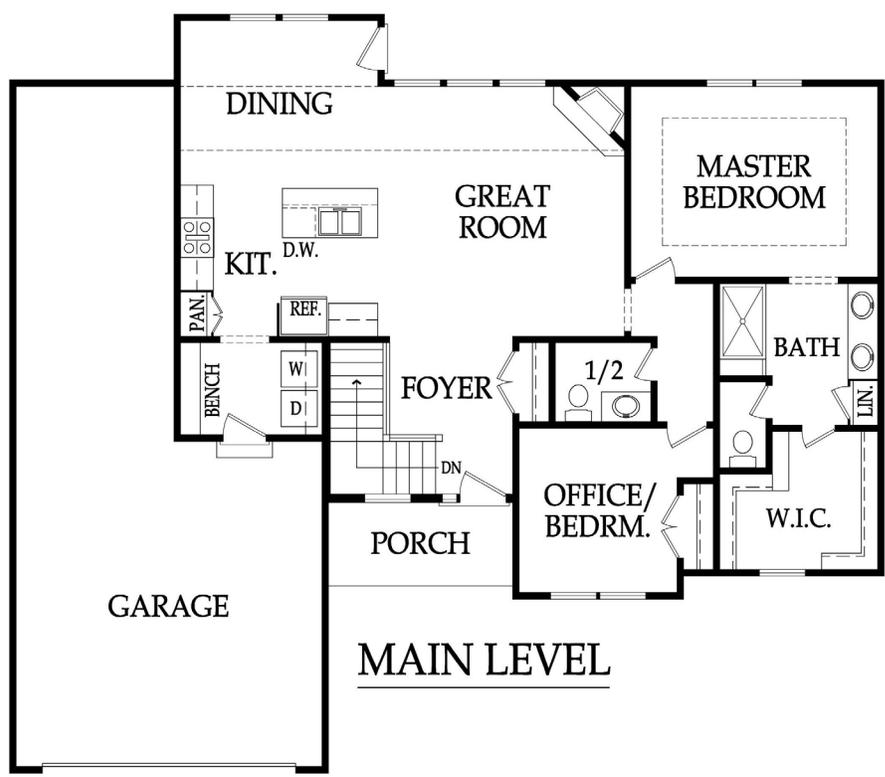
# Montego - Aruba Homes



# Redbud - Ashlar Homes



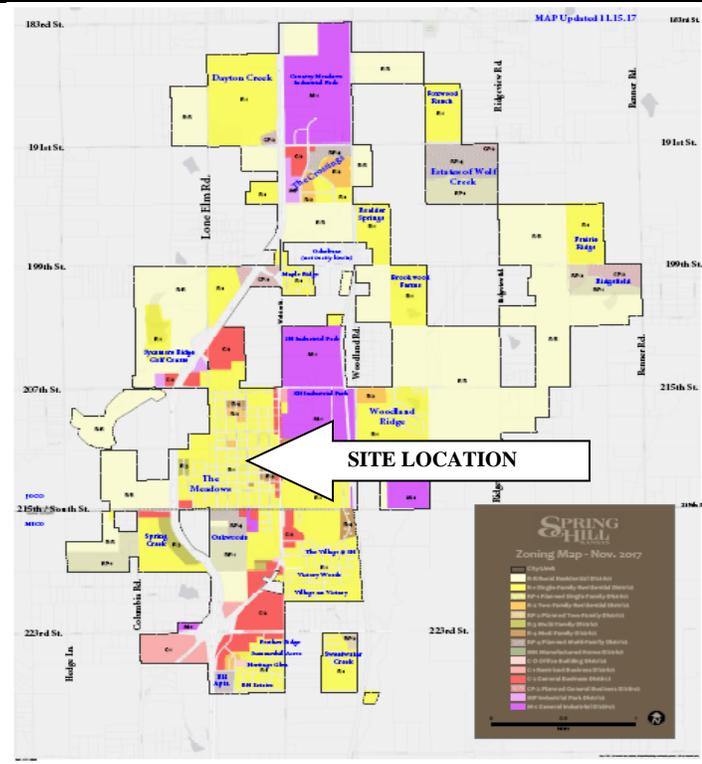
# St. Marten - Aruba Homes





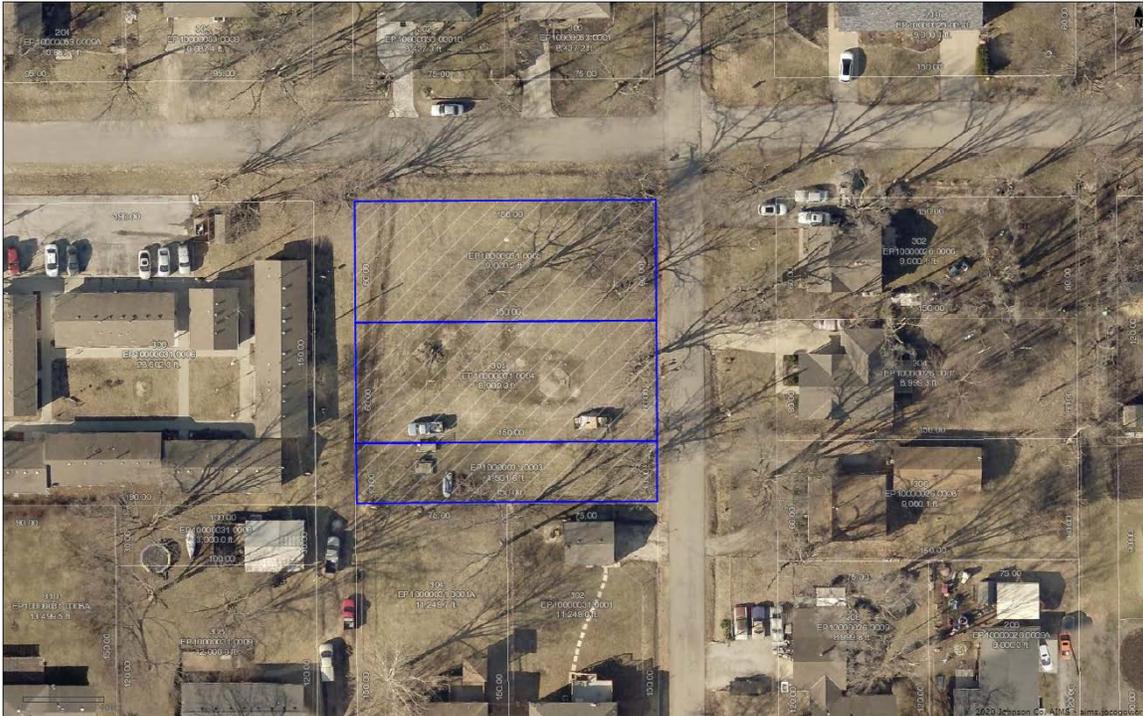
**SPRING HILL PLANNING COMMISSION  
FINAL PLAT STAFF REPORT**

**Case #:** Plat-000025-2020      **Meeting Date:** July 10, 2020  
**Description:** Proposed Final Plat of Bear Creek II  
**Location:** South of Johnson Street and West of Jefferson Street  
**Applicant:** Payne & Brockway, P.A.      **Owner:** Net Zero Homes of KS, LLC.  
**Engineer:** Payne & Brockway, P. A  
**Current Zoning:** R-1  
**Site Area:** 22,443.3 sq. ft.      **Number of Lots:** 2  
**Proposed Use:** Single Family Residential





## EXISTING PLAT LAYOUT



### BACKGROUND:

Applications have been received for the final plat for Bear Creek II, containing 2 residential lots. As shown in the AIMS snapshot above, the area is platted into 3 lots. Two of the lots are 60x150 and one lot is 30x150. Payne & Brockway has presented a new final plat of the lots that would create 2 lots measuring 74.81x150. The lots are not quite 75 feet in width, but the code does allow for lots and setbacks to be consistent with the surrounding area. The front setbacks are proposed to be 28 feet also to stay consistent with the neighborhood. All 3 lots could be built on as existing platted lots, but the structures would be much smaller than proposed with the lot changes.

### STAFF COMMENT:

Bear Creek II contains 2 lots that would combine 3 existing residential lots. Staff 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. Erosion control shall be installed and maintained per City Standards.
4. Construction refuse will be disposed of in an appropriate manner.
5. Must comply with erosion control standards throughout the development and construction of the improvements and home construction.
6. Park Fees: \$300.00 per lot will be collected at the building permit stage.
7. There is no required Improvement Agreement needed because all improves are existing. Excise tax in the amount of \$3,546.04 will be paid by the applicant prior to consideration of the final plat by the Governing Body.

8. Public facilities are adequate and available.

The proposed development / plot plan is in conformance with the Spring Hill Comprehensive Plan. The utility easements are shown with dimensions meeting the minimum easement requirements for the City.

The City will provide sanitary sewers and the water to the subdivision. This property is not participating in a sewer benefit district.

**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

If approved, this plat would be presented to the Governing Body at the last Council meeting in July.

**STAFF RECOMMENDATION:**

Staff recommends approval of applications Plat-000025-2020 of Bear Creek II, subject to:

1. All review comments and requirements from City Staff and Consultants as presented in this report.

*Suggested Motion: Move to recommend approval of application Plat-000025-2020, Final Plat of Bear Creek II, to the Spring Hill Governing Body, including conditions as presented in the staff report*

**Attachments:** Proposed Final Plat  
Proposed Development / Plot Plan

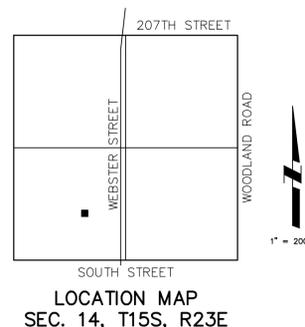
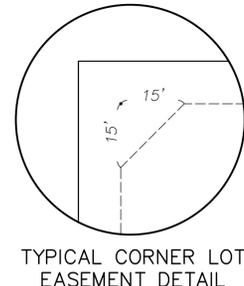
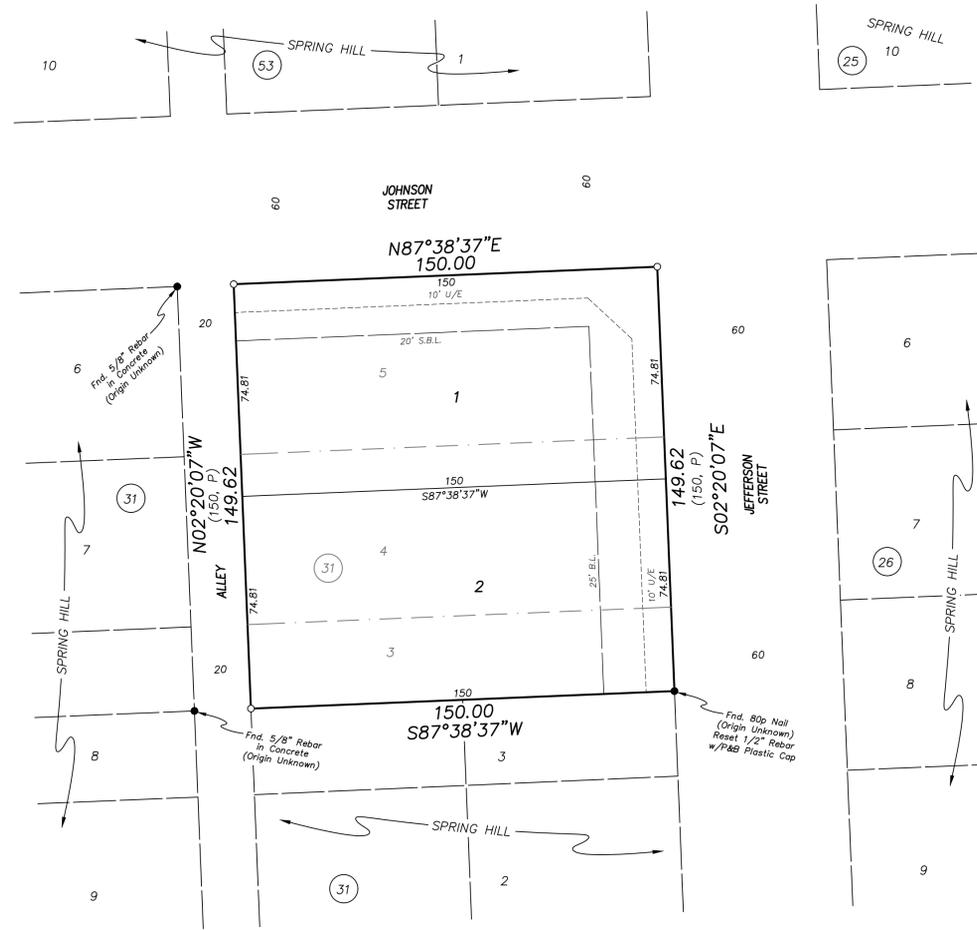
REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	6/19/20	completed	CTA

# FINAL PLAT OF BEAR CREEK II

## A Replat of Part of Lot 3, All of Lots 4 and 5, Block 31, SPRING HILL

LOT AREAS

LOT 1	11,221.5 Sq.Ft.
LOT 2	11,221.8 Sq.Ft.
TOTAL	22,443.3 Sq.Ft.



NOTES:

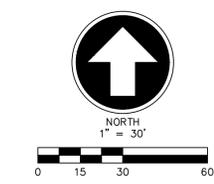
The minimum total Side Yard Setback shall be no less than 7 feet.

The basis for bearings on this plat is Grid North, Kansas North Zone, Derived from Johnson County Survey Control Network 1998.

In approving this Plat by the City of Spring Hill and recording this Plat with the Office of the Register of Deeds, all easements, restrictions and covenants, building lines, rights-of-way and lot lines that lie within those parts of SPRING HILL being replatted, are hereby now vacated.

According to F.I.R.M. Map No. 20091C0153G Johnson County, Kansas, dated August 3, 2009 this entire site is determined to be outside the 100-year floodplain.

599.24' (plat boundary distance) / 0.000' (closing distance) = unadjusted error of closure 1 in 599,240,000.00



- LEGEND:
- DENOTES 1/2" REBAR SET w/P&B PLASTIC CAP CLS-49
  - DENOTES 1/2" REBAR FOUND w/P&B PLASTIC CAP CLS-49 (UNLESS NOTED)
  - B.L. DENOTES BUILDING LINE
  - S.B.L. DENOTES SIDE BUILDING LINE
  - U/E DENOTES UTILITY EASEMENT
  - P DENOTES PLATTED
  - DENOTES ORIGINAL LOT LINES BEING REPLATTED

This is a replat and resurvey of part of Lot 3, all of Lots 4 and 5, Block 31, Spring Hill, a subdivision in the City of Spring Hill, Johnson County, Kansas containing 22,443.3 square feet, more or less.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "BEAR CREEK II".

The undersigned proprietor of said property shown on this plat does hereby certify that all prior existing easement rights on land to be dedicated for public use running to any person, utility, or corporation have been absolved except that same person, utility or corporation shall retain whatever rights they would have as if located in a public street.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, and sidewalks upon, over, and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", is hereby granted to the City of Spring Hill, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

The lots in this subdivision shall not be subdivided except pursuant to Section 17.374, Lot Splits, of Unified Zoning Ordinance and Subdivision Regulations or by replat.

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

NET ZERO HOMES OF KS, LLC

PAUL ATTEBERRY, CEO

STATE OF KANSAS )  
                          ) SS  
COUNTY OF JOHNSON )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me a Notary Public in and for said County and State, came PAUL ATTEBERRY, CEO of NET ZERO HOMES OF KS, LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Corporation, and he duly acknowledged the execution of the same to be the act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

Notary Public My Appointment Expires: \_\_\_\_\_

APPROVED by the Planning Commission of the City of Spring Hill, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By STEPHEN SLY, Chairman

APPROVED by the Governing Body of the City of Spring Hill, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By STEVEN M. ELLIS, Mayor ATTEST GLENDA GERRITY, Deputy City Clerk

I hereby certify that on May 27, 2020, I or someone under my direct supervision completed a field survey of the above described tract of land and this is an accurate and true plat of said survey, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Gerald L. Conn  
Kansas P.S. No. 1128

Prepared By: Payne & Brockway Engineers, P.A.  
P. O. Box 128  
Olathe, Kansas 66051  
913-782-4800

Developed By: Net Zero Homes of KS LLC  
c/o Paul Atteberry, CEO  
14959 W. 157th Terrace  
Olathe, Kansas 66062  
913-991-3000

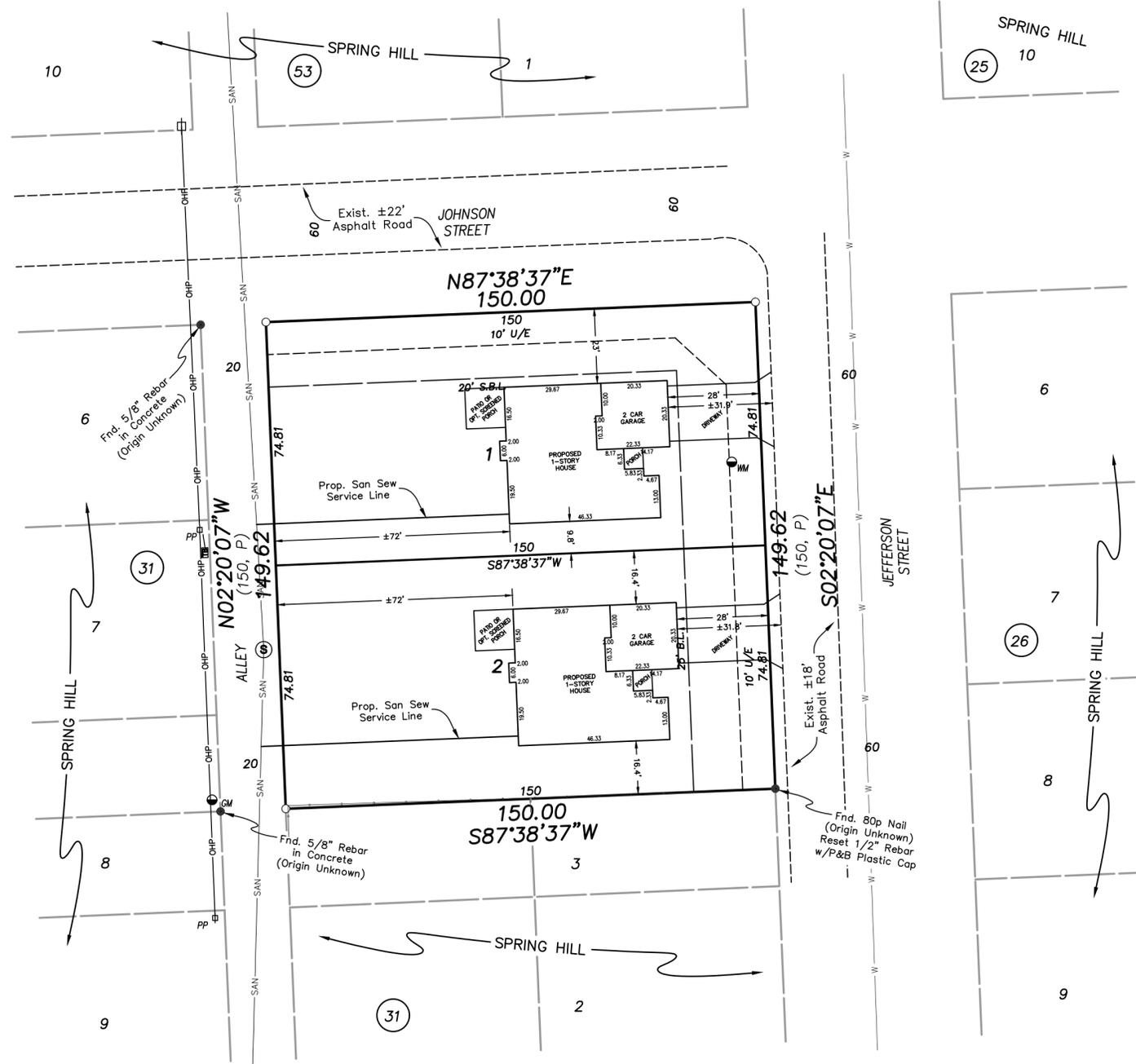
Date Prepared: June 19, 2020

TITLE INFORMATION FURNISHED BY  
FIRST AMERICAN TITLE INSURANCE COMPANY  
COMMITMENT No. 2333510  
DATED OCTOBER 2, 2019

BEAR CREEK II  
SEC. 14, T15S, R23E  
JOHNSON COUNTY, KANSAS

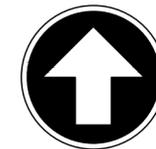
**Payne & Brockway P.A.**  
CIVIL ENGINEERS & LAND SURVEYORS  
426 SOUTH KANSAS AVE. OLATHE, KANSAS 66061  
PH: 913-782-4800 FAX: 913-782-0907  
WWW.PAYNE-BROCKWAY.COM

# EXHIBIT



**PROPOSED LEGAL DESCRIPTION**

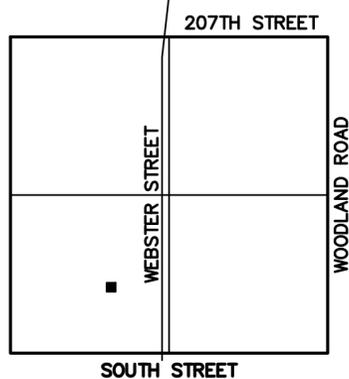
LOTS 1 AND 2, BEAR CREEK III, A SUBDIVISION IN THE CITY OF SPRING HILL, JOHNSON COUNTY, KANSAS.



NORTH  
1" = 30'



- ⊙ Denotes Sanitary Sewer Manhole
- ⊕ Denotes Power Pole
- ☑ Denotes Telephone Box
- ⊙ GM Denotes Gas Meter
- ⊙ WM Denotes Water Meter
- SAN — Denotes Sanitary Sewer Line
- OHP — Denotes Overhead Electrical Line
- W — Denotes Water Line



LOCATION MAP  
SEC. 14, T15S, R23E



1" = 2000'

<p><b>HOUSE PLACEMENTS PROPOSED BEAR CREEK III SPRING HILL, KANSAS</b></p>			
	<p><b>Payne &amp; Brockway P.A.</b> CIVIL ENGINEERS &amp; LAND SURVEYORS 426 SOUTH KANSAS AVE. OLATHE, KANSAS 66061 PH: 913.782.4800 FAX: 913.782.0907 WWW.PAYNE-BROCKWAY.COM</p>		
	<p>DATE 6/19/20</p>	<p>SCALE 1"=30'</p>	<p>SHEET 1</p>