

City of Spring Hill, Kansas
Minutes of Planning Commission Regular Session
June 6, 2019

A Regular Session of the Planning Commission was held at the Civic Center, 401 N. Madison St., Spring Hill, Kansas on June 6, 2019. The meeting convened at 7:01 p.m. with Chairman Stephen Sly presiding, and Amy Long, Planning Secretary recording.

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

Commissioners absent: Mike Denny
Josh Nowlin

Staff in attendance: Jim Hendershot, City Administrator
Jose Leon, Assistant City Administrator
Amy Long, Secretary
Ashley Wood, Executive Administrative Assistant

Public in attendance: Bill Peterman
Lawrence Rudy

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 WITH CORRECTIONS TO ITEM #4- PUBLIC HEARING FOR REZONING APPLICATION

Motion by Mr. Erhart, seconded by Mr. Welsh to approve the agenda with corrections.

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

Motion carried 7-0-0

CITIZEN PARTICIPATION

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda.

Mr. Bill Peterman addressed the Commissioners on sidewalks and pathways around the City.

FORMAL COMMISSION ACTION

1. Approval of Minutes from the May 2, 2019 Regular Meeting

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

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

Motion carried 4-0-3

2. Election of Planning Commission Chair and Vice Chair

Mr. Sly read process of making nominations. Requested nomination from Commissioners for Chairperson. Ms. Squire nominated Mr. Sly and Mr. Erhart seconded. Mr. Sly accepted.

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

Mr. Sly opened the nominations for Vice-Chairperson. Mr. Welsh nominated himself for vice-chairperson. Mr. Mitchell nominated Ms. Pollom. Ms. Pollom declined nomination. Ms. Squire asked if Mr. Mitchell would like a nomination to remain Vice-chair, Mr. Mitchell declined. Mr. Sly closed the nominations. Roll call vote was unanimous.

Roll Call Vote: Erhart-Aye, Mitchell-Aye, Pollom-Aye, Sly-Abstain, Squire-Aye, Welsh-Aye, Dobson-Aye
Vote carried 7-0-0

3. Planning Commission Interim Secretary – Appoint Ashley Wood as interim Planning Commission Secretary

Motion by Mr. Mitchell, seconded by Ms. Pollom, to appoint Ashley Wood as interim secretary.

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

Motion carried 7-0-0

4. Public Hearing for Rezoning Application (Z-01-19) – Lawrence Rudy

Beginning of Staff Report

SPRING HILL PLANNING COMMISSION REZONING STAFF REPORT

Case #: Z-01-19

Meeting Date: June 6, 2019

Description: Proposed Rezoning from R-R (Rural Residential District) to M-1 (General Industrial District)

Location: Southwest corner of 223rd and Woodland Road

Applicant: Lawrence M. Rudy II

Owner: Lawrence M. Rudy II

Engineer: Allenbrand Drews & Associates – Ryan Rindt

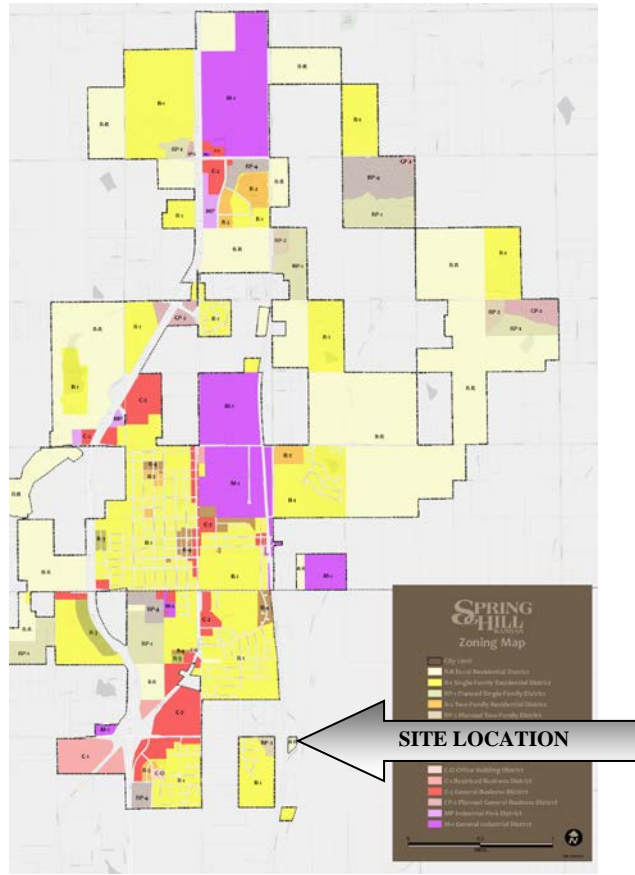
Current Zoning: R-R **Proposed Zoning:** M-1

Site Area: 4.44 Acres **Number of Lot(s):** 1

	Current Zoning	Existing Land Use	Future Land Use Map
Site:	R-R	Vacant	Residential
North:	CS (Miami Co.-Country Side)	Vacant	Mixed Use Commercial
South:	CS (Miami Co.-Country Side)	Vacant	Residential
East:	CS (Miami Co.-Country Side)	Vacant	Residential
West:	CS (Miami Co.-Country Side) & BNSF R-O-W	Railroad & 1 residence	BNSF R-O-W & Residential

Proposed Use: Industrial – Contractor Sales and Service, Wholesale

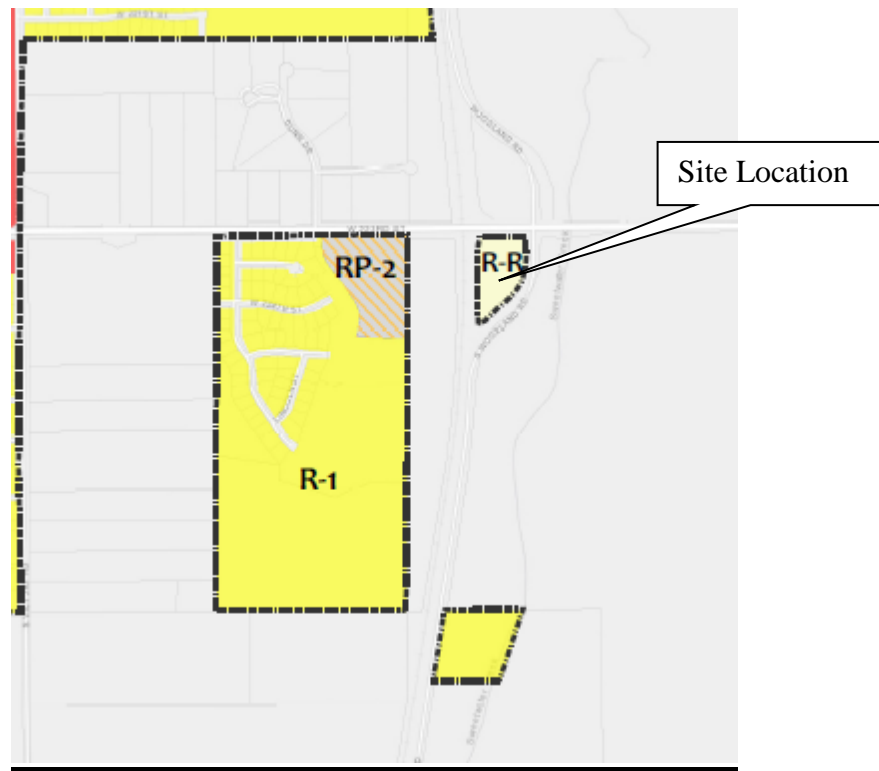
Site Location



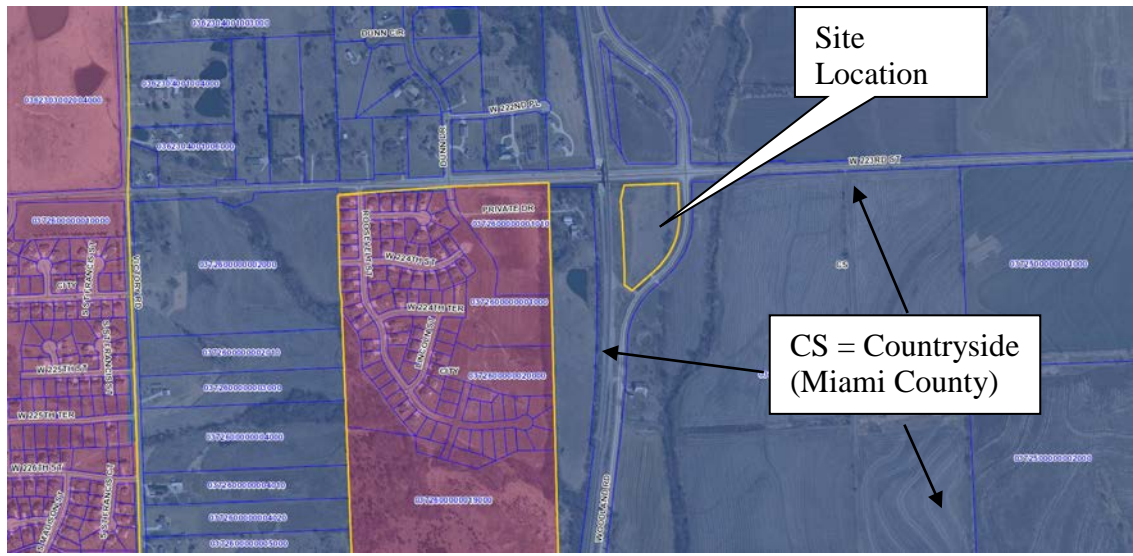
AREA



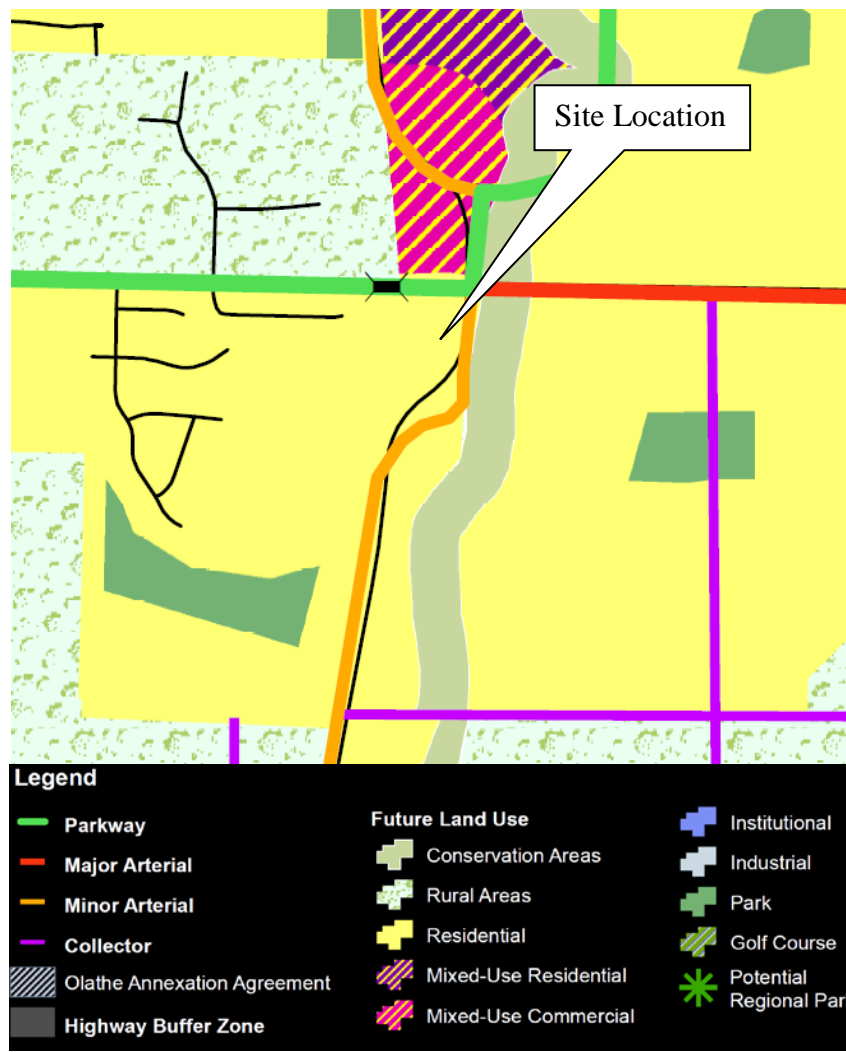
AREA ZONING (CITY)



AREA ZONING (COUNTY)



FUTURE LAND USE



BACKGROUND: An application has been received for rezoning of a 4.44 acre tract of land located at the southwest corner of 223rd St. and Woodland Road. The property is currently zoned R-R (Rural Residential) with a requested zoning change to M-1 (General Industrial District). The property was annexed into the city limits as an island annexation in May 2018. Due to the nature and statutory requirements for island annexations, Miami County was involved in the annexation approval process. With the completion of the annexation, the City has sole authority to consider rezoning requests. A copy of this staff report has been sent to the Miami County planning department for informational purposes.

All required public notifications and publications have been completed along with posting of public hearing signs at the property. To date staff has received no public comment on the application.

PROOF OF ADEQUATE FACILITIES:

Adequate facilities are available to the site as follows:

- Sanitary sewer main is available on site
- Water to be supplied by Miami County Rural Water District #2. Applicant has been in communication with Water District #2 for main extension plan and service
- Entrance to property will be via Woodland Road. Both 223rd St. and Woodland Road are designed to accommodate truck traffic
- Storm water drainage will be accommodated by ditches along both 223rd and Woodland
- Other utilities are available to the site with coordination with the providers

REZONING:

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

- 1. Consistent with purposes of the regulations and intent and purpose of the proposed district:** The proposed use of construction sales and service is consistent with the purposes of the M-1 regulations and intent and purpose of the proposed district.
- 2. Neighborhood Character:** As shown on the aerial image on page 2 of this report, the adjacent areas to the north, east and south are vacant agricultural ground. The property immediately adjacent to the west is railroad right-of-way. There are residential properties further west of the railroad right-of-way but not adjacent to the subject property.
- 3. Zoning and uses of nearby parcels:** As shown on the Area Zoning County map on page 3 of this report, the properties surrounding the subject property are zoned CS, which is a county identifier for countryside zoning.
- 4. Requested because of changing conditions:** Request is based on business opportunities determined by the applicant.
- 5. Suitability of parcel for uses restricted by the current zone:** The current zoning of RR (Rural Residential) was placed on the property as a result of the 2018 annexation. When annexed into the city limits, the property is placed in a city zoning district that most closely resembles the previous county zoning district. Rural residential districts are intended for lots with a 2 acre minimum and are not commonly found adjacent to railroad tracks. RR districts are residential in nature with allowances for public and civic uses, however, these uses are not typically located adjacent to railroad tracks.
- 6. Suitability of parcel for uses permitted by the proposed district:** The proposed zoning change would result in a less intensive zoning. The M-1 zoning district is suitable for the proposed use of a construction sales and service facility.
- 7. Detrimental Effect of Zoning Change:** No detrimental effects are anticipated.
- 8. Proposed amendment corrects an error:** No error(s) are being corrected.
- 9. Length of time property has been vacant:** This property is undeveloped and has been vacant ground with limited agricultural use for many years.

10. Adequacy of current facilities: All utilities are adequate and available to the properties with limited extensions as detailed on page 5 of this staff report.

11. Conformance with Comprehensive Plan. As shown on the Future Land Use map on page 4 of this report, the Comprehensive Plan identifies this area as residential. It is staff's opinion this designation as residential is inconsistent with the character and development potential of the surrounding area. Development of residential property adjacent to railroad facilities is not desirable in most instances. In addition, the development possibilities of the area are further hindered by the floodplain shown below to the east of the subject property.



12. Hardship if application is denied: The issue of hardship can be better addressed by the applicant and owner.

ADDITIONAL REVIEW COMMENTS:

Staff distributed the rezoning application to various consultants and City staff for comment. Any applicable comments have been addressed by the applicant.

Due to the location and size of the property along with the close proximity to the railroad and designated floodplain, it is staff's opinion that future development of this property to anything other than commercial or industrial is unlikely. It is also staff's opinion that the highest and best use of this property is industrial.

ALTERNATIVE ACTION: Alternatives for action by Planning Commission include:

- *Approval of application* with final action by the Governing Body on June 27, 2019, subject to the protest period and petition as provided by Section 17.364.I of the Spring Hill Zoning Regulations, or
- *Denial of application* with final action by the Governing Body on June 27, 2019, subject to the protest period and petition as provided by Section 17.364.I of the Spring Hill Zoning Regulations, or
- *Continuance* of item to future meeting identifying specific issues to be reviewed by staff and/or the applicant.

RECOMMENDATION: Staff recommends approval of rezoning application Z-01-19 from R-R (Rural Residential) to M-1 (General Industrial).

Suggested Motion: Motion to recommend approval to the Spring Hill Governing Body for rezoning application Z-01-19 from R-R to M-1 as presented by staff.

End of Staff Report

Mr. Jim Hendershot presented the staff report as outlined above. Mr. Rudy noted Miami County Rural Water should be #7 on Page 5 of the Staff Report.

Mr. Sly opened the hearing to the public. Mr. Frank Moley, who owns property next to Mr. Rudy wanted to know what type of business it will be. Mr. Rudy said it will be an electrical Contractor Shop. Mr. Moley also asked what type of landscape barriers would be put in place. Mr. Sly said that would all be address by Planning Commission at the building permit process.

Mr. Sly asked Mr. Hendershot what the meaning of "island annexation" meant. Mr. Hendershot stated its property that sits by itself with no adjacent properties.

Ms. Squire asked when the annexation came in 2018 did it have to come in zoned as R-R. Mr. Hendershot stated yes, per statutory requirements.

With no other comments from the Public, Mr. Sly closed the public hearing.

Motion by Mr. Erhart, seconded by Ms. Pollom, to approve rezoning application Z-01-19 with corrections stated above.

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

Motion carried 7-0-0

DISCUSSION

Mr. Jose Leon wanted to discuss the regular meeting scheduled for July 2, 2019 and let the Commissioners know it will be a large agenda.

REPORTS

1. The following item(s) related to Community Development were approved at the May 9, 2019 City Council meeting:

- There were no related items on this agenda.

2. The following item(s) related to Community Development were approved at the May 23, 2019 City Council meeting:

- Consumer Fireworks Retail Sales Permits Approved:
 - FS-2019-0001, Fireworks Mania, LLC
 - FS-2019-0002, Jake's Fireworks, Inc.
 - FS-2019-0003, Pyro Papas
 - FS-2019-0004, Pyro Papas
 - FS-2019-0005, Eddie's Discount Fireworks
 - FS-2019-0006, Kemp Fireworks
 - FS-2019-0007; Dale Shay

Approval of Final Plat (FP-02-19) for Spring Hill Self Storage (Attic Storage)

Approval of Site Plan (SP-01-19) for Spring Hill Self Storage (Attic Storage)

Approval of Conditional Use Permit (CUP-2019-0001) for Bettis Asphalt & Construction – Concrete Plant

3. Mayor appointments to Planning Commission

Mr. Roger Welsh – Miami County Representative
Ms. Mary Dobson

ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

- Mayor Steven Ellis has reappointed the following individuals to serve on the Planning Commission for a term of three (3) consecutive years.
 - Ms. Janell Pollom
 - Mr. Josh Erhart

ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

ADJOURN

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

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

Motion carried 7-0-0

The meeting adjourned at 7:48 p.m.