

City of Spring Hill, Kansas
Minutes of Planning Commission Regular Meeting Session
September 5, 2019

A Regular Meeting Session of the Planning Commission was held at the Community Center, 401 N. Madison St., Spring Hill, Kansas on September 5, 2019. The meeting convened at 7:00 p.m. with Chairman Stephen Sly presiding, and Amy Long, Planning Secretary recording.

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

Commissioners absent: Mike Denny
Josh Nowlin

Staff in attendance: Patrick Burton, Community Development Director
Amy Long, Planning Commission Secretary

Public in attendance: Mr. Al Knaebel, Owner of Mid Am Building Supply
Tim Spader
Steve Boswell
Bill Peterman

PLEDGE OF ALLEGIANCE

ROLL CALL

The secretary called the roll of the Planning Commissioners. With a quorum present, the meeting commenced.

Mr. Mitchell arrived at 7:02pm.

APPROVAL OF THE AGENDA

Motion by Mr. Welsh, seconded by Ms. Pollom to approve the agenda.

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

Motion carried 6-0-0

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. Tim Spader addressed the Commissioners asking for Ordinance clarification. Mr. Sly stated Ordinances are not passed at Planning Commission, but through City Council and the Governing Body. Ms. Squire asked Mr. Burton, Community Development Director, to clarify the process of changing Ordinances.

Mr. Steve Boswell, 504 N. Jackson, addressed the Commissioners asking if changes to Ordinances, specifically addressing ATV's, would be taking place. Mr. Sly again stated that any changes to the Ordinances would be through City Council.

Mr. Bill Peterman addressed the Commissioners regarding items they pass through to City Council and suggesting the Commissioners attend more City Council meetings.

FORMAL COMMISSION ACTION

1. Approval of Minutes from the August 6, 2019 Special Meeting

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

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

Motion carried 7-0-0

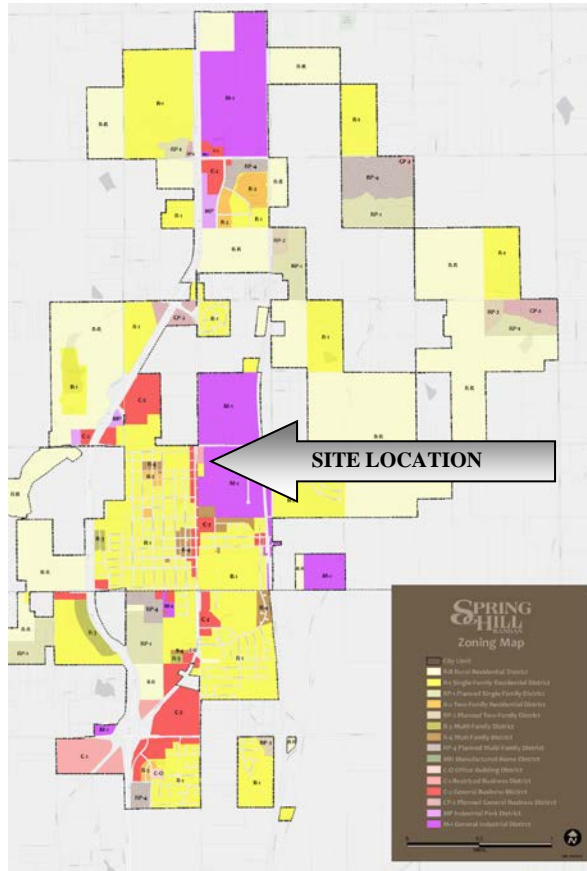
2. Public Hearing for Rezoning Application (Z-02-19) – Mid Am Building Supply

Beginning of Staff Report

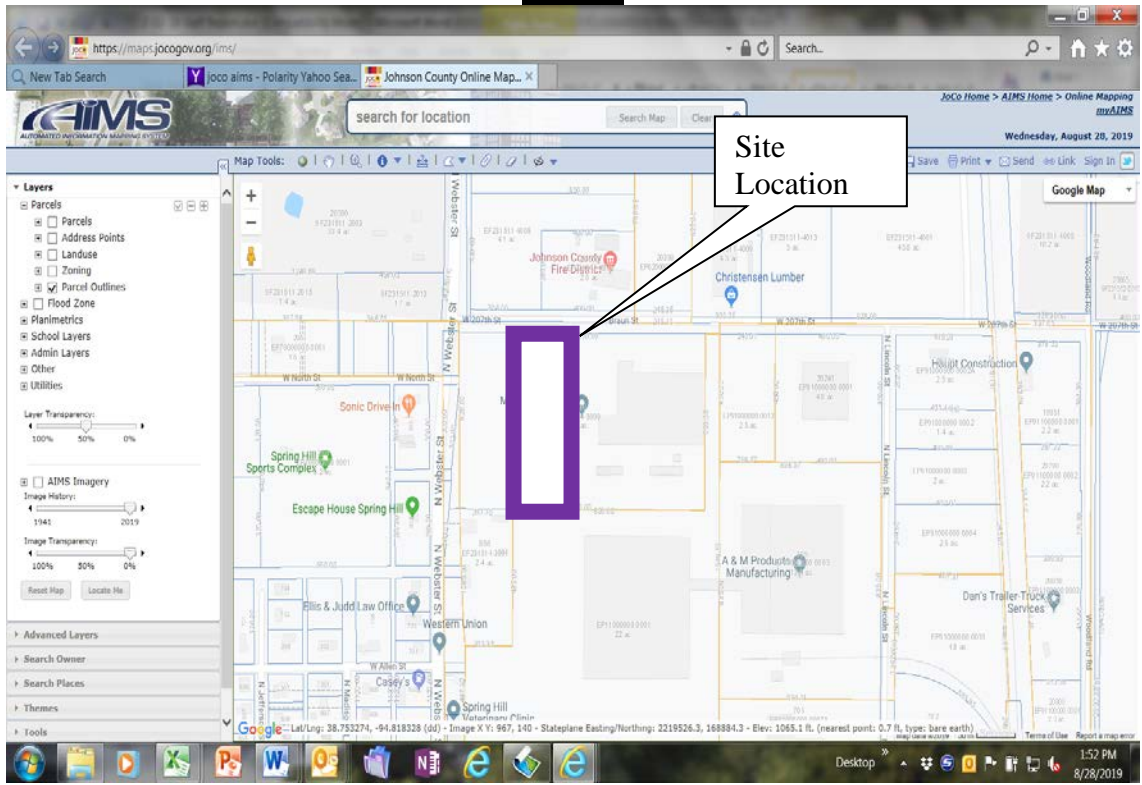
SPRING HILL PLANNING COMMISSION REZONING STAFF REPORT

Case #:	Z-02-19	Meeting Date:	September 5, 2019
Description:	Proposed Rezoning from C-1 (Restricted Business District) to M-1 (General Industrial District)		
Location:	Southeast corner of 207 th and Webster Street		
Applicant:	Knaebel's, Inc. – Jon Rakers		
Owner:	Knaebel's, Inc. – Jon Rakers		
Engineer:	George Butler Associates, Inc. – Craig Rogge		
Current Zoning:	C-1	Proposed Zoning:	M-1
Site Area:	3.11 Acres +/- 14.66 Overall Acres	Number of Lot(s):	1
	Current Zoning	Existing Land Use	Future Land Use Map
Site:	C-1	Vacant	Mixed - Use Commercial
North:	207 th Street / vacant lot and the fire department	Vacant / fire department	Mixed - Use Commercial
South:	R-1, C-2 & M-1	Single family resident / A&M industrial trailer storage	Industrial / Mixed – Use Commercial
East:	M-1	Manufacturing / Storage	Industrial
West:	C-2	Vacant & Commercial	Mixed-Use Commercial
Proposed Use:	Industrial M-1		

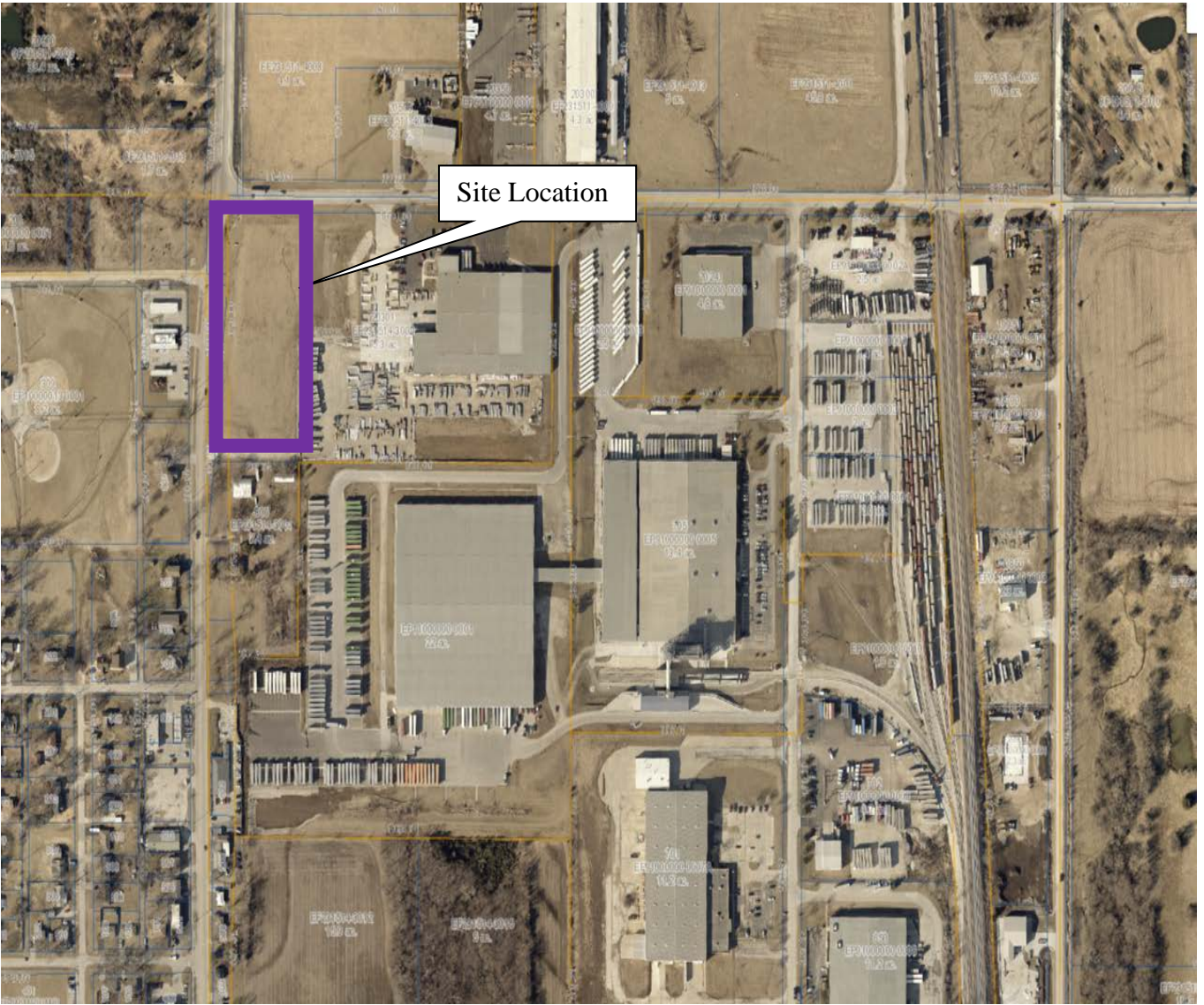
Site Location



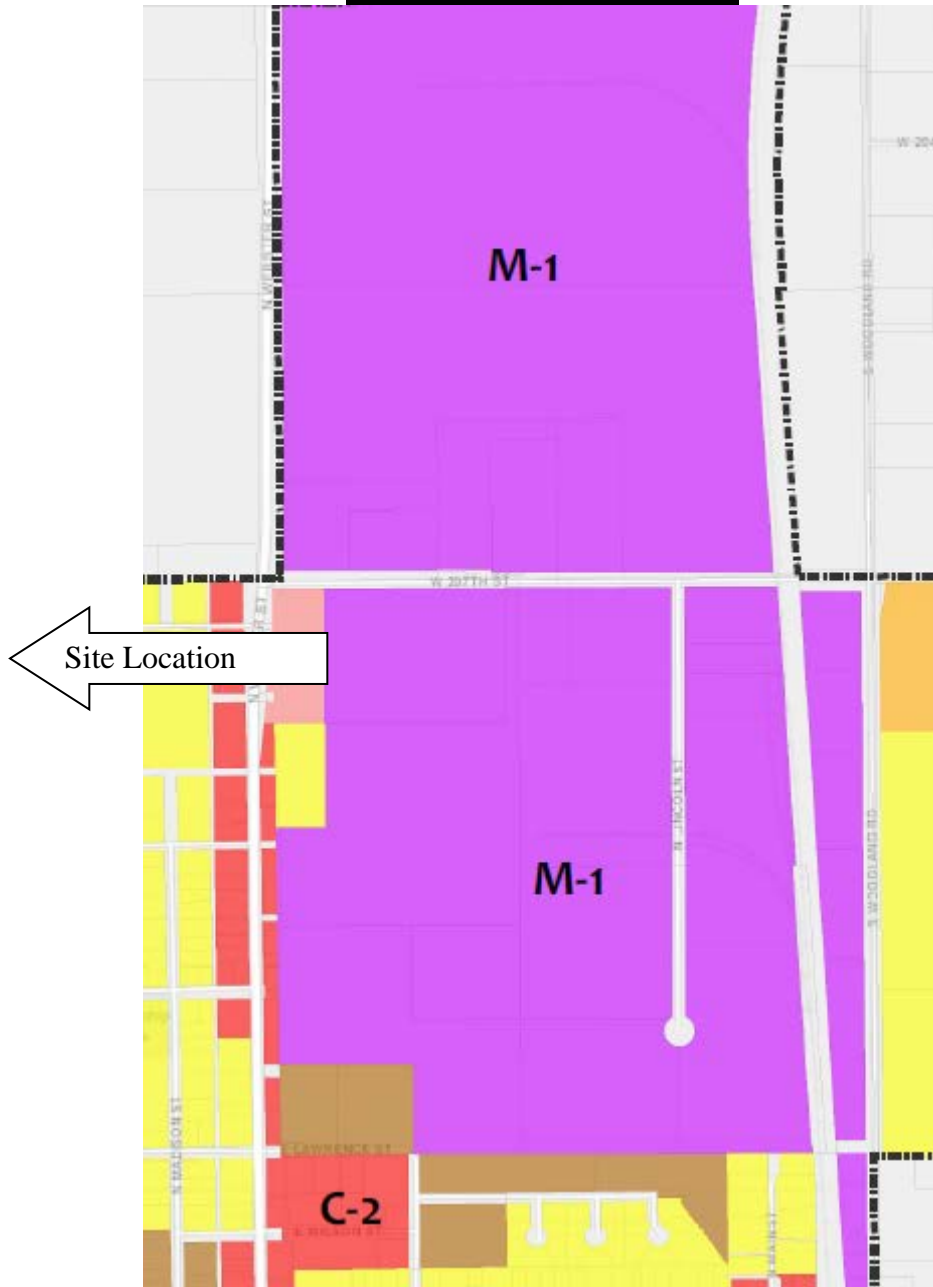
Area



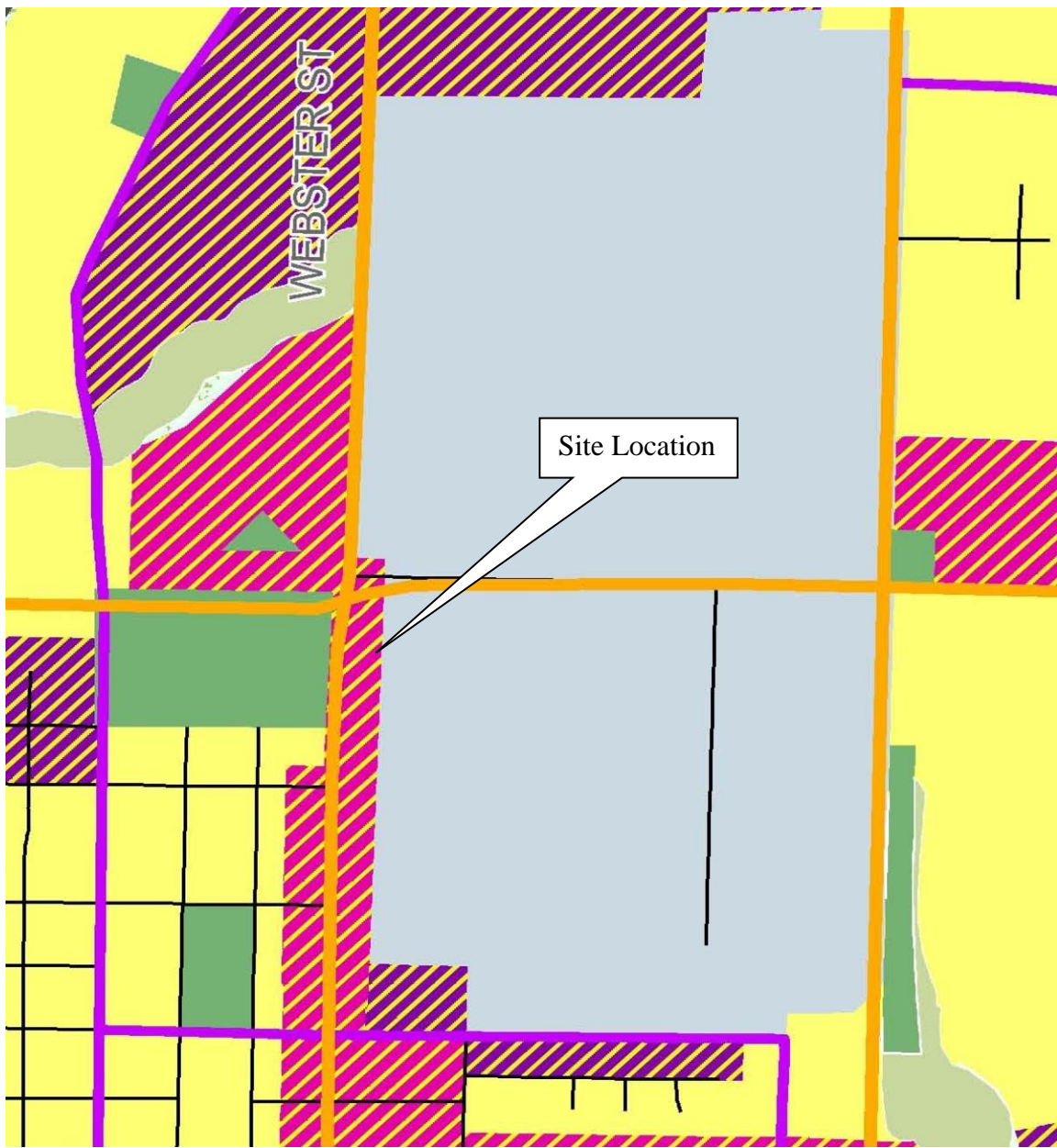
SITE LOCATION



Area Zoning (City)



Future Land Use



Legend	
	Parkway
	Major Arterial
	Minor Arterial
	Collector
	Olathe Annexation Agreement
	Highway Buffer Zone
Future Land Use	
	Conservation Areas
	Rural Areas
	Residential
	Mixed-Use Residential
	Mixed-Use Commercial
	Institutional
	Industrial
	Park
	Golf Course
	Potential Regional Park

Background: An application has been received for rezoning of a 3.1 +/- acre tract of land located at the southeast corner of 207th St. and Webster Street. The property is currently zoned C-1 (Restricted Business District) with a requested zoning change to M-1 (General Industrial District). In early 2016 Mid-Am expanded their operation with a project that consist of a stormwater detention basin with connecting piping, private access road, gravel outside storage

area, fencing, lighting and landscaping. They need to rezone the remainder of their property for possible future expansion once more.

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 City of Spring Hill.
- Storm water drainage.
- Sanitary sewer by City of Spring Hill
- 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, storage lot and service are consistent with the purposes of the M-1 regulations and intent and purpose of the proposed district.
- 2. Neighborhood Character:** As shown on the images in this report, the adjacent areas to the north, east and southeast are existing industrial zoned property with industrial type uses in place. Immediately to the east is Webster Street. There is a residential property south.
- 3. Zoning and uses of nearby parcels:** As shown on the Area Zoning City map on page 4 of this report, the properties surrounding the subject property are zoned; M-1 to the north, east, and southeast. There is mixed zoning of C-2 and R-1 directly south that is surrounded on the east and south with M-1 zoning.
- 4. Requested because of changing conditions:** Request is based on business opportunities determined by the applicant with use of the remainder of the parcel to be the same.
- 5. Suitability of parcel for uses restricted by the current zone:** The current zoning of C-1 (Mixed - Use Commercial) was placed on the property as a result of a city-wide zoning. Rezoning to an industrial district would allow the use of the remainder of the property to coincide with the business uses on the other portion of the property.
- 6. Suitability of parcel for uses permitted by the proposed district:** The proposed zoning change would result in consistent zoning for the entire parcel. The M-1 zoning district is suitable for the proposed use of a construction sales, storage and service facility.
- 7. Detrimental Effect of Zoning Change:** No detrimental effects are anticipated because the rest of the parcel has M-1 zoning.
- 8. Proposed amendment corrects an error:** No error(s) are being corrected.
- 9. Length of time property has been vacant:** This property is undeveloped but has had dirt work and landscape installed in 2016-2017.
- 10. Adequacy of current facilities:** All utilities are adequate and available to the properties with limited extensions required. Entrance into this part of the parcel was installed in 2016-2017 construction.
- 11. Conformance with Comprehensive Plan.** As shown on the Future Land Use map on page 5 of this report, the Comprehensive Plan identifies this area as Mixed - Use Commercial. It is staff's opinion this designation as Mixed - Use Commercial is inconsistent with the character and development of the other portion of this parcel and the surrounding area. In addition, the exist area that is zoned C-1 is limited in size that will further hinder the commercial use development of subject property.

12. Hardship if application is denied: The issue of hardship can be better addressed by the applicant and owner. The major portion of the parcel has an existing M-1 zoning designation and use.

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.

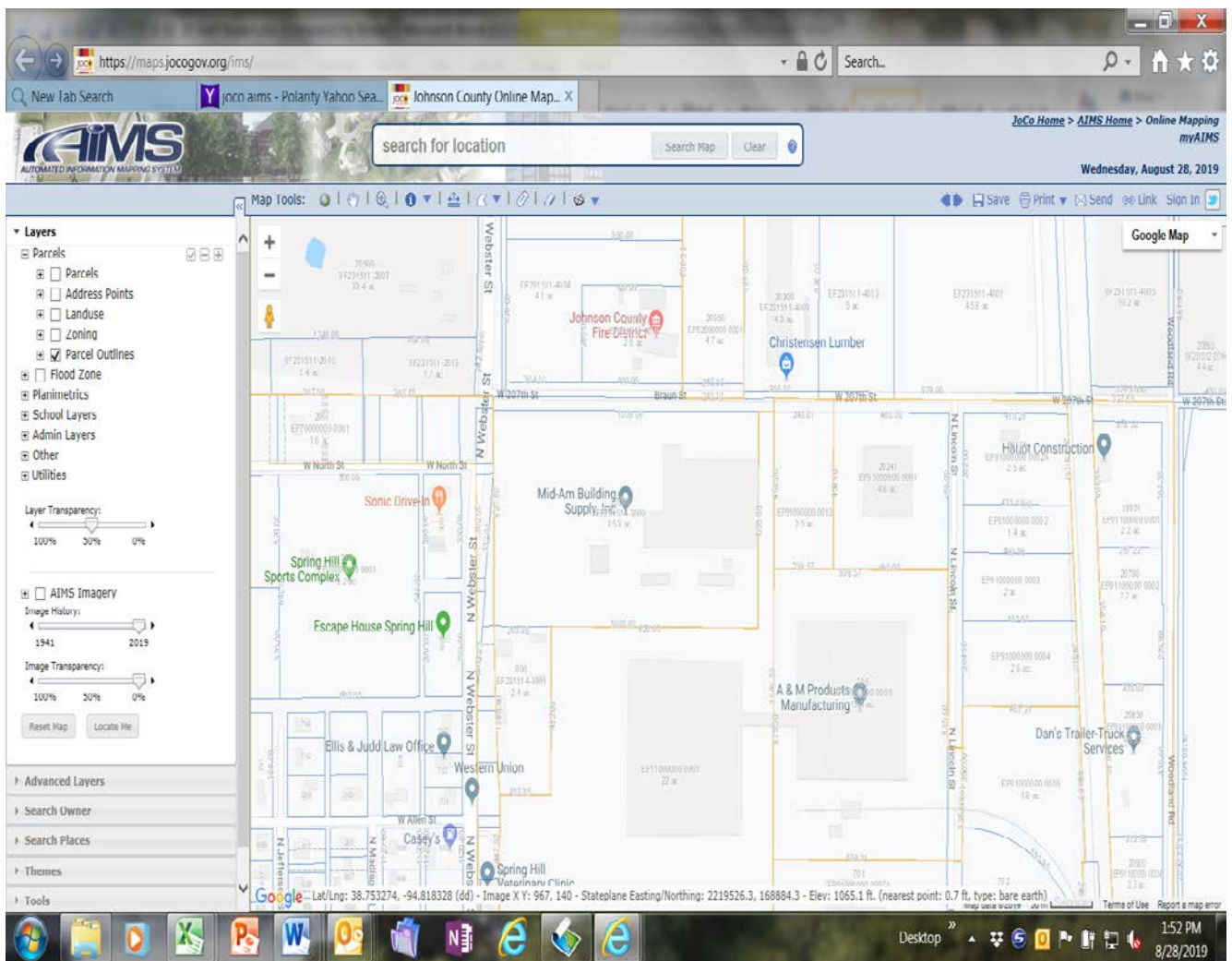
Due to the location and size of the property along with the major portion of the parcel is designated M-1 zoning, it is staff's opinion that future development of this property to anything other than industrial is unlikely. It is also staff's opinion that the highest and best use of this portion of the property is industrial.

Alternative Action: Alternatives for action by Planning Commission include:

- *Approval of application* with final action by the Governing Body on September 26, 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 September 26, 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-02-19 from C-1 (Restricted Business District) to M-1 (General Industrial District).

Suggested Motion: Motion to recommend approval to the Spring Hill Governing Body for rezoning application Z-02-19 from C-1 to M-1 as presented by staff.



End of Staff Report

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

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

Mr. Erhart had general concerns regarding zoning change to industrial due to the proximity of Sonic restaurant and the ball fields.

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

Motion by Mr. Welsh, seconded by Mr. Mitchell to recommend approval of Rezoning Application (Z-02-19)

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

Motion carried 7-0-0

DISCUSSION

REPORTS

1. The following item(s) related to Community Development were approved at the August 8, 2019 City Council meeting:

- Approval of Final Plat (FP-06-19) for Foxwood Ranch, 2nd Plat
- Approval of Final Plat (FP-04-19) for Dayton Creek, 6th Plat
- Approval of Appointment of Community Development Director

5. The following item(s) related to Community Development were approved at the August 22, 2019 City Council meeting:

- Approval of Site Plan (SP-06-19) for Foxwood Ranch, Pool
- Approval of Change Order No. 2 for Dayton Creek 4th and 5th Plats

ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

ADJOURN

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

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

Motion carried 7-0-0

The meeting adjourned at 8:05 p.m.

The September 5, 2019 special meeting minutes were approved by the Planning Commission on October 3, 2019, with corrections.



Amy Long

