

City of Spring Hill, Kansas
Minutes of Planning Commission Special Session
September 11, 2023

A Special Session of the Planning Commission was held at the Civic Center, 401 N. Madison St., Spring Hill, Kansas on September 11, 2023. The meeting convened at 7:01 p.m. with Chairman Troy Mitchell presiding and Amy Long, Planning Secretary recording.

Commissioners in attendance: Troy Mitchell
Rodolfo Arevalo
Roger Welsh
Mary Dobson
Josh Erhart
Debbie Dominick
Stephen Sly

Commissioners absent: Cindy Squire
Roger Welsh, II

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

Others in Attendance: Seth Jurcyk, MVP Law

PLEDGE OF ALLEGIANCE

ROLL CALL

The Planning 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. Sly, to approve the agenda.

Roll Call Vote: Dobson- Aye, Arevalo- Aye, Mitchell- Aye, Erhart- Aye, Sly- Aye, Dominick- Aye

Motion carried 6-0-0

CITIZEN PARTICIPATION

DISCUSSION

FORMAL COMMISSION ACTION

1. Approval of Minutes: August 3, 2023

Motion by Mr. Sly seconded by Ms. Erhart, to approve the minutes.

Roll Call Vote: Dobson- Aye, Arevalo- Aye, Mitchell- Aye, Erhart- Aye, Sly- Aye, Dominick- Aye

Motion carried 6-0-0

2. Capital Improvement Program (CIP) – 2024-2028

Ms. Dunn, Finance Director, presented the Capital Improvement Program to the Commission with the requested change to committed funding of sidewalks by the Commissioners.

Motion by Mr. Sly seconded by Mr. Erhart, recommending approval of the CIP in accordance with the Comprehensive Plan.

Roll Call Vote: Dobson- Aye, Arevalo- Aye, Mitchell- Aye, Erhart- Aye, Sly- Aye, Dominick- Aye
Motion carried 6-0-0

3. Public Hearing - Rezoning Application (Z-000106-2023) – R-R to M-1

Chairman Mitchell opened the public hearing.

No ex-party contacts or conflicts of interest with commission members

Mr. Burton presented the Staff Report for the Rezoning Application

The Chairman opened the public comment portion of the hearing. Thereupon, the courtesy of the floor was extended to:

Loralee Baker-Rapue, 19245 W. 183rd Street, spoke regarding landscape buffer and concerned with disruption by the industrial business.

Faye Tune, 18495 S. Woodland Road, spoke regarding noise concerns.

Chuck Morse, 18460 S. Ridgeview Road, spoke that it's not compatible for the area.

Adam Reetz, 19655 W. 183rd Street, concerned with having more industry in the area.

Robert Garver, Applicant and Doug Ubben, Phelps Engineering, made a brief presentation of their intent.

Tom Davenport, 19465 W. 183rd Street, is concerned that traffic will increase and increase noise.

Rick Ridenour, 19685 W. 183rd Street, reiterated the same concerns as prior speakers.

Steven Laughlin, 19125 W. 183rd Street, against rezoning.

Mary Laughlin, 19125 W. 183rd Street, against rezoning.

The Chairman called for further comments from the public and, hearing none, closed the public hearing.

Mr. Erhart stated the railroad is a natural barrier between industrial and residential. He will not support the application.

Mr. Sly agreed with Mr. Erhart's comments that the area should remain residential.

Ms. Dominick thinks industrial needs to remain on the west side of the tracks.

Motion by Mr. Erhart seconded by Mr. Sly, to recommend denial of the rezoning application as presented.

Roll Call Vote: Dobson- Aye, Arevalo- Aye, Mitchell- Aye, Erhart- Aye, Sly- Aye, Dominick- Aye
Motion carried 6-0-0

4. Public Hearing - Rezoning Application (Z-000108-2023) – C-2 to RP-4

Chairman Mitchell opened the public hearing.

No ex-party contacts or conflicts of interest with commission members

Mr. Burton presented the Staff Report for the Rezoning Application

The Chairman opened the public comment portion of the hearing. Thereupon, the courtesy of the floor was extended to:

Austin Kack, Applicant, spoke to clarify questions from the Commissioners and to answer any further questions during public comment.

Darcy Domoney, Paola, KS, spoke on behalf of Robert and Janet McRae who could not be at the meeting and submitted a letter opposing the rezoning. Letter will be placed on record with the meeting minutes as "Exhibit A".

Jeff Armstrong, 22350 S. Madison Street, spoke on concerns with infrastructure and buffering requirements.

Amy Daniels, 20840 W. 224th Street, spoke on concerns with traffic, sidewalks, and trash.

David Petrey, 20700 W. 224th Street, spoke on site line concerns.

Tim Barrett, 22376 S. Madison Street, against rezoning.

Ryan Ratzlaff, 22379 S. Jefferson Street, spoke on concerns with lack of sidewalks to walk to commercial.

Dennis Sumrall, 20843 W. 224th Street, against rezoning.

Julie Fishburn, 20880 W. 224th Street, spoke on concerns with foot traffic safety.

Mark Burns, 22359 Jefferson Street, against rezoning.

Jeff McDonald, 20981 W. 224th Street, traffic concerns.

Kristine Feedback, 21081 W. 224th Street, same safety concerns with infrastructure.

Mike Sandidge, 22374 St. Francis Street, presented his opinion on the development.

Shonda Serpan, 22349 S. Jefferson Street, concerned for traffic and infrastructures.

Marcus Stephenson, 20740 W. 224th Street, traffic and buffering concerns.

Maria McDonald, 20981 W. 224th Street, concern for traffic increase.

The Chairman called for further comments from the public and, hearing none, closed the public hearing.

The Commissioners deliberated stating safety is an issue with more density. It was also discussed that the project could be built under the current C-2 zoning.

Motion by Mr. Sly seconded by Ms. Dominick, to recommend denial of the rezoning application as presented.

Roll Call Vote: Dobson- Aye, Arevalo- Nay, Mitchell- Aye, Erhart- Aye, Sly- Aye, Dominick- Aye

Motion carried 5-1-0

The meeting recessed at 9:34 p.m. for a five (5) minute break. The Chairman called to order into open meeting at 9:42.

5. Preliminary Plat Application (PLAT-000077-2023) – Estates of Wolf creek

Mr. Burton presented the Staff Report for the preliminary plat application.

Motion by Mr. Erhart seconded by Ms. Dobson, to approve the preliminary plat application as presented.

Roll Call Vote: Dobson- Aye, Arevalo- Aye, Mitchell- Aye, Erhart- Aye, Sly- Aye, Dominick- Aye

Motion carried 6-0-0

6. Final Plat Application (PLAT-000109-2023) – Fountains of Wolf Creek

Mr. Burton presented the Staff Report for the final plat application.

Motion by Ms. Dobson seconded by Mr. Erhart, to approve the final plat application as presented.

Roll Call Vote: Dobson- Aye, Arevalo- Aye, Mitchell- Aye, Erhart- Aye, Sly- Aye, Dominick- Aye

Motion carried 6-0-0

7. Site Plan Application (PLAT-000104-2023) – Attic Storage of Spring Hill

Mr. Burton presented the Staff Report for the final plat application.

Motion by Mr. Sly seconded by Ms. Dobson, to approve the site plan application as presented.

Roll Call Vote: Dobson- Aye, Arevalo- Aye, Mitchell- Aye, Erhart- Aye, Sly- Aye, Dominick- Aye

Motion carried 6-0-0

REPORTS

8. The following item(s) related to Community Development were approved at the July 13, 2023, City Council meeting:

- Approval of Final Plat – Avondale Meadows, First Plat

9. The following item(s) related to Community Development were approved at the July 27, 2023, City Council meeting:

- Approval of Final Plat – Woodland Crossing South, Second Plat
- Approval of Final Plat – Boulder Springs, IV

ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

ADJOURN

Motion by Mr. Arevalo, seconded by Ms. Dominick, to adjourn.

Roll Call Vote: Dobson- Aye, Arevalo- Aye, Mitchell- Aye, Erhart- Aye, Sly- Aye, Dominick- Aye

Motion carried 6-0-0

The meeting adjourned at 10:07 p.m.

The September 11, 2023, special meeting minutes were approved by the Planning Commission on October 5, 2023, as presented.

Amy Long

Amy Long

Planning Commission Secretary

August 31, 2023

City of Spring Hill
Planning Commission
PO Box 424
Spring Hill, KS 66803

We are unable to attend the Sept. 11 public hearing regarding the proposed rezoning of the area behind our house to RP-4. We would like this letter to be shared with members of the planning commission and included as part of the public record. Because information about the application has not yet been released, our comments are based on the general project information provided by the developer to members of the city council earlier this year.

News of this proposed project reached us this spring after the city council committed to waiving \$20,000 in project development fees as a show of local support for the project's state tax credit application. This was done by members of the council despite the need for the site to undergo rezoning. It was also done without notice to the neighbors.

That timing makes the lack of a neighborhood meeting to discuss this project disheartening. For months, representatives of the proposed development and city staff have been aware that residents questioned the project's compatibility with the surrounding neighborhood. Resolution #612 states: "Neighborhood meetings should typically be required for applications adjacent to or in close proximity to residential properties." The focus of the meeting would have been to "attempt to resolve issues that may impact quality of life in the area or the value of the surrounding properties."

Since a neighborhood meeting has not taken place, we can only assume that someone has determined that the need for improved communication with neighbors, as cited as the policy's focus, is not needed. That's a disappointing choice.

We recognize that some may see the proposed multi-family use as being less intense than the current commercial zoning. We disagree. A majority of the uses allowed by right within a C-2 zone operate during hours when residential dwellings are generally not occupied and typically take place in a less than three-story footprint.

This section of the 223rd Street corridor has been planned with commercial fronting 223rd Street. Continuing to conform to that Future Land Use Plan would provide for continuous commercial uses further east aligning with the SH Victory proposed development which includes commercial and resident lots as approved by the planning commission and city council earlier this year.

When we moved into our home almost 20 years ago, we knew that commercial development was expected to our north. We have placed a gate in that section of our fence in hopes of someday having a quick source for morning coffee. A lot of landscaping decisions have been made during the subsequent years to help minimize impacts from that pending commercial development.

Yet many of the trees on the development parcel's berm have died. We have had multiple conversations with city's planning staff members about the lack of landscaping maintenance. Since we installed our swimming pool more than five years ago, the frequency of our requests for a resolution to the lack of

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maintenance has increased. At a growth rate of two to three feet a year, we have missed the opportunity to have trees in excess of 15 feet atop the existing berm.

Landscaping and distance are the two primary ways to provide a buffer. And, the need for a buffer is a vital consideration to protecting our neighborhood character. Unlike other multi-family projects within Spring Hill, this proposed project will not be separated from single-family homes by a road or phased zoning. The only existing exception to this is Cozy Haven, a 12-unit dedicated senior complex constructed during 1974.

In earlier the city council's conversations, BlackHawk Apartments was cited as a comparable project. While we think there are a lot of differences between the two projects, we want to focus on location comparisons. BlackHawk is separated from single-family homes by a road. None of the units are within 100 feet of a single-family home's property line. The development proposed to our north would be located on a lot that is generally 230 feet deep making its units much closer to the existing single-family homes than BlackHawk's units.

To put it simply, the proposed height of the units, their density and the lack of a buffer between them and the existing neighborhood simply are not compatible with the Feather Ridge neighborhood.

Available water and sewer on the site might indicate adequacy of infrastructure if it wasn't for the traffic on 223rd Street. Quite literally for decades, the city, Kansas Department of Transportation and Miami County have discussed the need to improve to the road. Numerous studies have been undertaken, but no significant improvements have been made to the road in decades. Continuing to add pressure on this already weak spot in our transportation system, without a plan to do more than undergo additional studies, should not be acceptable.

Traffic on Jefferson Street should also be reviewed. This proposed development splits Jefferson Street. Any use that encourages pedestrian or vehicular cross traffic on Jefferson should not be allowed.

We understand the criteria to be used in evaluating these proposals. It is important to note that as adjacent homeowners, we do not have the burden of proving that a project fails to meet those criteria. Rather, it is the applicant's burden to clearly demonstrate that their proposal meets the review criteria.

To summarize our perspective, we believe that a majority of the criteria cannot be fully meet by a project of this scope.

1. Neighborhood character – The site directly abuts single-family residential without providing an adequate buffer. The housing density is significantly more than existing land uses.
2. Adjacent zoning – The proposed zoning is much more dense than adjacent uses and does not match adjacent parcels. Unlike similar uses within the community, the site is not large enough or located in an area that provides for an adequate buffer from single-family areas.
3. Suitability for current zoning – The site abuts a truck route and a roadway that sees a high volume of cars each day. Nearby commercial operations have proven successful. As demonstrated by the earlier commercial rezoning of the parcel directly east of this site, C-2 is an entirely suitable use for this site. Current conditions and recent neighboring rezonings support the existing commercial zoning.

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4. Detrimental effects on zoning change – The proposed rezoning will create numerous detrimental effects on the neighborhood. As noted earlier, the intense density and lack of a buffer allows the multi-family use to overshadow rather than complement the existing neighborhood.
5. Conformance with comprehensive plan – The Future Land Use Map reflects the current C-2 zoning. The proposed use is a clear conflict with a plan derived from community input and thoughtful consideration by the planning commission and city council.
6. Public gain balanced by landowner hardship – We believe the public gain lies in retaining the C-2 zoning versus the rezoning. We are not oblivious to the housing pressures facing the entire region – including the City of Spring Hill. However, shoehorning a multi-family project into an area that does not complement the surrounding neighborhood is not the answer. During the past year, the planning commission and city council have already approved other projects which will bring additional apartments and duplexes to the community.

We acknowledge the property has been vacant for an extended time. However, the landowner is still able to demonstrate an agricultural use keeping the combined tax bill to less than \$30 annually.

We know this letter is long; and we risk being labeled as NIMBYs or CAVEpeople. To be clear, we encourage the property's development as allowed within its existing C-2 zoning. We are not citizens who oppose against virtually everything. We do oppose uses that conflict with our neighborhood character.

Your volunteer service on planning commission is appreciated.



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