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**101 S. Hickory
PO Box 60
Ottawa, KS 66067-0060**
Phone: 785-229-3600
Fax: 785-229-3639
www.ottawaks.gov
www.facebook.com/ottawaks

TO: Mayor and City Commissioners
RE: Study Session Meeting Agenda
FROM: Richard U. Nienstedt, City Manager

A Study Session is scheduled for **December 12, 2016 at 4:00 pm** in the conference room on the first floor of City Hall, 101 S. Hickory. The following items will be presented:

I. Public Comments

II. Items to be Placed on the Regular City Commission Agenda

- a. Amendments to Chapter 4 and Maps 1 and 7 of the Comprehensive Plan - Wynndee Lee *Pgs. 2-6*
- b. Annexation of Property Located at 2597 US-59 Highway - Wynndee Lee *Pgs. 7-9*
- c. Resolution Describing Ottawa City Limits Including Property Annexed in 2016 - Wynndee Lee *Pgs. 10-20*

III. Items for Presentation and Discussion

- a. Stormwater Audit Update - Michael Haeffele
- b. City Manager's Report
 - Letter From Commission to Franklin County Planning Commission Regarding Rezoning and Special Use Applications *Pgs. 21-22*
 - NLC Congressional City Conference, Washington D.C., March 11-15, 2017
- c. Commissioner's Reports
- d. Mayor's Report

IV. Announcements

- December 14, 2016 Special Call City/County Joint Meeting with Engineers, 11:30 am, City Hall
- December 19, 2016 Study Session, 4:00 pm, City Hall
- December 21, 2016 **Regular** Commission Meeting, 9:30 am, City Hall
- December 21, 2016 City/County/USD 290 Joint Meeting with Legislators, 12:00 pm, Franklin County Annex
- December 26, 2016 Study Session, 4:00 pm, City Hall CANCELED
- December 26, 2016 Christmas Day Holiday Observed - CITY OFFICES CLOSED
- December 28, 2016 Special Call Study Session, 4:00 pm, City Hall (If Needed)

V. Adjourn

Motion: _____ Second: _____ Time: _____

VI. Items Already Placed

52 Tips for Successful Public Service by E.A. Mosher

#51. Be a leader, as well as part of the team of elected and appointed officials who were selected to make your city an even better place to live.

STAFF MEMORANDUM

Target Meeting Date: December 21, 2016

TO: Richard U. Nienstedt, City Manager

FROM: Wynndee S. Lee, AICP, Community Development Director

DATE: December 8, 2016

SUBJECT: **Amendments to** Chapter 4, & Map 1, City Limits, Planning Area & Natural Features, & Map 7, Future Land Use of the City of Ottawa Comprehensive Plan.

Comments: The City of Ottawa's Planning Commission reviewed the proposed amendments to Chapter 4 and the maps and held a public hearing. There were no public comments

The City's Comprehensive Plan was adopted in 2004. The City has recently undertaken a Master Plan for the Rock Creek Development Park, a 300-acre area on the south side of Interstate 35 that will be developed in the coming years. The comprehensive plan is a guide to development, decision-making, and zoning changes.

The City has also annexed several parcels into the city limits requiring the update to the city limits map.

It is the recommendation of staff to approve the amendments to Chapter 4 and Maps 1 & 7, of the Comprehensive Plan. The Planning Commission recommends to the City Commission by a vote of 4-0 to approve the amendments.

Attachments: Ordinance
Staff & Planning Commission Memo
Future Land Use/City Limits Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 4, MAP 1, CITY LIMITS, PLANNING AREA AND NATURAL FEATURES AND MAP 7, THE FUTURE LAND USE, OF THE CITY OF OTTAWA'S COMPREHENSIVE PLAN.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS:

Section 1. CHAPTER 4 has been amended of the City of Ottawa Comprehensive Plan as attached.

Section 2. Map 1, City Limits, Planning Area & Natural Features and Map 7, The Future Land Use, have been amended of the City of Ottawa Comprehensive Plan as attached.

Section 3. SEVERABILITY. Any provision of this Ordinance which shall be declared invalid shall not affect the validity and authority of any other provisions of this Ordinance.

Section 4. REPEALER. Previous ordinances and any parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. EFFECTIVE DATE; PUBLICATION. This Ordinance shall take effect amending the Comprehensive Plan Ordinance #3470-04 for the City of Ottawa, Kansas, and be in full force from and after its publication in the official city newspaper.

PASSED AND ADOPTED by the governing body of the City of Ottawa, Kansas, this _____ day of _____, 2016.

Mayor

Attest:

City Clerk

STAFF & PLANNING COMMISSION MEMORANDUM

TO: City Commission

FROM: Staff & Planning Commission

DATE: December 8, 2016

SUBJECT: Amendments to Chapters 4 of the City of Ottawa Comprehensive Plan;
Amendments to Map 1: City Limits, Planning Area, & Natural Features; and
Amendments to Map 7: Future Land Use Map.

The City's Comprehensive Plan was adopted in 2004. This plan is intended to be a flexible document that should be changed as appropriate – the adopted plan does not intend for the City to exist in a vacuum and encourages updates appropriate with the City's development.

The City of Ottawa has recently undertaken a Master Plan for the Rock Creek Development Park, a 300-acre area on the south side of Interstate 35 that will be developed in the coming years. The zoning of parcels within the study area will not allow for the intended development. As such, the City of Ottawa's Future Land Use Map and its accompanying text in the Comprehensive Plan must be amended. Narrative below has new language and reordered text.

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Chapter 4 Future Land Use (beginning at page 4-13-14 Retail and Industrial Land Use Policies)

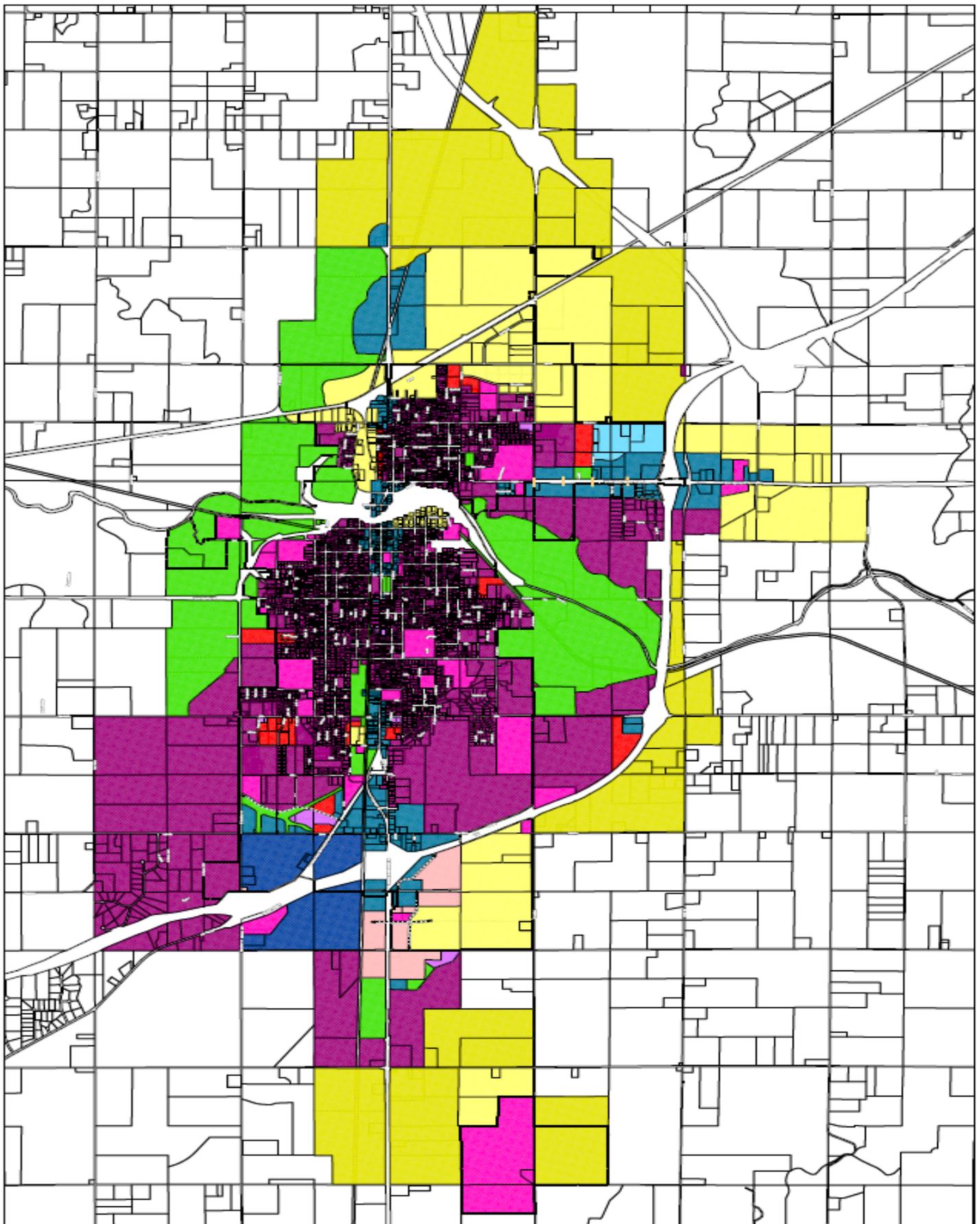
Retail-commercial uses are at the I-35 highway interchanges with K-68 Highway and US 59 Highway, as well as along Main Street. Commercial/Residential Mixed Density and Mixed Use districts are proposed in close proximity to employment opportunities near designated non-residential development along the highway corridors. These higher intensity residential uses provide a transition between the non-residential use and the low density residential uses. These distributions build on smart growth principles by providing opportunities for alternative transportation (residential uses within walking distance of work and services). The recommended land use distributions also provide the greatest opportunities for transitions between higher-intensity uses along the highway corridor to lower-intensity uses stepping away from the corridor. Most importantly, the mixed use category promotes land use connectivity, shared parking, and related aspects of inter-relating land uses—a development principle directly relevant to an urbanizing corridor.

Industrial uses ~~are~~ **have been** primarily focused in the northeast quadrant of the city, along Davis Avenue, Industrial Road, Enterprise Avenue and North Street. Industrial uses clustered around the railroad and Davis Avenue provide local and regional access and build upon the existing pattern of development, **within a good infrastructure framework**. This location also allows industrial uses to develop in close proximity to existing rail lines and highway access. With the ~~future~~ connection of Interstate 35 and US 59 Highway, this location ~~could also be~~ **is** immensely benefited from improved access.

In 2014, the City of Ottawa and Franklin County jointly acquired a number of tracts to form a new industrial development area on approximately 300 acres southeast of the Interstate 35/US

59 Highway intersections, along Montana Road and Kingman road, immediately abutting Interstate 35 on the north. This new area will be a focus of utility extension and road and bridge development, along with land use changes nearby to reflect needs of a growing development park area. Primarily large lot development is planned on the government owned parcels, with lighter industrial, mixed use, and commercial activity located as transition to US 59 Highway and the intersection of Interstate 35/US 59 Highway. It is anticipated that a new corridor plan will be completed with a likely gateway at US 59 Highway and Kingman Road.

There are several other industrial areas within the city that are smaller, with the largest of these being the W. Wilson Street area. Identified as developed industrial sites in the planning area would include East of I-35/K-68, south of Osborne Terrance, West of I-35/K-68, and undeveloped area north of the airport.

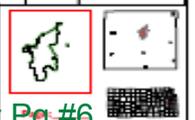


FUTURE LAND USE MAP
 CITY OF
 OTTAWA, KS
 2015
 GEOGRAPHIC INFORMATION SYSTEM BY
MIDLAND GIS Solutions
 401 N. BENTLEY
 SUITE 100, WYANDOTT, MO 64595
 TEL: 816-862-7111

SEE ALL PROJECTS LISTINGS
 AND INFORMATION ON THE CITY OF OTTAWA
 WEBSITE AT WWW.CITYOFOTTAWA.ORG
 2015 08 20 10:00 AM
 2015 08 20 10:00 AM
 2015 08 20 10:00 AM



Legend							
	Business Park		Industrial		Park/Open Space		Future Road
	Commercial		Long-term Development		Public and Open-Public		Full Access
	Commercial/Industrial		Mixed Use		Residential		
	Commercial/Residential		Multi-Family Residential				



STAFF MEMORANDUM

TO: Richard U. Nienstedt, City Manager

FROM: Wynndee S. Lee, AICP, Director of Planning & Codes Administration

DATE: December 8, 2016

SUBJECT: Annexation of property located at 2597 US-59 Hwy. per agreement

In October of 2011 the City and Mark Shay entered into an annexation agreement. The purpose of the agreement was to obtain consent for the annexation of the last 330 feet of the property owned by Mr. Shay at 2597 US-59 Hwy. The agreement deferred action until November of 2016. The owner has submitted the consent for annexation voluntarily, also attached. The area is marked on the map below.

City staff recommends passage of the attached ordinance.

ATTACHMENTS: Annexation Ordinance
Consent Form



ORDINANCE NO. _____

AN ORDINANCE ANNEXING LAND TO THE CITY OF OTTAWA, KANSAS GENERALLY LOCATED AT 2597 US-59 HIGHWAY.

WHEREAS, the following described land is located in Franklin County, Kansas;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1)-(6); and

WHEREAS, the governing body of the City of Ottawa, Kansas, finds it advisable to annex such land.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS:

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed and made a part of the City of Ottawa, Kansas:

The West 330 feet of the North Half of the North Half of the Southwest Quarter of Section 13, Township 17, Range 19.

Section 2. That this ordinance shall be effective from and after its passage, approval and publication in the official city newspaper.

Section 3. A certified copy of this ordinance signed by the City Clerk for the City of Ottawa, Kansas, shall be recorded in the Office of the Register of Deeds, and with the County Clerk, Franklin County, Kansas.

PASSED AND APPROVED by the Governing Body of the City of Ottawa, Kansas, this _____ day of _____, 2016.

Mayor

ATTEST:

City Clerk

City of Ottawa Department of Community Development Department

101 S. Hickory, P. O. Box 60
Ottawa, KS 66067
(785) 229-3620 Fax (785) 229-3625

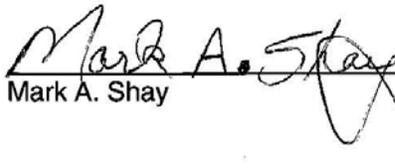
**PROPERTY OWNER
CONSENT FOR ANNEXATION BY THE CITY OF OTTAWA, KANSAS**

TO: THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS:

The undersigned, owners of record of the following described land hereby petition the Governing Body of the City of Ottawa, Kansas to annex such land to the City. The land has a street address of 2597 US-59 Hwy., and is described as follows:

The West 330 feet of the North Half of the North Half of the Southwest Quarter of Section 13, Township 17, Range 19. Contain 330 feet more or less.

The undersigned further warranty and guarantee that they are the only owners of record of the land. Signed this 1 day of December, 2016.



Mark A. Shay

STAFF MEMORANDUM

Target Meeting Date: December 21, 2016

TO: Richard Nienstedt, City Manager
FROM: Wynndee Lee, Community Development Director
DATE: November 21, 2016
SUBJECT: Resolution describing the city limits including property annexed in 2016.

Comments: Before the last day of December in any given year in which any property has been annexed into the city, the governing body shall declare by resolution the entire boundary of the city (K.S.A. 12-517).

In 2016, 15 properties totaling 344.85 acres were annexed. Of the 344.85 acres, 317.18 acres is the new Rock Creek Development Park. Once approved, the city clerk shall file a certified copy with the county clerk, the register of deeds, and the state transportation engineer.

Staff recommends adoption of the resolution.

RESOLUTION NO. _____

A RESOLUTION DEFINING AND DECLARING THE TERRITORIAL LIMITS AND BOUNDARIES OF THE CITY OF OTTAWA, KANSAS, AND RESCINDING RESOLUTION NO. 1685-15.

BE IT RESOLVED by the Governing Body of the City of Ottawa, Kansas:

Section 1: That the territorial limits and boundary of the City of Ottawa, Kansas, are hereby declared and defined to be as follows, to-wit:

Beginning at the Southeast corner of the of the Southwest Quarter of the Southwest Quarter of Section 19, Township 16 South, Range 20 East of the 6th P.M; thence North 944.71 feet; thence West 1,382.28 feet to a point on the East line of Section 24, Township 16 South, Range 19 East said point being 944.47 feet North of the Southeast corner of said section 24; thence North along the East line of said Section 24, a distance of 1,696.28 feet, to the East 1/4 corner of said Section 24; thence West along the 1/2 section line, a distance of 193.77 feet to its intersection with the south line of the Burlington Northern/ Santa Fe Railroad right-of-way line; thence in a Southwesterly direction to its intersection with the North line of Section 25, Township 16, Range 19; thence West along the North line of the N.W. 1/4 of said Section 25 to a point 75 feet East of the N.W. corner of said Section 25; thence South to a point 25 feet East and 300 feet North of the N.W. corner of Ottawa Steel Addition to the City of Ottawa, Kansas; thence West 25 feet; thence South to a point 1,419.1 feet South of the North line of the N.W. 1/4 of said Section 25, the same being the point of intersection of the South line of Junction Avenue, City of Ottawa, Kansas, produced; thence West 100 feet; thence North to a point 700 feet South of the North line of Section 26, Township 16, Range 19, Franklin County, Kansas; thence West 25 feet; thence North 700 feet to a point 75 feet West of the N.E. corner of said Section 26; thence West along the North line of said section 26 to the West line of the right-of-way of the Lawrence District branch line of the Atchison, Topeka & Santa Fe Railway Company to the point of intersection with the North line of the right-of-way of the Second District main line of the Atchison, Topeka & Santa Fe Railway Company; thence in a Southwesterly direction along the North line of the right-of-way of the Section District main line of the Atchison, Topeka & Santa Fe Railway Company to a point due North of the West line of the North terminus of Cleveland Avenue, City of Ottawa, Kansas; thence South to the center of Wilson Street, City of Ottawa, Kansas; thence West to the N.W. corner of the S.E. 1/4 of Section 26, Township 16, Range 19, Franklin County, Kansas; thence South 1,096 feet to the center of Wright Street, Kerr's Subdivision, a subdivision in Franklin County, Kansas; thence East in the center of said Wright Street to a point 150 feet West of the West line of Cleveland Avenue, City of Ottawa, Kansas; thence Southwesterly parallel to the West line of said Cleveland Avenue to the South line of Lot 1, Kerr's Subdivision, a subdivision in Franklin County, Kansas; thence West to the West line of the S.E. 1/4 of said Section 26; thence South the S.E. corner of the S.W. 1/4 of said Section 26; thence West to the center line of Wilson Creek; thence following the center line of Wilson Creek in a Southerly direction to a point where it crosses the West line of the N.W. 1/4 of Section 35, Township 16, Range 19, Franklin County, Kansas; thence South on said line to the center of the Marais des Cygnes River; thence in a Westerly and Southwesterly direction up the center of said River to a point on the North right-of-way line of the Missouri Pacific Railroad in the S.E. 1/4 of the N.W. 1/4 of the N.E. 1/4 of Section 34, Township 16, Range 19, Franklin County, Kansas; thence in an Easterly-Southeasterly direction along the North right-of-way line of said Railroad to the West line of the East 1/2 of the N.W. 1/4 of said Section 35; thence South 100 feet to the South right-of-way line of the abandoned Missouri Pacific Railroad; thence in a Westerly direction along the South right-of-way of the Missouri Pacific Railroad to a point 420 feet East of the West line of the West 1/2 of the S.E. 1/4 of the N.E. 1/4 of Section 34, Township 16 South, Range 19 East; thence South to the South line of the N.E. 1/4 of Section 34; thence West 420 feet to the West line of the N.E. 1/4 of Section 34; thence South to the center of Nugent Creek; thence in a Westerly and Northerly direction down the center of said creek to the center of the Marais des Cygnes River; thence in a West-Southwesterly direction up the center of said River to the West line of the S.W. 1/4 of the N.E. 1/4 of said Section 34; thence South to the S.W. corner of the N.W. 1/4 of the S.E. 1/4 of said section 34; thence

East to a point 495 feet West of the S.E. corner of the N.E. 1/4 of the S.E. 1/4 of said Section 34; thence North to a point 495 feet West and 40 feet South of the N.E. corner of the S.E. 1/4 of said Section 34, thence East 495 feet to a point 40 feet South of the N.E. corner of the S.E. 1/4 of said Section 34, the same being 40 feet South of the N.W. corner of the N.W. 1/4 of the S.W. 1/4 of Section 35; thence South 20 feet; thence in an Easterly direction to a point 80 feet South and 207 ½ feet East of the N.W. corner of the N.W. 1/4 of the S.W. 1/4 of said Section 35; thence in a Southerly direction to a point on the Westerly right-of-way line of Kansas Highway 68, said point being 1126 ½ West and Northerly of the Southeast corner of the Northwest Quarter of the Southwest Quarter of said Section 35; thence Southwesterly along the Westerly right-of-way line of said Kansas Highway 68 to the South line of the Northwest Quarter of the Southwest Quarter of said Section 35; thence East along the South line of the Northwest Quarter of the Southwest Quarter of said Section 35 to a point 150 feet West of the West line of Beech Street, City of Ottawa, Kansas, produced; thence South on a line parallel to Beech Street to a point 880 feet North of the South line of Section 35, Township 16 South, Range 19 East; thence West 495 feet; thence South 880 feet to the South line of said Section 35; thence East along said South line of Section 35 to the N.W. corner of Twyman's Subdivision, a subdivision in Franklin County, Kansas; thence South 715 feet to the S.W. corner of Twyman-Sprigg Subdivision, a subdivision in Franklin County, Kansas; thence East 340 feet along the South line of Eighth Street, City of Ottawa, Kansas to the N.W. corner of the S.W. ¼ of the N.W. ¼ of Section 2, Township 17, Range 19; thence South 687.41 feet to the S.W. corner of the S.E. ¼ of the N.W. ¼ of Section 2, Township 17, Range 19; thence East 330 feet to the S.W. corner of Lathrop's Addition to the City of Ottawa, Kansas; thence South to a point approximately 1,310.0 feet more or less North of the N.W. corner of the N.E. 1/4 of the N.W. 1/4 of Section 11, Township 17, Range 19, Franklin County, Kansas; thence West 1,315.00 feet more or less to the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 3, Township 17 South, Range 19 East; thence West along the North line of the Southeast Quarter of the Southeast Quarter of said Section 3 to the West right of way line of Eisenhower Road; thence South along the West right of way line of said Eisenhower Road to the point of intersection with the North line of the Northeast Quarter of Section 10, Township 17 South, Range 19 East; thence South along the West right of way line of said Eisenhower Road to the point of intersection with the North line of the Northeast Quarter of Section 15, Township 17 South, Range 19 East; thence South along the West right of way line of said Eisenhower Road to the point of intersection with the North line of the Southeast Quarter of the Northeast Quarter of said Section 15; thence West along the North line of the Southeast Quarter of the Northeast Quarter of said Section 15 to the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 15; thence South to the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 15; thence South along the West line of the Northeast Quarter of the Southeast Quarter of said Section 15 to the Southwest corner of the North 10 acres of the East half of the Southeast Quarter of said section 15; thence East along the South line of the North 10 acres of the East Half of the Southeast Quarter of said Section 15 to the point of intersection with the North right of way line of U.S. I-35 Highway; thence Northeasterly and Easterly along the North right of way line of said I-35 to the West Quarter corner of Section 14, Township 17 South, Range 19 East; thence along the Northerly right of way line of said I-35 to the point of intersection with the Northerly right of way line of U.S. 50 Highway (Main Street); thence along the Northerly right of way line of said U.S. 50 to a point 24 rods West of the center of said Section 13; thence North 6 2/3 rods; thence East 24 rods to the East line of the Northwest Quarter of said Section 13; thence North along the East line of the Northwest Quarter of said Section 13 to the point of intersection with the Easterly right of way line of said I-35; thence Southwesterly along the Easterly right of way line of said I-35 to a point 1,570.4 feet, more or less, North and 1,247.5 feet, more or less, East of the S.W. corner of the N.W. 1/4 of said Section 13; thence in a North-Northwesterly direction across said Interstate Highway a distance of 301.7 feet, more or less, to a point on the North right-of-way line of said Interstate Highway 1,205.50 feet East of the West line of said Section 13, the same being the S.E. corner of Tract No. 44, County Clerk's Subdivision No. 1, being the Southwest corner of Lot 45 in said County Clerk's Subdivision No. 1; thence Northeast along the South line of said Lot 41 and the North right of way line of said I-35 to the point of intersection with the West line of the Northwest Quarter of said Section 13 being the Southeast corner of said Lot 45; thence North along the East line of the Northwest Quarter of said Section 13 to the South Quarter corner of said Section 12, Township 17 South,

Range 19 East; thence N.2°11'40" (bearing based on annexation ordinance 3496-05) 60.00 feet along the West line of the Southeast Quarter of said Section 12 to the North right of way line of said I-35; thence along the North right of way line of said I-35 the following 8 courses: (1) N.87°54'57"E. 11.86 feet; thence (2) S.73°48'56"E. 71.81 feet; thence (3) ON A CURVE to the left with a radius of 917.43 feet an arc length of 410.72 feet (chord of said curve bears: N.74°58'51"E. 407.30 feet); thence (4) N.62°16'45"E. 1801.19 feet; thence (5) N.52°03'54"E. 611.33 feet; (6) N.19°28'33"E. 53.90 feet; thence (7) N.2°18'13"W. 144.39 feet; thence (8) N.62°18'37"E. 22.14 feet to a point on the East line of the Southeast Quarter of said Section 12; thence N.2°18'13"W. 1175.80 feet to the East Quarter corner of said Section 12 being a Northeast corner of said annexation Ordinance 3496-05; thence North to the N.E. corner of the S.E. 1/4 of the N.E. 1/4 of said Section 12; thence West to the West right-of-way line of the county road along the East line of said Section 12, the same being a point 20 feet, more or less, West of the S.E. corner of the N.E. 1/4 of the N.E. 1/4 of said Section 12; thence North along the West right-of-way of said county road, the same being a point 20 feet, more or less, West of the N.E. corner of said Section 12; thence East 20 feet, more or less, to the N.E. corner of said Section 12, the same being the S.E. corner of Section 1, Township 17, Range 19, Franklin County, Kansas; thence North along the east line of said Section 1, a distance of 2,640 feet, more or less, to the N.E. corner of the S.E. 1/4 of said Section 1; thence West 1,329.38 feet, more or less, to the N.W. corner of the East 1/2 of the S.E. 1/4 of said Section 1; thence North to the S.W. corner of the N.E. 1/4 of the N.E. 1/4 of said Section 1; thence East 1,324 feet to the S.E. corner of Sunnyside Addition, Ottawa, Kansas; thence North to the Westerly line of the Missouri Pacific Railroad right-of-way; thence Northwesterly along said railroad right-of-way to a point on a line parallel to and 356 feet South of the North line of the S.E. 1/4 of the S.E. 1/4 said Section 36; thence West 123.4 feet, more or less, to a point 356 feet South of the N.W. corner of the S.E. 1/4 of the S.E. 1/4 of said Section 36; thence North to the center line of the Marais des Cygnes River; thence following the center line of the said River in a Northwesterly direction to the point of intersection with the North line of the South Half of the West Half of the Northeast Quarter of Section 36, Township 16 South, Range 19 East; thence East to the Northeast corner of the South Half of the West Half of the Northeast Quarter of said Section 36; thence North to the S.W. corner of the N.W. 1/4 of the N.E. 1/4 of the N.E. 1/4 of said Section 36; thence East along the South line of Durbin's Commercial Park, an addition to the City of Ottawa, Kansas, to the S.E. corner of the N.W. 1/4 of the N.E. 1/4 of the N.E. 1/4 of said Section 36; thence East to the S.E. corner of the West 1/2 of the N.E. 1/4 of the N.E. 1/4 of the N.E. 1/4 of said Section 36; thence North to a point 50 feet South of the North line of said Section 36; thence East 330 feet, more or less, to the east line of said Section 36; the same being the West line of the Northwest Quarter of Section 31, Township 16 South, Range 20 East; thence Southerly to the West Quarter Corner of said Section 31; thence along the South line of the Northwest Quarter of said Section 31 Easterly to the Southeast Corner of the West Half of the Northwest Quarter of said Section 31; thence along the East line of the West half of the Northwest Quarter of said Section 31 Northerly to the South right of way line of Kansas Highway 68 thence along the South right of way line of said Highway 68 Easterly to the Northwest Corner of Wildcat Two Addition, a subdivision in the Northeast Quarter of said Section 31; thence along the West, South and East lines, of the said Wildcat Two Addition the following four courses (1) S. 0°11'11"E. (bearing based on said Wildcat Two Addition) 608.44 feet; thence along the South line of said Wildcat Two Addition (2) S. 84°26'36" E. 1033.12 feet to the Southeast Corner of said Wildcat Two Addition and the West right of way line of U.S. Highway I-35; thence along the East line of said Wildcat Two Addition and the West right of way line of said I-35 (3) N. 10°16'29" W. 28.53 feet; thence (4) N. 18°21'43" W. 774.13 feet to the Northeast Corner of said Wildcat Two Addition being on the South right of way line of said Highway 68; thence along the Southerly right of way line of said Highway 68 Easterly to the East line of the Northeast Quarter of said Section 31; thence along the East line of the Northeast Quarter of said Section 31 Northerly to the Northeast Corner of said Section 31 and the Southeast Corner of said Section 30; thence along the East line of the Southeast Quarter of said Section 30 Northerly to the North right of way line of said Highway 68; thence along the North right of way line of said Highway 68 Westerly to the Southeast Corner of Lot 2 of the Amended Final Plat of Underwood Addition; thence along the North right of way line of said Highway 68 and the South line of Lot 2 in said Amended Underwood Addition Westerly to the Southwest Corner of said Lot 2, being a Southeasterly Corner of Wildcat One Addition a Replat of Lot 1 of the Amended Plat of said Underwood Addition; thence along the Easterly

and Southerly lines of said Wildcat One Addition the following four courses (1) N. 1°27'38" W. (bearings based on said Wildcat One Addition) 648.10 feet; thence (2) N. 89°45'34" E. 802.95 feet to the West right of way line of U.S. Highway I-35; thence along the West right of way line of said I-35 (3) N. 16°22'37" E. 82.99 feet; thence (4) N. 1°13'33" W. 503.13 feet to the Northeast Corner of said Wildcat One Addition being on the West right of way line of said I-35; thence along the West right of way line of said I-35 and the East line of the City of Ottawa Annexation Ordinance No. 3558-06 N. 1°11'02"W. (bearing based on said ordinance No. 3558-06) to the present North right of way line of Wilson Street (Osborne Terrace); thence along the North right of way line of said Wilson Street (Osborne Terrace) Westerly to the point of intersection with the East line of the West Half of the Northwest Quarter of said Section 30; thence North along the West Half of the Northwest Quarter of said Section 30 to the point of beginning. Except, all that part of the S.E. 1/4 of the N.W. 1/4 of Section 35, Township 16, Range 19, described as follows: Beginning at the intersection of the East line of said S.E. 1/4 and the North right-of-way line of the Missouri Pacific Railroad; thence North 316 feet; thence in a West-Southwesterly direction to a point where the West line of said S.E. 1/4 intersects the North right-of-way line of said railroad; thence Easterly along the North right-of-way line of said railroad to the place of beginning, except a strip off the West side, heretofore deeded to August Romstedt, as shown in Book 96, Page 407, Register of Deeds, Franklin County, Kansas, and containing after deducting the exception noted, 4.8 acres, more or less.

ALSO:

Beginning at the N.W. corner of Section 19, Township 16, Range 20; thence running east along the North side of Section 19, a distance of 2,135.2 feet; thence South a distance of 526.3 feet; thence East 248.3 feet to the North line of the Atchison, Topeka & Santa Fe Railroad right-of-way; thence Southwesterly along the North line of said right-of-way a distance of 1,357.3 feet; thence West a distance of 1,284.0 feet to the North 1/16 corner on the West line of said Section 19; thence North a distance of 1,321.9 feet to the point of beginning;

ALSO:

Beginning at the point of intersection of the East line of the N.E. 1/4 of Section 24, Township 16 South, Range 19 East, with the North right-of-way line, produced, of the Atchison, Topeka & Santa Fe Railroad, the same being a point 394 feet, more or less, North of the S.E. corner of said N.E. 1/4 of Section 24; thence North 227 feet; thence West 200 feet; thence South on the line parallel to and 200 feet West of the East line of said N.E. 1/4 to a point on the North right-of-way line of the Atchison, Topeka & Santa Fe Railroad; thence in a Northeasterly direction along said railroad right-of-way to the point of beginning.

ALSO:

Commencing at the Northeast corner of the Northeast ¼ of Section 24, Township 16 South, Range 19 East, thence South 16 rods, thence West 10 rods, thence North 16 rods, thence East 10 rods to the place of beginning.

Except land taken for permanent easement to the Secretary of Transportation, State of Kansas, in Deed 222, Page 549. Containing 0.7 acres, more or less, Franklin County, Kansas. Commonly known as 3696 Montana Road.

ALSO:

The Southeast ¼ of Section 25, Township 17 South, Range 19 East, and the North ½ of the Northeast ¼ of Section 36, Township 17 South, Range 19 East, containing 240 acres, more or less, except the east thirty feet (30'), which is set aside for Montana Road.

ALSO:

The Southeast ¼ of the Northeast ¼ of Section 25, Township 17 South, Range 19 East, containing 40 acres, more or less, except the east thirty feet (30'), which is set aside for Montana Road.

ALSO:

Beginning at the point of intersection of the East line of the Northwest quarter of said Section 13 with the Southerly (or Southeasterly) right-of-way line of U.S. Highway I-35; thence along the Southerly right-of-way line of said I-35 Southwesterly to a point 1570.4 feet (more or less) North and 1247.5 (more or less) East of the Southwest corner of the Northwest quarter of said Section 13; thence North-northwesterly (across said I-35) 301.7 feet (more or less) to a point on the Northerly (or Northwesterly) right-of-way line of said I-35, said point being 1205.50 feet Easterly of the West line of said Section 13; thence along the Northerly (or Northwesterly) right-of-way line of said I-35 Northeasterly to the point of intersection with the East line of the Northwest quarter of said Section 13; thence along the East line of the Northwest quarter of said Section 13 Southerly to the point of beginning. Commonly known as I-35 right-of-way.

ALSO:

All of the Twenty-Third Street right-of-way located in the Southwest Quarter of Section 12 and the Northwest Quarter of Section 13 all in Township 17 South, Range 19 East of the 6th P.M. in Franklin County, Kansas, being 30.00 feet on the North side and 30.00 feet on the South side of the following described line.

Beginning at a point on the South line of the Southwest quarter of said Section 12, said point of beginning being 1205.50 East of the Southwest corner of said Section 12; thence along the South line of the Southwest quarter of said Section 12 and the North line of the Northwest quarter of said Section 13 East to the terminus of the said line being South quarter corner of said Section 12 and the North quarter corner of said Section 13. Commonly known as 23rd Street right-of-way.

ALSO:

All of the Kingman Road right-of-way in the Northwest quarter of Section 24 Township 17 South, Range 19 East of the 6th P.M. Franklin County, Kansas. Commonly known as Kingman Road right-of-way.

ALSO:

A Tract of land in the North half of the North half of the Southwest Quarter of Section 13, Township 17 South, Range 19 East of the 6th P.M. Franklin County, Kansas, more particularly described as follows:

Beginning at the center (Northeast corner of the Southwest Quarter) of said Section 13; thence along the North line of the Southwest Quarter of said section 13 S.87°58'35"W. (Being an assumed bearing) 421.00 Feet; thence S.2°01'25"E. 25.00 feet; thence parallel to and 25.00 Feet Southerly of the North line of the Southwest Quarter of said Section 13 N.87°58'35"E. 271.01 Feet to a point 150.00 Feet Westerly of (measured perpendicular to) the East line of the Southwest Quarter of said Section 13; thence parallel to the East line of the Southwest Quarter of said Section 13 Southerly to a point on the South line of the North half of the North half of the Southwest Quarter of said Section 13; thence along the South line of the North half of the North half of the Southwest Quarter of said Section 13 Easterly 150 Feet more or less to the Southeast corner of the North half of the North half of the Southwest Quarter of said Section 13; thence along the East line of the Southwest Quarter of said Section 13 Northerly to the Point of Beginning, Containing 2.440 acres. Commonly known as 2597 US 59 Hwy.

ALSO:

The North 125.00 feet of the West 526.00 feet of the South 500.00 feet of the North Half (N. ½) of the Southwest Quarter (SW ¼) of Section 13, Township 17 South, Range 19 East of the Sixth Principal Meridian, Franklin County, Kansas, less existing highway right-of-way, being more particularly described as follows:

Commencing at the Southwest corner of the North Half (N ½) of said Southwest Quarter (SW ¼), thence North along the West line of said quarter section on an assumed bearing of North 00 degrees 00 minutes 00 seconds East, a distance of 375.00 feet, thence North 89 degrees 49 minutes 31 seconds East parallel to the

South line of said North Half (N ½), a distance of 110.40 feet to a point on the East right-of-way line of U.S. 59 Highway, said point also being the true point of beginning of land to be described, thence continuing North 89 degrees 49 minutes 31 seconds East along said line a distance of 415.60 feet, thence North 00 degrees 00 minutes 00 seconds East on a line parallel to the West line of said quarter section a distance of 125.00 feet, thence South 89 degrees 49 minutes 31 seconds West on a line parallel to the South line of the North Half (N. ½) of said Southwest Quarter (SW ¼) a distance of 413.59 feet to a point on the East line of said U.S. 59 Highway right-of-way, thence South 44 degrees 56 minutes 45 seconds West along said East right-of-way line a distance of 3.01 feet, thence continuing along said East right-of-way line a bearing of South 00 degrees 03 minutes 15 seconds East, a distance of 122.88 feet to the point of beginning, containing 1.193 acres, more or less, all in Franklin County, Kansas, AND;

The South 40 acres of the North ½ of the Southwest ¼ of Section 13, Township 17 South, Range 19 East, except the West 526 feet thereof, and containing after deducting the exception noted 32 acres, more or less, Franklin County, Kansas, AND;

Also an easement for a road over and across the North 35 feet of the West 526 feet of the South 40 acres of the North ½ of the Southwest ¼ of said Section 13, with the right of ingress and egress and to maintain the same. Subject to easements, reservations, restrictions, and covenants of record, if any, AND;

Commencing at a point 526 feet East and 500 feet North of the Southwest corner of the North ½ of the Southwest ¼ of Section 13, Township 17, Range 19, thence North to the North line of the South 40 acres of the North ½ of said Southwest ¼, thence West to the section line, thence South to a point due West of the point of beginning, thence East to the point of beginning, Franklin County, Kansas, containing 2 acres, more or less. Commonly known as 2571 and 2573 US 59 Hwy., containing 34 acres more or less.

ALSO:

The South 375.00 feet of the West 526.00 feet of the South 500.00 feet of the North Half (N ½) of the Southwest Quarter (SW ¼) of Section 13, Township 17 South, Range 19 East of the Sixth Principal Meridian, Franklin County, Kansas, less the following described existing highway right-of-way.

Less the following described existing highway right-of-way. A tract of land in the North Half of the Southwest Quarter of Section 13, Township 17 South, Range 19 East of the 6th P.M., Franklin County, Kansas, described as follows: Beginning at the Southwest corner of said North Half; First Course, thence on an assumed bearing of North 01 degree 52 minutes 20 seconds West, 500.00 feet along the West line of said North half; Second Course, thence North 87 degrees 57 minutes 07 seconds East, 112.41 feet, parallel with the South line of said North Half; Third Course, thence South 43 degrees 04 minutes 25 seconds West, 3.01 feet; Fourth Course, thence South 01 degree 55 minutes 35 seconds East, 475.00 feet; Fifth Course, thence South 00 degrees 29 minutes 39 seconds East, 22.88 feet to a point on the South line of said North Half, 110.18 feet East of the point of beginning; Sixth Course, thence South 87 degrees 57 minutes 07 seconds West 110.18 feet along said South line to the point of beginning. The above contains 0.86 acres, more or less, exclusive of the existing highway.

This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access to said highway, appurtenant to grantors remaining property; except and reserving however, to the grantor, his heirs and assigns, the right of access to said highway over and across the following describe course: Beginning at a point 217.00 feet South 01 degree 55 minutes 35 seconds East from the beginning of said "Fourth Course" and extending South 01 degree 55 minutes 35 seconds East, 60.00 feet. Commonly known as 2545 US 59 Hwy., containing 3.5 acres more or less.

ALSO:

The South ½ of the Southwest ¼ of Section 13, Township 17 South, Range 19 East, except land taken

for Highway 59 and controlled access, Franklin County, Kansas. Commonly known as 2723 Kingman Road, containing 74.8 acres more or less.

ALSO:

Commencing at a 1" bolt at the Southwest corner of the Southwest Quarter of Section 35, Township 16 South, Range 19 East of the Sixth Principal Meridian; Thence N88°05'30"E for a distance of 399.03 feet along the South line of said Southwest Quarter; Thence N01°29'38"W for a distance of 30.00 feet along the East line of K-68 Highway right of way to a ½" rebar on the North line of 7th Street right of way; Thence N88°05'30"E for a distance of 104.87 feet along the North line of 7th Street right of way to a ½" rebar at the Point of Beginning; Thence N01°41'38"W for a distance of 222.41 feet to a ½" rebar; Thence N88°05'30"E for a distance of 141.00 feet to a ½" rebar; Thence S01°41'38"E for a distance of 222.41 feet to a ½" rebar on the North line of 7th Street right of way; Thence S88°05'30"W for a distance of 141.00 feet to the Point of Beginning; Subject to covenants, easements, and restrictions of record. Said property contains 0.72 acres, more or less, in Franklin County, Kansas, according to a survey by Taylor Design Group, P.A., dated April 2008. Commonly known as 1211 W. 7th Street.

ALSO:

Commencing at a 1" bolt at the Southwest corner of the Southwest Quarter of Section 35, Township 16 South, Range 19 East of the Sixth Principal Meridian; Thence N88°05'30"E for a distance of 399.03 feet along the South line of said Southwest Quarter; Thence N01°29'38"W for a distance of 30.00 feet along the East line of K-68 Highway right of way to a ½" rebar on the North line of 7th Street right of way at the Point of Beginning; Thence N01°29'38"W for a distance of 29.70 feet along said K-68 Highway right of way to a ½" rebar; Thence N77°22'38"W for a distance of 300.00 feet along said right of way to a ½" rebar; Thence N02°01'38"W for a distance of 478.44 feet along said right of way to a ½" rebar; Thence N22°10'53"E for a distance of 296.06 feet along said right of way to a ½" rebar on the South line of the North third of the Southwest Quarter of said Southwest Quarter; Thence N28°03'04"E for a distance of 292.06 feet along said right of way to a ½" rebar; Thence S37°28'59"E for a distance of 200.96 feet to a ½" rebar; Thence S58°53'46"E for a distance of 165.59 feet to a ½" rebar on the South line of the North third of the Southwest Quarter of said Southwest Quarter; Thence N88°10'53"E for a distance of 17.78 feet along said South line to a ½" rebar; Thence S01°41'38"E for a distance of 630.63 feet to a ½" rebar; Thence S88°05'30"W for a distance of 141.00 feet to a ½" rebar; Thence S01°41'38"E for a distance of 222.41 feet to a ½" rebar on the North line of 7th Street right of way; Thence S88°05'30"W for a distance of 104.87 feet to the Point of Beginning; Subject to covenants, easements, and restrictions of record. Said property contains 10.03 acres, more or less, in Franklin County, Kansas, according to a survey by Taylor Design Group, P.A., dated April 2008. Commonly known as 1215 W. 7th Street.

ALSO:

Commencing at the intersection of the East line of the Southeast ¼ of the Northwest ¼ of Section 35, Township 16, Range 19, and the North line of Missouri Pacific Railroad right-of-way, thence North 316 feet, thence Southwesterly to a point where the West line of the Southeast ¼ of the Northwest ¼ of said Section 35 intersects the North line of said Railroad right-of-way, thence Easterly along the North line of said Railroad right-of-way to the place of beginning, except a strip off the West side heretofore deeded to August Romstedt as shown in Deed recorded in Book 96 at Page 407 in the Register of Deeds office of said county, and containing after deducting the exception noted 4.8 acres, more or less, all in Franklin County, Kansas. Commonly known as 120 N. Willow.

ALSO:

Lots 5 and 6 in the Northeast 1/4 of Section 36, Township 17, Range 19, containing 54 acres more or less, according to Government Survey, Franklin County, Kansas. Commonly known as 2040 Montana Road.

ALSO:

Lot 2 of the amended Final Plat of Underwood Addition, (30-16-20) Franklin County, Kansas, containing 9.37 acres, more or less. Commonly known as 2515 E. Logan.

ALSO:

A tract in the Northeast $\frac{1}{4}$ of Section 31, Township 16, Range 20, beginning at a point 60 feet East and 115 feet South of the Northeast corner of said Quarter Section, thence 599.6 feet South, thence 330 feet East, thence 599.6 feet North, thence 330 feet West to place of beginning, Franklin County, Kansas. Containing 4.5 acres more or less. Located at 2220 E. Logan.

ALSO:

The South 243.7 feet, of the East 208.7 feet, of the East $\frac{1}{2}$ of the Northwest Quarter, less right-of-way, Section 30, Township 16, Range 20 East. Containing 1 acre more or less. Located at 2129 E. Wilson.

ALSO:

A tract beginning 828 feet East of the Southwest Corner of the Northeast Quarter, thence East 290 feet, thence North 675 feet, thence West 295 feet along the railroad right-of-way, thence South 670 feet to point of beginning, less right-of-way, Section 26, Township 16, Range 19 East. Contains 4.3 acres more or less. Located at 415 W. Wilson.

ALSO:

A tract beginning North of the right-of-way of Wilson Street, thence 620 East of the Southwest Corner of the Northeast Quarter, thence East 208 feet, thence North 646.1 feet, thence Southwesterly 223.7 feet, thence South 605.6 feet, to point of beginning, Section 26, Township 16, Range 19 East. Contains 3.1 acres more or less. Located at 513 W. Wilson.

ALSO:

A tract beginning in the Southwest Corner of the Northeast Quarter, thence West 594 feet, thence North 396 feet, thence Northeasterly 604.9 feet, thence South 510 feet, to point of beginning, less right-of-way, Section 26, Township 16, Range 19 East. Contains 5.9 acres more or less. Located at 618 W. Wilson.

ALSO:

A tract beginning 248 feet East of the Southwest Corner of the Northeast Quarter, thence East 372 feet, thence North 635.6 feet, thence Westerly 378.9 feet along the railroad right-of-way, thence South 560 feet to point of beginning, less right-of-way, Section 26, Township 16, Range 19 East. Contains 4.87 acres more or less. Located at 619 W. Wilson.

ALSO:

A tract beginning in the Southwest Corner of the Northeast Quarter, thence East 248 feet, thence North 560 feet, thence Southwesterly 251 feet along the railroad right-of-way, thence South 513 feet, to point of beginning, less right-of-way, Section 26, Township 16, Range 19 East. Contains 2.8 acres more or less. Located at 701 W. Wilson.

ALSO:

A tract beginning 875.5 feet North & 820 feet East of the Southwest Corner, thence East 170 feet, thence North 100 feet, thence East 133 feet, thence North 75 feet, thence East 17 feet, thence North 100 feet, thence West 456 feet, to point of beginning, Section 35, Township 16, Range 19 East. Containing 2.1 acres more or less. Located at 430 S. Beech.

ALSO:

A tract beginning in the Northeast Corner of the Southeast Quarter, thence South 202 feet, thence West 860.4 feet, thence North 202 feet, thence East 860.4 feet, to point of beginning, less right-of-way, Section 14,

Township 17, Range 19 East. Contains 3.6 acres more or less. Located at 2598 US-59 Hwy.

ALSO:

Commencing at the Northeast corner of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 13, Township 17 South, Range 19 East of the 6th P.M., thence South 430 feet, thence West 505 feet, thence North 430 feet, thence East 505 feet to the place of beginning, in Franklin County, Kansas, EXCEPT an undivided $\frac{1}{2}$ of the minerals. Containing 4.74 acres more or less. Located at 2542 Montana Road.

ALSO:

The North Half of the Southeast Quarter of Section 13, all in Township 17, Range 19, Franklin County, Kansas, less and except right-of-way. Containing 70.93 acres more or less. Located at 2580 Montana Road.

ALSO:

The South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 13, and Commencing at the Southeast corner of the Northwest $\frac{1}{4}$ of Section 13, thence West 24 rods, thence North 6- $\frac{2}{3}$ rods, thence East 24 rods, thence South to the place of beginning, all in Township 17 South, Range 19 East, and containing in all 81 acres, according to the Government survey, Franklin County, Kansas. Located at 2620 Montana Road.

ALSO:

The North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 13, Township 17, Range 19, Franklin County, Kansas, EXCEPT that part taken for Highway I-35, and EXCEPT Commencing at a point 953.53 feet South of the Northeast corner of the Northeast $\frac{1}{4}$ of Section 13, Township 17, Range 19 thence West 282.5 feet, thence North 89 degrees, 59 minutes West 849.04 feet, thence South 0 degrees 07 minutes West 367.43 feet to the South line of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 13, thence South 89 degrees 51 minutes East 1132.26 feet to the Southeast corner of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 13, thence North 370.31 feet to the place of beginning, Franklin County, Kansas. Containing 64.24 acres more or less. Located at 2690 Montana Road.

ALSO:

All South and East of Highway I-35 in the Southeast Quarter of Section 12, Township 17 South, Range 19 East, EXCEPT that tract of land deeded to the Secretary of Transportation in Deed Book 259, Page 109. Containing 13.5 acres more or less. Located at 2710 Montana Road.

ALSO:

The South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 13, Township 17, Range 19, Franklin County, Kansas, containing 80 acres more or less, except the following described tract, to-wit: Commencing at the Northeast corner of above described real estate thence South 430 feet, thence West 505 feet, thence North 430 feet, thence East 505 feet to the place of beginning. Containing 73.47 acres more or less. Located at 2655 Kingman Road.

ALSO:

A tract beginning 953.5 feet South of the Northeast corner of the Northeast $\frac{1}{4}$, thence West 282.5 feet, thence Westerly 849 feet, thence South 367.4 feet, thence East 1132.2 feet, thence North 370.3 feet to point of beginning, less right-of-way. Containing 9.3 acres more or less. Located at 2660 Montana Road.

ALSO:

The West 330 feet of the North Half of the North Half of the Southwest Quarter of Section 13, Township 17, Range 19. Contains 330 feet more or less. Located at 2597 US-59 Hwy.

Section 2: That this Resolution shall take effect and be in force from and after its passage by the Governing Body of the City of Ottawa, Kansas.

Section 3: Resolution No. 1685-15 is hereby rescinded.

Section 4: A certified copy of this resolution needs to be filed with the County Clerk, Register of Deed, and The State Transportation Engineer.

PASSED BY THE GOVERNING BODY OF THE CITY OF OTTAWA, KANSAS, this _____ day of _____, 2016.

Attest:

Mayor

City Clerk

December 6, 2016

Franklin County Planning Commission
c/o Larry Walrod, Planning Director
Franklin County Annex
1428 S. Main, Suite 5
Ottawa, KS 66067

Dear Planning Commission:

Thank you for the opportunity to provide a response to the rezoning and special use applications submitted by Bettis Asphalt Construction, Inc. at the southwest corner of the intersection of E. 15th Street and I-35. As I understand it, the proposal is twofold: a rezone from C-2 (Highway Commercial) and I-1 (Light Industrial) to I-2 (Heavy Industrial), and a Special Use Permit (SUP) for operation of an asphalt plant which would require outdoor storage of material, and equipment.

The site, and this area in general, is one that the City of Ottawa has long considered in its planning area. Until recently, this area was in the Urban Growth Area and regulated by the City of Ottawa Zoning and Comprehensive Plan. The City's zoning of these two tracts was Commercial, C-3 (General Commercial District) to be exact, with agricultural zoning on all the surrounding tracts except the Paul tract which we also showed as commercial. Ottawa's future land use map identified commercial growth at this quadrant of the intersection as well, with residential on the Paul tract and mixed use to the north. Additionally, the City has in its comprehensive plan Gateway designations, including 15th Street and I-35, and it was an important item when the comprehensive plan was created. The Gateway language goals were to "ensure proper zoning and land planning to create a positive first impression of the community". Thus, the rezoning application is not in keeping with the City's previous zoning designations, future land use map, or the comprehensive plan. The City is therefore strongly opposed to this rezoning to Heavy Industrial.

The City Commission discussed this issue at its study session on Monday, December 5. In addition to how this application does not fit with City planning documents, other concerns were also raised. These concerns include potential uses that are within the county zoning classifications of I-1 and I-2 and infrastructure, particularly utility infrastructure. The City believes there are other sites that are more appropriate than this one within the city or the county where industrial zoning or uses are allowed. The property ownership could change in the future with a clear claim to continued industrial uses, which may or may not require special use permits, and it would be difficult for the county to reverse such a rezoning decision. As an example, in the I-1 zoning, the uses of dry cleaning/laundry plant could pose some concern, but greater are the SUP uses of: Oilfield supply sales, service stores and storage yards, electric power plant; food processing plants. In the I-2 zoning, the following uses present even more of a concern: Blacksmith/welding; Building material storage; food processing and packaging plant; poultry storage and slaughtering, sawmills and storage yards; wood product manufacturing; and even more concern about the following SUP's: auto and aircraft wrecking, junk, salvage, and scrap processing yards; manufacturing or storage of bulk oil, gas and explosives; manufacturing, canning and processing of animal food; petroleum refining and fuel storage; sanitary landfill and waste disposal processing plant; stockyard and slaughter houses; other noxious or other offensive uses. Without adequate water or sewer, some of these uses could not exist, but the city is not prepared to extend such infrastructure at the city's cost, and certainly wouldn't want a buyer to acquire ground zoned Industrial with an assumption about the needed infrastructure.

The City would likely favor a decision that allows the zoning to remain commercial, with an amendment to the county zoning regulations for a SUP for the asphalt plant. However, the SUP conditions would need to be restrictive enough that the storage of materials did not create an eyesore or the appearance of a salvage lot, and that the SUP be limited to a one or two year period with review, which could then be extended for longer periods. If the County believes that the only way to approve the SUP is to rezone the property to Light Industrial, please understand that the City Commission may still indicate opposition.

So, while the City is in opposition to these applications as presented, our primary request at this time is to delay the action for at least one month to see if the County Comprehensive Plan could be amended to support commercial at this intersection, and while reviewing, similar uses as the city has identified at all the Gateways and that the SUP in the zoning be created.

On behalf of the City Commission, I look forward to being able to present these concerns or answer questions about the City's position at the upcoming hearing. Thank you for your time and attention to the City's concerns.

Sincerely,

Sara Caylor
Mayor

Cc: City Manager