

**CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas**

City Hall – February 13, 2008

The City Planning Commission met at 7:00 p.m. on this date with the following members present and participating: Members Colbern, Hatfield, Jackson, York, Wasko, and Chairperson Warren. Absent was Member Jones.

Chairperson Warren asked the Planning Commission Members to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.

Member Hatfield stated he had a conflict of interest with the agenda items dealing with Ottawa Trails PUD and would recuse himself during that item.

Public Comments:

Damon Wallis, 2680 Reno Road, asked why the landowners who would be affected by the urban growth area were not notified of meetings, why the boundary extends so far out. Mr. Wallis stated he would like to be notified of any meetings concerning items in the urban growth area and annexation.

Wynndee Lee indicated the adoption of the urban growth area was done after three to four years of discussion and the map was published in the paper. The Ottawa Herald took it upon themselves to demonstrate who would be affected by this and there is no requirement that notification be sent to everyone in the district. The city and county held several public meetings and there was a great deal of publicity on the project. Mrs. Lee indicated the state allows the city to go out three miles beyond the city limits, however the planning commission and county had requested the city to extend further north due to the growth of US 59 corridor with the new highway being constructed. Mrs. Lee stated this agreement has nothing to do with annexation.

Consent Agenda:

Member Jackson made a motion to approve the minutes as amended, for January 2, 2008 study session meeting and the January 9, 2008 meeting. All present voted yes. (6-0)

Public Hearing Items:

Held a public hearing to consider a PUD for Ottawa Trails, 911 W. 23rd St.

Member Hatfield recused himself from the board.

Chairperson Warren opened the public hearing.

Tom Yahl reviewed the findings with the planning commission and stated staff is recommending approval.

The findings are as follows:

Summary: The subject property consists of tract approximately 20 acres in size, located on the north side of Twenty-third Street, just west of Vintage Park, in the City of Ottawa. The property is vacant. The underlying zoning of the property is MU/CR, Mixed Use / Commercial Residential, along the street but transitions to R-1, Low Density Residential District, approximately 400 feet north of the right-of-way.

The proposal calls for the property to be subdivided into seven building lots. The plan calls for the development of three buildings, two future buildings on out-lots, and two tracts to open for future development. The uses conform to the MU/CR zoning although the size of the proposed buildings exceed the development standards of the C-1 district regulations. The proposed uses do not conform to the R-1 district. However, the intent of a planned unit development is to encourage innovation in development through greater variety in use, type, design and layout of buildings.

It is the recommendation of staff that the Ottawa Trails PUD be **approved**, pending resolution of any issues relevant to the development plan and approval of provisions for maintenance of common drainage areas

Specific Standards and Conditions (Sec. 18-3, abbreviated)

1. Ability to carry out the proposed plan and shall prepare and submit a schedule of construction – **Information related to the developers ability to complete project is attached. The construction schedule is forthcoming.**
2. The site shall be accessible from public roads that are adequate to carry the traffic that will be generated by the proposed development – **The site is located on an arterial street and a Traffic Impact Study has been reviewed. A new street is proposed that will provide traffic flow into the interior of the site.**
3. The development shall not impose an undue burden on public services and facilities – **Utility Department has indicated water and sewer capacity are adequate for the use. Other public services are not impacted.**
4. The application for a planned unit development shall be signed by all owners of the land at the time of application – **Done.**
5. The location and arrangement of structures, parking areas, walks, lighting, and facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking, loading areas, or access ways shall be landscaped or otherwise improved – **Staff views plan as satisfactory. Please see preliminary development plan.**
6. Screening is required when a commercial or industrial planned unit development or a commercial or industrial use within a mixed-use development abuts a residential district – **The development plan will be revised to illustrate the required screening from property to the north.**
7. Setbacks shall be as required in the base zone in which the planned unit development is located unless otherwise specifically approved by the Planning Commission and Governing Body - **Satisfactory, see preliminary development plan.**
8. The planned unit development shall include such provisions for the ownership and maintenance of the common open spaces and private streets – **Covenants, conditions and restrictions will be reviewed by the City Attorney.**
9. No individual residential use shall have vehicular access onto an arterial or collector street – **The uses proposed by the PUD are all commercial.**
10. Sidewalks shall be provided for on all private streets in accordance with the size, construction and location or sidewalks on public streets – **This issue is not addressed on preliminary development plan. Developer has agreed to participate in costs when 23rd Street is improved or sidewalk improvements in the area are proposed, which should be a condition of approval.**

Findings

When a proposed amendment would result in a change of the zoning classification of any specific properties, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines:

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;

It is the intent of the Planned Unit Development Overlay District to encourage innovation in residential, commercial and industrial development by greater variety in type, design and layout of buildings, to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of the land; and to provide a procedure which relates the type, design and layout of development to the particular site and the

particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

Staff Finding:

The underlying zoning of the property does not support the development pattern that has been proposed. The concept plan for the project was endorsed by the Planning Commission. The size of the buildings proposed exceeds that allowed in the C-1 district. In addition, there is a small area of the property that is zoned R-1. The plan proposed does conform to the intent of the PUD classification, which provides for flexibility in land development.

2. The character and condition of the surrounding neighborhood and its effect on the proposed change;

The area surrounding the subject property is mostly undeveloped. The tract to the east is developed with the Vintage Park assisted living facility. North, west and south are all undeveloped. However, the tract south is planned to develop as the Southgate commercial and industrial complex, and lands to the north have been planned to develop with residential developments. In addition, the proposed community center is anticipated for the lands to the east, and may include one of the lots proposed by the development plan under review.

Staff Finding:

The surrounding area will have no impact on the propose change as much of it is planned or zoned for commercial uses.

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;

The have not been any change in conditions that make the amendment necessary, other than continued economic growth of the community. Therefore, this factor is not applicable.

Staff Finding:

The application of a PUD overlay allows for the creative development of lands in the 23rd Street corridor, which has been planned as a mixed use area.

4. Whether every use that would be permitted on the properties as reclassified would be compatible with the uses permitted on other properties in the immediate vicinity;

The PUD regulations allow a mixing of uses on any site. In this case, the applicant proposes only commercial uses. As noted previously, the surrounding area consists primarily of undeveloped property, except for the facility to the east.

Staff Finding:

The uses proposed by the development plan will be compatible with the surrounding area.

5. The suitability of the applicant's properties for the uses to which it has been restricted;

With the underlying zoning, the property is restricted to commercial uses of limited scale, residential and other associated uses.

Staff Finding:

As Twenty-third Street is an arterial street and considering the nature of uses planned for the south side of the street, the frontage is most suited for commercial uses. The interior of the property is suitable for either commercial or residential use, although commercial uses should be limited in scale in order to protect residential uses that are likely to develop on property to the north. The use of offices as indicated is appropriate.

6. The length of time the subject properties has remained vacant or undeveloped as zoned;

The property has never been developed and has been zoned for mixed use since the current zoning was adopted in 2005.

Staff Finding:

This factor is not applicable, as the underlying zoning will not change. The proposal applies the PUD overlay to the property, which allows development of larger buildings and commercial uses on the portion zoned for residential use. The development plan does lend itself to the mix initially identified for the area.

7. **Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the properties if it were reclassified;**
Utility services are available to the site as are other municipal public services.

Staff Finding:

The utilities and streets surrounding the site are adequate for the proposed use of the property. The development plan calls for extension of water, sewer, electric and street into the interior of the property.

8. **Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;**

The Future Land Use portion of the comprehensive plan designates the subject property as commercial, which "includes activities such as retail sales and services, restaurants, office uses, general business services and small scale convenience stores." The northeast corner of the property is shown as commercial/residential. This category is primarily for residential housing of mixed densities, with limited non-residential uses of neighborhood scale developed through compatible site planning. Commercial uses shall be limited to compact, pedestrian oriented, shopping, services, office, and limited entertainment uses.

Staff Finding:

As the PUD proposed consists of commercial uses, the zoning amendment is consistent with the Comprehensive Plan. In addition, a review of the documents submitted for review of the Planned Unit Development appears to meet all of the required zoning regulations.

9. **Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the properties by such reclassification; and,**

Staff Finding:

In this case, there is gain to the public interest by applying the overlay. Denying the request would likely cause the developer to request a change to the General Commercial District, which would be supported by the comprehensive plan, but would allow a greater variety and intensity of development on the site.

10. **Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application**

11. **The recommendations of professional staff;**

It is the recommendation of the staff that Planned Unit Development overlay be **approved**.

Chairperson Warren asked if the applicant had a presentation.

Steve Mead, Trans Systems, discussed aspects of the project including the street alignment with the proposed entrance to the south. Mr. Mead stated the first building would be built immediately and the other two buildings will be done at a later date.

Chairperson Warren asked for public comments.

Karen Houston stated she was concerned about the storm water runoff in that area. Wynndee Lee indicated that a storm water study had been conducted and those issues were addressed.

Wynndee Lee indicated staff had just received a copy of the construction schedule which may require some changes related to city policy.

Chairperson Warren closed the public hearing.

Chairperson Warren asked for planning commission discussion, there was none.

Member York made a motion to approve the staff findings as there own, seconded by Member Jackson. The motion was considered and Member York, yes; Member Colbern, yes; Member Jackson, yes; Member Wasko, yes; Chairperson Warren, yes. Motion passed by a 5-0 vote.

Chairperson Warren asked for a motion to recommend approval or denial of the PUD.

Tom Yahl stated that staff would like to add the condition that screening be provided along the north property line to comply with PUD requirements.

Member Jackson made a motion to recommend to the City Commission to approve the proposed PUD for Ottawa Trails at 911 W. 23rd Street with the following condition: 1. Screening be provided along the north property line, seconded by Member Wasko. The motion was considered and Member York, yes; Member Colbern, yes; Member Jackson, yes; Member Wasko, yes; Chairperson Warren, yes. Motion passed by a 5-0 vote.

Member Hatfield rejoined the commission.

Held a public hearing to consider rezoning an area at 1502 E. Logan from Franklin County R3-A Single Family Residential 3-acre Zoning District to the City's MU/CR Mixed Use Commercial/Residential zoning District.

Chairperson Warren opened the public hearing.

Tom Yahl reviewed the findings with the planning commission and stated staff is recommending approval.

The findings are as follows:

Summary: The subject property, owned by Brad and sandy Howard, is located near the intersection of Logan Street and Davis Avenue. The tract is approximately 1.5 acres in size. The property is developed with a residential structure that is currently occupied by the property owner. The City annexed the property in 2006.

It is the recommendation of staff that the rezoning request be approved.

Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;

The intent of the Mixed Use Districts is to accommodate compatible mixed-use development. The intent of the Mixed Use/Residential-Commercial (MU/RC) District is to encourage compatible mixed use residential and commercial uses of low to moderate intensity, complementing neighborhood residential areas with high quality development and urban design standards.

Staff Finding:

The proposed zoning amendment meets with each of these intentions, and does not contradict any of the stated purposes of the regulations.

2. The character and condition of the surrounding neighborhood and its effect on the proposed change;

The area surrounding the subject property is mostly undeveloped land. The land to the east and south is undeveloped, but is part of the planned Estates at Tallgrass development. The tract to the west is also undeveloped, as is the property to the north, across Logan Street. The Ottawa Country Club is also across Logan Street, to the northwest.

Staff Finding:

As the surrounding area is mostly undeveloped, it is not likely to have any impact on the proposed change. In addition, the country club is separated from the subject property by a major street, so is not likely to impact the change.

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;

The City annexed the subject properties in 2006. In addition, an update to the future land use map portion of the Comprehensive Plan was recently approved for this area. Although development is occurring on property in the vicinity, there are currently no plans to redevelop the subject property.

Staff Finding:

Again, the amendment is merely a legislative act to implement the policy established through the update of the future land use map.

4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;

The properties to the north and east are zoned C -3, General Commercial District. The land to the south is zoned C-1, Office and Service Business District. The tract to the west, which remains outside the City limits, is zoned RE, Residential Estate District (County). The country club is zoned R-2, Medium Density Residential District.

Staff Finding:

The proposed change in classification will have no effect on the existing land uses in the surrounding area. The proposed zoning change will be consistent with the existing uses and zoning of property in the immediate vicinity; north, east and west of the subject property. Although there are agricultural activities on surrounding parcels, there will be limited effect from the change.

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

The MU/CR zoning district allows uses that are permitted by right or conditional use in the R-2, Medium Density Residential, R-3, High Density Residential, C-1, Office and Service Business, and C-2, Restricted Commercial, districts. Generally, uses that are permitted are residential development at all densities and neighborhood scale commercial uses.

Staff Finding:

Generally, the uses permitted by the proposed zoning are compatible with the surrounding area.

6. The suitability of the applicants property for the uses to which it has been restricted;

The subject property has been restricted to residential use under it's existing zoning.

Staff Finding:

At the current time, the property is suitable for either residential or commercial development, although it is anticipated to be an area that will be subject to development as the city continues to expand. The uses permitted by the residential classification may not be the highest and best use of the property due to it's location near the intersection of two arterial streets. The property is suited for neighborhood scale commercial development, while large scale commercial development would be suitable if the subject property were combined with adjacent tracts.

7. The length of time the subject property has remained vacant or undeveloped as zoned;

The property has been developed with the existing structure since 1960.

Staff Finding:

This factor is not applicable.

8. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

Currently, there is a sewer force main and water line along the south side of Logan Street. In addition, plans are under way to expand the water distribution system in the surrounding area. KCPL electric service is provided to the surrounding area. Logan Street is a fully developed arterial street, although improvements are planned as the surrounding area begins to develop. The subject property is also likely to be accessed from future streets that will be constructed as part of the Tallgrass development. The property is also served by all City public services. Redevelopment of the subject property may require investment in public infrastructure, but how much depends on the type of development proposed. Water and sewer lines are being extended into the general vicinity as part of planned developments nearby. Further extension of water and sewer could be requested and development accommodated if necessary. Street improvements may need to be constructed as well, as a change in use is likely to initiate removal of the existing driveway.

Staff Finding:

Although utility availability at this location is currently limited, improvements associated with neighboring development will increase capacity, making the level of development permitted by the reclassification more viable. However, a dramatic change in use will require improvements to the surrounding street system.

9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;

There are a number of properties within the City that are zoned MU/CR. The area north of Logan Street and east of Bennett Road was recently rezoned to the classification. Other areas include the north side of West Twenty-third Street, Washburn Towers and properties at Seventh and Main, and the area around Logan and North Main Street. In addition, the east side of the 1000 block of North Main Street was recommended to be rezoned to the classification. Only the area along west Twenty-third Street is undeveloped, although part is being considered for an office development. There are also a number of properties that vacant and zoned R-2, but there are none that are zoned R-3, C-1, or C-2 and are vacant.

Staff Finding:

Although there is a great deal of land that is zoned MU/CR, little of it is vacant. There are a number of properties that are zoned R-2 and are available for development. However, the proposed action is intended to apply the City's zoning regulations to an area that was recently annexed.

10. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;

The future land use portion of the Comprehensive Plan identifies the property as commercial, which is intended to accommodate a variety of commercial uses. This category includes activities such as retail sales and services, restaurants, office uses, general business services and small-scale convenience stores at key intersections only. Planned commercial developments should be considered where areas to be developed are near a residential area or other natural/sensitive use. The scale and character of Commercial development should be compatible with the surrounding uses. Detailed architectural, urban design, and landscape plans will be required to ensure neighborhood character is maintained. Access control, additional landscaping, buffering, and monument signage is required when appropriate. Public uses and services allowed in these districts should promote the retail capacity of the area.

Staff Finding:

The proposed zoning change is consistent with the Future Land Use map.

11. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and, The elements of this item are addressed below in the staff finding.

Staff Finding:

As this is a City initiated request, there will be no hardship imposed by refusing the change. In addition, there will not be any great gain to public interest by allowing the change. Staff has met with the property owner, and it was mutually agreed upon that the MU/CR district is a balance between protecting their interests in property as a location for their residence versus the opportunity to develop it for commercial purposes, if the opportunity were to present itself. In addition, the intent of the change is not to increase the value of the property but to allow for consistency in implementation of the City's planning process.

12. **Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application**

13. **The recommendations of professional staff;**

It is the recommendation of staff to **approve** the requested rezoning from County zoning R-3A to MU/CR, Mixed Use Commercial Residential District, based on the following conclusions:

- The change would be consistent with the intent and purpose of the zoning regulations.
- The character of the surrounding neighborhood will have no effect on the proposed change.
- Uses permitted as reclassified are compatible with uses permitted on property in the vicinity.
- Public services and utilities can be extended to serve uses permitted by the reclassification.
- The proposed zoning change is consistent with the Future Land Use map.
- The relative gain to the convenience of the public outweighs any hardship imposed by rejecting the request.

Member York asked if this property was included in the TIF District. Wynndee Lee indicated yes.

Chairperson Warren asked for public comments, there were none.

Chairperson Warren closed the public hearing.

Chairperson Warren asked for planning commission discussion, there was none.

Member York made a motion to approve the staff findings as there own, seconded by Member Colbern. The motion was considered and Member York, yes; Member Colbern, yes; Member Jackson, yes; Member Hatfield, yes; Member Wasko, yes; Chairperson Warren, yes. Motion passed by a 6-0 vote.

Member Wasko made a motion to recommend to the City Commission to approve the proposed rezone request for an area at 1502 E. Logan, from Franklin County R3-A Single Family Residential 3-acre Zoning District to MU/CR Mixed Use Commercial/Residential Zoning District, seconded by Member Colbern. The motion was considered and Member York, yes; Member Colbern, yes; Member Jackson, yes; Member Hatfield, yes; Member Wasko, yes; Chairperson Waren. Motion passed by a 6-0 vote.

Other Items:

Amendment to the original Tallgrass Project Plan.

Wynndee Lee indicated part of the role of the commission is to review any TIF plan to determine if it consistent with the comprehensive plan. She conveyed this project was brought to the planning commission before and approved. However the applicant has asked to revise their plan so that it will include only the Coves project.

Member Jackson made a motion to approve the proposed amended Tallgrass Project Plan, seconded by Member Colbern. Member York, yes; Member Colbern, yes; Member Jackson, yes; Member Hatfield, yes; Member Wasko, yes; Chairperson Warren, yes. Motion passed by a 6-0 vote.

Frontage requirements:

Discussion was held on whether the commission would allow a new lot without frontage along a public street, PUD requirements, and easements. It was the consensus of the Planning Commission they are not in supportive of changing the regulations to allow this.

Lot size requirements:

Discussion was held on whether the commission would like to change the lot sizes required in the Countryside and Agricultural Districts or whether another zoning district needed to be developed to help accommodate those who are looking to sell off the homestead from the agricultural acreage. The commission asked staff to check with other jurisdictions such as Douglas, Miami, Johnson, Sedgwick and Butler to see if they have any type of regulations dealing with this.

Sign regulations:

Wynndee Lee stated staff thought when the sign regulations were adopted there were variances to allow flexibility for pole signs next to interstate, such as height. Staff will be calling a public hearing for the next meeting on this item.

US Highway 59 Corridor Study:

Wynndee Lee indicated the city commission did not pass the corridor study and they wanted more flexibility in without changing it too much. Mrs. Lee indicated recently changes were proposed on page 2, 3 and 13 and are illustrated in bold.

Bob Bezek indicated the commission wanted to add language that will ensure the city has the right to amend the document and the intent is that the plan is a dynamic plan. Mr. Bezek stated by adopting the plan means the city is involved in the development of the area and taking a role on where the public infrastructure and where the roads are going to be located. Mr. Bezek shared the city commission wanted to make sure that it was the intent of the planning commission that this plan deals with all the properties in the affected area are not just the ones fronting on 59 Highway. Mr. Bezek asked the planning commission to review the changes and contact him with any concerns.

Ted Fogle, 1520 S. Maple, questioned why Granger was able to get access off of 59 Highway. Wynndee Lee indicated it was not a planning commission role or responsibility at the time. Other discussion followed.

Announcements:

Chairperson Warren stated the next Planning Commission study session is Wednesday, February 27, 2008 at Noon, and the next regularly scheduled Planning Commission meeting is Wednesday, March 12, 2008 at 7 p.m.

Adjournment:

Chairperson Warren adjourned the meeting.

(A recorded tape will remain on file for a period of six months)

Respectfully submitted,

Wynndee S. Lee, Director of Planning & Codes Administration