

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – April 9, 2008

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

Vice-Chairperson Jones 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 York stated he had a conversation with Kent Granger, in regard to the amendment to the sign regulations but that he could be impartial, and Mr. Granger was not a client of his.

Consent Agenda:

Member York made a motion to approve the February 27, 2008 study session meeting minutes as amended and the March 12, 2008 meeting minutes, seconded by Member Hatfield. All present voted yes. (5-0)

Public Comments: There were none.

Site Plan:

Albright Addition, 524 N. Cedar.

Tom Yahl reviewed the site plan drawing with the planning commission. Mr. Yahl noted staff had received a response letter from Cara Hendricks, of Taylor Design Group, on comments made at the study session, a memo from Member Hatfield and a response from staff on Member Hatfield's memo.

Mr. Yahl stated staff is recommending approval of the site plan.

Member Hatfield read a memo dated April 9, 2008, and provided copies to all members. A summary of Member Hatfield's memo is: Member Hatfield presented his site analysis about the Albright Addition pointing out the density of development has produced a typical site function to spill beyond the property limits of the project with angular tenant parking on a public street. He also indicated there are 14 other areas of concerns and they are: 1. No reasonable level play areas, tot lot or yard for children's play; 2. No provisions for appreciable people spaces in this complex; 3. Multi swales traversing the property; 4. No application of erosion control; 5. No barriers for safety of the detention basin, existing drainage channel, etc.; 6. Uncomfortable longitudinal slopes of walks; 7. Exterior stairs; 8. Using landscape timbers for earth detainment is not an advisable solution for retaining walls; 9. No appreciable landscaping other than I assume grass and 5 trees; 10. Foundation landscaping, none; 11. No buffer zones between the R-1 neighbors on the north; 12. Raising the floor elevations 3 more feet to curb level would eliminate the cost of 2 walkway stairs, the uncomfortable longitudinal slopes of walks and the need for access ramps; 13. Where are the trash collection points (Kiosk), on the street; 14. How does a disable person obtain access to this complex, a. no wheelchair ramps.

Staff received a letter from Cara Hendricks dated March 31, 2008, responding to comments from the Planning Commission's study session.

Wynndee Lee presented a memo from staff responding to Member Hatfield's memo.

Member York stated, in response to Member Hatfield, that he believed the developer did respond to comments made at the study session. Member York stated he has concerns about the parking, although the developer did add another parking stall and erosion control. Member York stated he felt the site plan met all the guidelines with one exception for parking. Member York stated he agrees with staff this would be an improvement over what is on the property today.

Member Jackson stated he was concerned about granting the exception for the parking. His concern was where do you draw the line for the next developer.

Wynndee Lee stated staff would like to see the site plan approved but with the following conditions added. 1. A development agreement be completed dealing with the maintenance of the right-of-way where the parking is going to be; 2. Addition of one parking stall; 3. Erosion control during the construction of the development.

Vice-Chairperson Jones asked where the trash was going to be located at. Wynndee Lee indicated that they were going to have portable trash containers that would be up next to the buildings and then moved to the curb when the trash was to be picked up.

Bob Bezek stated if the commission was concerned about the open drainage area being hazard they could condition the site plan that the developer fence the area. Wynndee Lee indicated she would not recommend that, but would suggest the commission encourage the developer the fence the area.

Member Hatfield stated he feels this development will be a problem for the City.

Member York made a motion to approve the site plan with the following conditions: 1. A development agreement be completed dealing with the maintenance of the right-of-way where the parking is going to be; 2. Addition of one parking stall; 3. Erosion control during the construction of the development, seconded by Member Wasko. The motion was considered and Member York, yes; Member Jackson, no; Member Hatfield, no; Member Wasko, yes; Vice-Chairperson Jones, yes. Motion passed by a 3-2 vote.

Public Hearing Items:

Held a public hearing on the proposed Final Plat for Albright Addition, 524 N. Cedar.

Vice-Chairperson Jones opened the public hearing.

Tom Yahl reviewed the plat with the planning commission and stated the main purpose of the plat was to provide the required easements for the proposed development. Mr. Yahl stated staff is recommending approval of the final plat.

Vice-Chairperson Jones asked for comments from the applicant.

Cara Hendricks, Taylor Design Group, stated the plat meets all the guidelines and regulations of the City.

Vice-Chairperson Jones asked for public comments, there were none.

Vice-Chairperson Jones closed the public hearing.

Member York made a motion to approve the final plat for Albright Addition, seconded by Member Wasko. The motion was considered and Member York, yes; Member Jackson, no; Member Hatfield, yes; Member Wasko, yes; Vice-Chairperson Jones, yes. Motion passed by a 4-1 vote.

Held a public hearing on the proposed Final Plat for Kansas State Bank, 2045 Princeton Rd.

Vice-Chairperson Jones opened the public hearing.

Tom Yahl reviewed the plat with the planning commission and stated the main purpose of the plat was to provide the required easements for the proposed development. Mr. Yahl stated staff is recommending approval of the final plat.

Vice-Chairperson Jones asked for comments from the applicant.

Cara Hendricks, Taylor Design Group, stated the plat meets all the guidelines and regulations of the City.

Vice-Chairperson Jones asked for public comments, there were none.

Vice-Chairperson Jones closed the public hearing.

Member Wasko made a motion to approve the final plat for Kansas State Bank, seconded by Member Jackson. The motion was considered and Member York, yes; Member Jackson, yes; Member Hatfield, yes; Member Wasko, yes; Vice-Chairperson Jones, yes. Motion passed by a 5-0 vote.

Held a public hearing on the proposed conditional use for an indoor aquatic center at 913 E. Wilson in an R-1 Low Density Residential Zoning District.

Vice-Chairperson Jones opened the public hearing.

Tom Yahl reviewed the findings with the planning commission. Mr. Yahl stated staff is recommending approval of the conditional use with the following conditions: 1. Hours of operations shall be limited to 8 a.m. to 8 p.m. Monday through Thursday (with no private parties after 10 p.m.), 8 a.m. to 11 p.m. Friday and Saturday (with no private parties after 11 p.m.), and 12 p.m. to 8 p.m. Sunday (with no private parties after 8 p.m.).

The memo is as follows:

Hal Ebeck is seeking approval of a conditional use permit to continue operation of an aquatic center, the former Swim For Life facility. The subject property is located at 913 E. Wilson Street. The property is zoned R-1, Low Density Residential District.

A special use permit for the subject property was granted in 2003, and the facility was constructed in 2004. The Planning Commission reviewed the special use permit again in 2005. The previous owner of the facility ceased operation in 2006. The City's previous zoning regulations allowed such an operation by special use permit in residential zoning districts, but the current regulations do not allow for conditional use. As the facility was developed for a specific use, the facility should be considered a legal nonconforming use, for which a conditional use should again be required.

It is the recommendation of staff that the conditional use permit be approved, with conditions related to hours of operation.

Findings

The Planning Commission may recommend approval of a conditional use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such conditional use, using the following factors as guidelines:

1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations;

The intent of the R-1 District is to provide primarily for one-family dwellings with accommodation for two- and three-family dwellings and related residential uses such as churches and certain public uses which tend to be located at the edge of higher density, and more centrally located residential areas. The district is intended to accommodate a low population density for specified types of dwelling units on large to medium sized lots with emphasis on adequate open space around buildings.

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;

The area surrounding the subject property is primarily single family residential. Across Wilson Street to the south is the Country Club Heights neighborhood. To the north is the new Lincoln Elementary School, an area of single family homes developed less densely than the neighborhood to the south. The use is compatible with the surrounding area.

3. Whether the proposed use places an undue burden on the existing transportation, utility and service facilities in the area affected and, if so, whether such additional facilities can be provided;

The use does not place an undue burden on public services. The site is located on an arterial street. The water system in the area has sufficient capacity to serve the facility. While the nearest emergency station is the Ottawa Fire department station on Second Street, the site is within a reasonable response time.

4. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected;

As found in previous reviews of the proposed use, the only impact the facility makes on surrounding area is noise. The proposed conditions are intended to limit the potential for adverse impacts.

5. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;

There has been no change with the subject property or the surrounding area, other than a change in ownership of the property.

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

The subject property was developed with the existing building in 2004.

7. Whether the applicants property is suitable for the proposed conditional use;

The subject property is 147 feet wide and 175 feet deep. It is developed with a 36 foot by 120 foot structure that contains the swimming pool, deck and office area. There is a parking lot capable of holding 25 vehicles. As the site was developed specifically for the proposed use, it is suitable.

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

The Future Land Use Map designates the site for residential use.

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

A special use permit was approved for the use in 2003. The use was reviewed in 2004, and again in 2005, in both cases the use was approved with conditions, which were met by the applicant.

10. The recommendations of professional staff;

Staff recommends that the conditional use permit for 913 E. Wilson Street be **approved** with the following condition:

- Hours of operation shall be limited to 8 a.m. to 8 p.m. Monday through Thursday (with no private parties after 10 p.m.), 8 a.m. to 11 p.m. Friday and Saturday (with no private parties after 11 p.m.), and 12 p.m. to 8 p.m. Sunday (with no private parties after 8 p.m.).



913 E. Wilson Street

Vice-Chairperson asked for comments from the applicant.

Joe Ebeck, stated his father bought the building. Mr. Ebeck stated his mother used to take aerobics there until it closed. Mr. Ebeck stated they are wanting to provide those services such as the aerobics and swim lessons to the community. Mr. Ebeck stated they were okay with the hours of operations.

Vice-Chairperson Jones asked for public comments, there were none.

Vice-Chairperson Jones closed the public hearing.

Vice-Chairperson Jones asked for comments from the planning commission.

Member York asked if conditional use needed to be reevaluated in a year as was done with the previous owner. Wynndee Lee indicated no, as the issues with the first conditional use had been taken care. Mrs. Lee indicated the planning commission can call a public hearing at any time should there be any problems develop that needed to be addressed.

Member York made a motion to accept the findings as their own, seconded by Member Jackson. The motion was considered and Member York, yes; Member Jackson, yes; Member Hatfield, yes; Member Wasko, yes; Vice-Chairperson Jones, yes. Motion passed by a 5-0 vote.

Member Jackson made a motion to recommend to the City Commission to approve the proposed conditional use for an indoor aquatic center at 913 E. Wilson in an R-1 Low Density Residential Zoning District with the following conditions: Hours of operation shall be limited to 8 a.m. to 8 p.m. Monday through Thursday (with no private parties after 10 p.m.), 8 a.m. to 11 p.m. Friday and Saturday (with no private parties after 11 p.m.), and 12 p.m. to 8 p.m. Sunday (with no private parties after 8 p.m.), seconded by Member Wasko. The motion was considered and Member York, yes; Member Jackson, yes; Member Hatfield, yes; Member Wasko, yes, Vice-Chairperson Jones, yes. Motion passed by a 5-0 vote.

Continued the public hearing on the proposed amendments to Article 27, Sign Regulations.

Vice-Chairperson Jones re-opened the public hearing.

Tom Yahl stated staff had handed out a letter received from Kent Granger, dated April 7, 2008, and a memo from Phil Hammond, which he entered into the record.

Wynndee Lee noted that staff had provided another change to the sign regulations that Phil Hammond had prepared and staff had just received today. Mrs. Lee reviewed the pages on which the changes were made.

Vice-Chairperson Jones asked if there were any public comments.

Phil Hammond, The Land Source, stated Bill Gleason with Love's Travel Center was also in attendance. Mr. Hammond stated the city's sign regulations didn't make the grade for what they need. Mr. Hammond stated they did a sign study to determine the height of the sign needed for their business. Mr. Hammond stated this business relies on the interstate traffic to be successful. Mr. Hammond reviewed the changes he made to the sign regulations with the planning commission.

Bill Gleason, Love's Travel Center, reviewed how the sign study was done and stated the study determined they needed a sign 114 feet in height in this area to be seen from the interstate when coming from the north. Mr. Gleason handed out pictures of what the proposed sign would look like and pictures of current Love's sign showing the difference in sign size.

Vice-Chairperson Jones asked if the commissioners had any questions.

Member York asked if they had heard of the United States Sign Council Best Practice, Mr. Gleason said yes. Member York asked if they knew the difference between Kansas and Missouri diesel fuel tax, Mr. Gleason stated no. Member York asked what was their market traffic. Mr. Gleason stated cars and trucks. Member York asked if they had any studies to indicate the percentage of which type of vehicle was more prominent. Mr. Gleason, stated the average for their stores is 60% cars and 40% trucks however, they figured 70% of their traffic would be from the interstate while 30% would come off of US 59 Highway.

Bob Bezek asked if the trees were removed would that change the height and width of the sign. Mr. Gleason stated the square footage would stay the same, but it might be able to go lower.

Member York stated he realized signage is important for development.

Tom Wiegand, Chamber/OFCED, stated he was pleased to see a company of this stature wanting to come to Ottawa. Mr. Wiegand noted he is fully in support to changes in the sign regulations that are mutually satisfying to both parties.

Wynndee Lee indicated there are several ways to go with these regulations with all the information that has been presented. Mrs. Lee asked the commission to continue this hearing so they could review all the materials and make suggestions to staff on how they would like to proceed with this amendment.

Member York asked if the city could conduct their own study using the guidelines in the United States Sign Council Best Practice manual.

Member York made a motion to continue the public hearing to their May 14th meeting, seconded by Member Wasko. The motion was considered and Member York, yes; Member Jackson, yes; Member Hatfield, yes; Member Wasko, yes; Vice-Chairperson Jones, yes. Motion passed by a 5-0 vote.

Continued the public hearing on the proposed amendments to Article 8, Countryside District.

Vice-Chairperson Jones re-opened the public hearing.

Vice-Chairperson Jones asked for public comments.

Brian Mesik, wanted to thank staff for the research they have done on this and is happy to see this review of the district taken place.

Clint Stewart, Taylor Design Group, representing Brian Mesik, stated they were in support of the changes staff had made.

Wynndee Lee stated due to the hour, she would like to see the commission continue this item to their next meeting.

Member Jackson made a motion to continue the public hearing to the May 14th meeting, seconded by Member Wasko. The motion was considered and Member York, yes; Member Jackson, yes; Member Hatfield, yes; Member Wasko, yes; Vice-Chairperson Jones, yes. Motion passed by a 5-0 vote.

Held a public hearing on the proposed amendment to Article 6, Section 6-4, Final Plat, County Clerk Certificate.

Vice-Chairperson Jones opened the public hearing.

Wynndee Lee indicated this was a technical change to help expedite the filing of final plats and the county was changing their language for their plats to the same language. Mrs. Lee indicated staff is recommending approval of the amendment.

Vice-Chairperson Jones asked for public comments, there were none.

Vice-Chairperson Jones closed the public hearing.

Vice-Chairperson asked for comments from the commission, there were none.

Member Jackson made a motion to recommend to the City Commission to approve the proposed amendment to Article 6, Section 6-4, Final Plat, County Clerk Certificate, seconded by Member Wasko. The motion was considered and Member York, yes; Member Jackson, yes; Member Hatfield, yes; Member Wasko, yes; Vice-Chairperson Jones, yes. Motion passed by a 5-0 vote.

Other Items: There were none.

Announcements:

Vice-Chairperson Jones stated the next Planning Commission study session is Wednesday, April 23, 2008 at Noon, and the next regularly scheduled Planning Commission meeting is Wednesday, May 14, 2008 at 7 p.m.

Adjournment:

Vice-Chairperson Jones 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