

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – January 14, 2009

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

Chairperson York 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. There were none.

Site Plan:

Ottawa Community Church, 824 W. 17th St.

Tom Yahl, reviewed the memo and the site plan drawing with the planning commission. Mr. Yahl stated the city engineer had not approved the storm water study, but is working with their engineer to get it completed. Mr. Yahl said a submittal of the revised plan should be here next week. Mr. Yahl stated, other than the storm water issue the site plan meets the city requirements. Mr. Yahl stated staff recommends approval of the site plan with the condition that the city engineer approves the storm water plan.

Chairperson York asked if the applicant would like to make a presentation.

John Hulse, HD Engineering, stated he would answer any questions the planning commission had.

Member Jones asked if the area on the east side next to the residential would be used as a parking lot. Mr. Holtz indicated no, it would not.

Member Davidson stated the landscaping plan on the picture Mr. Hulse submitted does not agree with what is on the site plan. Wynndee Lee indicated that what is on the site plan is the minimum that will be required and if they plan to add more it would be a plus for the site.

There was some discussion on whether the trees at the driveway entrance would interfere with sight triangle. Wynndee Lee stated staff did not believe so, but would watch it to make sure.

Other discussion including noting that the parking lot will hold water for a time period, than it would be metered into the retention pond to drain out. Tom Yahl indicated the natural drainage of the site is toward 17th Street.

Chairperson York asked if there were any other questions, there were none.

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

A motion was made by Member Jones to approve the site plan as submitted with the condition that the city engineer approved the storm water drainage study, seconded by Member Jackson. The

motion was considered and Member Jones, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Chairperson York, yes. Motion passed by a 5-0 vote.

Consent Agenda:

Member Wasko made a motion to approve the November 26, 2008 study session meeting minutes and the December 10, 2008 meeting minutes, seconded by Member Wasko. All present voted yes. (5-0)

Public Comments:

There were none.

Public Hearing Items:

Held a public hearing on the proposed rezones in the Urban Growth Area from Franklin County A-2 Transitional Agriculture Zoning District to City A Agricultural Zoning District generally located at 1200 W. 7th St., and from Franklin County A-1 Agricultural Zoning District to City A Agricultural Zoning District generally located at 900 Beech, 1209 Eisenhower Ave., 1202 Eisenhower Ave., 1850 Eisenhower Ave., 1112 Eisenhower Ave., 1010 Eisenhower Ave., 2440 K-68 Hwy., 1608 Eisenhower Ave., 1918 Eisenhower Ave., 2425 Labette Rd., 2355 Labette Rd., 2775 Louisiana Rd., and 2350 Marshall Rd.

Chairperson York opened the public hearing.

Tom Yahl did an overview of the staff findings for these rezones with the planning commission. Mr. Yahl also noted for the audience that items such as nuisance, firearms, brush, trash, are municipal code items and the city will not be enforcing those laws. Mr. Yahl also stated that the taxes on these properties will not increase, nor are these properties being annexed into the city limits.

Wynndee Lee stated the current uses of the property are allowed to continue with this rezone. She also indicated that the property owners are welcome to come in and state what uses are currently being done on their property and this would be placed in the files. The rezone is being done to help the homeowners and the planning and zoning department in the future with possible future development.

Chairperson York asked staff to review the uses allowed in the county's agricultural zoning district to those allowed in the city's agricultural zoning districts. Mr. Yahl indicated for the most part the uses were the same with the exception the city zoning does not allow two residential structures on one piece of property if there is 40 or more acres as the county allows and that schools and churches would not be allowed in the A district.

Chairperson York asked if there were any public comments.

Larry Tawney, owner 1850 Eisenhower Ave., had question concerning taxes, mineral rights, and ponds for livestock. Wynndee Lee indicated that the taxes would not increase, the mineral rights would be considered a conditional use permit and ponds for livestock would be an agricultural use, so allowed.

Brian Yates, 1202 Eisenhower Ave., and 2350 Marshall Road., wanted to know if the city would require permits for agricultural buildings. Charlotte Newkirk indicated there is a form to fill out indicating what uses the building is going to be used for. A permit application for a no charge permit will be required so a record can be kept of when the buildings were built. Mr. Yates asked if by rezoning the property is this going to lead to the property being annexed. Mr. Bezek stated the rezoning of this land does not mean the city will annex your property. Mr. Bezek stated you zone a property based on the use of the land, when annexing property it is based on the city services requested.

Mary Lois Yates, owner, 1446 Eisenhower, stated she wanted the planning commissioners to understand that they were uneasy with the change and had some concerns about it.

Tom Yahl indicated that the house located on the northeast portion of this tract will be excluded from the rezoning as it currently zoned R-1 by the county not agricultural.

Bill Pfizenmaier, 2814 Louisiana Road, wanted to know who would have jurisdiction over the roads and nuisances. Wynndee Lee indicated the county would be maintaining the road and would handle any nuisance complaints.

David Branson, owner of 2425 Labette Rd, wanted to know who was in charge of enforcing certain codes, such a shooting of firearms, burning of trash, etc. Wynndee Lee indicated this would be the county's jurisdiction and you would need to call them for everything but zoning issues. Mrs. Lee indicated the city sends all information to the county on issues they are considering, and the county has the right to come in and discuss the issue. Mrs. Lee stated there are check and balances to protect the homeowners in the future in the Urban Growth Area.

Larry Tawney, wanted to know if once they are rezoned will this lead to annexation. Wynndee Lee indicated the properties in this area are not being annexed only the zoning classification is changing from a county agricultural zoning to the city's agricultural zoning.

Tom Yahl stated that he talked to Gary Branson, who owns 1918 Eisenhower Ave., and that he was fine with the rezoning of the property.

Chairperson York asked if there were any more comments, there were none.

Chairperson York closed the public hearing.

Member Jones indicated this item was discussed at length at their study session and the commissioners feel that the rezone will make no changes from what the homeowners are currently using their property for.

Member Jackson made a motion to approve the staff findings as their own for 1200 W. 7th St., 900 Beech, 1209 Eisenhower Ave., 1202 Eisenhower Ave., 1850 Eisenhower Ave., 1112 Eisenhower Ave., 1010 Eisenhower Ave., 2440 K-68 Hwy., 1608 Eisenhower Ave., 1918 Eisenhower Ave., 2425 Labette Rd., 2355 Labette Rd., 2775 Louisiana Rd., and 2350 Marshall Rd., seconded by Member Jones. The motion was considered and Member Jones, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Chairperson York, yes. Motion passed by 5-0 vote.

Member Jackson made a motion to recommend to the city commission to approve the proposed rezone request in the Urban Growth Area for an area generally located at 1200 W. 7th St. from

Franklin County A-2 Transitional Agriculture Zoning District to City A Agricultural Zoning District, and for the following areas generally located at 900 Beech, 1209 Eisenhower Ave., 1202 Eisenhower Ave., 1850 Eisenhower Ave., 1112 Eisenhower Ave., 1010 Eisenhower Ave., 2440 K-68 Hwy., 1608 Eisenhower Ave., 1918 Eisenhower Ave., 2425 Labette Rd., 2355 Labette Rd., 2775 Louisiana Rd., and 2350 Marshall Rd, from Franklin County A-1 Agricultural Zoning District to City A Agricultural Zoning District, seconded by Member Wasko. The motion was considered and Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Member Jones, yes; Chairperson York, yes. The motion passed by a 5-0 vote.

Held a public hearing on the proposed amendment to Article 24, Section 24-10, Supplemental District Regulations dealing with wind energy conversion systems.

Tom Yahl reviewed the memo with the planning commissioners.

Chairperson York opened the public hearing.

Brian Yates asked if the windmills for water pumps were included in this. Mr. Yahl indicated no. They would be allowed for agricultural use.

Chairperson York closed the public hearing.

Chairperson York asked for discussion from the planning commission, there was none.

Member Jackson made a motion to recommend to the city commission to approve the amendment to Article 24, Section 24-10, Supplemental District Regulations dealing with wind energy conversion systems, seconded by Member Jones. The motion was considered and all those present voted yes. Motion passed by a 5-0 vote.

Held a public hearing on the proposed amendment to Article 27, Section 27-6, Sign Regulations, dealing with requirements in public districts.

Chairperson York opened the public hearing.

Tom Yahl reviewed the memo with the planning commissioners.

Chairperson York asked for public comments, there were none.

Chairperson York closed the public hearing.

Member Wasko made a motion to recommend to the city commission to approve the amendment to Article 27, Section 27-6 Sign Regulations, dealing with requirements in public districts, seconded by Member Jackson. The motion was considered and Member Wasko, yes; Member Jones, yes; Member Jackson, yes; Member Davidson, yes; Chairperson York, yes. Motion passed by a 5-0 vote.

Other Items:

Tom Yahl indicated that staff has found another conflict in the sign regulations dealing with the off-premise signs. Mr. Yahl asked the planning commission if they would like staff to call a public hearing for next month on this item. Chairperson York asked staff to bring the proposed text amendment to the next planning commission meeting to be reviewed before calling a public hearing.

Announcements:

Chairperson York stated the next regularly scheduled Planning Commission study session is Wednesday, January 28, 2009 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, February 11, 2009 at 7 p.m.

Adjournment:

Chairperson York adjourned the meeting at 8:10 p.m.

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

Respectfully submitted, Wynndee S. Lee
Director of Planning & Codes Administration