

**MINUTES OF
CITY PLANNING COMMISSION STUDY SESSION
OTTAWA, KANSAS**

City Hall – April 1, 2009

The City Planning Commission met at Noon on this date with the following members present and participating to wit: Members Colbern, Davidson, Wasko, and Chairperson York. Absent were Members Jones, Jackson 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.

Information and Discussion Items:

Review the February 25, 2009 and the March 11, 2009 study session meeting minutes:

Chairperson York asked if there were any changes or corrections needed. There were none.

Review the March 11, 2009 and the March 25, 2009 meeting minutes:

Chairperson York asked if there were any changes or corrections needed. There were none.

Public Hearing Items:

Discuss the proposed rezones in the Urban Growth Area from Franklin County R-3A Single-Family Residential Zoning District to City R-1 Low Density Residential Zoning District generally located at 1446 Eisenhower, 1506 Eisenhower, and 1504 Eisenhower, from Franklin County RE Residential Estate Zoning District to City R-1 Low Density Residential Zoning District generally located at 2426 Marshall Road, and from Franklin County RE Residential Estate Zoning District to City CS Countryside Zoning District generally located at 2220 Eisenhower and 2200 Eisenhower.

Tom Yahl did an overview of the staff findings with the planning commission. Mr. Yahl stated staff is recommending approval of the rezones.

Chairperson York asked about the sanitation facilities on these properties. Tom Yahl stated that on site sanitation you need 3 acres and assumes the one parcel that has $\frac{3}{4}$ of an acre the septic tank sets out in the field. Chairperson York then stated the sanitation does not have anything to do with zoning. Mr. Yahl stated that was correct.

Tom Yahl also noted one of the parcels has an accessory structure larger than what the city zoning regulations allow and this is a type of nonconforming situation that will commonly occur with the rezoning of parcels in the Urban Growth Area.

Discuss the proposed rezoning from C-1 Office & Service Business Zoning District and R-1 Low Density Residential Zoning District to C-2 Restricted Commercial Zoning District generally located at 109 W. 9th, 834 S. Main, and 840 S. Main.

Tom Yahl did an overview of the staff findings with the planning commission. Mr. Yahl noted the concerns over the intensity of the use in the area, the corner property being limited to how much it can develop, and the amount of traffic 9th Street West of Main Street could handle. Mr. Yahl stated staff is recommending denial of the rezone request.

Member Colbern asked what could be done to make this development work in this area.

Wynndee Lee indicated there would most likely be testimony from the applicant and the neighbors at the meeting. Mrs. Lee stated once the testimony has been heard the planning commission should determine if they agree with staff findings or do they believe the findings need to be modified. Mrs. Lee suggested that the planning commissioners drive by the property and determine if the findings are accurate or not, and if there is language that should to be revised. Mrs. Lee also asked the planning commissioners to make sure they are comfortable with all the uses that would be allowed in a C-2 Zoning District be developed in that area.

Member Colbern stated he would like to work something out so this could happen as the church and the two residential structures would deteriorate and become an eye sore.

Member Davidson said he liked the proposal on some level as the other three corners are commercial.

Wynndee Lee stated she would like to explain how staff came to their determination. The church was rezoned to C-1 in 2004 intending for it to possible develop as offices like the one at 5th and Cedar. C-1 is Office & Service Businesses which are day operations and C-2 would allow restaurants and retail business which are both day and night. The proposal would place a retail business in close proximity to single family uses, one of which has recently seen a great deal of reinvestment.

Chairperson York stated he would like to go through the findings one at a time with the planning commissioners and staff.

Number 1, everyone was comfortable.

Number 2, Member Davidson stated the restaurants and Briscoe's are not neighborhood business. Wynndee Lee indicated that pharmacies do fit in that category and the restaurants would not be allowed under the current zoning but were nonconforming uses. Mrs. Lee said the only conforming use at the intersection is the Gollier center, though it is nonconforming due to it's size.

Member Colbern asked if the applicant dropped the size to 5,000 square feet, would they be allowed to develop this area. Wynndee Lee indicated staff did not know all the uses they wanted, but retail was one.

Member Davidson asked if this was the same applicant as before. Wynndee Lee indicated yes, but the planning commission job was to look at all classifications allowed in the C-2 District.

Number 3, everyone was comfortable.

Number 4, Chairperson York stated he did not agree with this finding at all.

Bob Bezek stated that if the Commission needed additional information, they should direct staff to conduct the appropriate research.

Chairperson York stated he didn't think it was the Commission's role to tell staff what the conclusions should be, just whether if they agreed with them or not.

Wynndee Lee clarified Mr. Bezek's statement by noting that staff bases their conclusion on the facts and if the planning commission believes the conclusion is in error there may be additional information needed. If not the planning commissioners job is to create their own set of findings. Mrs. Lee indicated if there is information the Commission would like researched, such as traffic counts, staff can provide the information so to make a change in the statement or the findings.

Chairperson York stated some of the findings are subjective.

Wynndee Lee stated staff will give the underlying logic for the findings. One reason to hold the public hearing is to determine if there is other information that may be relevant to the findings.

Bob Bezek suggested if the planning commission is going to arrive at a different conclusion that may also change or add factual information, they should direct staff to research or collect additional information.

Wynndee Lee stated you can determine certain findings were not the basis of the decision and that this finding is the one that you believe needs to be changed to support your decision.

Member Davidson stated having a smaller intersection with all four corners the same makes perfect sense to him.

Chairperson York stated buffering can be done in many ways and feels the same way as Member Davidson.

Member Wasko asked if the church was still active. Wynndee Lee indicated they still have some activities there.

Number 5, Chairperson York stated this indicates the square footage is limited to 5,000 square feet, however the applicant has asked for something bigger. He inquired as to if the rezone was approved, was it possible that the developer might still not be able to build on the site.

Wynndee Lee indicated our regulations allow for a variance in the C-1 and C-2 district, for up to a 25 percent increase in ground floor area of a building.

Chairperson York asked if the applicant intends to request a zoning change and a variance. Wynndee Lee stated it is her understanding that they do intend to request a variance if the rezoning is approved.

Number 6, everyone was comfortable.

Number 7, Chairperson York asked what long periods meant to staff, and are the residential structures in good enough condition to rent.

Wynndee Lee indicated the residential structures are currently occupied and the church is being used for other things other than worship.

Tom Yahl stated that utility records show the properties have been consistently occupied since 1986. He also indicated the only structure he is not sure about is the parsonage, which is immediately south of the church.

Number 8, Chairperson York stated he had no problem with this one.

Member Davidson asked if the city have some responsibility as this is an inadequate street. Chairperson York asked if that wouldn't be a part of the condition for development. Wynndee Lee indicated the planning commission should ask if they are willing to do any improvements as they have previously indicated they would not make improvements to the street.

Number 9, Discussion on what uses could be allowed in the area, and whether this would be considered spot zoning.

Number 10, everyone was comfortable.

Number 11, everyone was comfortable.

Number 12, not applicable.

Number 13, staff recommendations.

Chairperson York asked if staff would get the planning commission the traffic counts for this area.

Discussion Items:

Wynndee Lee indicated that Josh Walker called and said they were going to need more time to formalize operational information for the Sacred Heart Preschool.

Announcements:

The next regularly scheduled Planning Commission meeting is Wednesday, April 8, 2009, at 7 p.m. and the next regular scheduled Planning Commission study session is April 29, 2009 at noon.

Adjournment:

Chairperson York adjourned the meeting at 1:00 p.m.

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