

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

**City Hall – March 25, 2009**

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

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.

**Public Comments:**

There were none.

**Public Hearing Items:**

**Held a public hearing on the proposed special use in the UGA for a concrete plant at 2820 Reno Road.**

Chairperson York opened the public hearing.

Tom Yahl did an overview of the staff findings and the conditions placed on the special use with the planning commission. Mr. Yahl stated staff is recommending approval of the special use with the conditions.

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

Robert Kennedy, Koss Construction, 5830 SW Drury Lane, Topeka, KS 66604, stated locating the concrete plant next to the quarry makes the most sense to them as 50% of concrete is rock. Mr. Kennedy also talked about efforts to reduce and mitigate dust, noise, and hours of operation. Reno Road will likely be used as the haul road, and they will get any KDOT/KDHE permits they need. Mr. Kennedy stated they will restore the area as well as the road back to its current state in order to be released by KDOT and KDHE.

Chairperson York asked the height of the batch plant and if it would blow over, would it extend to Reno Road. Mr. Kennedy stated it's about 50 foot tall, however it is set several hundred feet away from the road and would not come close to the road if damaged.

Member Warren asked about late deliveries and the dust this would create. Mr. Kennedy stated there could be trucks coming in late, however the rest of the plant would be shut down and the dust would be minimal.

Member Davidson asked about the direction taken on Reno Road. Mr. Kennedy stated the trucks would go east on Reno Road, then through the ditch and up to the new grade area.

Chairperson York asked if they would ever work on Sundays. Mr. Kennedy stated no as he has worked for the company for 15 years and could count the number of times they worked on Sunday on one hand.

Chairperson York asked for public comments.

Dennis George, 3959 Hwy. 59, stated he had concerns about the hours of operation since the quarry operations are from 6 a.m. to 6 p.m. Monday through Friday and could the batch plant start at 6 a.m. Wynndee Lee indicated her belief that this special use would not be bound by that permit, and the City Attorney agreed.

Mr. George stated he also had concerns about the traffic down Reno Road and the fact there are no turn lanes on 59 Hwy. for the trucks to go into the quarry.

Further discussion was held with Mr. George, the Planning Commission, Mr. Kennedy and Staff concerning Mr. George concerns on the dust, days working, after hour's operation, and safety issues on Reno Road and 59 Hwy.

Kevin Jones, 9009 92<sup>nd</sup> St., Kansas City, Mo, representing Midland RR, asked about fresh water supply. Mr. Kennedy stated they did not need potable water, as they used other water resources which are approved by KDHE.

Mr. Jones asked what road would be used for deliveries. Mr. Kennedy stated all deliveries would come in the main quarry entrance off of US 59 Hwy.

Mr. Jones asked if Reno Road was designated a haul road would it still be opened to the public. Wynndee Lee indicated yes.

Mr. Jones asked if the railroad crossing on Reno Road would be restored to its current condition. Mr. Kennedy stated the state gives them a lump sum to repair the road back to its current condition.

Mr. Jones asked about the speed limit on Reno Road. Wynndee Lee indicated they would have to check with the County Sheriff's Department or the County's Public Works Department as the City has no control over the roadways.

Mr. Jones asked if Koss Construction was going to supply a flagman for the railroad crossing on the days the train ran. Mr. Kennedy stated it was not planned.

Wynndee Lee stated any concerns about the roads and the railroad crossings should be taken up with KDOT or the County as the City has no control over the roadways.

There was discussion about how the trucks would come in and out of the batch plant. Mr. Kennedy stated they would come and go the same direction if feasible.

Chairperson York closed the public hearing.

Chairperson York asked how many runs a day there could be. Mr. Kennedy stated on a peak day the maximum could be 250. The plant maximum is 250- 300, but over 250 is very rare.

Member Davidson stated he was concerned about the railroad crossing and felt that Koss Construction should supply a flagman on Saturday when the train is running as a condition of the special use. There was discussion between Mr. Jones of Midland Railroad and Mr. Kennedy and Mr. Kennedy agreed to have Koss Construction supply a flagman at the railroad crossing when the train was running.

Member Warren asked about the possibility of changing the hours of operation. Mr. Kennedy stated they did not wish to do this as they needed some flexibility in their hours of operation.

Chairperson York asked for any other comments, there were none.

Chairperson York closed the public hearing.

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

Member Jackson made a motion to recommend to the city commission to approve the proposed special use for a concrete plant at 2820 Reno Road with the following conditions: 1. All activity, equipment and appurtenances associated with the use be removed from the site by December 31, 2009; 2. Site restored to original condition by December 31, 2009; 3. Applicant must use US 59 Hwy. access unless the use of Reno Road, is approved as a haul road by KDOT and Franklin County Public Works Department; 4. Hours of operation limited to 7 a.m. to 7 p.m. Monday through Saturday; 5. A flagman will be provided by Koss Constructions for Midland Railroad on Saturdays, seconded by Member Colbern. The motion was considered and Member Wasko, yes; Member Warren, yes; Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Chairperson York, yes. The motion passed by a 6-0 vote.

### **Held a public hearing on the proposed conditional use for a preschool / daycare center at 503 S. Hickory in an R-2 Medium Density Residential Zoning District.**

Chairperson York opened the public hearing.

Tom Yahl did an overview of the staff findings and the conditions placed on the special use with the planning commission. Mr. Yahl stated staff is recommending approval of the special use with the conditions.

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

Josh Walker, representing both Loyd Builders, and Sacred Heart Church, stated this would be a preschool with some daycare. They will have 6 drop off and pickup parking stalls, all staff will be parking in the new parking lot at 5<sup>th</sup> and Cedar Street. Mr. Walker stated the owners of the apartments across 5<sup>th</sup> Street expanded their parking area in behind the apartments for the tenants, which would open parking on 5<sup>th</sup> Street.

Member Wasko asked the direction of traffic in the alley. Wynndee Lee indicated its 2-way traffic behind the proposed use.

Chairperson York asked if there would be children running from the school over to the one on Hickory Street. Mr. Walker stated the schools policy is that parents can pull up and drop the children off however, parents are required to physically walk their children to the car when the elementary school is dismissed and this would be the same for the preschool / daycare.

Chairperson York asked how many children were enrolled in Sacred Heart School. Diane Chapman, Principal of the School stated there are 69.

Member Wasko asked if the amount of children at the preschool will be 24. Mr. Walker stated the building will be designed to hold 36 children.

Member Davidson asked if the dismissal time for the preschool would be the same time as the school. Mr. Walker stated yes for the preschool, for the daycare part no. Member Davidson stated it is a good idea that the parking issue will have to be reviewed. Wynndee Lee indicated if this was not affiliated with the church, there would be no way to make this work. However, due to their having alternatives for parking, alternative pickup and drop off solutions, etc., there are options if problems develop. Mrs. Lee stated the church may have to make changes in their policies for drop off / pickup and timing of classes to accommodate the traffic. Mrs. Lee noted there is a long line of parking stalls to the west that could be used and they may have to make a policy that the parents walk the children to and from the facility and there is no child left unattended at any time.

Chairperson York stated the conditional use could get approved but the site plan may not if the parking issues are not corrected. Wynndee Lee indicated what they are trying to do is to make sure there are enough policies in place and hold them to the policies since there is adjacent uses and parking.

Member Davidson stated they have an incentive to make this work because of the review to be done in 6 months and city says the parking / traffic is not working, they would then have limited options for their building.

Member Jackson stated if there was a function at the Carnegie building the parking on Hickory Street and Cedar could be full. Wynndee Lee indicated this would be an unusual situation during the day, but could happen.

Wynndee Lee stated there have been other daycare facilities approved in tight areas, but there were fewer children. Member Jackson stated the state will approve the amount of children allowed in the facility.

Wynndee Lee stated the application is for 24 children. Mr. Walker stated based on the size of the building they believe they can be approved for up to 36 children. Wynndee Lee indicated the application states 24 children and that's what staff would hold them to, if they want to increase the amount of children staff would have to re-do staff findings as they were based on 24 children. Mrs. Lee stated staff would be concerned about 36 children at one time, however if they were doing two shifts with 18 in each shift that would be possible.

Chairperson York asked for public comments.

Pat Slankard, 214 E. 5<sup>th</sup>, stated she has concerns about the use of the alley as it is very busy, the 6 parking stalls which will be right across from her driveway, and feels it will increase traffic on 5<sup>th</sup>

Street. She indicated now there is parking in the street all the time, on the lot and even in her driveway at times.

Eric White, 616 E. 10<sup>th</sup>, owner of 429 S. Hickory, stated they opened the parking in the back of the building for their tenants to park. Mr. White stated the city needs good daycare in town and thinks it's a good idea.

Pat Slankard, 214 E. 5<sup>th</sup>, stated the alley is very busy in the morning when people are leaving for work.

Chairperson York closed the public hearing.

Wynndee Lee stated she would like for them to clarify how many kids at any given time will there be at the facility. Josh Walker stated there will be three classrooms that will hold 12 children each, so if it is strictly a preschool it would be 36 children in the a. m. session and 36 children in the p.m. session. If it's a preschool / daycare there will be 36 children all day, 3 teachers and 1 part time staff.

Member Davidson asked were the 24 children figure came from. Wynndee Lee indicated the application.

Josh Walker stated he realized he would need to amend the application to read 36 children.

Member Davidson asked if this would have to be republished if they increased the number to 36.

Wynndee Lee asked staff if the public hearing stated the amount of children. Charlotte Newkirk indicated the public hearing stated for a conditional use for a preschool / daycare only.

Bob Bezek, stated the application states 24 children and staff based their findings on that figure. The applicant is now stating there could be as many as 36 children with 4 staff. Mr. Bezek indicated if the Planning Commission feels this is a significant change to the original application they need to give staff the opportunity to present staff findings reflecting the new occupancy amount.

Chairperson York asked the planning commissioners for comments. Their main concern was the traffic issue.

Wynndee Lee stated staff based their findings on the 24 occupancy for the parking and there is not enough off street parking to allow 36.

Wynndee Lee stated it feels like staff and the applicant were now negotiating conditions and felt like staff needed more time to review this than trying to negotiate conditions now.

Chairperson York state the planning commissioners have three choices, continue, approve or deny the conditional use.

Member Jackson made a motion to continue this item to the April 8<sup>th</sup> meeting, seconded by Member Davidson. The motion was considered and Member Wasko, yes; Member Warren, no, Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Chairperson York, no. Motion passed by a 4-2 vote.

**Held a public hearing on the proposed amendment to Article 27, Section 27-8 Prohibited Signs.**

Chairperson York opened the public hearing.

Tom Yahl stated this was the revised proposal from the study session. Mr. Yahl stated staff is recommending approval of the amendment.

Chairperson York asked for public comments, there were none.

Chairperson York closed the public hearing.

Member Jackson made a motion to recommend to the City Commission to approve the proposed amendment to Article 27, Section 27-8 Prohibited Signs, seconded by Member Colbern. Motion was considered and Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Member Warren, yes; Chairperson York, yes. Motion passed by a 6-0 vote.

**Continued the public hearing on the Master Transportation Plan.**

Chairperson York re-opened the public hearing.

Wynndee Lee stated staff provided the commissioners a list of changes to the draft Master Transportation Plan. Mrs. Lee reviewed some of the changes with the Planning Commissioners including truck routes, signage for airport, uncontrolled intersections.

Member Wasko made a motion to recommend to the City Commission to approve the Master Transportation Plan, seconded by Member Jackson. The motion was considered and Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Member Warren, yes; Member Colbern, yes; Chairperson York, yes. The motion passed by a 6-0 vote.

**Review the South US-59 Area Plan draft.**

Wynndee Lee indicated this area is starting to have development and an area plan needed to be done prior to rezoning. Mrs. Lee stated one advantage of using a consultant is that they look at the area differently. Mrs. Lee stated staff has given the planning commissioners maps showing what this area plan currently illustrates. Mrs. Lee stated staff would like for the planning commissioners to review the plan and make any comments. Mrs. Lee stated the next step is to hold a meeting with the owners in the area, finalize the plan and then hold a public hearing to approve the plan, which would probably sometime in May or June of this year.

**Announcements:**

Chairperson York stated the next regularly scheduled Planning Commission study session is Wednesday, April 1, 2009 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, April 8, 2009 at 7 p.m.

**Adjournment:** Chairperson York adjourned the meeting at 8:50 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