

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – October 14, 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, Livingston, and Chairperson York.

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:

AT&T Cell Tower, 603 Pontiac.

Tom Yahl reviewed the findings and the site plan with the Planning Commissioners. Mr. Yahl stated staff is recommends approval with conditions.

Caroline Boyd with Telecom Realty Consultants, representing AT&T was present at the meeting.

Chairperson York asked Ms. Boyd about the four foot gate that was shown on the site plan. Ms. Boyd stated the four foot gate was to close the unopened street right-of-way so no one would drive down it. The fence and gate around the tower itself will be six feet tall.

Chairperson York asked the Planning Commissioners if they had any questions for the applicant, there were none.

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

Chairperson York asked the Planning Commissioners if they had any questions.

Member Warren asked if there was a detailed plan for the installation of the tower to make sure it was installed correctly for wind. Caroline Boyd stated the building plans will be submitted to the building inspectors for review. Ms. Boyd also stated the engineering of the tower will come straight from the manufacture of the tower.

Chairperson York asked for a motion to approve or deny the site plan.

Member Warren made a motion to approve the site plan with the condition that resolution of any pending engineering issues were resolved and the exception to allow gravel for the drive, however should the street ever be improved the property owner would have to improve the drive, seconded by Member Jackson. The motion was considered and Member Livingston, yes; Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Member Warren, yes; Chairperson York, yes. Motion passed by 7-0 vote.

Consent Agenda:

Member Jackson made a motion to approve the August 26, 2009 study session meeting minutes and the September 9, 2009 meeting minutes, seconded by Member Wasko. All present voted yes. (7-0)

Public Comments:

Rachel Steelman, 603 W. 19th, asked the Planning Commissioners to review the regulations on allowing chickens in the city limits. Ms. Steelman stated she would like to have more control over the food she eats. Ms. Steelman stated maybe a small number could be allowed, regulated by square footage of your yard. Ms. Steelman handed staff regulations on Urban Chicken Keeping.

Connie Altic, 802 N. Main, stated she was against having chickens in the city as she has had personal experience with chickens next door. Mrs. Altic stated the chickens destroyed her flowers, ate the grass seed, and the chicken coupe was unsightly. Member Warren asked Mrs. Altic if the chicken coups were completely enclosed would she be against someone having chickens. Mrs. Altic said that was tried next to her however the chickens always seemed to find a way out and she is against having chickens in the city.

Chairperson York thanked them both for sharing their thoughts.

Public Hearing Items:

Held a public hearing on the proposed rezones in the Urban Growth Area:

From Franklin County A-1, Agricultural District to City A, Agricultural District

1. 2682 Sand Creek Road.
2. 2640 Pawnee Road.
3. 2653 Pawnee Road.
4. 2601 Pawnee Road.
5. 3600 US 59 Hwy.
6. 2610 Pawnee Road.

From Franklin County A-2, Transitional Agricultural District to City A, Agricultural District.

7. 2691 Pawnee Road.
8. 3441 Eisenhower Terrace.

Chairperson York opened the public hearing.

Tom Yahl reviewed the staff findings and the map with the planning commissioners.

Chairperson York asked the commissioners if they had questions for staff. There were none.

Chairperson York asked if staff received any letters, there were none. Chairperson York asked if staff received any phone calls. Tom Yahl stated he received a call from Mr. Jones with Midland Railroad.

Chairperson York asked if there were any public comments.

Kevin Jones, 9009 92nd St., Kansas City, representing Midland Railway, stated their parcel does not meet the minimal requirements for the city's agricultural district and wanted to make sure this would

not be a problem. Mr. Jones stated they have no problem with the rezoning. Wynndee Lee indicated this parcel joins other parcels zoned agricultural and this seemed appropriate zoning. Tom Yahl stated it was a legal non-conforming parcel with the county agricultural zoning.

Ron Rumford, 1609 Davis Ave., stated they have property across from these parcel and wanted to know why the city is rezoning these parcels from a county zoning to a city zoning. Wynndee Lee reviewed the Interlocal Agreement with Mr. Rumford and the actions underway.

Chairperson York closed the public hearing.

Chairperson York asked the Planning Commissioners if the had any questions or needed any discussion, there were none.

Member Wasko made a motion to accept staff findings as their own, seconded by Member Jackson. The motion was considered and Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Member Warren, yes; Member Livingston, yes; Chairperson York, yes. Motion passed by a 7-0 vote.

Member Jackson made a motion to recommend to the City Commission to approve the proposed rezones in the Urban Growth Area from Franklin County A-1, Agricultural District to City A, Agricultural District, 2682 Sand Creek Road, 2640 Pawnee Road, 2653 Pawnee Road, 2601 Pawnee Road, 3600 US 59 Hwy., 2610 Pawnee Road; from Franklin County A-2, Transitional Agricultural District to City A, Agricultural District, 2691 Pawnee Road, 3441 Eisenhower Terrace, seconded by Member Wasko. The motion was considered and Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Member Warren, yes; Member Livingston, yes; Member Colbern, yes; Chairperson York, yes. Motion passed by a 7-0 vote.

Held a public hearing on the proposed rezone from Franklin County C-2, Highway Commercial District to City C-3, General Commercial District, generally located at 2723 Kingman Road.

Chairperson York opened the public hearing.

Tom Yahl reviewed the findings with the Planning Commissioners. Mr. Yahl stated staff is recommending approval of the rezone.

Ted Fogle, the applicant, 1521 S. Maple, asked if the rezone was for the whole 80 acres. Mr. Yahl stated yes.

Chairperson York asked the Planning Commissioners if they had any questions for staff or the applicant, there were none.

Chairperson York asked for public comments, there were none.

Chairperson York closed the public hearing.

Chairperson York asked the Planning Commissioners if they had any questions or needed any discussion, there were none.

Chairperson York asked for a motion on the findings.

Member Jackson made a motion to approve the Planning Commission findings as there own, seconded by Member Wasko. The motion was considered and Member Davidson, yes; Member Wasko, yes; Member Warren, yes; Member Livingston, yes; Member Colbern, yes; Member Jackson, yes; Chairperson York, yes. Motion passed by a 7-0 vote.

Chairperson York asked for a motion to approve or deny the rezone.

Member Warren mad a motion to recommend to the City Commission to approve the proposed rezone from Franklin County C-2, Highway Commercial District to City C-3, General Commercial District, generally located at 2723 Kingman Road, seconded by Member Livingston. The motion was considered and Member Wasko, yes; Member Warren, yes; Member Livingston, yes; Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Chairperson York, yes. Motion passed by a 7-0 vote.

Held a public hearing on the proposed conditional use permit to allow dwelling units on the ground floor of not more than 50% of a commercial structure, generally located at 2707 Kingman Road.

Chairperson York opened the public hearing.

Tom Yahl reviewed the findings with the Planning Commissioners. Mr. Yahl stated staff is recommending approval of the conditional use permits with conditions, 1. Compliance with all sanitation and building codes; 2. Use will be subject for review in one year; 3. Conditional Use Permit will be valid for no more than three years.

Ted Fogle, 1521 S. Maple, stated he has a permit to install a septic system for this structure and feels it is not a problem. Mr. Fogle stated they need someone in the building to keep an eye on things as they have had trouble on the property since it has been vacant.

Chairperson York asked if the Planning Commissioners had any questions for the applicant.

Member Davidson asked Mr. Fogle if he was comfortable with the three year limitation. Mr. Fogle stated yes and mentioned he hoped there would be a commercial business there before the three years was up. Chairperson York asked with the three year limitation could he apply for another conditional use. Wynndee Lee indicated at the end of the three years the applicant can come in and ask for it to be renewed.

Member Warren asked if Mr. Fogle was wanting this for security. Mr. Fogle stated yes. Member Warren asked Mr. Fogle if he had checked into hiring a security service, Mr. Fogle indicated no.

Member Warren asked Mr. Fogle how many units he was planning on. Mr. Fogle stated one efficiency apartment.

Member Warren stated he was confused about the 50%. Wynndee Lee indicated the rule in the zoning regulations would allow up to 50% of the area to be converted to residential however this is not the applicant's intentions.

Member Warren asked about the limited time for the use. Wynndee Lee indicated the zoning regulations require that a time be placed on the conditional use.

Member Livingston stated as he understands it the building could be 50% commercial and 50% residential use. Wynndee Lee indicated yes.

Member Warren asked Mr. Fogle if he understands that if he needs more than three years he would need to come back and ask for an extension. Mr. Fogle stated yes.

Chairperson York closed the public hearing.

Chairperson York asked the Planning Commissioners if there was any more discussion.

Member Wasko asked if a new owner could continue the conditional use. Tom Yahl stated that the new owner could continue the conditional use.

Chairperson York asked for a motion to approve or deny the findings.

Member Warren made a motion to approve staff findings as their own, seconded by Member Jackson. The motion was considered and Member Warren, yes; Member Livingston, yes; Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Chairperson York, yes. Motion passed by a 7-0 vote.

Chairperson York asked for a motion to approve or deny the conditional use.

Member Jackson made a motion to approve the conditional use with the following conditions: 1. Compliance with all sanitation and building codes; 2. Use will be subject for review in one year; 3. Conditional Use Permit will be valid for no more than three years, seconded by Member Wasko. The motion was considered and Member Wasko, yes; Member Warren, yes; Member Livingston, yes; Member Colbern, yes; Member Jackson, yes; Member Davidson, Chairperson York, yes. Motion passed by a 7-0 vote.

Held a public hearing for items for the 2010 CIP.

Chairperson York opened the public hearing.

Wynndee Lee stated this hearing was to get comments from the public of items they would like to see on the CIP.

Kevin Jones stated that Midland Railroad owns a piece of ground in the city limits and would like to see water extended to the property.

Almeda Edwards, 3800 Montana Road she would like to see an overhead street light at K-68 and Eisenhower. Wynndee Lee indicated this location was not in the city limits but she would forward the request to the appropriate people.

Ted Fogle stated he would like to see a street light at the corner of Kingman Road and Highway 59, and the city limits sign moved. Wynndee Lee stated the city does not have electrical service that far out but she would forward this to the appropriate people.

Chairperson York asked for a motion to close the public hearing or to continue the public hearing.

Member Davidson made a motion to continue the public hearing to November 18th, seconded by Member Colbern. All those present voted yes. (7-0).

Other Items:

Project Update. Wynndee Lee reviewed the project list with the Planning Commissioners.

Photo Contest Update. Wynndee Lee stated staff had received entries from four employee, entries from three 18 and under age group and entries from eight people for the 19 and over age group. Mrs. Lee stated a date needed to be set for the judging of the photos. The Planning Commissioners decided on Thursday, October 22nd.

Planning Commission Training. Wynndee Lee reminded the Planning Commissioners about their training scheduled for Thursday, October 22nd.

Meeting Dates. Wynndee Lee stated due to the upcoming holidays staff was looking at changing some meeting dates. The Planning Commissioners agreed to change the November 11th 7 p.m. meeting to November 18th at 7 p.m.; the November 25th noon meeting to December 2nd at noon; and the December 9th 7 p.m. meeting to December 16th at 7 p.m.

Announcements:

Chairperson York stated the next regularly scheduled Planning Commission study session is Wednesday, October 28, 2009 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, November 18, 2009 at 7 p.m.

Adjournment:

Chairperson York adjourned the meeting at 8:20 p.m.

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