

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

**City Hall – April 14, 2010**

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

Vice-Chairperson Jackson 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.

**Consent Agenda:**

Member Colbern made a motion to approve the February 24, 2010 study session minutes and the March 10, 2010 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 conditional use to continue use of the property as a doctors office, with change in doctors, in an R-1 Low Density Residential District, located at 602 S. Maple.**

Vice-Chairperson Jackson opened the public hearing.

Tom Yahl reviewed staff findings with the Planning Commissioners. Mr. Yahl stated staff is recommending approval with conditions, those conditions were read into the record.

Vice-Chairperson Jackson asked if there were any questions for staff.

Member Warren asked for clarification on the signage condition. Tom Yahl stated signage in residential areas for non-residential uses the signage shall not be lighted and comply with the applicable regulations for non residential uses in residential districts. Mr. Yahl stated wall signs are allowed up to 10% of the wall area and ground signs are allowed up to 32 square feet.

Wynndee Lee reviewed regulations and covered that signs in residential areas can be lighted, however, the lighting must be inside the sign not a light shining upon the sign.

Vice-Chairperson Jackson asked if there were any other questions for staff, there were none.

Vice-Chairperson Jackson asked if the applicant would like to make a presentation.

Dr. Oliver, Oliver Chiropractic, stated he would like to do a sign illuminated from within and place the sign on the building to make it nicer than what's there now. Dr. Oliver stated he plans on painting the building and doing a few minor changes inside. Dr. Oliver also asked if the hours could be changed

to start at 7:30 a. m. as he has clients that like to come in before they go to work and also allow hours for a half day on Saturday for those who can not come in during the week.

Member Warren asked if he planned on putting the sign on the building. Dr. Oliver stated he wants to work the Planning Commission and whatever they suggest is not a problem.

Vice-Chairperson Jackson asked if there were anymore questions for the applicant.

Member Colbern asked if Dr. Oliver would have to submit something for the sign. Wynndee Lee stated yes, Dr. Oliver would have to submit a permit for the sign. Mrs. Lee indicated what staff needed to know from the Planning Commission is whether the sign is just to meet the regulations or do they want more restrictions on the sign.

Member Wasko asked for clarification on whether signs could be illuminated on the building. Wynndee Lee stated the regulations allow internal illumination for both ground and wall signs.

Member Wasko asked Dr. Oliver if he planned on putting his sign on the building. Dr. Oliver stated yes.

Member Warren asked Dr. Oliver if his office hours were all during daylight hours. Dr. Oliver stated it depended on daylight savings times, right now his hours are from 9 to 6 on Monday, 7:30 to 5:30 on Wednesday and & 8:30 to 4 on Fridays. Member Warren asked if the majority of his hours were during daylight hours, why does the sign need to be illuminated. Dr. Oliver stated so people can read it. Member Warren asked if the sign would be left on at all times. Dr. Oliver stated yes.

Vice-Chairperson Jackson asked if there were any other questions for the applicant, there were none.

Vice-Chairperson Jackson closed the public hearing.

Vice-Chairperson Jackson asked if there was any discussion among the Planning Commissioners.

Member Warren stated he has no problem with an identification sign on the building but feels it does not need to be illuminated and does not want to see a sign in the yard as this is a residential area.

Vice-Chairperson Jackson stated there is a sign in the yard already and there is wall lighting for the building and doesn't feel an illuminated sign would create anymore of a lighting issue.

Vice-Chairperson Jackson asked for other comments.

Member Livingston asked if churches have lighted signs. Wynndee Lee indicated yes.

Member Colbern stated he had no problem with the sign being illuminated as long as it was something that would not disrupt the neighborhood. Wynndee Lee stated the Planning Commission could restrict the lighting to internal and to a wall sign if that is what they want.

Member Warren asked if they could restrict the time the sign is lighted. Wynndee Lee stated most of these signs come on when it gets dark.

The conditions in the findings were amended.

**Member Colbern made a motion to recommend to the City Commission to approve the proposed conditional use to continue use of the property as a doctors office, with a change in**

doctors, in an R-1 Low Density Residential District with the following conditions: 1. No more than ten (10) employees on the site at one time; 2. Hours of operation shall be limited to 7:30 a.m. to 6 p.m., Monday through Friday and morning hours on Saturday; 3. Occupancy load shall be limited to 16 during regular business hours; 4. The parking area should be striped to accommodate 19 spaces, each at 9 feet in width; 5. The operator/applicant must maintain flower boxes, remove snow and debris from sidewalks and perform general maintenance on the building and grounds; 6. Any signage shall be mounted on the wall of the building, may be internally illuminated, and shall comply with all applicable codes; 6. Any biologically hazardous waste materials be stored inside the locked building, seconded by Member Wasko. The motion was considered and Member Wasko, yes; Member Warren, no; Member Livingston, yes; Member Colbern, yes; Vice-Chairperson Jackson, yes. Motion passed by a 4-1 vote.

**Held a public hearing on the proposed rezone in the Urban Growth Area from Franklin County C-2, Highway Commercial District to City C-3, General Commercial District, located at 2706 Kingman Road.**

Vice-Chairperson Jackson opened the public hearing.

Tom Yahl reviewed staff findings and map with the Planning Commissioners. Mr. Yahl indicated staff is recommending approval of the rezone based on the following findings.

- The proposal is in conformance with the Comprehensive Plan.
- The change in classification is consistent with the intent of the regulations.
- The change is consistent with the character of the surrounding neighborhood.
- The uses permitted as reclassified are consistent with the uses permitted in the surrounding area.
- The protection of the public interests doesn't outweigh the hardship imposed on the applicant by not allowing a reclassification.

Vice-Chairperson Jackson asked if there were any questions for staff, there were none.

Vice-Chairperson Jackson asked if the applicant would like to make a presentation.

Ted Fogel, owner of the property stated by rezoning to the city zoning there is more flexibility for tenants. Wynndee Lee indicated that the county's C-2 District was not as flexible and the owner has a possible tenant that needs the city zoning.

Vice-Chairperson Jackson closed the public hearing.

Vice Chairperson Jackson asked if there were any other comments.

Member Wasko asked if the zoning would have been the same if done at the time staff initiated the rezones in this area. Wynndee Lee indicated yes.

**Member Warren made a motion to accept staff findings as their own, seconded by Member Colbern.** The motion was considered and Member Livingston, yes; Member Colbern, yes; Member Wasko, yes; Member Warren, yes; Vice-Chairperson Jackson, yes. Motion passed by a 5-0 vote.

**Member Warren made a motion to recommend to the City Commission to approve the proposed rezone in the Urban Growth Area from Franklin County C-2, Highway Commercial District to City C-3, General Commercial District, located at 2706 Kingman Road, seconded by**

**Member Livingston.** The motion was considered and Member Colbern, yes; Member Wasko, yes; Member Warren, yes; Member Livingston, yes; Vice-Chairperson Jackson, yes. Motion passed by a 5-0 vote.

**Other Items:**

Wynndee Lee indicated staff needed times the Planning Commissioners could meet for their tour of storm water detention facilities and times when they could meet to review the changes to the Future Land Use Map. Mrs. Lee indicated a Thursday or Friday at 12:30 or 1 p.m. for the tour and a 4 p.m. meeting time to review the Future Land Use Map. All the commissioner present stated those times would be fine. Mrs. Lee indicated she would check with the two members that were absent and get back with the commissioners on suggested dates and times.

**Announcements:**

The next regularly scheduled Planning Commission study session is Wednesday, April 28, 2010 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, May 12, 2010 at 7 p.m.

**Adjournment:**

Vice-Chairperson Jackson adjourned the meeting.

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