

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

**City Hall – January 13, 2010**

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. All members were present.

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.

**Consent Agenda:**

Member Colbern made a motion to approve the December 16, 2009 meeting minutes, seconded by Member Wasko. All present voted yes. (7-0)

**Public Comments:** There were none.

**Public Hearing Items:**

**Held a public hearing on the propose rezone in the Urban Growth Area from Franklin County A-2, Transitional Agriculture District to City C-S, Countryside District, generally located at 2738 Rock Creek Road.**

Chairperson York opened the public hearing.

Tom Yahl reviewed staff findings and map with the Planning Commissioners. Mr. Yahl stated 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 public interests doesn't outweigh the hardship imposed on the applicant by not allowing a reclassification.

Chairperson York asked if there were any questions for staff or the owner.

Member Davidson asked if this parcel needed to be rezoned before the lot split could occur. Wynndee Lee stated yes.

Chairperson York asked what size the lot would be when the lot split was approved. Tom Yahl indicated 5 acres.

Member Davidson asked what the minimum size of a lot is in the C-S District. Tom Yahl stated 5 acres.

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

Chairperson York closed the public hearing.

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

**Member Colbern made a motion to approve 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 rezone in the Urban Growth Area from Franklin County A-2, Transitional Agriculture District to City C-S, Countryside District, generally located at 2738 Rock Creek Road, seconded by Member Colbern.** 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 in the Urban Growth Area from Franklin County C-2 Highway Commercial District to City P, Public District, generally located at 2537 and 2551 Eisenhower Road.**

Chairperson York opened the public hearing.

Tom Yahl reviewed staff findings and map with the Planning Commissioners. Mr. Yahl stated 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 public interests doesn't outweigh the hardship imposed on the applicant by not allowing a reclassification.

Chairperson York asked if there were any questions for staff.

Chairperson York asked if the county had closed on the purchase of the land. Wynndee Lee indicated she did not know. Mrs. Lee stated staff would have requested this parcel to be rezoned to P, Public District, when rezoning that area in the UGA. Mrs. Lee stated since staff had been presented with the lot split, the rezone was going to have to been done, and that prompted staff into submitting the rezone request.

Chairperson York asked is there were any letters, there were none. Wynndee Lee indicated she had received one phone call.

Chairperson York asked if there were any public comments.

Mike Schnieders, 326 S. Elm, stated they own the property to the south and had a couple of concerns about the rezone. Mr. Schnieders questioned the definition of public for the purpose of rezoning a piece of property, as he understood the ground was to be owned by a government entity. His other concerns was the infrastructure in the area as it is not sufficient enough and questioned the nature of the surrounding area.

Member Davidson asked how many acres this property entailed. Staff indicated they were not sure of how many acres the parcel contains.

Wynndee Lee indicated the Public designation was met for those area where public uses, such as the university, the Elizabeth Clayton Center, schools, and parks. Mrs. Lee stated it was not the intent for the public designation to be just only for governmentally owned property in her opinion as other parcels such as OU were zoned public.

Wynndee Lee also stated that the infrastructure concerns would be addressed at the time of site plan.

Chairperson York asked Tom Yahl to read what uses are allowed in the Public District.

Member Davidson asked if this conforms to the Future Land Use Map. Tom Yahl indicated yes.

Tom Yahl stated that he had talked to a representative from the Elizabeth Layton Center and they were fine with the Public designation.

Chairperson York closed the public hearing.

There was discussion among the commissioners and they felt this rezone should be continued to their next meeting to give the public the opportunity to respond.

Bob Bezek, City Attorney, stated they could make a motion to re-open the public hearing and then continue it to their next meeting.

**Member Davidson made a motion to re-open the public hearing, seconded by Member Colbern.** All those present voted yes. Motion passed by a 7-0 vote.

**Member Livingston made a motion to continue the public hearing to their February 10<sup>th</sup> meeting, seconded by Member Colbern.** All those present voted yes. Motion passed by a 7-0 vote.

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

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

**1. 3655 US 59 Highway.**

**From Franklin County C-2, Highway Commercial District to City MU/CI, Mixed Use Commercial/Industrial District.**

**2. 3353 US 59 Highway.**

**3. 3593 US 59 Highway.**

**4. 3599 US 59 Highway.**

**5. 3633 US 59 Highway.**

**6. 3645 US 59 Highway.**

**From Franklin County I-1, Light Industrial District to City MU/CI, Mixed Use Commercial/Industrial District.**

7. 3521 US 59 Highway.

**From Franklin County R3A, Single-Family 3 Acre District to City R-1, Low Density Residential District.**

8. 3655 US 59 Highway.

9. 3705 US 59 Highway.

10. 2721 Sand Creek Road.

**From Franklin County RE, Residential Estates to City CS, Countryside District.**

11. 2720 Sand Creek Road.

Chairperson York opened the public hearing.

Tom Yahl indicated staff had withdrawn the rezone for the Killough property at 3521 US 59 Hwy., due to an error in the public hearing notice.

Tom Yahl reviewed each of the other rezones and the map with the Planning Commissioners. Mr. Yahl indicated staff is recommending approve of the rezones.

Chairperson York asked if there were any questions for staff, there were none.

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

Chairperson York closed the public hearing.

Chairperson York asked if there was any discussion needed by the planning commissioners, there was none.

**Member Jackson made a motion to accept staff findings as their own, seconded by Member Wasko.** 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.

**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-2, Transitional Agriculture District to City A, Agricultural District, 3655 US 59 Highway; from Franklin County C-2, Highway Commercial District to City MU/CI, Mixed Use Commercial/Industrial District, 3353 US 59 Highway, 3593 US 59 Highway, 3599 US 59 Highway, 3633 US 59 Highway, 3645 US 59 Highway; from Franklin County R3A, Single-Family 3 Acre District to City R-1, Low Density Residential District, 3655 US 59 Highway, 3705 US 59 Highway, 2721 Sand Creek Road; from Franklin County RE, Residential Estates to City CS, Countryside District, 2720 Sand Creek Road, seconded by Member Colbern.** 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 a 7-0 vote.

**Held a public hearing on the proposed amendments to Article 24, Section 24-6, Accessory Uses, Shipping Containers, and Article 2, Section 2-3, Definitions, Accessory Buildings.**

Chairperson York opened the public hearing.

Tom Yahl reviewed the revision made from the last memo with the Planning Commissioners. Mr. Yahl stated staff is recommending approval of the amendment.

Chairperson York asked for public comments.

Kevin James asked if this would be enforced in the Urban Growth Area. Tom Yahl stated yes.

Chairperson York closed the public hearing.

Chairperson York asked for discussion from the planning commissioners.

Member Davidson asked if an exception should be added to allow shipping containers as storage units in the Urban Growth Area. Wynndee Lee indicated she did not think these were allowed by the county zoning.

**Member Jackson made a motion to recommend to the City Commission to approve the proposed amendments to Article 24, Section 24-6, Accessory Uses, Shipping Containers, Section 24-5 Temporary Uses, and Article 2, Section 2-3, Definitions, Accessory Buildings, seconded by Member Wasko.** The motion was considered and Member Jackson yes; Member Davidson, no; Member Wasko, yes; Member Warren, yes; Member Livingston, yes; Member Colbern, yes; Chairperson York, yes. Motion passed by a 6-1 vote.

#### **Other Items:**

Wynndee Lee stated staff had handed out revisions made to Chapter 3 of the Comprehensive Plan for the commissioners to review and be ready to discuss at their next meeting on February 10<sup>th</sup>.

Wynndee Lee also noted that staff hand out a letter received from Whitney B. Damron, P.A., concerning pay-day loan establishments for the planning commissioners to read.

#### **Announcements:**

Chairperson York stated the next regularly scheduled Planning Commission study session is Wednesday, January 27, 2010 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, February 10, 2010 at 7 p.m.

#### **Adjournment:**

Chairperson York adjourned the meeting at 8:15 p.m.

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