

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – February 10, 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.

Member Warren stated he would recuse himself from the discussion on the rezone for the Elizabeth Layton Center.

Member Davidson stated he received an email from Loves and stated his company could possibly be bidding on the landscaping for the project.

Site Plan:

Loves Travel Center, 203 E. 27th Street.

Tom Yahl reviewed the memo and site map with the Planning Commissioners. Items highlighted by Mr. Yahl were the stormwater detention, engineering plans, building plans and the final plat.

Tom Yahl stated staff is recommending approval of the site plan with the conditions of the submission and approval of the final plat and resolution of any pending engineering issues.

Chairperson York asked if the whole area was going to be concrete. Troy Culver, Snyder & Associates, stated the area for the Loves Travel Center would be asphalt and 27th Street would be concrete.

Chairperson York asked about those traveling with pets, do they have an area planned for them? Mr. Culver stated the area in the south and the northwest corners would be suitable areas for pets.

Chairperson York asked about the truck idle law, and if Love's would be providing this service. Mr. Culver stated it has not been an issue in the State of Kansas and should anything happen to require this, Love's would comply.

Chairperson York asked about stormwater runoff. Wynndee Lee indicated the water would go to the detention areas and then released toward Rock Creek.

Member Warren asked why there was a left hand lane and a forward lane shown on Granger Drive. Wynndee Lee indicated there were other lots available for development and this would allow for the street to be extended if and when those areas developed.

Other items discussed were trash enclosure, truck scales, stall length, and parking.

Chairperson York asked if there were any other questions from the Planning Commissioners. There were none.

Wynndee Lee asked Troy Culver if they would plan for a berm and bushes per the illustrations he provided in the front area. Mr. Culver stated they would work on this area within the guidelines of KCPL and more bushes could be added once contractor selected.

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 conditions of the submission and approval of the final plat and resolution of any pending engineering issues, 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. The motion passed by a 7-0 vote.

Consent Agenda:

Member Jackson made a motion to approve the December 30, 2009 corrected study session minutes and the January 13, 2010 meeting minutes, seconded by Member Wasko. All present voted yes. (7-0)

Public Comments:

Rick Watkins, 210 W. 5th Street #110, Kansas City, MO, 64105, asked how the Loves project was being funded. Chairperson York stated a TIF District was formed in this area.

Public Hearing Items:

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.

Member Warren recused himself and left the bench area.

Chairperson York opened the public hearing.

Tom Yahl reviewed staff findings and map with the Planning Commission. 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 public comments.

Rick Watkins stated he owns a parcel of ground to the north of this parcel and is concerned about the stormwater drainage. Mr. Watkins is not opposed to the rezoning, just would ask the owners of the property maintain the water on their site.

Mike Schnieders, 326 S. Elm, owns the property at 2515 Eisenhower, stated he had several issues with this rezoning. Mr. Schnieders feels the infrastructure is over taxed, and if the juvenile detention center is built he has concerns about the safety and the future of his business, the roads are not designed for an increase in traffic, and that no one is taking responsibility for jurisdiction of the property. Mr. Schnieders is opposed to the rezone.

Larry Walrod, Franklin County Planning Director, stated the property is under the jurisdiction of the City for zoning, subdivision and building issues as per the Urban Growth Agreement. Mr. Walrod stated with the current county zoning a juvenile detention center would be allowed to be built there by a special use. Mr. Walrod also stated the board needed to consider what other business could be built there as a permitted use right now, things such as a Loves or other higher traffic generators. Mr. Walrod stated the zoning the city is proposing is consistent with the use of the land and the surrounding area and is not inconsistent with the zoning in the county jurisdiction. Mr. Walrod also indicated that the sewer requirements must meet the county sewer regulations, regarding the comment by Mr. Schnieders.

Mike Schnieders stated the city does not have jurisdiction over the infrastructure nor plan to extend city utilities to the area so therefore they should not be rezoning the area. Wynndee Lee indicated that the city has jurisdiction for the property for building however with a county zoning, the city would have to review the area under the county's zoning regulations, which does not have a site planning process. Mr. Lee also indicated that sanitation is the responsibility of the county whether it was there or in the middle of the city, the state has stated this would be under the jurisdiction of the county where no city utilities are available. She further commented the city would work with the county public works and other utilities as necessary.

Chairperson York noted in the letter from the owner they do not object to the Public Use zoning.

Wynndee Lee stated per the message she received today they were find with being rezoned the Public Use designation.

Chairperson York asked if the board for the Elizabeth Clayton Center had a chance to look at the differences between a public zoning and a commercial zoning. Wynndee Lee indicated staff had given them the findings and the Pubic Use uses allowed and informed them of were they could find the commercial uses allowed.

Wynndee Lee indicated the Planning Commission had within the last six months updated the Future Land Use Map for this area, so staff felt they were being consistent with the direction they have had in the last six months.

Member Jackson felt the city was being pro active on this parcel.

Richard Warren, Chairperson for the board of the Elizabeth Layton Center, stated the zoning to a public designation is not an issue with the Elizabeth Layton Center as far as the board is concerned the use will always be there and it is not saleable.

Chairperson York closed the public hearing.

Chairperson York asked for discussion, items discussed whether the parcel should be zoned commercial, the size of the parcel, would the zoning designation be different if the Elizabeth Layton Center was not there, rezoning the whole area at one time.

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

Member Jackson made a motion to approve staff findings as their own, seconded by Member Colbern. The motion was considered and Member Davidson no; Member Wasko, yes; Member Livingston, no; Member Colbern, yes; Member Jackson, yes; Chairperson York, no. The vote on the motion was 3-3.

Member Jackson 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 P, Public District, generally located at 2537 & 2551 Eisenhower Road, seconded by Member Colbern. The motion was considered and Member Wasko, yes; Member Livingston, no; Member Colbern, yes; Member Jackson, yes; Member Davidson, no; Chairperson York, no. The vote on the motion was 3-3.

Wynndee Lee asked the planning commissioners to state their reason for the way they voted for the city commission information. Member Wasko stated she voted yes because she wanted the area to stay as with the use that is already there; Member Livingston voted no as he was concerned the applicant was the city and he felt the area should be zoned commercial; Member Colbern voted yes as he felt the whole parcel is still owned by the Elizabeth Layton Center and should have a corresponding zoning; Member Jackson voted yes as he had not problems with the zoning being proposed and felt the city was being pro active; Member Davidson voted no as he felt the area should be zoned commercial and the whole area should be considered at one time; Chairperson York voted no as he felt the area should be zoned commercial and the whole area should be considered at one time.

Member Warren returned to the bench area.

Held a public hearing on the proposed rezone in the Urban Growth Area from Franklin County I-2, Heavy Industrial District to City I-2 Heavy Industrial District, generally located at 3521 US 59 Highway.

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

- 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.

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

Chairperson York opened the public hearing.

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

Chairperson York closed the public hearing.

Chairperson York asked if there were any letters, staff indicated there were none.

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

Chairperson York closed the public hearing.

Member Wasko made a motion to accept 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.

Member Jackson made a motion to recommend to the City Commission to approve the proposed rezone in the Urban Growth Area from Franklin County I-2, Heavy Industrial District to City I-2 Heavy Industrial District, generally located at 3521 US 59 Highway, 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.

Other Items:

Discussion of Comprehensive Plan goals; schedule a special meeting.

Wynndee Lee indicated staff would like to know when the Planning Commissioners would like to schedule a meeting to review Chapter 3 of the Comprehensive Plan. Meetings were scheduled for March 10th and April 14th at 5:30 p.m. just prior to regular meeting.

Discussion on Pay Day Loan regulations.

Continued to the 24th Planning Commission study session meeting.

Announcements:

Chairperson York stated the next regularly scheduled Planning Commission study session is Wednesday, February 24, 2010 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, March 10, 2010 at 7 p.m.

Adjournment:

Chairperson York adjourned the meeting at 9:00 p.m.

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