

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

City Hall – November 18, 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. 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.

Photo Contest:

Wynndee Lee announced the winners of the contest and Chairperson York presented winners with their certificates and prizes. Those winners were Jan Smith, Public 19 & over, Samantha Lee, Public 18 & under, and Cindy McCurdy, Employee category. Mrs. Lee also announced those overall winners and the mayor's choice winner Warren Smith.

Consent Agenda:

Member Jackson made a motion to approve the September 30, 2009 study session meeting minutes and the October 14, 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 proposed rezones in the Urban Growth Area:

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

1. 2680 Reno Road.
2. 3830 US 59 Hwy.
3. 2655 Sand Creek Road

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

4. 3712 US 59 Hwy.
5. 2675 Sand Creek Road.
6. 2679 Sand Creek Road.
7. 3722 US 59 Hwy.
8. 3706 US 59 Hwy.

Chairperson York opened the public hearing.

Tom Yahl reviewed the staff findings with the planning commissioners.

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

Chairperson York asked if there were any public comments.

Damon Wallis, 2680 Reno Road, asked why the city is rezoning these parcels from a county zoning to a city zoning. Wynndee Lee reviewed the Interlocal Agreement with Mr. Wallis.

Almeda Edwards, 3800 Montana Road, asked if the city's agricultural district is exempting agricultural buildings. Wynndee Lee stated yes, however the city has forms to fill out and will issue a no charge permit in order track building projects and purposes.

Chairperson York asked if staff received any letters or phone calls, there were none received.

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

Member Davidson asked if the city's agricultural district was in line with state regulations for agricultural areas. Wynndee Lee indicated yes.

Chairperson York closed the public hearing.

Member Colbern 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, 2680 Reno Road, 3830 US 59 Hwy., and 2655 Sand Creek Road, and from Franklin County C-2, Highway Commercial District to City MU/CI Mixed Use Commercial/Industrial District, 3712 US 59 Hwy., 2675 Sand Creek Road, 2679 Sand Creek Road, 3722 US 59 Hwy., and 3706 US 59 Hwy., 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 conditional use permit to allow a height increase to a telecommunications tower (radio) for Bemmell Broadcast Center at Ottawa University, generally located at 1001 S. Cedar.

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.

John Feore, with Sunflower Broad Band stated they were present if anyone had any questions for them.

Chairperson York asked why the height increase. Mr. Feore stated to clear the trees and to get in sight with the tower they were receiving a signal from north of Ottawa.

Member Colbern asked by adding to the tower would the tower support the extra weight. Mr. Feore stated their engineers will do a review of the tower and make any additional support changes needed.

Member Davidson asked if the addition of the broadband was for Ottawa University only or will the public be able to use it. Mr. Feore stated at this time it will be only for Ottawa University but maybe in the future would be open to the public.

Chairperson York asked should the tower fall would it fall onto any residential structures. Wynndee Lee indicated it would either fall in the right-of-way or on Ottawa University's property.

Gary Hoffsommer stated traditionally towers are very solid and it would likely buckle in on itself before it would fall over.

Member Warren asked if there would be guy wires. Mr. Hoffsommer stated no as the tower was self supporting.

Member Warren asked about the FFA regulations. Mr. Hoffsommer stated that unless the tower is 200 feet or over it does not need lights on it. Member Warren asked about the helicopters coming in to the hospital. Mr. Hoffsommer stated it should not affect them.

Bob Bezek asked about co-location on the tower. Mr. Feore stated that would be up to Ottawa University as they owned the tower.

Jack Maxwell, Ottawa University, stated the college was trying to stay on the front edge of service to the students, and by adding to the tower this gives them the option to add more services to the students and potentially down the road services for the community.

Chairperson York asked for public comments, there were none.

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

Member Colbern asked if they would have to submit engineering drawings. Wynndee Lee stated yes.

Member Wasko asked if staff had heard anything from the neighbors. Staff indicated no.

Chairperson York closed the public hearing.

Member Davidson made a motion to approve staff findings as their own, seconded by Member Colbern. 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 Wasko made a motion to approve the conditional use with the following conditions: 1. Compliance with providing all documentation needed as stated in Article 29; 2. The Planning Commission hereby grants the exception requested for the reduction in the setback, seconded by Member Jackson. 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.

Continued the 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.

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

Member Jackson stated staff should be more pro active and get information out to the public so they could be more informed on what is taking place with the CIP. Member Warren agreed with Member Jackson. Wynndee Lee stated she could do a news release so when the next meetings were held people would have more information.

Chairperson York closed the public hearing.

Other Items:

Chickens within the City Limits.

Wynndee Lee indicated that staff wanted to get a direction from the Planning Commission on whether to draw up a draft amendment to allow chickens in the city limits on smaller lots or to leave the regulations as they are.

Member Davidson and Member Warren stated they were in favor of allowing someone to have two or three chicken's town.

Members Jackson, Livingston, Colbern, Wasko, and Chairperson York were against allowing chickens in neighborhoods. Therefore there will not be amendments to change the regulations dealing with chickens in the city limits.

Member Jackson asked about the payday loan business. Wynndee Lee indicated staff was drawing up language dealing with payday loans.

Announcements:

Chairperson York stated the next regularly scheduled Planning Commission study session is Wednesday, December 2, 2009 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, December 16, 2009 at 7 p.m.

Adjournment:

Chairperson York adjourned the meeting at 8:00 p.m.

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