

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – May 12, 2010

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

Public Comments: There were none.

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 Wasko made a motion to approve the March 31, 2010 study session minutes and the April 14, 2010 meeting minutes, seconded by Member Colbern. All present voted yes. (5-0)

Public Hearing Items:

Held a public hearing for the proposed preliminary plat for Neosho Community College.

Chairperson York opened the public hearing.

Tom Yahl reviewed the staff memo and the preliminary plat using a power point presentation. Mr. Yahl highlighted the easements and the rights-of-way. Mr. Yahl stated staff is recommending approval of the preliminary plat.

Chairperson York asked where the recreational path was located at. Darron Ammann, Bartlett & West, stated the path is in the right-of-way.

Chairperson York asked where the water line was located on the property. Wynndee Lee indicated it runs along the east side of the building.

Chairperson York asked if the right-of-way for Cottonwood Street was new. Wynndee Lee indicated no, there is already right-of-way for Cottonwood Street, staff is asking for additional right-of-way to widen the dedication.

Chairperson York asked if staff had received any letters or phone calls. Tom Yahl stated no.

Chairperson York asked for public comments.

Vance Finch, 508 N. Spruce, stated he had concerns about the entrance to this property being across from Spruce Street, wanted to know if there had been a traffic study done, and if the existing pump station would have to be moved or altered.

Wynndee Lee indicated a traffic study had been done and that a left turn lane for Spruce Street as well for the college will be installed at the main entrance of NCCC. The other drive will be an exit right turn only.

Wynndee Lee stated the lift station will be moved, though the building will remain, but not because of this project, the city had planned on doing it anyway.

Chairperson York closed the public hearing.

Chairperson York asked if the commissioners had any comments or discussion, there was none.

Member Livingston made a motion to approve the preliminary plat as submitted, seconded by Member Colbern. The motion was considered and Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Member Davidson, yes; Chairperson York, yes. Motion passed by 5-0 vote.

Non Public Hearing Item:

Site Plan, Neosho County Community College (NCCC), 900 E. Logan.

Tom Yahl reviewed the staff memo and the site map with the commissioners using a power point presentation with maps. Mr. Yahl highlighted the drives, widening of the street to add turn lanes. Mr. Yahl indicated an exception to the storm water drainage study and been approved. Also an exception to the size of the parking spaces and the “no curbing” in the majority of the parking lot had also been approved.

Tom Yahl stated staff is recommending approval of the site plan with conditions.

Darron Ammann, Bartlett & West, stated he would answer any questions the commissioners had.

Dr. Vicki Smith, President of NCCC, thanked the city’s department directors, the city manager, and staff for all their help through this process. Dr. Smith stated they are excited about this project and working with the city on it.

Josh Walker, Lloyd Builders, stated he felt staff covered the site plan efficiently and it has been an awesome working relationship between the city, the college, and the designer.

Chairperson York asked if the commissioners had any questions.

Member Davidson asked about the storm water run off, the flood plain on the property, and why no detention was planned for. Wynndee Lee indicated that this site has a lot of flood plain on it thus qualified for an exception. In fact if detention was installed it could disrupt the natural flow of the flood plain area and cause problems for the “peak” flow.

Member Davidson asked about not installing traditional curbs in the parking lot. Wynndee Lee indicated this is to allow the water to sheet off the parking lot so not to change the flow of the water in this area. Mrs. Lee indicated there would be parking blocks in place so that no one would drive off the edge of the parking lot.

Chairperson York asked where the service entrance was located, is there an exit door on the east side, and is there any sidewalks on that side. Wynndee Lee illustrated the service entrance was on the south end of the building, and there is an exit door on the east side but there are no sidewalks.

Member Wasko asked about the channelizer posts and where they were going to be located. Darron Ammann showed the location on the map where they would be located along the center line of Logan Street. They are to be 3 feet apart for a span of 200 feet and would be buildup.

Member Livingston asked if any of the green space to the south would be developed. Darron Ammann stated the area to the south was in the flood plain, however there are two possible additions one to the northwest and one to the southwest.

Member Davidson made a motion to approve the site plan for Neosho County Community College with the following conditions: 1. Approval of the required public infrastructure plans for improvements to Logan Street; 2. Approval of a final plat for the site; 3. Delay of the sidewalk construction to 2011, seconded by Member Colbern. The motion was considered and Member Colbern, yes; Member Davidson, yes; Member Wasko, yes; Member Livingston, yes; Chairperson York, yes. Motion passed by a 5-0 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, Agriculture District

1. 4070 Montana Road. Map # 1
2. 3800 Montana Road. Map # 7
3. 3728 Montana Road. Map # 10
4. 2850 Reno Road. Map # 6
5. 3827 US-59 Highway. Map # 8
6. 3893 US-59 Highway. Map # 9

Franklin County A-1, Agriculture District to City A, Agriculture District

1. 3994 Montana Road. Map # 2
2. 3855 Montana Road. Map # 4
3. 3775 Montana Road. Map # 5
4. 3935 Montana Road. Map # 3
5. 3032 Sand Creek Road. Map # 11

Chairperson York opened the public hearing.

Tom Yahl reviewed staff findings and map with the Planning Commissioners. Mr. Yahl stated staff is recommending approval based on the following conclusions:

- The surrounding neighborhood will have no impact on the proposed change and, conversely, the change will have no impact on the neighborhood.
- The property is most suited for agricultural use.
- Public services available to the site are not adequate for development.
- The proposed amendment is in conformance with the City's Comprehensive Plan.

Chairperson York asked if there were any public comments.

James Dunn, 936 Kentucky, Lawrence, Kansas, asked why the city was rezoning the property and what changes this would have on his property. Wynndee Lee explained about the Inter-Local Agreement the city and the county have and the reason the city is rezoning the property. Mrs. Lee indicated to Mr. Dunn that his current uses on the property would not be affected.

Carl Isley, 3065 Shawnee Road asked if he was going to be rezoned. Tom Yahl indicated to Mr. Isley that he is not in the UGA area and the city would not be rezoning his property, he received the notice for the changes nearby.

Chairperson York closed the public hearing.

Chairperson York asked the commissioners if they had any questions or comments, there were none.

Member Wasko made a motion to approve staff findings as their own, seconded by Member Colbern. The motion was considered and Member Davidson, yes; Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Chairperson York, yes. Motion passed by a 5-0 vote.

Member Colbern made a motion to recommend to the City Commission to approve the proposed the proposed rezones in the Urban Growth Area from: Franklin County A-2, Transitional Agriculture District to City A, Agriculture District, 4070 Montana Road, 3800 Montana Road, 3728 Montana Road, 2850 Reno Road, 3827 US-59 Highway, 3893 US-59 Highway, and from Franklin County A-1, Agriculture District to City A, Agriculture District, 3994 Montana Road, 3855 Montana Road, 3775 Montana Road, 3935 Montana Road, 3032 Sand Creek Road, seconded by Member Livingston. The motion was considered and Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Member Davidson, yes; Chairperson York, yes. Motion passed by a 5-0 vote.

Held a public hearing on the proposed rezone from C-3 General Commercial District to MU/CI Mixed Use Commercial/Industrial District, located at 1102, 1112, 1120, & 1124 N. Main.

Chairperson York 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 change in classification is consistent with the intent and purpose of the regulations.
- The character and condition of the surrounding neighborhood will have no effect on the proposed change.
- The change in classification will have no effect on existing nearby land uses.
- The uses permitted on the property as reclassified are compatible with the uses permitted on other property in the immediate vicinity.
- The property is suitable for commercial or industrial uses.
- Whether adequate public services exist to serve the uses that would be permitted on the property if it were reclassified.

Chairperson York asked if there were any public comments.

Leonard Cheasbro, 2638 Kingman Road, stated he was opposed to the rezone as he felt it would be detrimental to his property value. When clarified, he was opposed to both rezones near his property at 1105 N. Main.

James Dunn, 936 Kentucky, Lawrence, Kansas, asked what uses would be allowed if the zoning was changed. Wynndee Lee indicated the uses in the C-3 General Commercial District would be allowed, just as they are right now, the only difference is it would allow limited industrial uses in this area.

Wynndee Lee indicated staff wanted to get an idea of what the community and the planning commission wanted to see in this area, their vision of the future.

James Dunn, stated he feels this area has been needing to be looked at for some time now.

Chris Bennett, 907 Firetree Ave., Baldwin City, KS, stated he felt this would be a good transition for this area and would make his use, at 1124 N. Main conforming to the zoning ordinance.

Monica Hill, manager of Stor-It-Safe and representing the owner Mr. Kruger, stated they were in support of the change and this would make their use conforming to the zoning and would no longer need a conditional use permit.

Dick Martin, 148 Megan Lane, Ottawa, stated if the zoning is changed there would be more options of uses for the property.

Rex Bauer, 221 S. Elm, stated he would like the zoning to stay the same and he felt it would lower the value of his property.

Member Livingston made a motion to continue the public hearing to their June 9, 2010 meeting, seconded by Member Colbern. Member Livingston yes; Member Colbern, yes; Member Davidson, yes; Member Wasko, yes; Chairperson York, yes. The motion passed by a 5-0 vote.

Held a public hearing to consider the proposed rezone from C-3 General Commercial District to MU/RC Mixed Use Residential/Commercial District, located at 1121 N. Main.

Chairperson York 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 change in classification is consistent with the intent and purpose of the regulations.
- The character and condition of the surrounding neighborhood will have no effect on the proposed change.
- The change in classification will have no effect on existing nearby land uses.
- The uses permitted on the property as reclassified are compatible with the uses permitted on other property in the immediate vicinity.
- The property is suitable for commercial or industrial uses.
- Whether adequate public services exist to serve the uses that would be permitted on the property if it were reclassified.

Chairperson York asked if the applicant would like to make a presentation.

Aaron Heckman, representing ECKAN, stated ECKAN has owned the property for some time and it has remained undeveloped, though it has been on the market for sale since 2005. Mr. Heckman stated ECKAN may apply for a housing grant and would be able to build three townhomes, six units,

in this area. Mr. Heckman stated the access to the structures would be from the alley. Mr. Heckman feels this is consistent with the neighborhood.

Chairperson York asked if there were any public comments.

Leonard Cheasbro, 2638 Kingman Road, stated he was opposed to the rezone as he felt it would be detrimental to his property value.

Rex Bauer, 221 S. Elm, stated he would like the zoning to stay the same and he felt it would lower the value of his property.

Dick Martin, 148 Megan Lane, asked who would be the owner of the townhomes. Aaron Heckman stated ECKAN would be the owners. He indicated it might be good for his business.

Monica Hill, manager of Stor-It-Safe, stated they were in support of this rezone too.

James Dunn, 936 Kentucky, Lawrence, Kansas, asked if this property would be paying full taxes. Wynndee Lee indicated yes. Mr. Dunn asked if the city is considering paving the gravel alley. Wynndee Lee indicated no. Mr. Dunn wanted to know if sidewalks would be required for this development. Wynndee Lee indicated yes. Mr. Dunn stated he agrees affordable housing is needed.

Chris Bennett, 907 Firetree Ave., Baldwin City, KS, stated he was not opposed to the rezone of this property.

Member Davidson stated he was in support of this rezone and Member Colbern agreed.

Chairperson York closed the public hearing.

Member Colbern made a motion to approve staff findings as their own, seconded by Member Davidson. The motion was considered and Member Colbern, yes; Member Davidson, yes; Member Wasko, yes; Member Livingston, yes; Chairperson York, yes. Motion passed by a 5-0 vote.

Member Davidson made a motion to recommend to the City Commission to approve the proposed rezone from C-3 General Commercial District to MU/RC Mixed Use Residential/Commercial District, located at 1121 N. Main, seconded by Member Colbern. The motion was considered and Member Davidson, yes; Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Chairperson York, yes. Motion passed by a 5-0 vote.

Chris Bennett, 907 Firetree Ave., Baldwin City, KS, asked why his rezone request was delayed and this one was approved. Wynndee Lee indicated staff was going to look at the allowed uses in the I-1 District and about storage in this district to see if any changes were needed.

Other Items:

Grace Community Fellowship Church Parking Lot.

Wynndee Lee reviewed the memo and the map with the Planning Commissioners. Mrs. Lee indicated this normally this does not require review by the Planning Commission but since the parking area is nonconforming wanted to have their opinion.

A poll of the Planning Commissioners indicated they had no problem with allowing the parking as submitted on the site plan, but wanted staff to review this in 2 years to see if the developer needs to construct additional parking.

Announcements:

The next regularly scheduled Planning Commission study session is Wednesday, April 26, 2010 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, June 9, 2010 at 7 p.m.

Adjournment:

Chairperson York adjourned the meeting at 9 p.m.

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