

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – April 13, 2011

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

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.

Public Comments: There were none.

Consent Agenda:

Member Colbern made a motion to approve the February 23, 2011 study session minutes, and the March 9, 2011 meeting minutes, seconded by Member Wasko. All present voted yes. (7-0).

Held a public hearing to consider the proposed amendment to Permitted Uses in Article 5, Agricultural District, Section 5-2 in the Zoning Ordinance.

Chairperson Jackson opened the public hearing.

Tom Yahl reviewed the changes with the Planning Commissioners. Mr. Yahl indicated the changes to Article 5 would allow for better consistency with the County's Agriculture Districts.

Pastor Schooley, Crosspoint Community Church, asked how the change would affect the church's property and if they would not fall under city government?

Member York indicated the City's current agricultural regulations do not allow churches in this district, however by making this change they would be an allowed use.

Chairperson Jackson commented that the change would not only allow churches but other places of worship as well.

Chairperson Jackson closed the public hearing.

Member York made a motion to recommend to the City Commission to approve the proposed amendment to Permitted Uses in Article 5, Agricultural District, Section 5-2 in the Zoning Ordinance, seconded by Member Wasko. The motion was considered and Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Member Bond, yes; Member York, yes; Member Maxwell, yes; Chairperson Jackson, 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-1, Agricultural District to City A, Agricultural District, 1500 E. 15th St., 3085 Marshall Road, and 3125 Marshall Road; from Franklin County A-2, Transitional Agriculture District to City A, Agricultural District, 2749 Montana Road, and 2789 Montana Road; from Franklin County I-1, Light Industrial District to City A, Agricultural District, 1307 E. 15th St., 2150 E. 15th St., 2201 E. 15th St., 2203 E. 15th St., and 3095 Marshall Road; from Franklin County R-3A,

Single-Family Residential 3-Acre District to City A, Agricultural District, 3087 Marshall Road; from Franklin County C-2, Highway Commercial District to City C-3, General Commercial District, 2200 E. 15th St., and 2208 E. 15th St.; from Franklin County I-1, Light Industrial District to City C-3, General Commercial District, 2216 E. 15th St.; from Franklin County R-E, Residential Estate District to City A, Agricultural District, 1324 E. 15th St., 1386 E. 15th St., and 1500 E. 15th St.

Chairperson Jackson opened the public hearing.

Tom Yahl reviewed staff findings, and the map (power point presentations) with the Planning Commission. Mr. Yahl indicated that this action was not an annexation, it does not change the taxes, and all public services will remain provided by the County.

Chairperson Jackson asked for public comments.

Pastor Schooley, Crosspoint Church, indicated that the church driveway was not a continuation of Nebraska Road. Pastor Schooley also indicated that the church would like to have a missionary furlough home and has also discussed building a retirement home in the future.

Tom Yahl indicated that a single-family dwelling can be developed on the property.

Member York indicated that a rezone would be needed for the development of multiple dwellings. He also indicated that the city's regulations were more liberal than the county's regulations.

Tom Yahl indicated the church would need to rezone the area to the City's Countryside District.

Bob Bezek, City Attorney, stated the church would have to ask for a change in the zoning to build multiple dwellings whether or not they are in the UGA.

Pastor Schooley stated he felt that he had not been treated favorable by the City in the past.

Member York indicated that Pastor Schooley should look at and compare the City's Countryside and Agricultural District to that of the County's Districts.

Dan Watkins, attorney representing Stan Zaremba, stated the parcels owned by Mr. Zaremba are currently zoned I-1, Light Industrial for 2216 E. 15th St., and C-2 Highway Commercial for 2208 E. 15th St. Mr. Watkins indicated Mr. Zaremba would like 2216 E. 15th St. be zoned commercial and 2208 E. 15th St. be zoned light industrial as he feels that being down-zoned would hurt him in the future. Mr. Watkins asked that if this was not possible he would like for these two parcels be removed and revisited at a later date.

Tom Yahl indicated that they could look at an I-1 zoning classification.

Bob Bezek indicated that the planning commission could down-zone a property without holding another public hearing but could not up-zone a piece of property without holding another public hearing.

Member York stated he was opposed to spot zoning. Member York asked if Mr. Zaremba had any motivation other than land value concerns for the zoning classifications. Dan Watkins indicated no.

Tom Yahl stated that if 2216 and 2208 E. 15th Street were revised at a later date a new public hearing would have to be published and notifications of the public hearing would be sent to owners within 1,000 feet of the properties.

Member Livingston asked if the back parcel, 2208 E. 15th St., had adequate frontage? Tom Yahl indicated he did not know the dimensions of the property.

Member Livingston made a motion that the properties at 2216 and 2208 E. 15th Street be taken off the rezoning and be reconsidered at a later date, seconded by Member Colbern. The motion was considered and Member Bond, yes; Member Livingston, yes; Member Colbern, yes; Member York, yes; Member Wasko, yes; Member Maxwell, yes; Chairperson Jackson, yes. The motion was approved by a 7-0 vote.

Tom Yahl did indicate he attempted to contact Mr. Caylor through his attorney, but his attorney did not get back with him.

Member Bond made a motion to accept staff findings as their own, seconded by Member York. The motion was considered and Member Livingston, yes; Member Colbern, yes; Member Bond, yes; Member York, yes; Member Maxwell, yes; Member Wasko, yes; Chairperson Jackson, yes. Motion passed by a 7-0 vote.

Member York made a motion to recommend to the City Commission to approve the proposed rezones in the UGA with the removal of 2208 and 2216 E. 15th Street, from Franklin County A-1, Agricultural District to City A, Agricultural District, 1500 E. 15th St., 3085 Marshall Road, and 3125 Marshall Road; from Franklin County A-2, Transitional Agriculture District to City A, Agricultural District, 2749 Montana Road, and 2789 Montana Road; from Franklin County I-1, Light Industrial District to City A, Agricultural District, 1307 E. 15th St., 2150 E. 15th St., 2201 E. 15th St., 2203 E. 15th St., and 3095 Marshall Road; from Franklin County R-3A, Single-Family Residential 3-Acre District to City A, Agricultural District, 3087 Marshall Road; from Franklin County C-2, Highway Commercial District to City C-3, General Commercial District, 2200 E. 15th St.; from Franklin County R-E, Residential Estate District to City A, Agricultural District, 1324 E. 15th St., 1386 E. 15th St., and 1500 E. 15th St., seconded by Member Colbern. The motion was considered and Member Colbern, yes; Member Bond, yes; Member York, yes; Member Maxwell, yes; Member Wasko, yes; Member Livingston, yes; Chairperson Jackson, yes. Motion passed by a 7-0 vote.

Announcements:

The next regularly scheduled Planning Commission study session is Wednesday, April 27, 2011 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, May 11, 2011 at 7 p.m.

Adjournment:

Member Colbern made a motion to adjourn, seconded by Member Livingston.

Respectfully submitted, Tom Yahl, AICP
Planner