

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

**City Hall – December 14, 2011**

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

**Declaration:**

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 was none.

**Public Comments:** There were none.

**Consent Agenda:**

Member Wasko made a motion to approve the October 26, 2011 study session minutes, and the November 9, 2011 meeting minutes as amended, seconded by Member Bond. All present voted yes. (5-0).

**Public Hearing Items:**

**Held a public hearing on the proposed amendments to Article 8, Section 8-201, Permitted Uses, and Article 24, Section 24-6, Accessory Uses, and Section 24-705, Certain Fences Prohibited, for uses in the UGA of the Zoning Regulations.**

Chairperson Jackson opened the public hearing.

Tom Yahl reviewed staff memo with the planning commission (power point presentation). Mr. Yahl stated staff is recommending approval of the amendments.

Larry Aiken, 2439 Old US-59 Highway, asked why there was a limitation being put on the size of buildings in the UGA. Mr. Aiken stated he had asked during the meeting with staff about whether there would be a limitation on sizes of buildings and was under the impression there would not be. Wynndee Lee indicated that for agricultural buildings there are no limitations on size, this regulation is for accessory buildings such as garages. Mr. Aiken asked if he could have more than one building that is 1,800 square feet or if this limited him to a total of 1,800 square feet for all of his buildings. Tom Yahl stated the intent of the regulation was to allow more than one building at the 1,800 square feet size. Wynndee Lee also stated that the size of the lot does play a role in how many and how big accessory buildings can be.

Shari Perry, 2450 Labette Road, asked if barbed wire fences were not allowed in the residential district and would she be required to get a permit to install a fence as she is not required to do it now. Wynndee Lee stated the amendment being proposed is to allow barbed wire fences in the CS District as the current regulations do not allow it. Mrs. Lee also stated she would have to look at the permitting regulations to see if a permit would be required to install a barbed wire fence.

Member Livingston arrived at the meeting at 7:10 p.m.

Butch Riddle, 2387 Old US-59 Highway, stated that during the meeting with staff there was no conversation about fencing and now the city wants to change the regulations with new text. Mr. Riddle stated he felt this was unfair. Wynndee Lee explained to Mr. Riddle that the city's current regulations on barbed wire fencing does not allow it, so staff is proposing a change to the regulations to allow barbed wire fences in the agricultural and countryside districts, per request of those in his neighborhood.

Chairperson Jackson stated that staff is willing to work with the property owners so that the city's regulations are similar to what the county regulations allow in similar zoning district.

Shari Perry asked if she could have a copy of the changes being proposed. Staff gave her a copy of staffs memo.

Chairperson Jackson closed the public hearing.

Chairperson Jackson asked if the planning commission had any questions or comments, there were none.

Chairperson Jackson asked for a motion.

**Member Wasko made a motion to recommend to the City Commission to approve the proposed amendments to Article 8, Section 8-201, Permitted Uses, and Article 24, Section 24-6 Accessory Uses, and Section 24-705, Certain Fences Prohibited in the Zoning Ordinance, seconded by Member Boyd.**

The motion was considered and Member Bond, yes; Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Member Livingston, yes; Chairperson Jackson yes. Motion passed by a 6-0 vote.

**Continued the public hearing for the proposed rezones in the UGA from Franklin County A-2, Transitional Agriculture District to City, A, Agricultural District, 2387 Old US-50 Highway; from Franklin County C-2, Highway Commercial District to City, CS, Countryside District, 2402 Old US-50 Highway, 2439 Old US-50 Highway; from Franklin County R-3A, Single-Family Residential 3-Acre District to City, CS, Countryside District, 2434 Old US-50 Highway, 2428 Old US-50 Highway; from Franklin County R-E, Residential Estate District to City, CS, Countryside District, 2424 Old US-50 Highway, 2415 Old US-50 Highway, 2393 Old US-50 Highway, 2389 Old US-50 Highway.**

Chairperson Jackson opened the continuation of this public hearing.

Tom Yahl reviewed this item with the Planning Commission, (power point presentation). Mr. Yahl indicated that staff met with the property owners after the last meeting and reviewed the rezoning process with them. The planning commission were given an email from one of the property owners who indicated he was not opposed of the rezoning, but was expressing concerns about the interlocal agreement and authority. Mr. Yahl stated staff is recommending approval.

Chairperson Jackson asked for public comments.

Butch Riddle, 2387 Old US-59 Highway, stated he wanted to stay with a county zoning, having a city zoning did nothing for him but add more regulations. He questioned the ability to have the interlocal under state statute. Mr. Riddle indicated he did not want to be in the UGA he moved to the county to be in the county and under county regulations not under city regulations. Mr. Riddle asked city staff to send him the necessary paperwork so he could submit a protest petition and if need be he would take this to court.

Bob Bezek, City Attorney, responded to Mr. Riddle stated he does have the right to protest this action and to invoke his constitutional rights.

Chairperson Jackson closed the public hearing.

Chairperson Jackson asked the planning commission if they had any comments or questions.

Member Livingston asked staff if the city's zoning classification was more restrictive. Wynndee Lee stated that city staff and the planning commission have tried to make the zoning classifications of the cities as consistent with the county's as possible.

Member Bond asked if the proposed amendments already discussed were a result of the meeting staff had with the property owners. Wynndee Lee stated yes and the proposed changes were provided to the county's

planning director as well as discussed.

**Member Bond made a motion to accept staff findings as their own, seconded by Member Wasko.** The motion was considered and Member Bond, yes; Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Member Livingston, yes; Chairperson Jackson, yes. The motion passed by a 6-0 vote.

**Member Bond 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, A, Agricultural District, 2387 Old US-50 Highway; from Franklin County C-2, Highway Commercial District to City, CS, Countryside District, 2402 Old US-50 Highway, 2439 Old US-50 Highway; from Franklin County R-3A, Single-Family Residential 3-Acre District to City, CS, Countryside District, 2434 Old US-50 Highway, 2428 Old US-50 Highway; from Franklin County R-E, Residential Estate District to City, CS, Countryside District, 2424 Old US-50 Highway, 2415 Old US-50 Highway, 2393 Old US-50 Highway, 2389 Old US-50 Highway, seconded by Member Wakso.** The motion was considered and Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Member Livingston, yes; Member Bond, yes; Chairperson Jackson, yes. The motion passed by a 6-0 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, 2430 Eisenhower Ave; from Franklin County A-2, Transitional Agriculture District, to City CS, Countryside District, 2360 Labette Road, 2404 Labette Road; from Franklin County R-3A, Single-Family Residential 3-Acre District, to City CS, Countryside District, 2700 Eisenhower Ave.; from Franklin County R-E, Residential Estate District, to City CS, Countryside District, 2446 Labette Road, 2450 Labette Road, 2454 Labette Road, 2420 Labette Road, 2410 Labette Road.**

Chairperson Jackson opened the public hearing.

Tom Yahl reviewed the findings and map (power point presentation) with the Planning Commissioners. Mr. Yahl indicated staff was recommending approval.

Chairperson Jackson asked for public comments.

Shari Perry, 2450 Labette Road, asked why the city was just now rezoning the area, indicated the interlocal agreement made it confusing to the property owners who was providing what services, she felt that the rezoning was not beneficial to her, and wanted to know if the amendments being suggested would be sent to the county commission to be approved. She asked if the animal limitations applied.

Wynndee Lee indicated at the time the interlocal was done the city could have adopted a map showing the zoning changes without notification to any of the property owners. At that time there were major developments going on and the city was unable to start the rezoning process. There are over 370 properties that needed to be rezoned so for the past three years the city has been rezoning them in an orderly fashion. The animal restrictions were for the UGA too.

Chairperson Jackson asked if there were any other public comments, there were none.

Chairperson Jackson closed the public hearing.

Member Livingston asked if the current uses the property owners have on their properties can continue with the city zoning classification, in particular the number of animals. Wynndee Lee indicated yes.

Chairperson Jackson asked the planning commission if they had any further comments or questions, there were none.

**Member Wasko made a motion to accept staff findings as their own, seconded by Member Boyd.** The motion was considered and Member Livingston, yes; Member Bond, yes; Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Chairperson Jackson, yes. Motion passed by a 6-0 vote.

**Member Livingston 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, 2430 Eisenhower Ave; from Franklin County A-2, Transitional Agriculture District, to City CS, Countryside District, 2360 Labette Road, 2404 Labette Road; from Franklin County R-3A, Single-Family Residential 3-Acre District, to City CS, Countryside District, 2700 Eisenhower Ave.; from Franklin County R-E, Residential Estate District, to City CS, Countryside District, 2446 Labette Road, 2450 Labette Road, 2454 Labette Road, 2420 Labette Road, 2410 Labette Road, seconded by Member Boyd.** The motion was considered and Member Bond, yes; Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Member Livingston, yes; Chairperson Jackson, yes. Motion passed by a 6-0 vote.

**Other Items:** There were none.

**Announcements:** The next regularly scheduled Planning Commission study session is Wednesday, December 28, 2011 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, January 11, 201 at 7 p.m.

**Adjournment:** Chairperson Jackson adjourned the meeting at 7:55 p.m.

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