

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – November 9, 2011

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

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 September 28, 2011 study session minutes, and the October 12, 2011 meeting minutes as amended, seconded by Member Colbern. All present voted yes. (7-0).

Site Plan:

Community Foursquare Church 119 E. 9th, new fellowship hall.

Tom reviewed the memo with the Planning Commission members (power point presentation). Mr. Yahl reviewed the elevations and stated the site plan meets the city's development standards. Mr. Yahl stated staff is recommending approval with the condition that the parking lot at the northeast corner of Ninth and Hickory Streets be paved within 12 months.

Chairperson Jackson asked if the applicant was present. Tom Yahl indicated the pastor could not be at the meeting but he had spoken with him and he was agreeable with the condition.

Member Colbern asked if there was going to be lighting on the site. Tom Yahl indicated no. Wynndee Lee stated if there is any lighting on the building it would have to be shielding so it would not disturb the neighbors.

Member Maxwell asked about the metal façade and could there be more landscaping, stone, masonry, or both required. Tom Yahl indicated he could ask them to provide a new drawing showing more landscaping, etc. to bring back to the Planning Commission to approve.

There was discussion on the time line for the paving of the parking lot on the northeast corner of Ninth and Hickory Streets. The Planning Commission agreed the 12 month time period would begin at the issuance of the Certificate of Occupancy for the new building.

Member Colbern made a motion to approve the site plan with the following conditions; 1. A new site plan submitted for approval by the Planning Commission showing more landscaping and or façade work with stone or masonry for the east façade; 2. The parking lot at the northeast corner of Ninth and Hickory Streets will need to be paved within 12 months after the

issuance of the Certificate of Occupancy for the new building, seconded by Member Wasko.

The motion was considered and Member Colbern, yes; Member Bond, yes; Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Member Livingston, yes; Chairperson Jackson, yes. Motion passed by a 7-0 vote.

Public Hearing Items:

Held a public hearing on the proposed rezones in the Urban Growth Area from Franklin County C-2, Highway Commercial District, to City A, Agricultural District, 2551 Kingman Road; from Franklin County C-2, Highway Commercial District, to City C-3, General Commercial District, 2515 Eisenhower Road and 2520 Eisenhower Road; from Franklin County C-2/PD, Highway Commercial/Planned Development Overlay District, to City C-3, General Commercial District, 2597 US-59 Highway, 2599 US-59 Highway, 2571 US-59 Highway; from Franklin County C-2/PD, Highway Commercial/Planned Development Overlay District, to City R-1, Low Density Residential District, 2573 US-59 Highway; from Franklin County R-3A, Single Family Residential 3-Acre District to City P, Public Use District, 2545 US-59 Highway; from Franklin County I-1 Light Industrial District, to City I-1, Light Industrial District, 2646 S. Princeton, 2598 US-59 Highway, 2526 US-59 Highway, 2619 Kingman Road.

Chairperson Jackson opened the public hearing.

Tom Yahl stated due to a publication error the above rezones had to be rescheduled for the November meeting. Staff has not changed any of the findings and is recommending approval.

Wynndee Lee stated Dennis Woolman was at the last meeting and spoke and read his comments from the last meeting. “Dennis Woolman, 2477 Nebraska Road, owner of the properties at 2619 Kingman Road and 2526 US-59 Highway stated he wanted his properties to stay zoned industrial and since the city is proposing to rezone his properties industrial he has no problem with the rezone. Mr. Woolman also made comments related to maintenance of Kingman Road.”

Tom Yahl stated the owner of Penny’s Concrete asked if the rezoning would have an impact on any future uses of their property, Mr. Yahl stated no.

Chairperson Jackson asked for public comments, there were none.

Chairperson Jackson closed the public hearing.

Member Colbern made a motion to accept staff findings as their own, seconded by Member Bond.

The motion was considered and Member Bond, yes; Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Chairperson Jackson, yes. Motion passed by a 7-0 vote.

Member Wasko made a motion to recommend to the City Commission to approve the proposed rezones in the Urban Growth Area and in the City Limits from Franklin County C-2, Highway Commercial District, to City A, Agricultural District, 2551 Kingman Road; from Franklin County C-2, Highway Commercial District, to City C-3, General Commercial District, 2515 Eisenhower Road and 2520 Eisenhower Road; from Franklin County C-2/PD, Highway Commercial/Planned Development Overlay District, to City C-3, General Commercial District, 2597 US-59 Highway, 2599 US-59 Highway, 2571 US-59 Highway; from Franklin County C-2/PD, Highway Commercial/Planned Development Overlay District, to City R-1, Low Density Residential District, 2573 US-59 Highway; from Franklin County R-3A, Single Family

Residential 3-Acre District to City P, Public Use District, 2545 US-59 Highway; from Franklin County I-1 Light Industrial District, to City I-1, Light Industrial District, 2646 S. Princeton, 2598 US-59 Highway, 2526 US-59 Highway, 2619 Kingman Road, seconded by Member Colbern. The motion was considered and Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Member Bond, yes; Chairperson Jackson, yes. Motion passed by a 7-0 vote.

Continued the public hearing for the proposed rezone in the UGA from Franklin County R-E/I-1 Residential Estate/Light Industrial District, to City MU/RC, Mixed Use Residential/Commercial District at 2194 US-59 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 staff proposed a mixed use zoning, the owners asked for continuation to look at other options, but have now withdrawn their objections to the proposed rezoning classification suggested by the city. Mr. Yahl stated staff is recommending approval.

Chairperson Jackson asked for public comments, there were none.

Chairperson Jackson closed the public hearing.

Member Bond made a motion to accept staff findings as their own, seconded by Member Colbern. The motion was considered and Member Livingston, yes; Member Colbern, yes; Member Bond, yes; Member Maxwell, yes; Member Boyd, abstained; Member Wasko, yes; Chairperson Jackson, yes. The motion passed by a 6-0-1 vote.

Member Wasko made a motion to recommend to the City Commission to approve the proposed rezone in the Urban Growth Area from Franklin County R-E/I-1 Residential Estate/Light Industrial District, to City MU/RC, Mixed Use Residential/Commercial District at 2194 US-59 Highway, seconded by Member Colbern. The motion was considered and Member Colbern, yes; Member Bond, yes; Member Maxwell, yes; Member Boyd, abstained; Member Wasko, yes; Member Livingston, yes; Chairperson Jackson, yes. The motion passed by a 6-0-1 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, 2387 Old US-50 Highway; from Franklin County C-2, Highway Commercial District to City, C-3, General Commercial District, 2520 Eisenhower Road, 2489 Old US-50 Highway, 2459 Old US-50 Highway, 2449 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 public hearing.

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

Wynndee Lee indicated that the owners of 2387 Old US-50 Highway, 2424 Old US-50 Highway, and

2434 Old US-50 Highway requested the Planning Commission continue their public hearings to next month as they could not be attendance for this meeting.

Chairperson Jackson asked for public comments.

Mrs. Kennicott, 2428 Old US-50 Highway, asked for the public hearing to be continued on her property until next month so they could obtain more information about the rezoning.

Marty Burik, 2353 Old US-50 Highway asked what the rezoning was all about as he and his neighbors did not receive any information on the rezoning. Wynndee Lee stated that his property was not in the UGA, however since it is within 1,000 feet of the property being proposed to be rezoned he was notified of the public hearing.

Wynndee Lee also noted that these properties have been under the city's jurisdiction since 2006 when the Interlocal Agreement was approved.

The property owners of 2415 Old US-50 Highway, 2389 Old US-50 Highway, and 2439 Old US-50 Highway also requested their public hearings be continued.

Dan Barrow, 2520 Eisenhower Road, stated he was fine with the change in the zoning classification to C-3, he would prefer an industrial classification, but did not want a residential zoning classification. Member Maxwell indicated during the study session discussion he had brought up the possibility of the residential zoning as the area was primarily developed in residential uses. Member Maxwell stated that does not mean that is what would happen as the study session is used to discuss options.

Pete Clark, owner of 2489, 2459, & 2449 Old US-50 Highway asked if there were plans to annex this area into the city in the near future. Wynndee Lee stated no. Mr. Clark asked if he should sell his property could the new owner continue the type of business that is currently there with this new zoning classification, Wynndee Lee stated yes. Mr. Clark also asked what the difference was in allowable uses from the county zoning to the city zoning. Wynndee Lee read all the uses allowed in the city's C-3 Zoning District and the county's C-2 Zoning District.

Member Bond asked Mr. Barrow what his property was used for. Mr. Barrow stated they use it to store wood from their logging operation. Mr. Barrow indicated in the future they would like to have a saw mill at this location and also have a retail store that sells furs.

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

Wynndee Lee stated that with the amount of property owners who want the hearing continued she would suggest that all of the properties proposed to be rezoned to the city's Agricultural District and the Countryside District be continued to their December meeting.

Member Livingston made a motion to continue the public hearings for 2387 Old US-50 Highway, 2389 Old US-50 Highway, 2393 Old US-50 Highway, 2415 Old US-50 Highway, 2439 Old US-50 Highway, 2434 Old US-50 Highway, 2428 Old US-50 Highway, 2424 Old US-50 Highway, and 2402 Old US-50 Highway, seconded by Member Bond. The motion was considered and Member Boyd, yes; Member Bond, yes; Member Livingston, yes; Member Colbern, yes; Member Wasko, yes; Member Maxwell, yes; Chairperson Jackson, yes. Motion passed by a 7-0 vote.

Chairperson Jackson asked if the Planning Commissioners had any questions or comments, there were none.

Member Colbern made a motion to accept staff findings for the properties located at 2449 Old US-50 Highway, 2459 Old US-50 Highway, 2489 Old US-50 Highway, and 2520 Eisenhower Road as their own, seconded by Member Boyd. The motion was considered and Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Member Bond, yes; Chairperson Jackson, yes. Motion passed by a 7-0 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 C-2 Highway Commercial District, to City C-3, General Commercial District, 2449 Old US-50 Highway, 2459 Old US-50 Highway, 2489 Old US-50 Highway, and 2520 Eisenhower Road, seconded by Member Colbern. The motion was considered and Member Boyd, yes; Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Member Bond, yes; Member Maxwell, yes; Chairperson Jackson, yes. Motion passed by a 7-0 vote.

Held a public hearing on the proposed amendment to Chapter 4 of the Comprehensive Plan.

Held a public hearing on the proposed amendment to Subdivision Design Standards in Article 4, Applicability, Section 4-1; Improvements in Article 7, Required Improvements, Section 7-201, Letter N; Soil Erosion and Sediment Control in Article 14, Definitions, Section 14-2, Permits, Section 14-3, Design and Requirements, Section 14-6, and Inspection, Section 14-7 in the Subdivision Regulations.

Held a public hearing on the proposed amendment to Landscaping in Article 20, General Conditions, Letter A, Section 20-301, Planting Requirements Within Parking Areas, Section 20-6, Letter A, Timing for Establishing Landscaping, Section 20-701, Letter B; Site Plans, Article 28, Intent, Section 28-101, Letter B, Applicability, Section 28-201, Letter A, Submission Requirements, Section 28-5, Letter B, and Standard of Review, Section 28-6 in the Zoning Ordinance.

Chairperson Jackson opened the public hearings for the amendments to the Comprehensive Plan, Subdivision Regulations, and the Zoning Regulations.

Sam Davis, Stormwater Project Specialist, reviewed the memo's, (power point presentation) with the Planning Commission. Mr. Davis explained the amendments to these documents were necessary so the language dealing with stormwater would be consistent with the language adopted in the Stormwater Regulations by the City Commission.

Chairperson Jackson closed the public hearings.

Member Bond made a motion to recommend to the City Commission to approve the proposed amendment to Chapter 4 of the Comprehensive Plan; the proposed amendments to the Subdivision Design Standards in Article 4, Applicability, Section 4-1; Improvements in Article 7, Required Improvements, Section 7-201, Letter N; Soil Erosion and Sediment Control in Article 14, Definitions, Section 14-2, Permits, Section 14-3, Design and Requirements, Section 14-6, and Inspection, Section 14-7 in the Subdivision Regulations, and the proposed amendments to Landscaping in Article 20, General Conditions, Letter A, Section 20-301, Planting Requirements Within Parking Areas, Section 20-6, Letter A, Timing for Establishing Landscaping, Section 20-701, Letter B; Site Plans, Article 28, Intent, Section 28-101, Letter B,

Applicability, Section 28-201, Letter A, Submission Requirements, Section 28-5, Letter B, and Standard of Review, Section 28-6 in the Zoning Ordinance, seconded by Member Colbern. The motion was considered and Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Member Bond, yes; Member Maxwell, yes; Member Boyd, yes; Chairperson Jackson, yes. Motion passed by a 7-0 vote.

Other Items:

There were none.

Announcements:

The next regularly scheduled Planning Commission study session is Wednesday, November 30, 2011 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, December 14, 2011 at 7 p.m.

Adjournment:

Chairperson Jackson adjourned the meeting at 9:10 p.m.

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