

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – January 11, 2012

The City Planning Commission met at 7:00 p.m. on this date with the following members present and participating: Members Bond, Colbern, Livingston, Wasko, Maxwell, Boyd, 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 November 30, 2011 study session minutes, and the December 14, 2011 meeting minutes as amended, seconded by Member Bond. All present voted yes. (7-0).

Public Hearing Items:

Held a public hearing on the proposed rezones in the Urban Growth Area from Franklin County R-3A, Single-Family Residential 3-Acre District, to City CS, Countryside District, 2730, 2641, 2804, 2340, 2550, 2530, 2441, 2740, 241, 2739, 2450, 2640, 2510, 2715, 2729, 2316, 2341, 2435, 2621, 2720, 2631, 2427, 2719, 2710, 2449, 2411, 2315 Greenwood Dr., 2721, 2736, 2740, 2726, 2716, 2711 Maple Terrace, 2446, 2439, 2440, 2435 Autumn Court.

Chairperson Jackson opened the public hearing.

Tom Yahl summarized the Urban Growth Area plan.

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

Chairperson Jackson asked if staff had received any letters. Tom Yahl stated he received an e-mail from Phil Messenger, asking to table the rezone until next month since he would be unable to attend. Mr. Yahl stated he talked with Mr. Messenger and he would be able to attend the meeting tonight but would not be able to make it until 7:30 p.m. Wynndee Lee stated that if all of the participants present have spoken before Mr. Messenger could get here, staff recommends keeping the public hearing open so that his comments could be heard.

Chairperson Jackson asked for public comments.

Bill Ketchum, 2715 Greenwood Dr., had several concerns/questions, one was understanding the CS District regulations as the refer you to other regulations which he had no idea of what those were and how they would affect him; two, they have covenants and how do the new zoning district affect their

covenants; and now do they have to come to the city for building permits. Mr. Ketchum felt there was no benefit to him to being rezoned to a city zoning classification.

Bob Bezek, City Attorney, stated that the regulations have nothing to do with the covenants of their subdivision, the city does not regulate covenants, and the city cannot modify them. Wynndee Lee stated it would be up to the homeowners to police the covenants, not city staff.

Wynndee Lee reviewed the zoning regulations and how they are developed and used. Mrs. Lee also noted while doing the rezoning there have been items asked for by the owners in the area to be allowed in certain zoning district and staff has made those amendments to allow those uses, such as churches in the CS zoning district. Mrs. Lee stated some parcels have been rezoned to conform to the use of the property as with the county zoning they were a nonconforming use and in other instances there have been a few property owners who have requested a different zoning classification than the one suggested by city staff. Mrs. Lee indicated staff is willing to help anyone with any specific concerns. Mrs. Lee also noted since 2006 this area has been required to come to the city for building permits.

Charlie Porter, 2621 Greenwood Dr., indicated that no one in the audience wants to be under city regulations that is the reason they live in the county. Mr. Porter asked if staff could explain what possible advantage this has for them. Wynndee Lee indicated that the development of Ottawa and the surrounding areas is important to everyone and the planning of future development in areas is important. Mrs. Lee stated no one in the county is subject to the rules in the Municipal Code as those rules are for properties within the city limits. Mr. Porter asked how to stop this if they did not want it. Bob Bezek indicated there has been an agreement regarding subdivisions with the county since the late 70's and then in 2000 joint meetings were held between the city and county and the county requested an interlocal agreement be created and in 2006 the agreement was adopted. Mr. Bezek indicated the agreement was for 10 years and until that time, to delete the agreement, both parties would have to consent to it.

Charlie Porter stated the fear is having to follow the rules of the city whether there are in place now or as soon as they are in place amendments start happening. What's to prevent this since we have no say or no vote. Wynndee Lee stated that since the 1970's the planning commission has had a member from outside the city limits for the purpose of representation for the surrounding area and for the past 5 years there has been a member from the Greenwood Estates area. The planning commission is the body that makes recommendations to the city commission and it's important to have representation on this board. Also, you can go to your county commissioners and ask them to address the issue with the city commission. Mrs. Lee also stated there are no plans to annex this area in the near future, 20 to 30 years from now who knows. Mr. Porter indicated he is not for the interlocal agreement.

Phil Messenger, 2439 Autumn Court, after indicating he had been unaware, asked why the city was doing the rezoning now? Wynndee Lee indicated the interlocal was done in 2006 and starting in 2008 we started rezoning the areas. Mrs. Lee noted that the city could have adopted a map showing the zoning changes without notification to any of the property owners, but chose to notify the property owners so they would have input on this issue. Mr. Messenger stated he was not for the interlocal agreement.

Member Boyd stated that perhaps the reason you have not heard about any problems as a result of this process is because other property owners going through this process have been generally satisfied with the lack of serious changes to their property rights and uses. He indicated the planning

commission understands your concerns about what you can do on your property, but with the process that has occurred the planning commission has addressed issues that have come up. He concluded that maybe that is the reason they have not heard of any problems with this process. Member Boyd asked if any of the property owners had anything specifically they can do with county zoning they cannot do under the city's zoning classification? There were no responses.

Shelly Messenger, 2439 Autumn Ct., would like to know what the differences are in the rules and would like to see the other areas changed and how many of them had single family houses and where the most concentration of housing is. Wynndee Lee brought up the zoning map and reviewed the areas rezoned and stated there were 350 parcels and a considerable number of them had single family residences on them and the most concentrated areas would be Leadbetters Subdivision and Greenwood. Mrs. Lee also indicated that if the planning commission wanted to continue the public hearing they have the ability to do so.

Member Bond stated that the covenants are a protection for their investment and essentially we are trying to protect the area too.

Chairperson Jackson asked if there were any other public comments.

Bill Ketchum asked what the procedure was if opposed to this. Wynndee Lee indicated that if they were opposing the rezoning classification a protest petition would need to be submitted which would require a super majority vote from the city commission to pass the rezoning. Mr. Ketchum stated he wanted to stay with the county zoning classification.

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

Chairperson Jackson asked the planning commissioners if they wanted to continue this item or proceed with the item. The planning commission agreed to continue the public hearing and Member Boyd asked if anyone had a specific problem with the new zoning classification to please contact staff to discuss it.

Member Boyd made a motion to continue the public hearing to the February 8, 2012 meeting, seconded by Member Wasko. 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.

Other Items:

Wynndee Lee indicated the final plat for the Granger Subdivision should be in next week and staff would be placing the item on their January 25, 2012 agenda.

Announcements: The next regularly scheduled Planning Commission study session is Wednesday, January 25, 2012 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, February 8, 2012 at 7 p.m.

Adjournment: Member Wasko made a motion to adjourn, seconded by Member Colbern. Chairperson Jackson adjourned the meeting at 8:15 p.m.

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