

**MINUTES OF
CITY PLANNING COMMISSION STUDY SESSION
OTTAWA, KANSAS**

City Hall – November 30, 2011

The City Planning Commission met at Noon on this date with the following members present and participating to wit: Members Bond, Colbern, Wasko, Maxwell, Boyd, and Chairperson Jackson. Member Livingston was absent.

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.

Conditional Use:

Review of a previously approved Conditional Use for the property at 2707 Kingman Road.

Tom Yahl stated the conditional use was approved in November of 2009 to allow no more than 50% of the ground floor area of a commercial building to be used for residential. Mr. Yahl indicated the project was never implemented and the owner, Ted Fogel is requesting to be allowed to have the use in his commercial building he owns at 2707 Kingman Road. Mr. Yahl stated staff is recommending approval of extending the time frame for starting.

Wynndee Lee stated that due to the market, the building is not being used and the owner has had problems with vandalism at this location and wants someone there to keep an eye on the property. Mrs. Lee indicated this was likely a holding use not a permanent use until the owner can get a commercial business back into the structure.

Chairperson Jackson asked if there were any questions or comments from the planning commissioners, there were none.

Member Wasko made a motion to approve the extension of time for the conditional use to allow a dwelling unit on the ground floor of not more than 50% of the structure at 2707 Kingman Road, seconded by Member Colbern. The motion was considered and Member Bond, yes; Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Member Colbern, yes; Chairperson Jackson, yes. Motion passed by a 6-0 vote.

Ted Fogel, thanked the planning commission for allowing the time period for the conditional use to be extended.

Site Plan:

Elevations for the new fellowship hall building for Community Foursquare Church at 119 E. 9th Street.

Tom Yahl stated when the planning commission approved the site plan for the new fellowship hall they conditioned the site plan to have the church submit new elevations to the planning commission showing more landscaping or brick on the structure. Mr. Yahl reviewed the site drawing showing the new elevations of the building which shows stone veneer on the east side of the building.

Member Livingston arrived at 12:10 p.m.

Member Boyd made a motion to approve the elevations for the new fellowship hall building for Community Foursquare Church at 119 E. 9th Street, seconded by Member Maxwell. 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.

Final Plat:

Final plat for Kent Granger Subdivision, 2601 US-59 Highway.

Wynndee Lee stated staff discovered the final plat had not been approved by the planning commission. The engineer was to resubmit the plat with corrections, however staff did not receive it. Mrs. Lee indicated staff could not get the corrected final plat before the meeting today, so staff may need to call a special meeting to have the planning commission approve it, so the final plat can be approved by the city commission before the end of the year.

Information and Discussion Items:

Review the October 26, 2011 study session meeting minutes: Chairperson Jackson asked if there were any changes or corrections needed. There were none.

Review the November 9, 2011 meeting minutes: Chairperson Jackson asked if there were any changes or corrections needed. There were none.

Public Hearing Items:

Discussed the continuation of the public hearing for the proposed rezones in the Urban Growth Area. (Phase 24)

Rezone from Franklin County A-2, Transitional Agriculture District to City, A, Agricultural District, 2387 Old US-50 Highway.

Rezone from Franklin County C-2, Highway Commercial District to City, CS, Countryside District, 2402 Old US-50 Highway, 2439 Old US-50 Highway.

Rezone 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.

Rezone 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.

Tom Yahl stated that staff had a meeting with the property owners and discussed their concerns. Mr. Yahl indicated staff is recommending approval. Wynndee Lee stated the meeting went well and some of the owners elected not to attend while one of the owners who was not available on the meeting night was there.

Chairperson Jackson asked how much information is sent to the owners when notified of the proposed rezoning. Wynndee Lee indicated at letter explaining the zoning change, the current county

zoning regulations, the current proposed city zoning regulations, and the Frequently Asked Questions sheet, then the public hearing notice is sent.

Tom Yahl indicated that a cover letter was sent to the owners and surrounding property owners on the next set of rezones when the public hearing notices was sent.

Chairperson Jackson asked if the city's contact information was sent to them, Tom Yahl stated yes.

Member Maxwell asked if a meeting could be held with the property owners in Greenwood Estates before the next meeting. Wynndee Lee indicated yes, city staff would offer that in the letter.

Wynndee also noted that there were two property owners that were possibly going to ask to have their parcels rezoned to agricultural instead of the Countryside zoning. Mrs. Lee stated staff did not have a problem with this should they ask for it.

Discuss the proposed rezones in the Urban Growth Area: (Phase 25)

Rezone from Franklin County A-2, Transitional Agriculture District, to City A, Agricultural District, 2430 Eisenhower Ave.

Rezone from Franklin County A-2, Transitional Agriculture District, to City CS, Countryside District, 2360 Labette Road, 2404 Labette Road.

Rezone from Franklin County R-3A, Single-Family Residential 3-Acre District, to City CS, Countryside District, 2700 Eisenhower Ave.

Rezone 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.

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

Tom Yahl stated he has talked to Mrs. Gibson and Shari Perry, and neither one have concerns about the rezoning.

Wynndee Lee indicated there would be two more groups to rezone, one was Greenwood Estates and then about nine properties to the west.

Discuss the proposed amendment 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.

Tom Yahl stated the amendments to the Zoning Regulations were being done as a result of concerns from the meeting with the property owners.

Wynndee Lee reviewed the changes to be made with the planning commission.

Member Livingston stated he felt the 1,800 square feet was small for an agricultural building in the UGA, the most common size is a 2,000 square foot building. Wynndee Lee indicated that agricultural

buildings are exempt and do not have a size restriction, the size restriction would be for garages, and sheds.

Member Maxwell asked if a subdivision has covenants which rules apply. Wynndee Lee indicated the city's regulations does not give anyone the ability to violate the covenants of a subdivision, however it is the responsibility of the homeowners to enforce the covenants as the city does not have the legal authority to enforce private restrictions.

Member Bond noted an error in the wording for the fences dealing with barb wire. Tom Yahl indicated he would correct that before their meeting on December 14th.

Staff asked if the planning commission wanted to change the 1,800 square feet to 2,000 square feet or leave as it is. The planning commission decided to leave it at 1,800 square feet.

Discussion Items: None

Announcements:

Chairperson Jackson stated the next regular scheduled Planning Commission meeting is December 14, 2011, at 7 p.m. The next regular scheduled Planning Commission study session is December 28, 2011, at noon.

Adjournment:

Chairperson Jackson adjourned the meeting at 12:50 p.m.

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