

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – August 12, 2009

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

Chairperson York 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 Wasko made a motion to approve the June 24, 2009 study session meeting minutes and the July 8, 2009 meeting minutes, seconded by Member Colbern. All present voted yes. (7-0)

Public Hearing Items:

Discuss the proposed rezones in the Urban Growth Area from Franklin County I-1 Light Industrial Zoning District to City I-1 Light Industrial Zoning District generally located at 511 W. Wilson, 513 W. Wilson, 618 W. Wilson, 619 W. Wilson, 701 W. Wilson, and 805 W. Wilson; from Franklin County RE Residential Estate Zoning District to City A Agricultural Zoning District generally located at 2545 Osborne Lane; from Franklin County R-3A Single-Family Residential Zoning District to City A Agricultural Zoning District generally located at 2560 Osborne Terrace; from Franklin County RE Residential Estate Zoning District to City R-1 Low Density residential Zoning District generally located at 3427 Eisenhower Terrace.

This item was withdrawn from the agenda due to a publication error and will be placed on the September 9th agenda.

Other Items:

Re-visit per request of City Commission the proposed rezoning from C-1 Office & Service Business Zoning District and R-1 Low Density Residential Zoning District to C-2 Restricted Commercial Zoning District generally located at 109 W. 9th, 834 S. Main, and 840 S. Main.

Wynndee Lee stated this item was remanded back to the Planning Commission from the City Commission asking for a traffic study. The traffic study was received and reviewed by the city engineer and given to the planning commissioners at their study session on July 29th.

Wynndee Lee indicated the record will show that the Traffic Impact Study submitted on July 16, 2009 will be part of the permanent file.

Wynnndee Lee indicated that staff had drafted several sets of findings and sent out two sets of findings on Friday and since then have revised them again and delivered one new one today to the planning commissioners and e-mailed a copy to the developer.

Mrs. Lee conveyed that staff along with council has addressed language and tried to be consistent, tried to acknowledge where we are and come to reasonable conclusions. We do want to say that we are professional planners and have certain things we are guided by that we do not always articulate. This does not mean we are right and someone else is wrong, it just that our training leads us to our conclusions and that is what they are, our conclusions. We believe strongly in the ideals of our profession for good government, fairness, and promoting equity. We also want to say that part of what we do everyday and what we enjoy about our work lives is promoting change and development. We do want to work with the community and the developers to make sure the change that we facilitate, encourage, and partner with is a good and healthy change in every way possible.

Findings were read with recommendation to deny the rezone.

Chairperson York asked if there was someone who was going to give a formal presentation on the traffic study. Wynnndee Lee indicated the applicant should make the presentation, and then staff could make comments.

Levi Dinkla, representing Family Video, stated he would have their engineer who did the traffic study, do a presentation.

David Wood, Kaw Valley Engineer, stated as a starting point there was a lot of information provided in the staff report that he wanted to address before getting into the traffic study because it does have a significant bearing on the results of the traffic study. Mr. Wood indicated staff finding number five staff indicated the TIS utilized the "shopping center" classification for trip generation for zoning purposes showing the average rate for a video store would be 13.6 vs. the 3.75 employed in the study. Mr. Wood indicated what the numbers mean is the traffic that would be expected to be generated by a development such as a shopping center of 7400 square feet. This would be a simple ratio of 7.4 and staff provided 3.75 and that staff is understating the traffic. Mr. Wood stated the calculation for determining the amount of traffic entering/exiting is based upon a fitted curve not the average rate. This would create approximately 112 cars arriving and leaving the site at one time during the peak hours which could be 58 cars arriving and 54 cars leaving. For a more detailed explanation of this see Mr. Woods memo dated August 12, 2009.

Mr. Wood indicated staff finding number eight staff and the City engineer believe that the assumptions used to determining the impacts are flawed. The study assumes a 90/10 (Main/Ninth) split between the proposed Main Street and 9th Street driveways. Mr. Wood stated that staff believes there will be more traffic entering and exiting the site from 9th Street. The 90/10 split is the direction distribution of traffic not the percentage of traffic that will be using the Main Street and 9th Street drives. Mr. Wood stated a realistic expectation is 70% of the traffic would use the Main Street access while 30% would use the 9th Street access. Mr. Wood feels geometrical improvements are not needed to this intersection and the two lane road will continue to be under utilized with the existing plus the proposed traffic. For a more detailed explanation of this see Mr. Woods memo dated August 12, 2009.

Member Warren stated during previous conversations there was indication there was going to be another business located with the video store and nothing has been mentioned about it. Wynnndee

Lee stated this is why the traffic study is based on a shopping center. Mrs. Lee also stated that each use will have a different impact on the traffic, some lower and some higher.

Member Davidson asked if anyone knew what the traffic count was for Subway and China Palace. David Wood stated by his observations it was minimal.

Chairperson York stated those people who live on the East or West sides of town will use 9th Street over Main Street.

David Wood stated based on the findings of the study and on the assumptions that were made, they found the proposed condition will not adversely impact the intersection, in fact it is not all that different that existing conditions. The level of service which is a measurement of amount of time waiting at the traffic signal and the amount of stack time that occurs at the intersection is basically identical. The amount of traffic this development is generating is fairly minimal and would not impact the intersection. The site distance is fine, however there may be some large trees in the right-of-way that may cause a site problem and may have to be removed, but they will know more when the site is being developed. They did make recommendation that the drive on 9th Street be moved to the west due to the first three stalls of on street parking at Subway could have a problem backing with the driveway at its present proposed location. Mr. Wood stated they were fine with the street width and feel the standard width for the street is a city standard and 11 foot lanes are fine.

Member Davidson asked if the 70/30 split meant that 70 percent of the traffic would be entering and existing from Main Street and 30 percent of the traffic would be entering and existing from 9th Street. David Wood indicated yes.

Member Livingston asked when talking about the que, they are indicating there will not be a problem at the traffic light during peak hours. David Wood indicated this was correct.

David Hamby, City Engineer, indicated he didn't disagree with Mr. Wood, but that staff has concerns with the on-street parking at Subway as there have been 9 backing accidents in the past five years and another 22 accidents at the intersection at this location.

Wynndee Lee indicated staff had David Hamby review the traffic study and submit his comments. Mrs. Lee stated staff also had Mr. Hamby look at this intersection and determined that turn lanes, widening of the street and removal of all off street parking could occur should this area develop in higher uses. The anticipated cost for removing on street parking, sidewalks, and restore curbs is \$92,000 and a cost of improving the intersection with turn lanes is \$332,000.

Levi Dinkla, stated that with the development of this site the on street parking on the north side of 9th Street will be eliminated, and that they would be willing to dedicate three feet of right-of-way. Mr. Dinkla indicated the facts of the traffic study state this will work at this site, there will be two access points to get traffic in and out of the site. Mr. Dinkla asked the planning commission for approval of positive findings.

Tom Weigand, 109 E. 2nd Street, Chamber of Commerce, stated this corner is going to develop into commercial. If only the church property is developed as it is there would still be a problem with on-street parking, however this development will eliminate the on street parking to the north. Mr. Weigand stated he felt the biggest fear from the planning commission and city commission was the traffic, now with the traffic study results, this should remove that fear.

There were no other public comments.

Chairperson York stated the next step would be to go through the findings. Staff and the planning commission reviewed the findings several time and made changes to some of the findings. Below are the findings as approved by the Planning Commission.

Summary: The applicant has submitted a request to rezone 834 and 840 S. Main Street from R-1 to C-2 and 109 W. Ninth from C-1 to C-2. The two Main Street addresses are currently developed with single family structures, which are rental property. The Ninth Street property is developed with a small church and residential structure. The applicant has submitted a Traffic Impact Study (TIS) related to his proposed project. The study has been reviewed by Planning staff, City Engineer and City Attorney.

After considerable deliberation of the request, along with the TIS, it appears that the primary question for staff is the future of the Ninth and Main intersection in light of the whole community. That being said, staff maintains the recommendation that the rezoning request be denied.

Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines.

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;

The intent of the R-1 District is to provide primarily for one-family dwellings with accommodation for two- and three-family dwellings and related residential uses such as churches and certain public uses which tend to be located at the edge of higher density, and more centrally located residential areas.

The intent of the C-1 District is to provide for areas for public, quasi-public, institutional, social, philanthropic organizations or societies, professional service and office types of uses. Density and intensity of use may be considered moderate. This zone is primarily used to allow for non-residential uses which provide a direct service to the total community and still be compatible with adjoining residential districts.

The intent of the C-2 District is to provide for areas of convenient shopping facilities located to serve one or more residential neighborhoods. The types of uses permitted include the basic retail, office and service uses that are customarily located in a shopping center.

Staff Finding:

As the proposed change will expand an area that currently functions as a neighborhood commercial center, it is consistent with the intent, of the C-2 district, "to provide for areas of convenient shopping facilities located to serve one or more residential neighborhoods." On the other hand, the property was zoned R-1, under the City's previous zoning map, but was rezoned C-1 in order to allow reuse of the church building when the occupant moved to another facility. The overall intent of the map was to reduce the intensity of activity at this intersection, and the proposal does not meet this intent. In addition, the size and configuration of the site is not adequate to develop retail uses, if fully developed per the allowances provided in the zoning regulations. For this factor, the staff finding is a positive finding for the application.

PLANNING COMMISSION FINDING:

Accept Staff Finding as Planning Commission Finding –
Livingston Y, Colbern Y, Warren Y, York Y, Jackson Y, Wasko Y, Davidson Y, Vote 7-0

2. The character and condition of the surrounding neighborhood and its effect on the proposed change;

The neighborhood is a mix of long established commercial and residential uses. The subject property is a former church building and three residential structures. There are additional residential uses west and north of the subject property, as well as across Ninth Street and Main Street. The corner properties at the intersection are Ransom Hospitals' Gollier Center (former Apple Market), Subway sandwich shop, and Briscoe Drug. With the exception of the Gollier Center, which was a former grocery store, the commercial buildings are limited in size. Subway is the smallest at 2,500 square feet with China Palace and Briscoe Drug both at approximately 3,500 square feet. The Gollier Center building is 14,000 square feet. The smaller buildings are also located near the right-of-way line, while the Gollier building is sited at the rear of its lot. Although the Gollier building was vacant for a few years, it has seen numerous improvements in recent years, while the other commercial buildings have been maintained. The neighboring residential uses have been well maintained through the years. Main is an arterial street and the neighborhood along the Main Street corridor remains vital and active in neighborhood concerns.

Staff Finding:

Despite the long established commercial uses, the neighborhood surrounding the subject property is primarily residential with limited commercial property. The inclusion of commercial uses in the development pattern at this intersection was intended to serve as a neighborhood center. The surrounding neighborhood has seen a great deal of reinvestment in the past five years. With a higher intensity of commercial use at this location, there may be a disinvestment in neighboring residential uses, thus creating a negative impact on the proposed change. The size of buildings allowed, along with location of driveways from the site, will produce direct adverse impacts on adjacent uses. The use of the property, as a function of driveway location, tends to exacerbate negative externalities from a particular use. However, good site planning, buffering and restrictions to the intensity of building on the site will limit the increased intrusion of commercial activity in the neighborhood. Staff believes that the adjacent uses, being mostly residential, will be harmed by the proposed change. For this factor, the staff finding is a negative finding for the application.

PLANNING COMMISSION FINDING:

Despite the long established commercial uses, the neighborhood surrounding the subject property is primarily residential with limited commercial property. The inclusion of commercial uses in the development pattern at this intersection was intended to serve as a neighborhood center. The surrounding neighborhood has seen a great deal of reinvestment in the past five years. With a higher intensity of commercial use at this location, there may be a disinvestment in neighboring residential uses, thus creating a negative impact on the proposed change. The size of buildings allowed, along with location of driveways from the site, will produce direct adverse impacts on adjacent uses. The use of the property, as a function of driveway location, tends to exacerbate negative externalities from a particular use. However, good site planning, buffering and restrictions to the intensity of building on the site will limit the increased intrusion of commercial activity in the neighborhood. The Planning Commission members believe that the adjacent uses, being mostly residential, will not be harmed by the proposed change. For this factor, the Planning Commission finding is a positive finding for the application.

Livingston Y, Colbern Y, Warren N, York N, Jackson N, Wasko Y, Davidson Y, Vote 4-3

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;

The area around the subject property has remained stable for many years. The most recent change at this location was the development of the Gollier Center in 2001.

Staff Finding:

The development of the Gollier center at 901 S. Main Street was a reduction of the intensity of use from a retail use to an office use, essentially changing if from a C-2 to C-1 type of use. This change is not supportive of the application. During the public hearing testimony was given that deterioration of the existing housing results in a need for a change. Staff finding for this factor is neutral.

PLANNING COMMISSION FINDING:

The Planning Commission accepts Staff Finding as Planning Commission Finding.
Livingston Y, Colbern Y, Warren Y, York Y, Jackson Y, Wasko Y, Davidson N, Vote 6-1

4. **The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;**

The commercial uses (Gollier, Subway, China Palace and Briscoe) at the intersection of Ninth and Main are zoned C-1, Office and Service Business District. The residential uses adjacent to the subject property are R-1, Low Density Residential District, as are the properties south of Ninth Street. The subject property is also adjacent to the Prairie Spirit Rail Trail, which is zoned P, Public Use District. The residential uses on the east side of Main Street are zoned R-2, Medium Density Residential District.

Staff Finding:

The C-2 classification allows limited commercial uses, which is intended to be compatible with the surrounding neighborhoods. However, the size of the subject property does not allow for adequate buffering between the existing residential uses. In addition, the existing development pattern provides natural buffering between the church and neighboring residences. Removing the church and associated house will remove this buffer for some adjacent properties, creating an adverse impact on the adjacent residential structures to the west and north, while removing less viable structures as proposed. Again, appropriate site planning and buffering with open space and landscaping can mitigate the impact on nearby residential uses from increased traffic to the site. For this factor, the staff finding is a negative finding for the application.

PLANNING COMMISSION FINDING:

The Planning Commission accepts Staff Finding as Planning Commission Finding.
Livingston Y, Colbern Y, Warren Y, York Y, Jackson N, Wasko Y, Davidson Y, Vote 6-1

5. **Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;**

The C-2 district allows a wide variety of commercial uses, at a limited scale of development.

Staff Finding:

Every use permitted by the reclassification is not compatible with those existing or permitted on adjacent property. Some of these include restaurants, and retail sales and services. Although there are permitted uses, such as services or limited intensity retail, that are compatible with the surrounding area. All new construction in the district is limited to 5,000 square feet of ground floor area, although the applicant has indicated a desire to build a project that exceeds the ground floor area permitted by the regulations. The TIS utilized the "shopping center" classification for trip generation for zoning purposes. Related specifically to the applicants' stated intent of a video store, the effect would be different. Although there have been a limited number of studies related to video store trip generation, the results per 1000 sq. feet of floor area on a weekday at peak hour (one hour between 4 and 6 p.m.) the average rate is 13.6, versus the 3.75 employed in the study. On the other hand, the study assumes a 7,400 sq. foot building, a size which is not permitted in the C-2 district. (Trip Generation Manual, Sixth Edition, ITE) Other permitted uses, such as restaurants, medical clinics or certain retail uses, may have a greater number of trips generated. Limiting access to the site can mitigate the negative impacts created by use of the property. For this factor, the staff finding is a negative finding for the application, as all the uses and impacts would not be compatible.

PLANNING COMMISSION FINDING:

Every use permitted by the reclassification is not compatible with those existing or permitted on adjacent property. Some of these include restaurants, and retail sales and services. Although there are permitted uses, such as services or limited intensity retail, that are compatible with the surrounding area. All new construction in the district is limited to 5,000 square feet of ground floor area, although the applicant has indicated a desire to build a project that exceeds the ground floor area permitted by the

regulations. Other permitted uses, such as restaurants, medical clinics or certain retail uses, may have a greater number of trips generated. Limiting access to the site can mitigate the negative impacts created by use of the property. For this factor, the Planning Commission finding is a negative finding for the application, as all the uses and impacts would not be compatible.

Livingston Y, Colbern Y, Warren Y, York Y, Jackson Y, Wasko Y, Davidson N, Vote 6-1

6. The suitability of the applicants property for the uses to which it has been restricted;

Residential or neighborhood commercial uses are most compatible at this location at this time, and have been developed as such for a number of years.

Staff Finding:

While the corner property may be suitable for development of an office use, the interior of the property is most suited for residential use. For this factor, the staff finding is a negative finding for the application.

PLANNING COMMISSION FINDING:

While the corner property may be suitable for development of an office use, the interior of the property is most suited for residential use. For this factor, the Planning Commission finding is a neutral finding for the application.

Livingston Y, Colbern Y, Warren Y, York Y, Jackson Y, Wasko Y, Davidson Y, Vote 7-0

7. The length of time the subject property has remained vacant or undeveloped as zoned;

The subject property has been developed with the existing structures since approximately 1910. Utility records show that, since 1986, the properties have been regularly occupied.

Staff Finding:

While the applicants have indicated a difficulty finding buyers or tenants, their properties have not had long periods of vacancy, and the residential properties are currently occupied. Thus, this factor is not applicable. Staff finding for this factor is neutral.

PLANNING COMMISSION FINDING:

The Planning Commission accepts Staff Finding as Planning Commission Finding.

Livingston Y, Colbern Y, Warren Y, York Y, Jackson Y, Wasko Y, Davidson Y, Vote 7-0

8. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

There are adequate utilities and public services at this site to accommodate development. Ninth Street at this location is classified as a local street and is improved with only a brick surface. The 2008 KDOT Traffic Count Map reveals an annual average daily traffic for this section of Main Street to be a total volume of 12,700 vehicles. The 2007 Traffic Count map for Ottawa shows 1,055 vehicles along East Ninth Street. The Trip Generation Manual shows for a video rental store, the weekday peak hour (one hour between 4 and 6 p.m.) trip ends to be an average rate of 13.60 per each 1,000 square feet of floor area. The Traffic Impact Study submitted by the developer "indicates that the intersection of 9th and Main Street is operating at a LOS (level of service) A with minimal delay averaged over the entire intersection." KVE TIS p.5

Staff Finding:

While utilities and public services are in place to accommodate redevelopment of the subject property, Ninth Street is a substandard street, particularly for more intense commercial development, due to the brick surface and width, which is only 22 feet. The current standard for a local residential street is 24 foot width, while the standard for a local commercial street is 26 feet. The street is not adequate to accommodate additional commercial traffic, and will require improvements if additional commercial traffic is allowed to access the street. Further, any increase in intensity and traffic along Ninth Street will result in removal of on-street parking, likely affecting other businesses. Lastly, improvements to Ninth Street and the intersection will be a costly enterprise, which should not be borne by the City at-large.

The TIS concludes that “with the improvements outlined in the report, it is anticipated that the study intersections will operate safely and at an acceptable LOS”. However, staff and the City Engineer believe that the assumptions used in determining impact are flawed. The study assumes a 90/10 (Main/Ninth) split between the proposed Main Street and Ninth Street driveways. This does not seem reasonable. Knowing local development patterns and driver behavior, staff expects that a larger proportion of the traffic entering and exiting the site will use the Ninth Street access, which will impact the LOS at the intersection.

The developer has indicated in testimony that it is his intention to develop a video rental store. The trip generation values used in the study are not representative of the anticipated number of trips created by the change, while some uses that would be allowed, such as fast food with no drive through, have peak hour values even higher. For this factor, the staff finding is a negative finding for the application.

PLANNING COMMISSION FINDING:

While utilities and public services are in place to accommodate redevelopment of the subject property, Ninth Street is a substandard street, particularly for more intense commercial development, due to the brick surface and width, which is only 22 feet. Based upon the testimony given during the meeting, the Planning Commission finds this factor positive for the application.

Livingston Y, Colbern Y, Warren N, York Y, Jackson N, Wasko Y, Davidson Y, Vote 5-2

9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;

There is a very small amount of property in the City that is zoned C-2. These locations include individual properties at the 1400 block of South Main Street east side, Seventh Street at Main and Beech streets, and the southwest corner of Wilson Street and Davis Avenue. The uses permitted in the C-2 district are also allowed by right in the C-3 and C-4 districts.

Staff Finding:

Although most of the locations currently zoned C-2 are developed, the property at Wilson Street and Davis Avenue is available for development. In addition, there are numerous undeveloped properties and vacant buildings zoned C-3 and C-4. Both districts can accommodate the type of development intended for the proposed change, and are found along high traffic streets such as Main (north and south), Twenty-third, and Princeton streets. Staff finding for this factor is neutral.

PLANNING COMMISSION FINDING:

The Planning Commission accepts Staff Finding as Planning Commission Finding.

Livingston Y, Colbern Y, Warren Y, York N, Jackson Y, Wasko Y, Davidson N, Vote 5-2

10. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;

There is consistency and conflict with the City's comprehensive plan in regard to the proposed rezoning. The Future Land Use portion of the Comprehensive Plan designates the corner property as commercial and the two Main Street properties as residential. The narrative related to commercial uses specifically calls for retail activities to be located along Main Street. Other text describing the commercial category prescribes that “the scale and character of Commercial development should be compatible with the surrounding uses.” (Comp Plan page 4-6). Other recommendations related to commercial development show to “cluster neighborhood centers at the arterial roads that connect to the highways. “ (p. 5-4) Another recommendation is to preserve the existing housing stock in the community.

Staff Finding:

Main Street (US 59) is the City's primary arterial road. However, the proposal is not consistent with the Future Land Use Map. The proposed amendment is consistent for the corner property, but not for the

two residential lots. As such, it will be consistent with the plan on commercial designation, on Main Street by limited access, but not with clustering on arterials because Ninth Street is designated and constructed as a local street. While the map indicates an ability to reuse the corner property, the intent was not to increase the intensity of commercial activity at this location. During development of the comprehensive plan and the future land use map, there were pointed discussions related to the uses at the Ninth and Main intersection. Staff believes the intent to reduce commercial intensity at the intersection is still valid. Planning Commission members may now believe the comprehensive plan should be amended to reflect a different plan for this area. If the request were to be approved, the future land use map would need to be amended. Consistency with development standards would be expected during the development process if the area is rezoned. For this factor, the staff finding is a negative finding for the application.

PLANNING COMMISSION FINDING:

The Planning Commission accepts Staff Finding as Planning Commission Finding.
Livingston Y, Colbern N, Warren N, York Y, Jackson Y, Wasko Y, Davidson Y, Vote 5-2

11. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,

This factor is addressed in the finding below.

Staff Finding:

The findings above illustrate that the proposed location is suitable for limited commercial development, which is compatible with the surrounding area. However, staff conclusion is that it would result in increased traffic on a substandard street. The impact to surrounding residential uses and protecting public infrastructure are issues worthy of protection. As one of the lots is currently zoned for commercial use and the other are suitable for residential use, the hardship that results from not recommending the change is outweighed by the harm that would result by allowing such change. For this factor, the staff finding is a negative finding for the application.

PLANNING COMMISSION FINDING:

The Planning Commission accepts Staff Finding as Planning Commission Finding.
Livingston N, Colbern N, Warren Y, York Y, Jackson Y, Wasko Y, Davidson N, Vote 4-3

12. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application

None

13. The recommendations of professional staff;

It is the recommendation of staff that the request to change the zoning of the subject property be **denied**, based on the following findings:

- The proposal is not in conformance with the Comprehensive Plan – it is not consistent with the Future land Use map of the commercial development standards and Ninth Street is not an arterial street.
- Infrastructure at the site is not adequate to serve development permitted by the change – Ninth Street is a substandard street and is not adequate to accommodate additional commercial traffic.
- The protection of public interests outweighs the hardship imposed on the applicant by not allowing a reclassification – Impact to surrounding uses and protection of infrastructure are public concerns that outweigh any hardship created by not upgrading the value of the property.
- The change is not consistent with the character of the surrounding neighborhood – with a higher intensity of commercial use at this location there may be a disinvestment in neighboring residential uses, thus creating a negative impact on the proposed change.

- The uses permitted as reclassified are not consistent with the uses permitted in the surrounding area – the variety of uses permitted in the C-2 district is not compatible with the surrounding residential neighborhoods nor the C-1 uses allowed.

However, staff also finds the following:

- The change in classification is consistent with the intent of the regulations – the proposal is consistent with the intent of the C-2 district in providing neighborhood commercial centers.
- Although there are vacant available properties across the City appropriately zoned for commercial development, there are none in the vicinity zoned C-2.
- Based on testimony, the change is necessary due to changing conditions of the neighborhood.

If the application is successful, the following actions or issues must be addressed:

- Revision of future land use map to reflect the change to the subject property and area parcels.
- Rezone other commercial properties at the intersection to C-2.
- Review of a site plan, including storm water study, access locations, pedestrian improvements, and appropriate buffering of residential uses to the west and north.

Planning Commission Recommendation:

The Planning Commission recommends to the City Commission that the rezone request be **approved** for the following reasons in addition to above positive findings:

- Traffic study removed concerns about traffic impact to the streets and neighborhood.
- In favor of commercial development (C-2) at this location.
- While it may have negative affects to some properties, overall the action will be positive for the community.
- Increase tax base.
- Remove rundown structures and dramatically improve the property values.

Livingston Y, Colbern Y, Warren N, York N, Jackson N, Wasko Y, Davidson Y, Vote 4-3

Planning Commission concerns expressed by negative votes:

- Allowing this rezone will create effects to others and into the future with an overall negative outcome, more negative than positive, will not support rezone.
- In-depth review of the comprehensive plan related to opportunity areas, areas for commercial development, this was not a location selected. If the development were located at 7th & Main or 17th & Main, could support, but not at this location.
- This area mostly residential neighborhood and this will not be a positive for this area.
- Street is not wide enough and don't feel the taxpayers should be responsible for the improvements in the future.

Member Davidson made a motion to recommend to the City Commission approval of the rezone request for an area generally located at 109 W. 9th from C-1 Office & Service Business Zoning District and generally located at 834 S. Main and 840 S. Main from R-1 Low Density Residential Zoning District to C-2 Restricted Commercial Zoning District, second by Member Colbern. The motion was considered and Member Wasko, yes; Member Warren, no; Member Livingston, yes; Member Colbern, yes; Member Jackson, no; Member Davidson, yes; Chairperson York, no. The motion passed by a 4-3 vote.

Announcements:

Chairperson York stated the next regularly scheduled Planning Commission study session is Wednesday, August 26, 2009 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, September 9, 2009 at 7 p.m.

Adjournment:

Chairperson York adjourned the meeting at 10:00 p.m.

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

MEMO

August 10, 2009

From: David Hamby, P.E.
BG Consultants | Engineers, Architects & Surveyors

Rezoning of 9th and Main

This memo is being prepared at the City's request for our opinion regarding the need for improvements to the intersection of 9th and Main Street in Ottawa, Kansas. Recent planning activity on the northeast corner of this intersection has spurred some discussion regarding the adequacy of the intersection as it relates not only to vehicular traffic, but to all users including pedestrians.

There are several issues related to this intersection that, in our opinion, should be considered for improvement in order to improve safety, reduce conflict points and improve the overall traffic operations at the intersection. However, it does not appear that a significant operational problem or a safety problem currently exists that would drive the need for these improvements to be implemented immediately.

Operational problems typically reveal themselves in the form of traffic delay and traffic queues and sometimes in the form of crashes. The recent traffic impact study submitted by the developer of the property on the northeast corner indicated current traffic operations to be adequate.

Safety problems typically reveal themselves in the form of crashes. Crash reports provided by the City of Ottawa Police Department in March of 2009 indicated that over a 5 year period, 29 crashes occurred on Main Street at 9th Street and 9 crashes that were attributed to on-street parking occurred on 9th Street near Main Street. Elimination of on-street parking could eliminate the potential for these particular types of crashes to occur again. We do not know the details of the other crashes and therefore do not know what types of improvements could be considered to mitigate the problems attributed to those crashes.

The 9th and Main Street intersection consists of 2 through lanes in each direction on Main Street and 1 through lane for each direction on 9th Street. The traffic control at the intersection is a basic 2-phase traffic signal, meaning one phase is provided for northbound and southbound traffic to run concurrently followed by a second phase, when called for, for eastbound and westbound traffic to run concurrently. Currently there are no right and/or left-turn lanes. Left-turning vehicles must yield to oncoming traffic and right-turn-on-red maneuvers cannot be made if the right-turning vehicle is in a queue behind a vehicle that is making a through or left-turn movement.

One typical cause for operational delay to through and right-turning traffic is the lack of left-turn lanes on an approach to a signalized intersection. Left-turning vehicles at intersections configured similar to the 9th and Main intersection must yield to oncoming traffic prior to making the left-turn. While they are waiting for a gap in oncoming traffic, a traffic queue will develop behind them. The result is increased delay and the potential for rear-end collisions. Furthermore, if a northbound vehicle is queued and waiting for a gap in southbound traffic while a southbound vehicle is queued waiting for a gap in northbound traffic, each left-turning vehicle will block the other left-turning vehicle's view of oncoming traffic, thus creating a potential safety hazard that typically leads to right-angle collisions. By providing left-turn lanes, both safety and traffic operations can be improved.

On-street parking is currently allowed on both sides of 9th Street on both the east and west legs of the intersection. On-street parking, while sometimes appropriate, will decrease the traffic carrying capacity of the roadway and increase the potential for crashes. Typically the functional classification of a street will be considered when determining whether to allow or restrict on-street parking. Local and residential streets are generally intended for access and on-street parking with less consideration given for traffic mobility. On the other hand, arterial streets are intended for traffic mobility with more restriction of access and avoidance of on-street parking.

On-street parking located particularly close to an intersection can create confusion for a driver trying to navigate through the intersection and also presents additional conflict points within the influence area of the intersection. The extent to which on-street parking along 9th Street should be restricted is subject to a number of items, including queue length, the width of the adjacent roadway, sight distance, intersection influence area, etc.

Sidewalk accessibility also appears to be substandard. Some of the sidewalk ramps appear to be steep and all of the ramps lack detectable warnings as required by current ADA accessibility guidelines. Although there are marked crosswalks crossing all four approaches to the intersections, the only pedestrian signals located at the intersection are for the crosswalk crossing the south leg of the intersection. If traffic signal components are improved or pedestrian signals are added, consideration for countdown timers should be included as well. The Federal Highway Administration (FHWA) is proposing a new version of the Manual on Uniform Traffic Control Devices (MUTCD) which is anticipated to be released sometime in 2009. The current proposal would include a requirement that within 10 years, all existing pedestrian signals will have to be replaced with new pedestrian signals that have a countdown timer display.

As you can see from the discussion above, there are a number of items that could be improved at this particular intersection. Some improvements may have operational benefits, others may have safety benefits and some may have both operational and safety benefits. However, we do not have any traffic information available to us regarding this intersection that would cause concern to the extent that we would recommend improvements be made immediately. Our review of the traffic analysis for the development on the northeast corner of the intersection indicates the intersection is currently operating adequately. With the nearing completion of the US-59 improvements, the traffic demand on Main Street could decrease upon opening of the new highway and the turn-back of the current US-59 to a City Street.

We believe that improving this intersection could provide safety and operational benefits to the traveling public. However, the magnitude of benefit as it relates to the cost is unknown. The decision to expend funds on a project at this intersection, as you know, will ultimately fall upon the governing body. Please let us know if you would like us to perform a more detailed analysis of the crash history and explore options for improvements at this intersection to assist in determining what type of improvements should be considered.

David Hamby, P.E.

August 12, 2009

From: David Wood, PE
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Tom,

I have had an opportunity to review the staff report and have a couple of concerns regarding the interpretation of the traffic study as presented in the report.

As stated in finding 5, the TIS utilized the "shopping center" classification for trip generation for zoning purposes. I do not deny that the average rates for ITE Code 820 (Shopping Center) is 3.75 and that ITE Code 896 (Video Rental Store) is 13.60. However, it is industry standard to use the Fitted Curve Equation at the bottom of these ITE sheets as these provide better projections. As shown on Table 2, on page 3 of the TIS the projected PM Peak Hour traffic is 112 cars with a 54/58 split enter/exit as calculated per the equation $\ln(T) = 0.66 \ln(x) + 3.40$. The 112 trips is actually 15+ veh/1000 SF. I had indicated in the study that using the ITE code 820 is more conservative than using a split use study (6400 SF Video Rental Store and 1000 SF Shopping Center). Using the split study produce 109 cars with a 51/58 split enter and exiting. Again this calculation is based upon the fitted curve not the average rate. I provided both sets of numbers in the appendix of the report following Figure 4 to prove we were being conservative. Additionally, The shopping center designation is a catch all for shopping centers, including neighborhood centers as being proposed by the developer. This ITE Code accounts for a wide variety of tenants and uses.

As stated in finding 8, staff and the City engineer believe that the assumptions used in determining the impacts are flawed. The study assumes a 90/10 (Main/Ninth) split between the proposed main street and ninth street driveways. This does not seem reasonable. Knowing local development patterns and driver behavior, staff expects that a larger proportion of the traffic entering and exiting the site will use the Ninth Street access, which will impact the LOS at the intersection. The study does use a 90/10 split for Main/Ninth street, but this is not the percentage of traffic that uses the Main and 9th street access points. The 90/10 split provided is the direction distribution and is based upon existing traffic patterns at the intersection of 9th and Main. Kaw Valley Engineering counted traffic at the intersection of Ninth and Main. Of the traffic counted, 50% traveled to or from points to the north via Main Street. Likewise 40% to/from the south on Main, 5% to from the east on 9th and 5% to/from the west on 9th. This information is provided in Table 3 on page 3 of the TIS. When the engineer is not provided data from our client, it is acceptable industry standard to assume that proposed traffic will utilize the existing street network in a similar manner as existing traffic. This was the strategy employed in the study. When we used these directional splits it was assumed that approximately 30% of traffic would use the 9th Street entrance and 70% would use the Main Street entrance. Please refer to figure 5 in the report as it details where we anticipated traffic would travel to/from. The main street entrance would have the higher percentage of traffic because the majority of the traffic travels to/from the north (50%) and would not be expected to pass the first entrance to travel to the second. The LOS calculations are based upon the data presented above, not a 90/10 split for main/ninth street accesses and are based upon the information available to the engineer. Again, using these numbers, the intersection operates at a LOS A averaged over the entire intersection. Based on this

information, geometrical improvements are not needed to this intersection. Ninth Street as a two lane road will continue to be under utilized with the existing + proposed traffic. The additional traffic is minimal and would not adversely affect the street parking across the street to the south any more than the parking is affected today.

The interpretations in the staff report infer that the staff assumes the traffic anticipated to be generated by this development is worse than that proposed by the TIS. This study is based upon findings in the field and standard industry practices for estimating the impacts of additional traffic. I hope that the facts outlined above will be considered in staff's presentation to the City and that the results in the study are in no way an attempt to mislead staff or the City on the anticipated traffic impact created by this development. If you have any questions on the information provided above, I would be happy to discuss it with you prior to tonight's meeting.

Thanks,

David Wood, PE