

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – March 10, 2010

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

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.

Member Davidson stated he would recuse himself from the discussion on the rezone for 217 W. Wilson.

Site Plan:

Power of the Past addition to building, 621 N. Locust.

Tom Yahl reviewed the memo and site map with the Planning Commissioners. Mr. Yahl indicated the applicant requested a waiver of the stormwater retention and it was approved by the City Engineer. However since the building addition is 50 % of the existing building, plans are required to be reviewed by the Planning Commission and must meet all the site plan requirements.

Tom Yahl indicated in lieu of showing detailed surveying and topography of the site, the applicant proposed to do some storm water Best Management Practices to address more storm water runoff off the building. the applicant was going to install rain barrels and a rain garden to help with stormwater runoff.

Tom Yahl stated staff is recommending approval of the site plan with the following conditions:

1. Acceptance of the storm water BMP's in lieu of topographical survey.
2. Installation of 3 trees along Locust Street.
3. Installation of erosion control during construction.

Member Jackson asked what the Best Management Practices were. Tom Yahl indicated it was a plan for different ways of water detention.

Chairperson York asked if staff had received any complaints about stormwater runoff in this area. Tom Yahl indicated no.

Member Wasko asked if a bigger rain garden was needed. Tom Yahl indicated he had looked into it and staff would encourage the developer to make the rain garden larger than 10 feet diameter.

Member Davidson stated that the gravel driveway will help with the stormwater runoff.

Chairperson York asked if the applicant would like to make a presentation.

Richard Mullins, president of the Power of the Past, stated they needed to extend their building as their current building is full.

Chairperson York asked if he noticed standing water on the site. Mr. Mullins indicated he had not seen any and had been there after a substantial rain.

Chairperson York asked if there were any other questions from the Planning Commissioners. There were none.

Member Davidson made a motion to approve the site plan with the following conditions 1. Acceptance of the storm water BMP's in lieu of topographical survey; 2. Installation of 3 trees along Locust Street; 3. Installation of erosion control during construction, seconded by Member Colbern. The motion was considered and Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Member Livingston, yes; Chairperson York, yes. Motion passed by a 6-0 vote.

Consent Agenda:

Member Jackson made a motion to approve the January 27, 2010 study session minutes and the February 10, 2010 meeting minutes, seconded by Member Wasko. All present voted yes. (6-0)

Public Comments: There were none.

Public Hearing Items:

Held a public hearing on the proposed rezone from C-3 General Commercial District to MU/CI Mixed Use Commercial/Industrial District, generally located at 217 W. Wilson.

Member Davidson recused himself and left the bench area.

Chairperson York opened the public hearing.

Tom Yahl reviewed staff findings and map with the Planning Commissioners. Mr. Yahl stated staff is recommending approval of the rezone based on the following findings:

- The proposal is in conformance with the Comprehensive Plan.
- The change in classification is consistent with the intent of the regulations.
- The change is consistent with the character of the surrounding neighborhood.
- The uses permitted as reclassified are consistent with the uses permitted in the surrounding area.
- The protection of public interests doesn't outweigh the hardship imposed on the applicant by not allowing a reclassification.

Chairperson York asked if the applicant would like to make a presentation.

John Taylor, 2458 Ohio Road, stated he is half owner of Ottawa Sanitation and the property went up for sale and they would like to purchase the property. Mr. Taylor stated he would like to keep the zoning the same classification as his current property and that was the reason for the rezone request. Mr. Taylor stated by purchasing this property they would have better access to the back of their property.

Chairperson York asked where the access to the back of their property was now. Mr. Taylor indicated they currently share access with this property owner and should the property sell to someone else their access may be in jeopardy.

Chairperson York asked what use they were planning for this property. Mr. Taylor indicated nothing at this time, just thought it would be a good idea to have the properties all the same zoning classification.

Chairperson York asked if there were any public comments, there were none.

Wynndee Lee indicated staff had received a letter from Ken Davidson who has property in the vicinity and he indicated he had no problem with the zoning change that is being requested and the letter was read into the record.

Chairperson York asked the planning commissioners if they had questions for the staff or the applicant.

Member Wasko asked how this would affect the other properties in the area. Wynndee Lee indicated it would allow light industrial uses closer to the east.

Chairperson York closed the public hearing.

Chairperson York stated he had concerns about allowing light industrial uses that close to Main Street.

Member Wasko stated she was concerned about carving out little niches of the commercial its all going to end up zoned light industrial.

Chairperson York asked for a motion to approve or deny the findings.

Member Jackson made a motion to approve staff findings as their own, seconded by Member Colbern. The motion was considered and Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Member Jackson, yes; Chairperson York, no. Motion passed by a 4-1 vote.

Member Jackson made a motion to recommend to the City Commission to approve the proposed rezone from C-3 General Commercial District to MU/CI Mixed Use Commercial/Industrial District, generally located at 217 W. Wilson, seconded by Member Wasko. The motion was considered and Member Wasko, yes; Member Livingston, yes; Member Colbern, yes; Member Jackson, yes; Chairperson York, no. Motion passed by a 4-1 vote.

Member Davidson returned to the bench area.

Held a public hearing on the proposed rezone in the Urban Growth Area from Franklin County A-2, Transitional Agricultural District to City CS, Countryside District, generally located at 3019 Pawnee Road.

Chairperson York opened the public hearing.

Tom Yahl reviewed staff findings and map with the Planning Commissioners. Mr. Yahl indicated staff is recommending approval of the rezone based on the following findings.

- The proposal is in conformance with the Comprehensive Plan.

- The change in classification is consistent with the intent of the regulations.
- The change is consistent with the character of the surrounding neighborhood.
- The uses permitted as reclassified are consistent with the uses permitted in the surrounding area.
- The protection of the public interests doesn't outweigh the hardship imposed on the applicant by not allowing a reclassification.

Chairperson York asked if there were any questions for staff, there were none.

Chairperson York asked if there were any letters or phone calls received, staff indicated there were none.

Chairperson York asked if there were any public comments, there were none.

Chairperson York closed the public hearing.

Chairperson York asked if there was any discussion needed by the planning commissioners, there was none.

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

Member Jackson 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 Agricultural District to City CS, Countryside District, generally located at 3019 Pawnee Road, seconded by Member Colbern. The motion was considered and Member Livingston, yes; Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Chairperson York, yes. 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 Agricultural District to City A, Agricultural District, generally located at 2975 Pawnee Road; from Franklin County A, Agricultural District to City A, Agricultural District, generally located at 1609 N. Davis Ave., 1619 N. Davis Ave., 1623 N. Davis Ave., 1723 N. Davis Ave., 3555 Montana Road, 2780 Sand Creek Road, 2909 Sand Creek Road, 2001 E. Wilson, 2301 E. Wilson, 3550 Nebraska Road; from City P, Public District to City A, Agricultural District, generally located at 3698 Montana Road.

Chairperson York opened the public hearing.

Tom Yahl reviewed staff findings and map with the Planning Commissioners. Mr. Yahl indicated staff is recommending approval of the rezone requests.

Chairperson York asked the Planning Commissioners if they had any questions for staff, there were none.

Chairperson York asked if there were any letters received, staff indicated there were none.

Wynndee Lee indicated staff did meet with the owners, (Rumford's), of the property, who were in attendance of the meeting.

Chairperson York asked if there were any public comments, there were none.

Chairperson York closed the public hearing.

Chairperson York asked if there was any discussion needed by the planning commissioners, there was none.

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

Member Jackson 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 Agricultural District to City A, Agricultural District, generally located at 2975 Pawnee Road; from Franklin County A, Agricultural District to City A, Agricultural District, generally located at 1609 N. Davis Ave., 1619 N. Davis Ave., 1623 N. Davis Ave., 1723 N. Davis Ave., 3555 Montana Road, 2780 Sand Creek Road, 2909 Sand Creek Road, 2001 E. Wilson, 2301 E. Wilson, 3550 Nebraska Road; from City P, Public District to City A, Agricultural District, generally located at 3698 Montana Road, seconded by Member Colbern. The motion was considered and Colbern, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Member Livingston, yes; Member Chairperson York, yes. Motion passed by a 6-0 vote.

Other Items: There were none.

Announcements:

Chairperson York stated the next regularly scheduled Planning Commission study session is Wednesday, March 31, 2010 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, April 14, 2010 at 7 p.m. with a study session from 5:30 to 7:00 to discuss Chapter 3 of the Comprehensive Plan, in the upstairs conference room.

Adjournment:

Chairperson York adjourned the meeting at 7:45 p.m.

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