

**CITY PLANNING COMMISSION**  
**Regular Meeting Minutes**  
**Ottawa, Kansas**

**City Hall – February 8, 2012**

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

**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.

**Final Plat:**

Final Plat, Neosho County Community College, 900 E. Logan.

Tom Yahl reviewed the memo and plat (power point presentation) with the Planning Commissioners. Mr. Yahl stated staff recommends approval of the final plat.

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

**Member Colbern made a motion to approve the final plat for Neosho County Community College, located at 900 E. Logan, seconded by Member Wasko.** The motion was considered and Member Colbern, yes; Member Bond, yes; Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Chairperson Jackson, yes. Motion passed by a 6-0 vote.

**Public Hearing Item:**

**Held a public hearing on the proposed amendments to Article 5, Agricultural District, Section 5-2, Article 8, Countryside District, Section 8-2, Article 23, Home Occupations, Section 23-1, and Article 24, Supplemental District, Sections 24-602, 24-701, and 24-705.**

Chairperson Jackson opened the public hearing.

Tom Yahl reviewed the memo and the changes (power point presentation) with the Planning Commissioners.

Wynndee Lee stated the changes in the agricultural district were a result of conversations with the county Planning Director and with individuals with agricultural backgrounds.

Chairperson Jackson asked if there were any public comments.

Ken Morton, 2341 Greenwood Dr., stated he was okay with the changes being made. He also asked if the size of a lot in a subdivision would still be the same. Wynndee Lee indicated yes.

Dean Goodell, 2354 Labette Road, indicated he was glad to see the changes being made. Mr. Goodell did ask about hazardous fences and would the voltage of an electric fence be a problem. Wynndee Lee indicated "hazardous fences" are those that would not be suitable for certain zoning districts and that voltage of electric fences in an agricultural district is not regulated. He also asked if a fence permit was required for an agricultural fence. Wynndee Lee indicated no.

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

Wynndee Lee stated staff is recommending continuing the public hearing to the next planning commission meeting as staff is having a meeting with county representatives and may have new information for the planning commission to consider.

Chairperson Jackson continued the public hearing to the March 14<sup>th</sup> planning commission meeting.

### **Consent Agenda:**

Member Wasko made a motion to approve the December 28, 2011 study session minutes, and the January 11, 2012 meeting minutes as amended, seconded by Member Colbern. All present voted yes. (6-0).

### **Public Hearing Items:**

**Continue the public hearing on the proposed rezones in the Urban Growth Area (Phase 26) from Franklin County R-3A, Single-Family Residential 3-Acre District, to City CS, Countryside District, 2730, 2641, 2804, 2340, 2550, 2530, 2441, 2740, 2410, 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.**

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

Chairperson Jackson asked for public comments.

Ken Morton, 2341 Greenwood Dr., stated he did not have a problem with the rezoning, but wanted to know why parks/playgrounds were not allowed in the CS District, as many of his neighbor's have areas that could be considered parks. Wynndee Lee stated that should someone want to dedicated ground for a park that area would be rezoned P, which is the public use zoning classification and is what all the parks inside the city are zoned. As for having amenities like waterfalls, etc. this would be classified as an accessory use to the property, normal for residential, as an example.

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

Chairperson Jackson asked if the planning commissioners had any questions or concerns, there were none.

Chairperson Jackson closed the public hearing.

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

**Member Bond made a motion to recommend to the City Commission to approve 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, 2410, 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, seconded by Member Colbern.** The motion was considered and Member Colbern, yes; Member Bond, yes; Member Maxwell, yes; Member Boyd, yes; Member Wasko, yes; Chairperson Jackson, yes. Motion passed by a 6-0 vote.

**Held a public hearing on the proposed rezones in the Urban Growth Area (Phase 27), from Franklin County R-3A, Single-Family Residential 3-Acre District, to City CS, Countryside District, 2615 Louisiana Road, 2679 Louisiana Road, 2671 Louisiana Road, 2350 Labette Road, 2326 Labette Road; from Franklin County R-E, Residential Estate District, to City CS, Countryside District, 2635 Louisiana Road, 2354 Labette Road, 2320 Labette Road, 2663 Louisiana Road, 2641 Louisiana Road, 2344 Labette Road.**

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.

Dean Goodell, 2354 Labette Road, stated he did not want to be under city regulations as he feels its not right to be governed by a body he has no vote for.

Robert Fahnstock, 2635 Louisiana Road, asked what the benefits of the rezoning were for him, the city and the county. Wynndee Lee reviewed the reasoning for planning of areas outside of the city limits. Mrs. Lee indicated that items like infrastructure need to study years in advance so the right sizing of lines, etc. are developed for that area.

Keteri Fahnstock, 2635 Louisiana Road, stated none of the items such as police, water, electric, etc. are supplied by the city right now, but in the future these items could be supplied by the city. Wynndee Lee indicated yes.

Harvey Ludwick, 2663 Louisiana Road, asked if the county notified property owners when the UGA was established like the city has with the rezoning. Bob Bezek, City Attorney, indicated no, however, there were multiple public hearings held, several articles in the paper, and several announcements about it on KOFO during the development of the agreement.

Mr. Ludwick indicated he did not want to be under city zoning or city's code interpretation as he felt the city was not easy to work with from past experience. He did however thank staff for the notification and through documents he received on the rezoning process.

Dean Goodell, 2354 Labette Road, stated he feels he should not be regulated by the city and the county should have kept his property in the county.

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

Chairperson Jackson closed the public hearing.

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

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

**Member Colbern made a motion to recommend to the City Commission to approve the proposed rezones in the Urban Growth Area from Franklin County R-3A, Single-Family Residential 3-Acre District, to City CS, Countryside District, 2615 Louisiana Road, 2679 Louisiana Road, 2671 Louisiana Road, 2350 Labette Road, 2326 Labette Road; from Franklin County R-E, Residential Estate District, to City CS, Countryside District, 2635 Louisiana Road, 2354 Labette Road, 2320 Labette Road, 2663 Louisiana Road, 2641 Louisiana Road, 2344 Labette Road, seconded by Member Boyd.** 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.

**Other Items:** There were none.

**Announcements:** The next regularly scheduled Planning Commission study session is Wednesday, February 29, 2012 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, March 14, 2012 at 7 p.m.

**Adjournment:** Chairperson Jackson adjourned the meeting at 7:50 p.m.

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