

CITY PLANNING COMMISSION
Regular Meeting Minutes
Ottawa, Kansas

City Hall – January 9, 2008

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

Vice-Chairperson Jones 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.

Consent Agenda:

Member Wasko made a motion to approve the minutes, for November 28, 2007 study session meeting and the December 12, 2007 meeting. All present voted yes. (5-0)

Public Comments:

Gene Hirt, Williamsburg, conveyed he lived on the north side of town until recently and was very upset with the negative comments made about the north side of town. Mr. Hirt stated the north side is where the Country Club and Forest Park is located along with new housing developments.

Public Hearing Items:

Held a public hearing to consider rezoning an area at 619 Bennett Rd. from Franklin County R3-A Single Family Residential 3-acre Zoning District to the City's MU/CR Mixed Use Commercial/Residential zoning District.

Vice-Chairperson Jones opened the public hearing.

Tom Yahl reviewed the findings with the planning commission and stated staff is recommending approval.

The findings are as follows:

Summary: The subject property, owned by Barbara Corder, is located on Bennett Road, just north of Logan Street. The tract is approximately 8 acres in size and has frontage on both Bennett Road and Logan Street (K68 highway). The property is developed with a residential structure and also contains an area of pasture. The City annexed the property in 2006.

It is the recommendation of staff that the rezoning request be approved.

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. Note that all references to agriculture in this report also

include associated residential uses.

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

The intent of the Mixed Use Districts is to accommodate compatible mixed-use development. The intent of the Mixed Use/Residential-Commercial (MU/RC) District is to encourage compatible mixed use residential and commercial uses of low to moderate intensity, complementing neighborhood residential areas with high quality development and urban design standards.

Staff Finding:

The proposed zoning amendment meets with each of these intentions, and does not contradict any of the stated purposes of the regulations.

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

North, west and south of the subject property are residential uses with pasture land. East is property being developed as Eastgate commercial development. South of the subject property is a storage facility. South, across Logan Street, is agricultural property, with commercial uses to the east.

Staff Finding:

Considering the variety of uses in the surrounding area, it will have no effect on the proposed change.

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 City annexed the subject properties in 2006. In addition, an update to the future land use map portion of the Comprehensive Plan was recently approved for this area. Although development is occurring on property in the vicinity, there are currently no plans to redevelop the subject property.

Staff Finding:

Again, the amendment is merely a legislative act to implement the policy established through the update of the future land use map.

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

The tract to the north is zoned R3-A, Single Family Residential 3 Acre (County). The residence to the south is zoned R-1, Single Family Residential District while the storage use is zoned C-2, Highway Commercial. These tracts are being considered for a change to the MU/CR district. The tract to the west was recently rezoned from a County designation to the City's R-2, Medium Density Residential District. The property to the east is zoned C-3, General Commercial District.

Staff Finding:

The proposed change in classification will have no effect on the existing land uses in the surrounding area. The proposed zoning change will be consistent with the existing uses and zoning of property in the immediate vicinity; north, east and west of the subject property. Although there are agricultural activities on surrounding parcels, there will be limited effect from the change.

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 MU/CR zoning district allows uses that are permitted by right or conditional use in the R-2, Medium Density Residential, R-3, High Density Residential, C-1, Office and Service Business, and C-2, Restricted Commercial, districts. Generally, uses that are permitted are residential development at all densities and neighborhood scale commercial uses.

Staff Finding:

Generally, the uses permitted by the proposed zoning are compatible with the surrounding area.

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

The subject property has been restricted to residential use under its existing zoning.

Staff Finding:

The property is suitable for either residential or commercial development, and is anticipated to be an area that will be subject to development as the city continues to expand. The uses permitted by the residential classification may be the highest and best use of the property but the property is also suited for neighborhood scale commercial development, while large scale commercial development would be suitable if the subject property were combined with adjacent tracts.

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

The property has been developed with the existing structure since 2003.

Staff Finding:

This factor is not applicable.

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;

Currently, there is no City water, sewer or electric distribution lines serving the subject property, although there is a sewer force main and water line along the south side of Logan Street. In addition, plans are under way to expand the water distribution system in the surrounding area. KCPL electric service is provided to the surrounding area. Bennett Road is a private street and has a chip and seal surface. The subject property is served by all other municipal services, including police and fire protection.

Staff Finding:

Any sort of development on the subject property would require considerable investment in public infrastructure. Water and sewer lines are being extended into the general vicinity as part of planned developments nearby. Further extension of water and sewer could be requested and development accommodated if necessary. Street improvements would need to be constructed as well.

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 are a number of properties within the City that are zoned MU/CR. These include the north side of West Twenty-third Street, Washburn Towers and properties at Seventh and Main, and the area around Logan and North Main Street. In addition, the east side of the 1000 block of North Main Street was recommended to be rezoned to the classification. Only the area along west Twenty-third Street is undeveloped, although part is being considered for an office development. There are also a number of properties that vacant and zoned R-2, but there are none that are zoned R-3, C-1, or C-2 and are vacant.

Staff Finding:

Although there is a great deal of land that is zoned MU/CR, little of it is vacant. There are a number of properties that are zoned R-2 and are available for development. However, the proposed action is intended to apply the City's zoning regulations to an area that was recently annexed.

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

The future land use portion of the Comprehensive Plan identifies the property as commercial, which is intended to accommodate a variety of commercial uses. This category includes activities such as retail sales and services, restaurants, office uses, general business services and small-scale convenience stores at key intersections only. Planned commercial developments should be considered where areas to be developed are near a residential area or other natural/sensitive use. The scale and character of Commercial development should be compatible with the surrounding uses. Detailed architectural, urban design, and landscape plans will be required to ensure neighborhood character is maintained. Access control, additional landscaping, buffering, and monument signage is required when appropriate. Public uses and services allowed in these districts should promote the retail capacity of the area.

Staff Finding:

The proposed zoning change is consistent with the Future Land Use map.

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,

The elements of this item are addressed below in the staff finding.

Staff Finding:

As this is a City initiated request, there will be no hardship imposed by refusing the change. In addition, there will not be any great gain to public interest by allowing the change. The intent is not to change the value of the property but to allow for consistency in implementation of the City's planning process.

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

13. The recommendations of professional staff;

It is the recommendation of staff to **approve** the requested rezoning from County zoning R3-A to MU/CR, Mixed Use Commercial Residential District, based on the following conclusions:

- The change would be consistent with the intent and purpose of the zoning regulations.
- The character of the surrounding neighborhood will have no effect on the proposed change.
- Uses permitted as reclassified are compatible with uses permitted on property in the vicinity.
- Public services and utilities can be extended to serve uses permitted by the reclassification.
- The proposed zoning change is consistent with the Future Land Use map.
- The relative gain to the convenience of the public outweighs any hardship imposed by rejecting the request.

Vice-Chairperson Jones asked for public comments, there were none.

Vice-Chairperson Jones closed the public hearing.

Vice-Chairperson Jones asked for planning commission discussion, there was none.

Member York made a motion to approve the staff findings as amended as there own, seconded by Member Wasko. The motion was considered and Member York, yes; Member Colbern, yes; Vice-Chairperson Jones, yes; Member Hatfield, yes; Member Wasko, yes. Motion passed by a 5-0 vote.

Member York made a motion to recommend to the City Commission to approve the proposed rezone request for an area at 619 Bennett Road, from Franklin County R3-A Single Family Residential 3-acre Zoning District to MU/CR Mixed Use Commercial/Residential Zoning District, seconded by Member Colbern. The motion was considered and Member York, yes; Member Colbern, yes; Vice-Chairperson Jones, yes; Member Hatfield, yes; Member Wasko, yes. Motion passed by a 5-0 vote.

Held a public hearing to consider rezoning an area at 645 Bennett Road from Franklin County R3-A Single Family Residential 3-acre Zoning District to the City's MU/CR Mixed Use Commercial/Residential zoning District.

Vice-Chairperson Jones opened the public hearing.

Tom Yahl reviewed the findings with the planning commission and stated staff is recommending approval.

The findings are as follows:

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. Note that all references to agriculture in this report also include associated residential uses.

- 1. Whether the change in classification would be consistent with the intent and purpose of these regulations;**
The intent of the Mixed Use Districts is to accommodate compatible mixed-use development. The intent of the Mixed Use/Residential-Commercial (MU/RC) District is to encourage compatible mixed use residential and commercial uses of low to moderate intensity, complementing neighborhood residential areas with high quality development and urban design standards.

Staff Finding:
The proposed zoning amendment meets with each of these intentions, and does not contradict any of the stated purposes of the regulations.
- 2. The character and condition of the surrounding neighborhood and its effect on the proposed change;**
West and south of the subject property are residential uses with pasture land. East is property being developed as Eastgate commercial development. North of the subject property is a storage facility and pasture land. Northeast of the subject property is a salvage and auto repair facility.

Staff Finding:
Considering the variety of uses in the surrounding area, it will have no effect on the proposed change.
- 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 City annexed the subject properties in 2006. In addition, an update to the future land use map portion of the Comprehensive Plan was recently approved for this area. Although development is occurring on property in the vicinity, there are currently no plans to redevelop the subject property.

Staff Finding:
Again, the amendment is merely a legislative act to implement the policy established through the update of the future land use map.
- 4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;**
The tract to the south is zoned R3-A, Single Family Residential 3 Acre (County). It is being considered for a change to the MU/CR district. The tract to the west was recently rezoned from a County designation to the City's R-2, Medium Density Residential District. The tracts to the north were recently rezoned to the City's MU/CI district. The property to the east is zoned C-3, General Commercial District.

Staff Finding:
The proposed change in classification will have no effect on the existing land uses in the surrounding area. The proposed zoning change will be consistent with the existing uses and zoning of property in the immediate vicinity; north, east and west of the subject property. Although there are agricultural activities on surrounding parcels, there will be limited effect from the change.
- 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 MU/CR zoning district allows uses that are permitted by right or conditional use in the R-2, Medium Density Residential, R-3, High Density Residential, C-1, Office and Service Business, and C-2, Restricted Commercial, districts. Generally, uses that are permitted are residential development at all densities and neighborhood scale commercial uses.

Staff Finding:
Generally, the uses permitted by the proposed zoning are compatible with the surrounding area.
- 6. The suitability of the applicants property for the uses to which it has been restricted;**
The subject property has been restricted to residential use under it's existing zoning.

Staff Finding:
The property is suitable for either residential or commercial development, and is anticipated to be an area that will be subject to development as the city continues to expand. The uses permitted by the residential classification may be the highest and best use of the property but the property is also suited for neighborhood scale commercial

development, while large scale commercial development would be suitable if the subject property were combined with adjacent tracts.

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

The property has been developed with the existing structure since 1990.

Staff Finding:

This factor is not applicable.

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;

Currently, there is no City water, sewer or electric distribution lines serving the subject property, although there is a sewer force main and water line along the south side of Logan Street. In addition, plans are under way to expand the water distribution system in the surrounding area. KCPL electric service is provided to the surrounding area. Bennett Road is a private street and has a chip and seal surface. The subject property is served by all other municipal services, including police and fire protection.

Staff Finding:

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There are a number of properties within the City that are zoned MU/CR. These include the north side of West Twenty-third Street, Washburn Towers and properties at Seventh and Main, and the area around Logan and North Main Street. In addition, the east side of the 1000 block of North Main Street was recommended to be rezoned to the classification. Only the area along west Twenty-third Street is undeveloped, although part is being considered for an office development. There are also a number of properties that vacant and zoned R-2, but there are none that are zoned R-3, C-1, or C-2 and are vacant.

Staff Finding:

Although there is a great deal of land that is zoned MU/CR, little of it is vacant. There are a number of properties that are zoned R-2 and are available for development. However, the proposed action is intended to apply the City's zoning regulations to an area that was recently annexed.

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The future land use portion of the Comprehensive Plan identifies the property as commercial, which is intended to accommodate a variety of commercial uses. This category includes activities such as retail sales and services, restaurants, office uses, general business services and small-scale convenience stores at key intersections only. Planned commercial developments should be considered where areas to be developed are near a residential area or other natural/sensitive use. The scale and character of Commercial development should be compatible with the surrounding uses. Detailed architectural, urban design, and landscape plans will be required to ensure neighborhood character is maintained. Access control, additional landscaping, buffering, and monument signage is required when appropriate. Public uses and services allowed in these districts should promote the retail capacity of the area.

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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,

The elements of this item are addressed below in the staff finding.

Staff Finding:

As this is a City initiated request, there will be no hardship imposed by refusing the change. In addition, there will not be any great gain to public interest by allowing the change. The intent is not to change the value of the property but to allow for consistency in implementation of the City's planning process.

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

13. The recommendations of professional staff;

It is the recommendation of staff to **approve** the requested rezoning from County zoning R3-A to MU/CR, Mixed Use Commercial Residential District, based on the following conclusions:

- The change would be consistent with the intent and purpose of the zoning regulations.
- The character of the surrounding neighborhood will have no effect on the proposed change.
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- Public services and utilities can be extended to serve uses permitted by the reclassification.
- The proposed zoning change is consistent with the Future Land Use map.
- The relative gain to the convenience of the public outweighs any hardship imposed by rejecting the request.

Vice-Chairperson Jones asked for public comments, there were none.

Vice-Chairperson Jones closed the public hearing.

Vice-Chairperson Jones asked for planning commission discussion, there was none.

Member York made a motion to approve the staff findings as their own, seconded by Member Wasko. The motion was considered and Member York, yes; Member Colbern, yes; Vice-Chairperson Jones, yes; Member Hatfield, yes; Member Wasko, yes. Motion passed by a 5-0 vote.

Member York made a motion to recommend to the City Commission to approve the proposed rezone request for an area at 645 Bennett Road, from Franklin County R3-A Single Family Residential 3-acre Zoning District to MU/CR Mixed Use Commercial/Residential Zoning District, seconded by Member Colbern. The motion was considered and Member York, yes; Member Colbern, yes; Vice-Chairperson Jones, yes; Member Hatfield, yes; Member Wasko, yes. Motion passed by a 5-0 vote.

Hold a public hearing to consider the proposed KDOT US 59 Corridor Study.

Vice-Chairperson Jones opened the public hearing.

Wynndee Lee reviewed the revisions to the plan which were indicated in the memo that was handed out.

Wynndee Lee also indicated she had relayed the concerns Mr. Fogle had about the traffic safety in this area and KDOT is looking into it.

Member York asked if KDOT would respond to staff. Wynndee Lee stated KDOT does regular reports and studies and feel they would respond to staff on this matter.

Member Hatfield asked if they should table this until staff gets a response from KDOT. Wynndee Lee indicated no, as it would not affect the study as the intersections will stay the same.

Vice-Chairperson Jones asked for public comments.

Dennis Woolman, 2477 Nebraska Road, stated he owns property on the west side of 59 Hwy and feels that KDOT has to be a player in this plan. Mr. Woolman also stated decisions have to be made on whether to make this area a four lane or leave it as a two lane with a left turn lane, also on whether to utilize the frontage roads that already exist. Member York remarked that those issues would change the spacing.

Ted Fogle stated that his ability to use the frontage road that already exist is restricted by the cemetery. He also indicated the building on the front of his property is too close for a frontage road.

Dorothy Mohr stated she was concerned that the city was rezoning their property. Wynndee Lee stated no this was just for the 59 Corridor Study. Mrs. Mohr stated there are several accidents at Kingman Road as well as in front of her driveway.

Gene Hirt stated this area has flood plain issues and that there is legislative intent to restrict development in flood plain areas and feels these issues need to be addressed. He also asked who would maintain the roads.

Vice-Chairperson Jones closed the public hearing.

Vice-Chairperson Jones asked for any comments from the planning commission.

Member York stated he felt the plan was mindful and access points we logically identified, the plan provides potential for direction and can be modified and with no plan there would be chaos. Member York felt it should be adopted however it can be modified.

Member Hatfield stated he did not think the plan went far enough, but did agree with Member York without the plan there would be chaos.

Member Wasko asked if the study was more in depth and more restrictive would this be a problem in the future to make changes. Wynndee Lee indicated she could not really say, however it could.

Member Colbern made a motion to recommend to the City Commission to approve the proposed KDOT US 59 Corridor Study, seconded by Member Wasko. The motion was considered and Member York, yes; Member Colbern, yes; Vice-Chairperson Jones, yes; Member Hatfield, yes; Member Wasko, yes. Motion passed by a 5-0 vote.

Other Items:

Albright Concept Plan:

Wynndee Lee indicated that staff had given the concept plan to the commissioners at their study session and they requested time to look at it. Mrs. Lee stated the developer would like to see if the planning commission is comfortable with the plan before proceeding to a site plan development.

Discussion was held on the parking, the density of the site, drainage area.

The consensus of the planning commission was to have the developer continue on, but there was some reservations.

Letter from Taylor Design Group:

Wynndee Lee indicated there is a request to do a text amendment to our current regulations to allow smaller lot divisions in the urban growth area, which was brought up during the Brian Mesik rezone. It is staff's understanding the planning commission would like for staff to check into this.

Request for change of Subdivision Regulations:

This is a request to split off the gas station in the Wal-Mart parking lot from Wal-Mart. Our current regulations do not allow this without having frontage to a public street. There proposal is to give the station an access easement from 23rd Street all the way around the station in the parking lot.

The planning commission stated they would like staff to look into this just to see if anyone else is doing it. However they were not very supportive.

Announcements:

Vice-Chairperson Jones stated the next Planning Commission study session is Wednesday, January 30, 2008 at Noon, and the next regularly scheduled Planning Commission meeting is Wednesday, February 13, 2008 at 7 p.m.

Adjournment:

Vice-Chairperson Jones adjourned the meeting at 8:25 p.m.

(A recorded tape will remain on file for a period of six months)

Respectfully submitted,

Wynndee S. Lee, Director of Planning & Codes Administration