

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

City Hall – May 13, 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, and Chairperson York. Absent was Member Jones.

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.

Consent Agenda:

Member Warren made a motion to approve the April 1, 2009 study session meeting minutes and the April 8, 2009 meeting minutes as amended, seconded by Member Wasko. All present voted yes. (6-0)

Public Comments:

There were none.

Public Hearing Items:

Continued the public hearing on the proposed rezones in the Urban Growth Area from Franklin County R-3A Single-Family Residential Zoning District to City R-1 Low Density Residential Zoning District generally located at 1446 Eisenhower, 1506 Eisenhower, and 1504 Eisenhower, from Franklin County RE Residential Estate Zoning District to City R-1 Low Density Residential Zoning District generally located at 2426 Marshall Road, and from Franklin County RE Residential Estate Zoning District to City CS Countryside Zoning District generally located at 2220 Eisenhower and 2200 Eisenhower.

Chairperson York opened the public hearing.

Tom Yahl stated the commission continued this item from their April 8th meeting at the request of property owners. Mr. Yahl informed the commissioners that Wynndee Lee and himself met with the owners to answer any questions they had concerning the rezoning. Mr. Yahl stated staff received a letter from Mr. Wright stating he was fine with the rezoning. Mr. Yahl noted he had contacted the other property owners who had concerns and they were fine with the rezone. Mr. Yahl stated staff is recommending approval of the rezones.

Chairperson York asked Tom Yahl to read Mr. Wright's letter into the record. The letter is attached.

Chairperson York asked for public comments. There were none.

Chairperson York closed the public hearing.

Member Warren made a motion to accept staff findings as their own, seconded by Member Colbern.

The motion was considered and Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Member Warren, yes, Chairperson York, yes. Motion passed by a 6-0 vote.

Motion was made by Member Jackson to approve the rezone request in the Urban Growth Area from Franklin County R-3A Single-Family Residential Zoning District to City R-1 Low Density Residential Zoning District generally located at 1446 Eisenhower, 1506 Eisenhower, and 1504 Eisenhower, from Franklin County RE Residential Estate Zoning District to City R-1 Low Density Residential Zoning District generally located at 2426 Marshall Road, and from Franklin County RE Residential Estate Zoning District to City CS Countryside Zoning District generally located at 2220 Eisenhower and 2200 Eisenhower, seconded by Member Wasko. The motion was considered and Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Member Warren, yes; Member Colbern, yes; Chairperson York, yes. Motion passed by a 6-0 vote.

Continued the public hearing on the proposed conditional use for a preschool / daycare center at 503 S. Hickory in an R-2 Medium Density Residential Zoning District.

Chairperson York opened the public hearing.

Tom Yahl did an overview of the findings with the planning commission. Mr. Yahl stated that the applicants have changed their request to a preschool only. Mr. Yahl stated staff is recommending approval of the conditional use with the following conditions: 1. Occupancy of the use is limited to no more than 24 children at one time; 2. Hours of operation shall be limited to 7:30 am to 4:30 pm, Monday through Friday; 3. Class times shall be staggered as follows: 8:15-11:00, 8:30-11:15, 12:00-2:45, and 12:15-3:00; 4. Approval of an exception to allow parking in the front yard of the site; 5. The use shall be reviewed, for traffic impact in particular, after a period of six months, at which time any necessary corrective measures will be implemented; 6. The proposed use is limited to a period of no greater than five years, and then will be subject to review and re-approval.

The findings are as follows:

Sacred Heart Catholic Church has submitted a request for a conditional use permit to develop a preschool facility. The site is located at Fifth and Hickory streets, on a 75 foot by 150 foot lot. A residential structure was removed from the site in 2001. The proposed building is a 3,600 square foot single story structure. A small parking area with 6 spaces is proposed at the front of the lot, off Hickory Street. The property is zoned R-2, Medium Density Residential District.

The applicant has solidified their proposal to serve as a preschool only. There will be four classes, two in both the morning and afternoon. Each class will serve 12 children, with no more than 24 children at the site at any time. The classes will be staggered. The class times at the preschool will be; 8:15-11:00, 8:30-11:15, 12:00-2:45, and 12:15-3:00.

It is the recommendation of staff that the conditional use be approved with conditions.

Findings

The Planning Commission may recommend approval of a conditional use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such conditional use, using the following factors as guidelines:

1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations;

The intent of the R-2 District is to provide for one-, two- or three-family dwellings with some accommodations for four-plus family dwellings as conditional uses and also related residential uses and certain public uses. This district allows for a moderate density for these types of dwelling units.

The proposed use is consistent with the intent and purpose of the zoning regulations.

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;

The surrounding neighborhood is a mix of residential, commercial and public uses. To the west is City Park. North is a mix of residences and commercial uses. East is the sacred heart church, along with residential uses that extend to the south of the subject property.

The proposed use is compatible with the high density residential and commercial uses to the north. In addition, it adds to the church campus, which includes a half block to the north and recently developed parking lot at Fifth and Cedar streets. Finally, the use provides a transition between the commercial uses to the north, and the primarily single family neighborhood to the south.

3. Whether the proposed use places an undue burden on the existing transportation, utility and service facilities in the area affected and, if so, whether such additional facilities can be provided;

The proposed use will not place a large demand on utility services, or public safety. However, the traffic generated by the use may cause an increase in congestion in the area, particularly where the parking is proposed at the alley. During the public hearing, these concerns were expressed by neighbors. The applicant's representative has since provided a revised site layout that places the parking area in the front of the site, along Fifth Street. The impacted neighbor has responded that the arrangement alleviates her concerns. However, the proposed driveway off Fifth Street is in conflict with the driveway standards in the City's municipal code. However, the City's zoning regulations prohibit parking in residential districts to be in the required front yard. In this case, staff would recommend approval of an exception to this requirement.

4. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected;

Again, it is not anticipated that the proposed use would have an adverse impact on the surrounding area as there are a great number of nonresidential uses in the area.

5. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;

This area in which the use is proposed has remained stable for many years. The use has not been proposed due to changing conditions but has been part of the applicants long terms plans for some time.

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

The property was originally developed with a single family structure, which was converted into a four room apartment before being demolished in 2001. The site has remained vacant since, but has been under consideration for some sort of development by the applicant for a few years. This factor is not applicable.

7. Whether the applicant's property is suitable for the proposed conditional use;

The site, being located near the church and central business district, is suitable for the proposed use. However, the small size of the property limits the site design and the amount of parking that can be provided. The revised plan places the building to the rear of the property, thus creating a need for a rear yard variance. Staff has also suggested the applicant request a vacation of a portion of the Hickory Street right-of-way in order to provide for additional green space on the site.

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

The City's Future Land Use map designates this area as residential, which also accommodates public uses, such as schools, libraries, churches, fire stations, parks and open space." The proposed use is in conformance with the comprehensive plan

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

10. The recommendations of professional staff;

Staff recommends that the conditional use permit to allow a preschool facility at 503 S. Hickory St. be **approved** with the conditions:

- Occupancy of the use is limited to no more than 24 children at one time.
- Hours of operation shall be limited to 7:30 am to 4:30 pm, Monday through Friday.

- Class times shall be staggered as follows: 8:15-11:00, 8:30-11:15, 12:00-2:45, and 12:15-3:00.
- Approval of an exception to allow parking in the front yard of the site.
- The use shall be reviewed, for traffic impact in particular, after a period of six months, at which time any necessary corrective measures will be implemented.
- The proposed use is limited to a period of no greater than five years, and then will be subject to review and re-approval.

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

Josh Walker, representing Sacred Heart Church, stated they have made changes to the site plan and reviewed the parking change, the hours of operation and the safety of the children. Mr. Walker also read an e-mail received from Pat Slankard who is the neighbor to the east of this property into the record. The e-mail is attached.

Chairperson York asked the commissioners if they had any questions for the applicant, there were none.

Chairperson York closed the public hearing.

Chairperson York asked for discussion from the planning commissioners.

Member Davidson stated the word “then” needed to be adding to the last condition so it didn’t seem that the preschool could only operate for just five years.

Chairperson York stated he was pleased to see the cooperation of city staff, the neighbors and the applicant to resolve the issues with this project.

Member Wasko asked about the exception to the front yard parking. Tom Yahl reviewed the policy with the commissioners and this action would approve the exception.

Member Wasko made a motion to approve staff findings as their own, seconded by Member Jackson. The motion was considered and Member Wasko, yes; Member Warren, yes; Member Colbern, yes; Member Jackson, yes; Member Davidson, 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 conditional use for the preschool at 503 S. Hickory in an R-2 Medium Density Residential Zoning District with the following conditions: 1. Occupancy of the use is limited to no more than 24 children at one time; 2. Hours of operation shall be limited to 7:30 am to 4:30 pm, Monday through Friday; 3. Class times shall be staggered as follows: 8:15-11:00, 8:30-11:15, 12:00-2:45, and 12:15-3:00; 4. Approval of an exception to allow parking in the front yard of the site; 5. The use shall be reviewed, for traffic impact in particular, after a period of six months, at which time any necessary corrective measures will be implemented; 6. The proposed use is limited to a period of no greater than five years, and then will be subject to review and re-approval, seconded by Member Colbern. The motion was considered and Member Warren yes, Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Chairperson York, yes. Motion passed by a 6-0 vote.

Other Items:

Make a motion to request a traffic study for the 9th and Main Streets rezone request.

Bob Bezek stated the Planning Commission has the authority to request a traffic study. The traffic

study will look at what improvements are needed if any. Mr. Bezek stated the traffic study will be based on all the uses allowed in the C-2 Zoning District.

Member Wasko asked if the applicant knew a traffic study may be requested and the applicant is responsible for paying for the traffic study. Mr. Bezek stated yes.

Member Wasko made a motion to request the applicant to do a traffic study for the proposed development at 109 W. 9th, 834 S. Main, and 840 S. Main rezone request, seconded by Member Jackson. The motion was considered and Member Warren, yes; Member Colbern, yes; Member Jackson, yes; Member Davidson, yes; Member Wasko, yes; Chairperson York, yes. Motion passed by a 6-0 vote.

Announcements:

Chairperson York stated the next regularly scheduled Planning Commission study session is Wednesday, May 27, 2009 at noon and the next regularly scheduled Planning Commission meeting is Wednesday, June 10, 2009 at 7 p.m.

Adjournment:

Chairperson York adjourned the meeting at 7:30 p.m.

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

May 7, 2009

City of Ottawa Planning Commission
City of Ottawa

RE: Rezoning of 1504 S. Eisenhower Ave.

Dear Planning Commissioners:

After living in the county for more than 10 years now a person comes to realize more freedom than living in the city. When the rezoning was announced for my property my family and neighbors naturally felt those extra freedoms slipping away. After requesting that the Planning Commission table the rezoning of my property due to my lack of knowledge and lack of information on my part to fully understand the reasoning for the rezoning and how it would effect myself, I have been able to meet with Tom Yahl and Wendy Lee regarding this matter.

I had an opportunity to ask questions and in reply I received very exact and thorough responses. After meeting with City staff all of the concerns that I brought up have been addressed and as a result of the meeting I as a property owner am better prepared to understand and make knowledgeable decisions regarding the rezoning request.

Since I will be unable to attend the May 13, 2009, Planning Commission meeting I wanted to inform you that based upon the information I received from meeting with City staff, I do not plan to further object to the rezoning of my property. I do however want to thank you for allowing the extra time to give the landowners an opportunity to become better informed of how the rezoning will affect us all.

Sincerely

Bill Wright
1504 S Eisenhower Ave.
Ottawa, Kansas

RECEIVED

MAY 7 2009

CITY OF OTTAWA

05/03/09

Pat Slankard
214 E. 5th St
Ottawa, Ks 66067

785-242-1069
Email Address: pslankard@att.net

Comments:

I will be out of town at the meeting on May 13th, but wanted to let you know that 2 days after the last meeting all the cars parked in the empty lot were gone, as well as the cars that parked in front of my house every day.

The principal and the priest of the Catholic school came over to show me the new plans that were going to be proposed at the next meeting. They changed the parking to the front of the lot instead of the back at the alley. That was my biggest concern, because of other traffic that uses the alley and that it is a 2 way alley. They also said that it would be a preschool not a daycare, which would mean not as many hours per day, and not all year long. Obviously I would rather not have it there, but realistically it won't stay empty forever and this is a much better option than the previous one.