COLWICH CITY PLANNING COMMISSION  
MINUTES OF MONTHLY MEETING  
TUESDAY, JUNE 27, 2006  
7:30 P.M.

1. Call to Order – Roll Call

Chairperson Commissioner Vicky Blasi called the meeting to order at 7:30 p.m. Diana Brooks, Secretary called roll with the following members present: Gary Gegen, Tom Glasscock, Angie Banz and Richard Suellentrop. Commissioners Joy Scott, Kelly Liles, Jim Costello and Dennis Gruenbacher were absent.

2. Approval of the Agenda

Commissioner Gary Gegen moved that the Planning Commission approve the agenda. Commissioner Richard Suellentrop second the motion. There was no discussion. Upon a call vote the motion carried 5-0.

3. Approval of the Minutes

A. Planning Commission meeting of May 30, 2006

Commissioner Gegen moved that the Planning Commission approve the minutes of the May 30, 2006 meeting. Commissioner Richard Suellentrop second the motion. There was no discussion. Upon a call vote the motion carried 5-0.

4. Public Hearings

A. Review of application Z-06-01 an application for change of zoning district classification at 128 N 1st – David Vander Griend

Commissioner Vicky Blasi called to order the public hearing at 7:32 p.m. for Case No. Z-06-01. She stated that the application was a rezoning amendment requesting a change from the present R-1 Single Family Residential District to the C-2 Central Business District and laid out the ground rules that would be followed for conducting the public hearing.

Commissioner Blasi asked if any of the Commission members intended to disqualify themselves due to any conflict by himself/herself or their spouse. Hearing none she declared that there was a quorum with five (5) members present for the hearing.

Commissioner Blasi declared that proper notification had been given as the notice was published in the Mt. Hope Clarion on June 1, 2006 and notices were mailed to the applicant and six (6) real property owners of record in the area of notification on June 5, 2006.

Commissioner Blasi questioned if any Commissioner had received any ex parte verbal or written communication prior to the hearing. The Commissioners present did not acknowledge receipt of any ex parte communication.
Commissioner Blasi requested the Zoning Administrator, Diana Brooks to provide a background report on the case. Ms. Diana Brooks, Zoning Administrator reminded the Commissioners that ICM had recently platted the property previously owned by the Stroot family and that the property was platted with multiple zones being the C-2 Central Business District and the R-1 Single Family Residential District.

Ms. Brooks detailed the zoning adjacent to the property as being I-2 Heavy Industrial/Railroad to the north, R-1 Single Family Residential to the south and east and the C-2 Central Business District to the west. She stated that all the paperwork for the application was in order.

Commissioner Blasi called upon the applicant’s agent Mr. Ray Kelly to make a presentation on the request and respond if necessary to the Zoning Administrator’s report.

Mr. Ray Kelly, ICM stated that the intent of the property was to build an additional parking lot to facilitate overflow parking for the building currently under construction and in the future build a community center and day care.

Councilwoman McLain questioned if the lot would be directly adjacent to the building being working on at this time. Mr. Kelly stated that it would and would be a rectangular shape.

Councilwoman McLain questioned if the recreation center would be sharing the lot. Mr. Kelly stated that it would.

Commissioner Blasi thanked Mr. Kelly for his presentation and called for public comments. She asked that any member of the public wishing to speak to this case state their name and address before speaking.

An unidentified member of the audience asked if there was a drawing of what was going to be done. Commissioner Blasi stated that a map had been provided showing the current building and reiterated that the lot would be built behind it.

Ms. Cindy Stanley, 101 S. Crocker, questioned if the driveway going into the main plant would be for the additional parking lot. Mr. Kelly stated that the additional parking lot would come in at the corner of Crocker and Wichita.

Ms. Stanley questioned how many cars would be using the lot. Mr. Kelly stated it would be 50-70 cars and it would be used for excess parking and there would be a drive when the street goes all the way through.

Ms. Stanley clarified that they would use the temporary access road constructed by the City. Mr. Kelly stated that when the City began construction on 1st Street the employees would have to access the complex off of Wichita Ave.

Ms. Stanley expressed that she would prefer that the traffic came off of 1st Street rather than Wichita Ave.
Commissioner Blasi questioned if there had been any written communications or petitions from the public. Ms. Brooks stated that none had been received.

Commissioner Blasi questioned if there were any final public comments. Hearing none closed the public hearing at 7:42 p.m. and instructed the audience that no further public comments would be heard unless the Planning Commission wished to ask questions to clarify information.

Commissioner Blasi read the 17 factors which the Commission must consider in order to make a finding or a recommendation. (See attachment A)

Commissioner Richard Suellentrop questioned why the request was for a change in zoning to a C-2 Central Business instead of the C-1 Service Business District. Ms. Brooks explained that the C-2 Central Business District was consistent with the area and that C-1 Service Business District was mainly along 53rd Street. She stated that the property abutting was zoned C-2 Central Business District. Commissioner Blasi stated that the C-2 Central Business District was less restrictive.

Commissioner Suellentrop questioned when Crocker Ave. would be paved. Ms. Brooks stated that the project was in preliminary design phase. Commissioner Suellentrop questioned if it would be paved before or after ICM began to use it. Ms. Brooks stated that it would be used before they paved it as it would take 24 months to get through the KDOT plan process.

Commissioner Blasi questioned if Wichita Ave. would go all the way to the park property. Ms. Brooks stated that this was correct. Commission Suellentrop clarified that it would go through to 53rd Street. Ms. Brooks stated that there were tentative plans to go through the park.

Councilwoman McLain questioned the uses allowed in the C-2 Central Business District. Commissioner Suellentrop read the allowable uses and questioned if ICM built a recreation center that they would have to apply for a special use permit. Ms. Brooks stated this was correct.

Commissioner Suellentrop questioned if a landscaping plan was necessary. Ms. Brooks stated that it was not unless the Commissioners required them to submit one. Mr. Kelly detailed the intention of the company to landscape the property to reflect the property they own to the north.

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I Gary Gegen move that we recommend to the Governing Body that Case No. Z-06-01 be approved to change the zoning district classification from the R-1 Single Family Residential District to the C-2 Central Business District based on the findings of the Planning Commission as recorded in the minutes. Motion seconded by Angie Banz and passed by a unanimous vote of 5 to 0.
Commissioner Blasi stated that the case would be forwarded to the Governing Body with the Planning Commission’s recommendation and a written summary of the hearing for consideration at their special meeting on Wednesday, July 12, 2006 at 7:30 a.m. in the Council’s meeting room in City Hall.

She informed the public that protest petitions against the change in zoning, but not directed at the Planning Commission’s recommendation could be received until July 11, 2006 at 5:00 p.m. She informed the audience of those people who could file a protest petition being owners of record of 20% or more of the total real property within the official area of notification both inside and outside the City not counting public street rights-of-way or specified statutorily excluded property. She stated that at that time the change could not be passed except by a three-fourths vote of all members of the City Council.

B. Review of application Z-06-02 an application for change of zoning district classification at SW corner of 167th St. W and 61st St. N – Abengoa Bioenergy of Kansas

Commissioner Vicky Blasi called to order the public hearing at 7:56 p.m. for Case No. Z-06-02. She stated that the application was requesting a change from the present Sedgwick County Rural Residential District to the I-2 Heavy Industrial District. She laid out the ground rules that would be followed for conducting the public hearing.

Commissioner Blasi asked if any of the Commission members intended to disqualify themselves due to any conflict by himself/herself or their spouse. Hearing none she declared that there was a quorum with five (5) members present for the hearing.

Commissioner Blasi declared that proper notification had been given as the notice was published in the Mt. Hope Clarion on June 1, 2006 and notices were mailed to the applicant and seven (7) real property owners of record in the area of notification on June 5, 2006.

Commissioner Blasi questioned if any Commissioner had received any ex parte verbal or written communication prior to the hearing. The Commissioners present did not acknowledge receipt of any ex parte communication.

Ms. Brooks stated that the application was being presented by Abengoa Bioenergy of Kansas on behalf of Mr. and Mrs. Paul Gruenbacher who was asking to rezone property located at 61st and 167th Streets from the Sedgwick County Rural Residential District to the City of Colwich I-2 Heavy Industrial District. She stated that the property was annexed into the City at the last Council meeting. She further stated that the change in the district would allow Abengoa to construct a petroleum processing plant.

Commissioner Blasi called upon the applicant’s agent Mr. Craig Kramer, Abengoa Bioenergy of Kansas to make a presentation on the request and respond if necessary to the Zoning Administrator’s report.
Mr. Kramer presented an overview of the company and the ranking of Abengoa in Europe and America among ethanol producers. He stated that Abengoa was a world class supplier to the world’s oil companies. He stated that the company was the leader in research and development in biomass development and based on the renewable fuel standards twice as much ethanol had to be produced by 2012. He stated that the intent was to make ethanol in the heartland and ship it to the larger markets.

Mr. Kramer reviewed the site being requested for rezoning, the surrounding property and the various uses. He stated that the plant would produce 88 million gallons of ethanol per year using 31 million bushels of milo and/or corn annually and would produce 258,000 tons of dry grain to be sold to the local Kansas market to provide nutrition for the cattle.

Mr. Kramer stated that the new plant would assist in protecting the existing investment in Colwich which would help the company be a much more cost effective provider with local grain providers. He stated that there was good local and state support for the project. He reviewed the project timeline with option to purchase the land. He stated that all permits that were necessary at this time in the development of the project had been obtained. He stated that construction would begin in early 2007 with completion and start up in late 2008.

Mr. Kramer reviewed the placement of the rail spurs accessing the rail yard giving the flexibility of moving trains east and west, with primary movement to the east to Wichita for distribution. He detailed the rail yard that would allow for the storage of enough rail cars to transport the 250,000 gallons per day of ethanol. He stated that the proposed plant would be placed close to the existing plant and it was the company’s intent to operate the two facilities as one. He detailed the portion of land that would be reserved for future growth and the green space for a berm area to shield the residential district from the industrial uses of the property.

Mr. Kramer stated that the access to the plant would be along 61st Street for truck and employee traffic and that the gravel road would be used only for ICM and emergency vehicles. Trucks would be prevented from using the existing east and west entrances along the dirt roads. He stated that they would use directional lighting to minimize the impact to the residential district; that state of the art equipment would be used to clean the water before putting it in the lagoon system.

Mr. Kramer stated that there would be additional rail traffic as the plant would be three and a half times bigger than the existing plant. He stated that unit trains of 75-100 cars would be going to the market place twice a month resulting in 75-100 cars remaining in the rail yard.

Mr. Kramer stated that 61st Street would be paved and the exact numbers of new employees was not known at this time. He estimated there would be between 15 and 50 employees manning both plants.
Councilwoman McLain questioned what the average train traffic per day would be. Mr. Kramer stated that there would be approximately 10-12 rail cars per day.

Councilwoman McLain questioned if car switching would take place 24-hours per day. Mr. Kramer stated this was correct. Councilwoman McLain clarified that switching could take place all night. Mr. Kramer stated that this was how the switching of cars was done at this time.

Councilwoman McLain questioned the number of rail cars that would be stored. Mr. Kramer stated there would be room to store 250 rail cars, but not all cars would be in the plant because it takes two weeks to get the cars to the west coast and back with a total of 125-150 cars stored at one time in the rail yard. Councilwoman McLain questioned if the cars had to be black and if there was some reason they couldn’t be made more visible. Mr. Kramer stated that the cars were leased.

Councilwoman McLain questioned the number of trucks that would be servicing the plant. Mr. Brian Pasbrig, Plant Manager, stated that the new plant would require approximately 250 to 300 trucks per day with corn and chemicals.

Councilwoman McLain stated that she spoke with the City Manager in Nebraska who indicated that Nebraska had put a spur in to accommodate the truck traffic and further questioned what the company would do to keep that from happening here. Mr. Kramer stated that the trucks would park on the property and described the area on the map where the trucks would line up for servicing the plant.

Councilwoman McLain stated that the managers were anticipating that the truckers would use K-96 to 61st to access the plant and that they indicated that they did not have control over the truckers and where they go. Mr. Pasbrig reminded Councilwoman McLain that the company was paving the road and giving the drivers only one access and exit point thus reducing the options and having less of a chance for the truckers to go through town. He stated they would not be given any other option for accessing the plant except from the north entrance on a good paved road which was good for the trucks and good for the company. Councilwoman McLain stated that she felt that the company held the purse strings and could exercise control over the drivers.

Commissioner Suellentrop reminded Councilwoman McLain that 167th was a truck route and trucks could not be prohibited from coming through town. Ms. Alison McKenney Brown, City Attorney, stated that the Council could pass an ordinance designating the routes they could take.

Commissioner Suellentrop questioned the width of the green space strip detailed on the map. Mr. Kramer stated that the rail yard was not designed yet but estimated it would be 50 ft. wide or as much as the Planning Commission wished to make it.
Commissioner Blasi expressed that there were times that each railroad crossing was blocked off and questioned if this would happen more frequently. Mr. Kramer stated that it was possible this could happen more frequently. Mr. Pasbrig stated that more of the rail yard would be utilized thus alleviating the delays by getting the cars off the rails more quickly.

Commissioner Suellentrop questioned how many acres were in the area designated for future expansion. Mr. Kramer stated that the entire parcel was 160 acres with the future expansion area being used to expand the facility and because the rail system was not designed at this time the amount of expansion area was hard to estimate but could be 40-50 acres.

Commissioner Suellentrop questioned when the buffering should be discussed. Ms. Brooks stated that it should be discussed at the special use hearing in which the Commissioners could require a landscaping plan, a screening plan, and that the company could be required to present these items as part of their platting process. Commissioner Suellentrop stated that he wanted to see a set amount of acreage not just what was left over. Mr. Kramer stated that he would get an exact number.

Councilwoman McLain questioned what emergency response systems were in place should there be a spill. Mr. Pasbrig stated that the company would ask for support from the Colwich Fire Department. He stated that if a spill occurred that the product would be picked up and reprocessed; that when rail cars were loaded and unloaded there were EPA regulations that must be followed, and when cars were moved the cars had to be closed and sealed. He explained that the EPA would regulate the control of stormwater.

Councilwoman McLain questioned if this was done now. Mr. Pasbrig stated they were. Councilwoman McLain questioned if the EPA had ever fined Abengoa for water contamination. Mr. Pasbrig stated that he was unaware of any fines in the past two years.

Councilwoman McLain presented information regarding the failing of the wastewater permits five times in the past 13 months and that the company had not reported samples in the last three months. She stated that three of the five months that the samples had failed had fecal material. Mr. Pasbrig stated that he did not have the information that Councilwoman McLain was looking at in front of him.

Councilwoman McLain expressed concern that the old plant would remain on line; that it was not doing well; and had not done well for years. She stated that with all the complaints there had been no response from the company. Mr. Pasbrig stated that the wastewater for the new plant would not have the processed wastewater like the existing plant, and a wastewater package would be installed in the new plant to handle the processed water from both plants.
Councilwoman McLain questioned if the same commitment was in place for the air scrubbers and air quality. Mr. Pasbrig stated that the current facility meets the state of the art facility requirements for air quality. He stated that shutting down the dryer that was putting out steam had occurred in the last two years. He explained that the new facility would have a dry system with the thermal oxidizer which burned off the offensive odors. He stated that because there was no dryer system at the existing plant there was no need for the thermal oxidizer.

Commissioner Blasi reminded the Commissioners that the discussion for this item was to be centered on the rezoning case. Councilwoman McLain stated that she felt that all the facts should be known before the land was allowed to be rezoned. Commissioner Suellentrop stated that this was true with the exception that the Planning Commission needed to determine whether they wanted to rezone that large of property to the I-2 Heavy Industrial which allowed all types of industrial uses to be constructed on the property. He expressed that this was why he asked about the green space because he would not want to live across from a plant no matter whom requesting the change. He stated that a poultry slaughter business could potentially go up on the future expansion if Abengoa decided that they were big enough and the next president said we don’t need alcohol plants anymore and they sell off the property, if the Commissioner’s rezone it heavy industrial someone could put a chicken processing plant up there. He detailed potential uses that could go up in the area.

Commissioner Blasi questioned if there were any members of the public that wished to speak on the rezoning of the land not on the special use permit.

Mr. Joe Wappelhorst, 16822 W. 61st St. N, stated that the handout says 167th and 61st Street, Southwest corner and clarified that it was on the east side of 167th Street. Ms. Brooks stated that as she explained to Mr. Wappelhorst when he came into the office that the description was a general location and she assumed that when the company filled out their application they started at their property line and called it the southwest corner of that particular piece of property. She stated that the legal description was on file in the office of the exact location.

Mr. Wappelhorst stated he wanted to make sure of the exact location. He expressed that a decision should not be made at this meeting. He questioned if there had been a meeting regarding the annexing of the property. Ms. Brooks stated that the request for annexation came from the property owners and there was not a requirement to hold a public meeting on the annexation. Commissioner Suellentrop stated that annexations do not come to the Planning Commission but go to the City Council.

Commissioner Suellentrop stated that the Planning Commission gets the information on Thursday before the meeting, good or bad and they have about the same amount of time to read the information and digest it.
Mr. Wappelhorst stated that it was reported that seven letters were sent out to the property owners. He stated that he lived two hundred feet from it and he was not notified and in order for them to be ready for the meeting they had to have applicable notices. Commissioner Suellentrop stated that this would be items that would be discussed.

Mrs. Pat Wappelhorst, 16822 W. 61st St. N, reiterated that they do not live on the east side and she thought that all of those property owners needed to be considered just as well as the people in the new building area across the street. She stated that when you have a site that large it was going to affect everybody in that whole area. Commissioner Blasi stated that she agreed with her.

Mr. Frank Suellentrop, 623 Homestead Ct. expressed that he was not against the plan, against the zoning request, but he did have questions. He stated that the previous speaker suggested that the rezoning impacted more than just the property owners in the new development, and there was no question about it. He reminded the Commissioners that the zoning request was the largest zoning application in the history of Colwich.

He further reminded the Planning Commission members that they were obligation to make sure they knew exactly what was able to be put on that property and how it would be developed over the next one, five, ten, fifteen, twenty, years. He stated that along with that they knew what the uses were in the Planning and Zoning Regulations, even though a couple of members were new to the process. He reminded the Commissioners that he was on the Planning Commission for 20 years from 1975 to 1995 and learned about the process. He stated that they had to have at their disposal data or information detailing the impact to the City i.e. to the Fire Department and emergency response or City services being sewer, water, road access or those types of things. He advised them not to make a decision on 120 acre piece of property especially Heavy Industrial without knowing how it would impact the City at large.

Mr. Suellentrop questioned how much property was actually needed for the application and that the Planning Commission needed to decide if that amount was reasonable. He questioned if the Planning Commission wanted 200 acres zoned I-2 Heavy Industrial at the northeast corner of the City and that this was a very important development impact to the City of Colwich.

Mr. Suellentrop stated that there was talk about buffer zones which was another good question because typically Heavy Industrial was not zoned against Single Family Residential or Multi-family Residential. He stated that the company proposed in their comments ways to alleviate that, and the only way you have control over that is through the Subdivision process. He stated that to his knowledge the cart was being put before the horse if there was talk about a special use permits before going through the Subdivision rules and regulations to make sure how the property was going to be developed. Where are the easements, where are the buffers, where are the setbacks, what was actually going to be placed up there in terms of improvements, roads, right-of-ways, everything else.
Mr. Suellentrop further stated that no one was going to go to every Council meeting and every meeting that was held in the City, but there had to be full disclosure. It was mentioned earlier that some comment between the City and the company about roads or changing an agreement was made and there was agreements that were made prior to the platting of the existing I-2 area. He stated he was not sure where those were made, as he did not read about them in the paper, and reiterated that there should be full disclosure, there should not be any agreements made with the City without full public disclosure. Just a commentary, if the Planning Commissioners doesn’t know about what the City had agreed to they should know about it, or should ask questions.

Mr. Suellentrop supported what was previously stated earlier that the hearing should be extended to allow the Commissioners the time to make an informed decision. He stated that he pointed out it would make a significant impact to the City. The jobs would be good, but potentially it could be detrimental in the quality of life.

Ms. Cindy Stanley, 101 S. Crocker, she stated that she agreed that the Planning Commission should take a long hard look at the entire situation and what they were going to do. She stated that she had lived close to the existing plant since it was built, and years ago there was problem with the company and the City employed Bickley Foster who came to their meetings and his opinion and advise was asked and he said that a huge mistake had been made by allowing Heavy Industrial that close to a residential area. He explained that zoning was laid out in buffer zones and she explained the layout for zoning and stated that residential was not to be placed across the street from or close to industrial.

She stated that in the sheet distributed at the meeting that it read: “The district is established for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activities. Certainly this one has in the past and will continue to have some of these problems: obnoxious or hazardous uses.” She stated that there had been odor from the plant since it began and stench from the ponds. She stated that she did not consider the company a good neighbor and she never had as they had chances to make improvements. She stated that she strongly suggested having Bickley Foster come to the meeting before the Planning Commissioners consider rezoning the large amount of ground into a city the size of Colwich.

Ms. Stanley stated that the City had to have legal, financial, fire etc. resources to handle a plant the size proposed. She stated when the original plant was constructed the City did not have those resources and they were in over their heads. She stated that she did not believe the resources of the town had grown to accommodate, understand, and deal with Heavy Industrial of that size.
Ms. Stanley stated that if anything happened to the plant it would not affect just the people across the street it would affect the whole town. She stated that ethanol was very explosive and she did not care how many fire people are called there had been a small number of problems at the old plant and there were fire trucks lined up to 167th Street and she left her home because her husband basically told her that if the plant goes you can kiss it goodbye it will not just rattle the windows.

She reminded the Commissioners that a new residential area was right across the street from the plant on 167th, she stated that she assumed the Planning Commission zoned that parcel for residential and questioned if they wanted to make a huge mistake by putting heavy industrial across from the people who trusted their judgment. She stated that the developer knew that was heavy industrial across from them, but those people who bought their homes she doubted had a clue that this was proposed and it was the Planning Commissioner’s job to protect them and their homes.

Mr. Stanley May, 109 S. 1st, expressed that he was not against the ethanol plant as he worked in the current plant in the mid-80’s. He stated that with the extent of ethanol he thought it was great and he informed the Commission that he lived on 1st Street and was concerned with the truck traffic. He stated that his concern was that there was a chance for three times the truck traffic and he was concerned for his 11 and 7 year old children and the 7 year old next door to him and for his wife’s day care business in their home.

Mr. May stated that currently there was an access road from the east, a dirt road, that the trucks were not using, and that he could not sit on his porch all day and count the trucks, and that the plant now sells the CO2 off the plant, which was what he suggested 20 years ago and at that time there was no market for it.

He stated that the trucks use 1st Street, and his concerns were the amount of traffic 1st Street was going to see in the residential area. He reminded the Commissioners that the road was a county road and it was a truck route and just saying the trucks would go down the road was not sufficient. He stated that he would like to see what the company could do to keep the trucks off the residential street and that coming in from the north was a great idea.

Commissioner Blasi questioned if there had been any written communications or petitions from the public. Ms. Brooks stated that none had been received.

Commissioner Blasi questioned if the company would like to comment on any public comments made.

Commissioner Blasi questioned if there were any final public comments.

Mr. Richard Gegen, 220 S. 1st, expressed that he had a problem with all the trucks that go by even on Sundays. He stated especially the EPCO and Little River trucks. They have an agreement that the trucks will use 151st Street, you complain about it and nobody does anything.
Mr. Victor Breitenbach, 211 S. 2nd, stated he was not in favor of the rezoning tonight or anytime. He stated that Colwich was going to quit growing if another ethanol plant was put here. He stated that the City had been hurt already and it was really going to put a stop to growth. He stated he thought the Commissioners should have more time to decide and that a decision should not be made tonight and that the Commission should think about what they are doing to the citizens of Colwich. He stated someone was making a lot of money and what were the citizens getting out of it.

Ms. Cindy Stanley, 101 S. Crocker, stated that looking at the overall picture, she asked the Commissioners to think about it do they want was it a town that was mostly residential area with small business and what the City already has or do they want a humongous industrial area.

Mr. Dary Murphy, 6011 N 167th St., he stated that the drawing presented was not quite accurate and pointed out the high power lines and stated that in 1992 the power lines fell and questioned the changes that would be made to accommodate the power lines.

Commissioner Blasi asked for any additional comments, hearing none closed the public hearing at 9:00 p.m. and instructed the audience that no further public comments would be heard unless the Planning Commission wished to ask questions to clarify information.

Commissioner Blasi read the 17 factors which the Commission must consider in order to make a finding or a recommendation. (See attachment B)

Councilwoman McLain expressed that the Commissioners should answer the 17 factors and not rely on the staffs answer. Commissioner Suellentrop expressed that he did not agree with staffs answer to number 12. Ms. Brooks stated that the questions were answered by staff to assist the Commissioners and not meant to be their official findings unless there were no corrections.

Commissioner Suellentrop stated that he was concerned about the people across the street and that he was unsure if he wanted to rezone over 100 acres, he would be inclined to rezone just what was needed for the plant. Commissioner Blasi stated that even if the property was not rezoned in the Heavy Industrial district it had to be rezoned to something and she was not sure that they had enough information.

Commissioner Suellentrop questioned the proposed green space zoned in another district so that in the future the area could not be encroached on. Ms. Brooks stated that on the ICM plat they had a landscaping easement and something similar to this should be done on this plat. She stated that as part of the conditions the Commissioners could require that the company to plat the property and bring as much information as possible at that time.
Commissioner Suellentrop questioned what the appropriate amount of acreage was to be included in the area rezoned. Commissioner Blasi questioned why so much of the property was asked to be rezoned. Mr. Kramer stated that it would allow for future expansion.

Commissioner Gegen stated that this was the first he had heard of this matter and he would like to discuss this matter with more people in the City and recommended tabling the motion to the next meeting.

Commissioner Suellentrop stated he would like to see the buffer zone rezoned something other than I-2. Ms. Brooks reminded the Commissioners that if they required the company to put another classification for the berm area that it would have to meet the minimum lot requirements of the district and would use up a large portion of the remaining area. She reminded the Commissioners that if the company did not comply with the requirements and dedications the plat would not be approved.

Commissioner Suellentrop questioned if they rezoned the entire parcel tonight they could get them to put in the buffers and access at a later point. Ms. Brooks stated that this was correct and that this would be a plat that would take more than 30 days to put together. She stated that obviously drainage in the area was an issue and they would have to have a comprehensive drainage plan. She recommended that they have a landscaping expert to look at the type of trees that could be used on top of the berm that would be fast growing. She stated that the plat would have to have dedications and address the high lines across the property, as well as address the placement of the sewer lagoons.

Ms. Alison Brown, City Attorney, stated that because of the sensitive nature of the application some of the information was brought to the Council under the heading of protective business and financial information and once they had made their deals on the land with the property owners and once they had done some of the things to protect their business interest at that point it was no longer qualified as protected business and all business at that point had to stated in open meeting. So they began to advise the City that they were considering this information in the last 30-days and the Commissioners were hearing about it as quickly as possible.

Commissioner Blasi questioned how it was determined who to notify. Ms. Brooks stated that she discuss this matter with the Zoning Consultant because she expressed concerns that the property owners to the northwest were not notified. He stated that the notification area was a lot like a postage stamp where you notify from corner to corner and it is those who fall into the notification area.

There were questions regarding how to make a motion to table the item. Ms. Brown stated that the motion should be to table to a future date approximately 30 days which was basically continuing the item to gain new information to be added and not rehearing what had already been stated.
Commissioner Gary Gegen moved that the Planning Commission table the discussion to the July 25, 2006 meeting at 7:30 p.m. Commissioner Richard Suellentrop second the motion. There was no discussion. Upon a call vote the motion carried 5-0.

C. Review of application SU-06-01 an application for a special use permit for property located at the SW corner of 167th St. W. and 61st St. N to establish an ethanol production facility – Abengoa Bioenergy of Kansas

Commissioner Blasi requested a motion to table this action to the July 25th meeting as this application was dependent upon the zoning change.

Commissioner Angie Banz moved that the Planning Commission table the public hearing to the July 25, 2006 meeting at 7:30 p.m. Commissioner Gary Gegen second the motion. There was no discussion. Upon a call vote the motion carried 5-0.

Commissioner Blasi thanked everyone for attending and informed them that the two matters would be discussed at the July 25, 2006 Planning Commission.

5. Public Agendas

There were no public agenda items.

6. Plats

There no plats for review.

7. Committee and Staff reports

A. Review of the June expenditure reports

Ms. Brooks stated that the June expenditures were reflective of the update to the Zoning Regulations.

B. Review of the monthly zoning activity report – To be distributed at the meeting

Ms. Brooks reported that there were six permits issued for the month of June.

8. Screening Plans - None

9. Miscellaneous

Commissioner Blasi questioned where to find information on some of the concerns expressed during the public hearing, the impact to the City, and the benefits to the City financially. Ms. Brooks stated that the company had not disclosed what their intentions were for financing the project, and so without having some direction there was no way to know how it will impact the Community. The only work that had been done had been
from a zoning standpoint. She stated that she did not recall the Council being approached in an open meeting to discuss financing the project. She stated that she could call other cities with plants.

Ms. Brown suggested that the Commissioners put their questions down on paper and staff could research the answers and suggested that they search the Internet.

Commissioner Suellentrop questioned the meaning of ex parte communication. Ms. Brown explained ex parte communications and admonished the Commissioners not to discuss the matter between themselves.

10. Adjourn

There being no further business, Commission Suellentrop moved for adjournment at 9:30 p.m. Commissioner Gegen second the motion. There was no discussion. Upon a call vote the motion carried 5-0.

Respectfully submitted,


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Diana K. Brooks, Secretary