

## February 2, 2011 Eudora Planning Commission Meeting Minutes

The Eudora Planning Commission met in regular session on Wednesday evening, February 2, 2011 in the Eudora Municipal building. Six members were present: Chairman Kurt von Achen, Ken Adkinson, Glenn Bartlett, Richard Campbell, Grant Martin and Johnny Stewart. Rose House was absent.

Also present were City Administrator John Harrenstein, Codes Administrator Curt Baumann, Consultant Scott Michie of Lochner/BWR, Public Works Secretary, Debbie Eaton, Harold Wingert, Tom Kay, Jim Boeh, Reporter John Schulz, and one unidentified gentleman.

Chairman von Achen called the meeting to order at 7:30 p.m., the pledge of allegiance was recited, and the minutes of the January 5, 2011 meeting were approved as circulated.

Johnny Stewart, who had been unanimously approved by the City Council to fill the vacancy on the commission when Dr. Jankowski moved outside the city limits, recited the oath of office.

Since Dr. Jankowski had served as Vice Chairman of the commission, the next order of business was to fill that position. The Chairman asked for nominations and Richard Campbell nominated Ken Adkinson, followed immediately by Grant Martin nominating Campbell. Stewart seconded Adkinson's nomination and Glenn Bartlett seconded Campbell's. Martin moved the nominations cease, seconded by Bartlett. Voting was by a show of hands with Campbell receiving three votes and Adkinson receiving two, so Campbell is the new vice chairman.

Under Reports, Administrator Harrenstein brought the commission up to date on work the City Council has been doing. He said the council and the school district are considering proposals for demolishing the old junior high school at 10<sup>th</sup> and Main. The decision to move forward will be made at a later date.

He said the council received the 2010 nuisance abatement report from Codes Administrator Baumann which showed much was accomplished, and he will bring the full report to the commission at the March meeting. He commended Baumann on how active and responsible he has been. He said Baumann also has a safety role to play and he takes it seriously and works diligently.

The council received the business retention survey, in which 30 businesses had participated, which was about 30% of the local businesses, and was regarded as a high response. Mostly the city needs to reach out and begin communication with businesses, he said.

The council had approved the commission's recent recommendations of ordinance amendments on lot splits and Zoning Regulations on Wind energy Conversion Systems and solar panels. They had accepted a bid of \$80,000 for upgrades to the water plant, and had adopted a petition for annexation from Roger and Terri Rose which will become final when Mr. Rose signs it.

The Honey Creek application to begin curbside recycling was approved. It will cost \$5 a month which will be added to the monthly utility bill, if a household wishes to take part. The council also approved energy audits for residences in the city. An audit will cost \$100, to be done by a registered auditor. Five items will be prioritized for energy savings. Money for the repairs or reconditioning can be loaned at 0% interest and be repaid in increments on the utility bill. This should be available in March, Harrenstein said.

Susie Pryor, the incoming Chamber of Commerce President, spoke briefly to the council of her plans for the community. She hopes to strengthen memberships and market the community more strongly. The council earmarked \$100,000 to finance hiring a management analyst, fund \$35,000 in chamber priorities, and allot \$21,000 for business grant incentives for downtown businesses. Hopefully, it will provide for five to seven grants at a cost of \$3,000 to \$5,000 each for repairs and to spruce up downtown.

Campbell commented that the city had done an excellent job of snow removal downtown and Harrenstein said the credit goes to City Superintendent Mike Hutto, who came here from Colorado where they have lots of snow.

The Building Inspector's report showed one new mobile home permit, value \$3,250, issued to Richard Provance at 501 E. 10<sup>th</sup> Street, and six other permits for a grand total of \$35,123. Fees totaled \$493.

Chairman von Achen then called for the first public hearing on the agenda; an application for a Use Permitted Upon review (UPUR) for a billboard sign facing the K-10 Highway right-of-way on the North side of the highway on HP Pelzer property in Intech Business Park. He asked Consultant Michie for his comments.

Michie referred to the sign regulations, Section 16-1214, which were put in place about two years ago and were carefully worked out after much consideration. He said the applicant has met with staff, and has met all the regulations for a billboard except two. No scale drawing has been submitted that shows the font size and font type lettering that will be used on the sign face. That regulation is from the K-10 Highway Overlay District relevant standards. The other is that no dedicated public access has been secured across the lot on which the sign is to be located.

Michie said that the applicant proposes that since the sign will have two faces which will be rented separately, that each time the advertising changes they will come back to staff to have the fonts and colors approved with a new permit for each message. Michie gave as a bad example the Gulley's carpet sign in DeSoto where the big scale type does not fit the building.

On the second point, Michie said the applicant says he has a permit from HP Pelzer to cross his property, but the regulations require a public easement. In any case, Michie said, the Planning Commission can only give conditional approval of the sign since it must also be approved by the Kansas Department of Transportation (KDOT).

The chairman asked Administrator Baumann for his comments. Baumann said Michie had covered it all; with us getting a new permit each time we will be in control, not on what is being advertised, but that the sign is suitable and pleasing.

von Achen then invited the applicant to come forward and speak. Jim Boeh said his company is located in Kansas City and in 25 years he has placed signs in many communities in Kansas and Missouri. He said he found the Eudora regulations extremely rigorous with 25 points to meet, and that the sign must also be approved by KDOT if it is approved by Eudora. He asked for questions.

Bartlett asked if there will be more than one ad, one on each side or a mix? Boeh answered that the signs will be 10 by 30 feet, allowing 300 square feet, so each side could possibly be divided in half for two ads, or even allow five or six that are smaller yet still readable.

Bartlett asked if the city has regulations about how many signs could be on it? He remarked that the one coming into town can't be read. Boeh replied that he KDOT signs are just "logo signs" without additional advertising.

Richard Campbell asked what an ad would cost? Boeh said it would probably be about \$500 a month. Campbell also asked about content. "What do we do if Fred Phelps wants to advertise," he asked. Boeh said they accept no tobacco ads, nothing pornographic and Fred Phelps would not be accepted. "So you have the right to choose," Campbell commented.

The chairman then opened the hearing to the public. Tom Kay, owner of Air Filter Plus, spoke. His first concern was whether they were going to be doing any grading that might damage his property, since it looked to him as if the survey flag showing the location of the sign was actually in the bottom of the retention pond. To get the sign where it could be seen they would have to build it up, he said. Kay said he thinks this is the only spot along K-10 where a billboard can be placed, and it is too close to his building which faces K-10.

Michie responded to Kay, saying the Planning Commission is being asked to rule on a specific site plan at this current elevation. After the site plan is approved, he said, Boeh can't raise the elevation. The sign is to be on top of the levee, not in the hole, he added.

Kay repeated that the stake with the red flag is at the bottom of the pond.

The chairman commented that the pond is part of HP Pelzer's storm water retention, and the pond only holds water in heavy rains, then it empties. The 15 foot pier won't affect the water, he said.

Codes Administrator Baumann suggested that the best way to handle the question would be to check the elevations on the site plan, and there are none at this time. The Chairman agreed that the commission could require elevations to be shown.

Kay again questioned the location, asking if only one corner of the sign will be on the levee? Baumann pointed out that this is different from the usual billboard, which is longer than it is tall. This one, in two parts, will be 10 feet wide by 30 feet high and is to set two feet above the ground.

Michie explained the original intent of having a sign no more than two feet off the ground was to avoid having a pole sign up in the air. In the state of Kansas you are allowed to zone for esthetics. That word is actually in the regulations, he said.

Kay remarked that he thought when the Planning Commission wrote the sign ordinance they were thinking of wide billboards, not tall and narrow. Michie answered that the ordinance was to limit the size, but does not specify which way the 30 feet would be situated.

Campbell asked Baumann what rules he will judge the sign on? Michie answered that he will only decide on the size of two fonts and three colors. Campbell added that if Baumann is to enforce it, it has to be clearly defined.

Michie pointed out that it is the K-10 regulation that specified the two fonts and three colors only. However, Eudora subscribed to the K-10 standards, he added.

Campbell spoke again, stressing "This is a big thing." If the city is going to have a billboard, then the city should have the first one and use it to advertise downtown Eudora. Suppose one of the ads will be for Free State Brewery. Since it is right next to Mr. Kay's building, people may think the sign indicates his building. Adkinson agreed, saying the city will have no control over what is advertised. Adkinson asked, "What if they sell the sign?" We are setting our standards on their company policy which we have not seen, he added.

Campbell said that he is nervous about it, and that tonight he could not vote in favor of it. Could we table the application for now, he asked?

Chairman von Achen admitted that he is nervous too. There are already two conditions to be met, and tonight we want elevations on the site plan. It is a UPUR; you can put conditions on it. Maybe require that if the owner changes the new owner has to come back to renew the UPUR, he suggested.

Michie said this is a legal non-conforming use. A new owner gets to keep the sign as it is grandfathered in. He can continue the use. If the new owner does not conform, then the building inspector can pull the permit.

Stewart remarked, "That's putting the burden on the codes administrator." What revenue is projected for the city from this sign, he asked?

Baumann answered that any sign permit costs \$20, and whatever inspection charges there may be.

Someone asked why the sign couldn't go on the other side of the highway where it is all open ground? von Achen answered that that ground is in the county and Douglas County does not allow billboards. We allow four but this one spot is the only place a billboard meets all the setbacks and other regulations. He admitted that if he owned Air Filter Plus he would not like the sign there.

Martin said his concern is whether part of it will lie within the retention pond. While there is no water there now, what happens if it fills up, he asked?

von Achen answered that it is not a permanent pond, the water drains out. But a reason to table would be to wait and check on elevations.

Campbell moved to table the application until the March meeting, due to needing the elevations marked, the code administrator's duties too vague and not specific enough, and the fact that the nearest neighbor has appeared and has serious objections. Adkinson seconded the motion. The vote was 4-1 in favor with Glenn Bartlett voting against the motion and Johnny Stewart did not vote.

After the vote, Kay said he wanted to explain why he was the only person to appear tonight. He said the regulations require notices to be sent to everyone within 200 feet, and as he was the only landowner within 200 feet, he got the only notice.

Chairman von Achen then called for the second public hearing on the agenda: to consider an update of the Nottingham Design Guidelines to establish the plan area and define multimodal street standards. He asked Michie for his remarks.

Michie said the Nottingham Guidelines, adopted last fall, became a part of your Long-range Comprehensive Plan. The purpose of this amendment is to apply the guidelines to land in the public right-of-way that was controlled by KDOT at the time of the guidelines adoption in August, 2010 on both the west and east sides of Church Street.

Michie said they met with the state and discussed several ways to slice and dice this, and decided on the simplest way, since these are just guidelines that state intent, and are not regulations.

Concerning the "complete streets" also mentioned, Michie said it is preferable to delay that amendment until spring when the annual review of the Long-range Comprehensive Plan is due. He said it will be more appropriate to add it to the update then. There will be a specific definition and concept at that time, he promised.

The chairman opened the hearing to the public but no one present spoke, so Administrator Harrenstein said he would play the part of the public since he brought the matter to Michie's attention. He was concerned he said, because we are seeing development start and it may move forward on this land in the near future. He said he feared that without adding the east side of Church to the guidelines, the ensuing development might be of a lower standard and not rise to the Nottingham Guidelines as adopted for the west side of Church Street. It is an effort to protect Eudora's front door entrance to the city, he said.

Campbell asked "What about the north side of 14<sup>th</sup> Street?" Harrenstein said that was a good question and he would like to think about it, while the chairman remarked that he believes development plans are under way for that block, and they will be as nice as the guidelines call for if not nicer. However, he added, plans can always fall through.

Campbell moved to recommend a change in the Nottingham Guidelines to include and apply the guidelines to land in the public right-of-way that was controlled by the Kansas Department of Transportation at the time of their adoption in August, 2010, on both the west and east sides of Church Street. Bartlett seconded the motion and the vote was unanimous in favor, 6-0.

Adkinson mentioned that again he had been handed information just before the start of the meeting. He said he thinks if it is about an item we are to vote on, it should be in our packet. He also said a number of people have asked him why the 20 mph lights continue to blink on Church Street when there no longer is a school there.

Harrenstein replied that Chief Walker can best answer that question, but he believes it is because so many children cross to the Recreation Center after school, and that is still the highest pedestrian crossing in the city. Ms. Eaton added that it was also because buses pick up children at the Rec Center.

Michie again reminded the commission members of the special joint meeting with the Lawrence-Douglas County Planning Commission about the sand pit application on 15<sup>th</sup> Street. It will be at 6:30 p.m. on February 23, 2011 the 4<sup>th</sup> Wednesday, and will be in the Lawrence City Hall at the north end of

Massachusetts Street. He said the members will receive a packet of information from him and one from the Lawrence staff, and that it is very important that a quorum attend.

Chairman von Achen also emphasized the importance of this meeting. He said the Eudora Planning Commission will sit together at one table, and will make their recommendation and vote first, followed by the Lawrence Douglas County Commission doing the same. Then the two recommendations will be forwarded to the County Commissioners who will make the final decision.

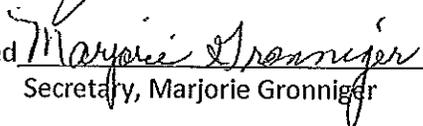
Administrator Harrenstein added that this is terribly important to the city, and we must have a quorum in attendance.

Glenn Bartlett moved to adjourn. Ken Adkinson seconded the motion. The meeting adjourned at 8:43 p.m.

Signed

  
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Chairman, Kurt von Achen

Signed

  
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Secretary, Marjorie Groninger