

April 6, 2011 Planning Commission meeting minutes

The Eudora Planning Commission met in regular session on Wednesday evening, April 6, 2011 in the Eudora Municipal Building. Six members were present: Chairman Kurt von Achen, Vice Chairman Richard Campbell, Glenn Bartlett, Rose House, Grant Martin and Johnny Stewart. Ken Adkinson was absent.

Also present were City Administrator John Harrenstein, Codes Administrator Curt Baumann and his assistant Debbie Eaton, Consultant Scott Michie of Lochner - BWR Division, Eudora Reporter John Schulz and Attorney Vincent M. Cox of Fisher, Patterson, Saylor & Smith.

Chairman von Achen called the meeting to order at 7:30 p.m., the pledge of allegiance was recited and the minutes of the March 2, 2011 meeting were approved as circulated. von Achen then invited Administrator Harrenstein to make his report.

Harrenstein said he had no report from the City Council agenda at this time but he did inform the commission that the City of Eudora and the Planning Commission are being sued by Ad Trend Inc. Harrenstein explained that Attorney Cox is present tonight because his firm has been assigned by the city's insurer, EMC, to defend the city in the lawsuit.

Chairman von Achen asked if Ad Trend had ever provided the additional information the commission asked for, and Codes Administrator Baumann said they had not.

Baumann brought forward copies of the plat for the newly annexed Cecil Monday property and apologized for not sending them in the commission packets. He said he had only received them on Tuesday evening. von Achen told the commission that since they have had no time to study the plat they could defer action on it until the May meeting if they wished.

The building Inspector's report was in the commission packet. It showed four residential remodelings and ten additions, three commercial remodelings and one addition for a total permit evaluation of \$86,300. Permit fees totaled \$6,448.

There was no public comment so the chairman called for the first item on the agenda, a public hearing to consider a zoning district classification for a .6 acre parcel of land recently annexed by consent petition, located on the south side of 10th Street, adjacent to the city's corporate limits. He noted that the applicant, Roger Rose, was not present.

Von Achen asked Michie for any comments, and Michie agreed that this is just a technicality; that any land that is annexed always comes in as Residential Agriculture and then rezoning takes place. The zone asked for in this case is "C", Commercial.

The chairman opened the public hearing but since no one was present to speak for or against the zoning, he immediately closed the hearing and brought it back to the commission, remarking that he is happy to see this parcel brought into the city and that now they will be on the city sewer. He asked for a motion.

Johnny Stewart asked how many commercial zones the city has, and Michie answered that there is only one, plus the downtown commercial overlay.

Richard Campbell moved that the Planning Commission recommend to the City Council a rezoning of the annexed .6 of an acre from "RA", Agricultural District to "C" Commercial District. Glenn Bartlett seconded the motion, there was no discussion, and the vote was unanimous in favor, 6-0.

Under "Old business", Michie had prepared a memorandum as follow-up correspondence by the City of Eudora to a staff-applicant meeting on March 3 that he had attended. This was in response to the first joint public hearing by the Lawrence, Douglas County Planning Commission and the Eudora Planning Commission on a CUP application by Kaw Valley Sand Dredging, Inc. proposing a sand pit in Eudora's planning area. The hearing had taken place in Lawrence on February 23. The memo was dated March 9, 2011. Michie had provided a copy of the memo to the commission and he discussed it at length.

Michie explained that the memo reiterates that Eudora remains committed to the recommendation for denial of the permit. He argued that the application is still not "complete at this time". He said there is no diagnosis of the problem, much less any proposed solution from the applicant dealing with the impacts the proposed sand dredging will have on the system of jetties along the river, since the applicant, rather vaguely, proposes to either fully eliminate or significantly cut into one of the jetties.

Michie's memo made four recommendations to the Douglas County staff, speaking mainly to the impact on the city's water wells and the impact on the jetties and the jetty system. He stated that regardless of Douglas County's or the Corps of Engineer's opinions, Eudora asks that none of the jetties be removed, and if any is amended by the dredging that engineering solutions must be submitted for how that will leave a fully-functioning jetty system.

He further stated that a surety bond will be necessary with provisions to assure that the city would be made whole should a well water problem result from the proposed sand pit operation.

Michie said that on April 4 we received the applicant's follow-up but there was nothing new. The same site plan; the only difference was that post the operation the north jetty would still be there, sticking out in the middle of the pond. There was no explanation, no engineering, and no analysis of the problem.

Chairman von Achen noted that the commission has no list of conditions the county wants to put on the applicant. Michie said County Engineer Keith Browning asked about the plan for the jetties and how it will impact the river but they have not answered him.

von Achen asked if it is possible the April 25 joint meeting might be postponed? Michie said it may very well be; he will know in a few days. von Achen again emphasized that the whole Planning Commission will need to be there. We will be seated a little more respectfully this time, he said, and "I strongly recommend that we defer our part of the decision until Douglas County makes theirs."

Richard Campbell asked if the Planning Commission could request to be first on the agenda? Harrenstein said he would ask for that.

von Achen remarked that it will be another "very painful meeting," but we need to stick to our guns. Michie said the city wants a complete application and no hearing until the full application is received.

Campbell asked if this is a continuation of the first meeting? Harrenstein replied that they referred to it as being "deferred."

von Achen commented on the surety bond, saying it should be open-ended with a surety company of some standing. We won't be able to specify costs, for should surface water get into the wells the city would have to treat the water at a higher level and greater expense. Harrenstein commented the bond should be at least three million.

Johnny Stewart asked for copies of the well reports for he has received neither of them.

Grant Martin asked if the applicant has a Corps of Engineer's opinion yet? Michie replied that the procedure is for the applicant to receive the city's permit first, and then it goes to the corps for review and a decision.

von Achen again stressed the importance of all the members attending the next hearing.

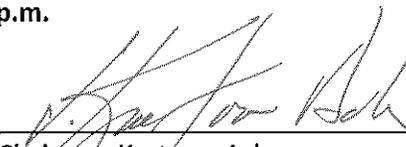
Under "New Business", the subdivision plat received earlier in the meeting, was scheduled to be acted on. The chairman asked if the commission wished to wait until they had time to study it before acting? However all agreed that it was not complicated and it could be considered at this meeting

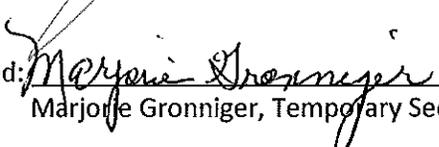
von Achen asked if the city staff had had time to evaluate it. Administrator Harrenstein said they have already gone over the property and checked the easements and right-of-way. Baumann added that it was additional questions about exact measurements of the right-of-way that delayed getting the plat earlier.

Richard Campbell said that if Adm. Harrenstein and the city staff are happy with it, he would make a motion to recommend acceptance of the rights-of way and easements of the Cecil Monday subdivision to the City Council. Rose House seconded the motion and the vote was unanimous in favor, 6-0.

The planning commission met in work session to discuss sign regulations and reconvened in regular business session at 9:12 p.m. The commission asked that their several suggestions be incorporated into the proposed amendment to the zoning code, with a public hearing not until the June meeting.

Richard Campbell moved to adjourn, Rose House seconded the motion and the meeting adjourned at 9:14 p.m.

Signed: 
Chairman Kurt von Achen

Signed: 
Marjorie Gronniger, Temporary Secretary