

March 7, 2012 Planning Commission Meeting Minutes

The Eudora Planning Commission met in regular session on Wednesday evening, March 7, 2012 in the Eudora Municipal Building. Five members were present: Chairman Kurt von Achen, vice Chairman Richard Campbell, Ken Adkinson, Glenn Bartlett, and Johnny Stewart. Erica Ganson and Grant Martin were absent.

Also present were City Administrator John Harrenstein, Codes Administrator Curt Baumann, Eudora Development Analyst Collin Bielser, City Superintendent Mike Hutto, Consultant Scott Michie of Scott A. Michie Planning Services, Reporter John Schulz, Mike Westerhouse, Aaron Gaspers of The Johnson Group L.L.C., Matt Henderson, Mrs. Martha Gruber and daughters, and several persons representing Lawrence Memorial Hospital and their sign company.

Chairman von Achen called the meeting to order at 7:00 p.m., the pledge of allegiance was recited and the minutes of the February 1, 2012 meeting were approved as circulated. The chairman invited Administrator Harrenstein to make his report.

Harrenstein said the City Council has been concentrating principally on the Parks and Recreation Master Plan and that the Planning Commission will see it soon. He also said that Gary Scott, a Eudora native, is the new Recreation Director and he comes here from Liberal, Kansas.

von Achen asked Codes Administrator Baumann if he had anything to add to his report which was in the commission packet. Baumann said that the building permit for the new Family Dollar Store has been issued to Crossland Construction in the amount of \$610,000. Baumann's report showed permits issued for 10 additions and 8 remodelings and with the Family Dollar permit the total valuation for the month was \$739,018.

No one present offered any public comments, so the chairman called for the first item on the lengthy agenda: Consideration of an application for a "Use Permitted Upon Review" submitted by the City of Eudora for a proposed public safety building located at the Southwest corner of 10th & Main Streets. He asked Analyst Bielser to address the application.

Bielser pointed out that this property is where the former Middle School and old High School were located and that last year the City, Eudora Unified District #491 and Eudora Township razed the school building and divided the land into three parcels to be owned and maintained by each entity. He said the city presently is exploring the idea of erecting a public safety building to house both the Police Department and the Fire Department on their part of the land. It is presently zoned RS and the Eudora Zoning Regulations find a municipal use or a public building are acceptable for a Use Permitted Upon Review in an RS district.

Bielser said the four-step process to obtain a UPUR is underway with this application, legal publication and mailing of notices to all property owners within 200 feet of the proposed location. Tonight is the public hearing, he said, and if approved by the Planning Commission, then the matter is recommended to the City Council for their consideration.

Bielser said there is no site plan tonight; the commission is simply to decide whether they think a UPUR is suitable. He said staff finds the proposed use does conform to Eudora's Zoning Regulations, (Article Six), it complies with Eudora's Comprehensive Plan in that a need was seen 10 years ago, and that the particular corner of 10th & Main was planned to remain a public/semi-public use, and that the use will not be detrimental to the public welfare. It will be much smaller than the school building, will meet the RS setbacks, and will be approximately 30 feet in height which is under the 35 feet maximum allowed in an RS zone.

Chairman von Achen opened the public hearing. There were no comments from those present, so he closed the hearing and brought the matter back to the commission members.

Richard Campbell moved to approve the "Use Permitted Upon Review" application submitted by the City of Eudora for a proposed public safety building at the corner of 10th & Main Streets. Glenn Bartlett seconded the motion and the vote was unanimous in favor of the motion, 5-0.

The chairman proceeded to call for one at a time, the six text amendments submitted for public hearings. These amendments had all been considered at length in previous Planning Commission meetings, so there was little or no discussion. The first on the list was consideration of zoning regulation text amendments to require new paving and curb and gutter improvements in off-street parking lots, including enhanced site design and landscaping and lighting designs.

He opened the public hearing. There was no comment from the public so he closed the hearing. Ken Adkinson moved to approve the text amendments, Glenn Bartlett seconded the motion and the vote was unanimous in favor, 5-0.

The second item was consideration of zoning regulation text amendments creating a nonconforming parking lot classification. The chairman opened the public hearing; there was no comment from the public, so he closed the hearing. **Richard Campbell moved to approve the text amendments, Johnny Stewart seconded the motion and the vote was unanimous in favor, 5-0.**

The third item was consideration of a zoning text amendment allowing a concurring vote of three (3) Board of Zoning Appeal members the ability to reverse any order, requirement, decision or determination of any administrative officer. von Achen explained that this amendment came about due to the frequent difficulty of obtaining the full quota of five members for a decision which required four members to concur. He opened the public hearing, there was no comment from the public, so he closed the hearing and **Johnny Stewart, a former member of the Board of Appeals, moved to approve the amendment. Ken Adkinson seconded the motion and the vote was unanimous in favor, 5-0.**

Item four was consideration of zoning regulation text amendments requiring the Board of Zoning Appeals to have a legal land survey completed of the property in question. Again von Achen explained that the board of Zoning Appeals felt it needed a legal survey instead of a sketch on the back of an envelope. He opened the public hearing. There was no comment from those present, so he closed the hearing. **Richard Campbell moved to approve the amendments, Glenn Bartlett seconded the motion and the vote was unanimous in favor, 5-0.**

The fifth item was consideration of zoning regulation text amendments to limit the height of accessory buildings in all zoning districts. von Achen opened the public hearing, there was no comment from those present, and so he closed the hearing. Johnny Stewart clarified that on a 15 foot slope the height would be measured on the uphill side. **Stewart then moved to approve the amendments, Glenn Bartlett seconded the motion and the vote was unanimous in favor, 5-0.**

The sixth item was consideration of zoning regulation text amendments to create a business promotion/event sign classification and accompanying permitting process. von Achen explained this deals with temporary, often plastic or fabric signs and loosens the requirements. He opened the public hearing, no one present spoke, he closed the hearing and **Glenn Bartlett moved to approve the amendments. Ken Adkinson seconded the motion and the vote was unanimous in favor, 5-0.**

The first item under New Business was consideration of a preliminary plat and final plat for Eudora City center, a 4.537 acres parcel of land located at the Southwest corner of 10th & Main streets. He asked Analyst Bielser for comment.

Bielser said the preliminary and final plats have been reviewed by City Staff, USD #491 officials and Eudora Township officials. He said the copy of the plats in the packet had an error, but the ones on the table are correct. Project Manager Matt Henderson came forward to answer questions.

Henderson said this is a three lot subdivision and these plats are for the Southwest corner of Lot 1. Lot 2 is on the East and Lot 3 is in the Northwest. Elm Street will be extended from North to South, he said, but it will be a private street.

Richard Campbell asked if there has been a storm water study completed, as he foresees a problem. Henderson said that would be handled at the site plan level.

Administrator Harrenstein said he wants to be certain the city follows the full process, just as any other applicant must do.

Chairman von Achen said this is not a public hearing item, and he would accept a motion. Ken Adkinson moved to approve the preliminary plat Glenn Bartlett seconded the motion, and the vote was unanimous in favor, 5-0.

In consideration of the final plat, Henderson said he had nothing to add, that it is a mirror image of the preliminary plat. Campbell asked if there is no engineer's report? Bielser said the city staff and the city engineer have no problem with the plat.

The chairman again noted that this is not a public hearing item and asked for a motion. Richard Campbell moved to approve the final plat and forward it to the City Council for acceptance of rights-of-ways and easements. Johnny Stewart seconded the motion and the vote was unanimous in favor, 5-0.

The second item under New Business was to consider approving a Master Signage Plan for Lawrence Memorial Hospital for their property located at 2204 N. 1300 Road (White Dog Road), Eudora, Kansas.

This topic brought forth much more discussion. Bielser said there are a lot of issues to consider since the Lawrence Memorial Hospital property (LMH), fronts on Highway K10, and Highway K10 has both K10 regulations which do not specifically allow for animated signs, but it also has the K10 Overlay District which allows for flexibility at the discretion of the Planning Commission.

Further, Bielser said, LMH is zoned Commercial and according to Eudora's Zoning Regulations, animated signs are not allowed in Commercial zones and no more than one elevated sign is permitted per premise and LMH already has an elevated sign fronting on 1300 Road.

However, Bielser continued, in June of 2011, Eudora revised its sign regulations and one modification there gives the developer/owner of commercial centers the ability to submit a Master Signage Plan which allows for the accommodation of multiple types of signs in one development. Such master plans must be approved by the Planning Commission, and there are a host of additional rules to follow.

Bielser concluded that since city regulation allow for the creation of a Master Sign Plan, and because the K10 Overlay District allows for "any use permitted in the underlying zone" the city sign regulations are, in fact, the more restrictive, therefore an animated sign is eligible to be placed along K10 as long as a Master Signage Plan is submitted and approved by the Planning Commission, and as long as the proposed sign complies with the limitations described in Section 16-1213(C)(4) IVI which includes six specifications, and staff has concluded that this sign meets all six criteria.

Consultant Michie added that the sign cannot run more than six times a minute, it can't be a flashing sign, and there should be no problem in this location so staff asks for your approval.

Chairman von Achen asked if the applicant was present. Todd Koch came forward and introduced himself as Director of Facilities for LMH. Jonny Stewart asked who controls the content of the sign? Koch said LMH Community Relations controls content, it will be a fade-in, fade-out type of animation, each lasting 10 seconds, or six per minute.

Richard Campbell remarked that "this looks like a billboard to me. We went to great lengths to avoid billboards. I am shocked and surprised that staff recommends this to us after what we just went through."

Michie responded that a billboard is an off-premise sign. This is an on premise sign. It does not meet the definition of a billboard. It is a standard elevated sign.

Stewart said that the billboard the commission turned down was 10x30 feet, and this is much smaller than a typical billboard.

Campbell insisted that the entire sign is 20x15 feet or 300 square feet. "I still feel this crosses the line," he said.

Stewart asked Baumann if it complies with Eudora's sign ordinance? Baumann replied that LMH will have two elevated signs since they already have one fronting on 1300 Road.

Someone asked how far the sign will be from the property line? A woman who identified herself as Tammy Moody with the sign company said she met with state personnel to make sure they were well within the rules, and it is quite a distance from the property line. She added that a number of the messages will be community oriented, and not just advertising for LMH or the Eudora Family Practice Center.

Stewart asked if there is a trail easement on the south side of the highway? von Achen answered that the trail is on the north side.

Ken Adkinson remarked that it is a nice sign but if we approve this one will we have requests for more like it? He said he was also concerned that drivers on the highway might slow down to read the signs, and community messages will definitely be a distraction.

Ms. Moodie replied that at 70 miles per hour a driver would have time to read the message three or four times.

Campbell asked if this could be tabled until next month but Stewart disagreed. After a bit more discussion, Stewart moved to approve the Master Signage Plan application was submitted by Lawrence Memorial Hospital for their property at 2204 N. 1300 road (White Dog road) Eudora, Kansas. Glenn Bartlett seconded the motion and the vote was unanimous in favor, 5-0.

The final item on the agenda was Old Business: Consider a final plat and master signage plan application by the Johnson Group L.L.C. on behalf of Mike Westerhouse for a commercial development on Lot 2 of the J. R. Miller Homestead Subdivision. Chairman von Achen asked Bielser for his comments.

Bielser told the commission they had seen the preliminary plat in February and since then the applicant has addressed the conditions raised in February. The final site plan includes additional landscaping on the south side of the property adjacent to 20th Street, a landscape buffer along the west edge of the property has been added and he has adjusted access to the site by establishing two 2-way traffic drive approaches, each 30 feet wide with a 35 foot radius.

In addition, Bielser said, the Johnson Group L.L.C. has done a drainage study of the property. The report was submitted to the city engineer who determined the additional runoff could be stored in the existing detention pond in Grand Addition north of K10 Highway. The applicant has also supplied a lighting plan to illuminate the parking lot with wall mounted fixtures which meet the current regulations. However, Bielser and Michie warned the Planning Commission that the plan also calls for four floodlights for the front of the building.

The final site plan also calls for four individual air conditioner pads, 2x2 that will be protected by bollards and the applicant has also moved the proposed utility transformer near the current location of the trash enclosure. Staff is comfortable with this change. The trash enclosure remains on the 20th Street side of the building.

Lastly the applicant has provided a Master Signage Plan to be approved. The creation of a Master Signage Plan allows for a developer/owner of a commercial center to have the ability to accommodate

multiple signs, and because this building will have multiple tenants it will need additional signs facing 10 Highway. The applicant is proposing four 4x18 wall mounted signs along the front of the building. These signs will be internally illuminated.

After some discussion about the lights being properly directed, Ken Adkinson moved to approve the final site plan and master signage plan for Lot 2 of the J. R. Miller Homestead subdivision, with the condition that all lighting shall be positioned on-site so that no light spills beyond the site as viewed from the street level of any public street rights-of-way, including from the highway level view in the K10 right of way. Johnny Stewart seconded the motion and the vote was unanimous in favor, 5-0.

Glenn Bartlett moved to adjourn, seconded by Ken Adkinson. The meeting adjourned at 8:15 p.m.

Signed: _____


Kurt von Achen, Chairman

Signed: _____


Marjorie Gronniger, Secretary