

July 11, 2012 Planning Commission Meeting Minutes

The Eudora Planning Commission met in regular session on Wednesday evening, July 11, 2012 in the Eudora Municipal building, the meeting having been delayed a week due to the Fourth of July holiday. Members present were Chairman Kurt von Achen, Vice Chairman Richard Campbell, Ken Adkinson, Grant Martin and new member, Jason Hoover who replaced Erica Ganson who had resigned. Glenn Bartlett and Johnny Stewart were absent.

Also present were City Administrator John Harrenstein, Codes Administrator Curt Baumann, Economic Development Analyst Collin Bielser, Consultant Scott Michie of Scott A. Michie Planning services, Reporter John Schulz and 11 or 12 persons present for the public hearing.

Chairman Kurt von Achen called the meeting to order at 7:00, the pledge of allegiance was recited, and the oath of office was administered to new member Jason Hoover.

The minutes of the June 6, 2012 meeting were not approved as Richard Campbell pointed out an error in Paragraph 4, Page 1 where he was quoted as saying there was a lot of land still available for Parks and Recreation use in the Shadow Ridge Development. He had actually said there was more land available on the school sites. He also said he had understood Administrator Harrenstein to say the City council was going to revisit the school location.

Harrenstein replied that over time there have been requests for a sizable park in the newer developments near the Middle and High schools, and that the council and Parks and Recreation are still considering a location on the school campus. He said the school district is not averse to that idea but they do want the ability to remove the park if it should ever become necessary, while the council is wary of investing money in land the city does not control. However, he said, the district is considering some method of giving the city a credit for the fifty or one hundred thousand a park might cost, and then whenever they might require use of the land, perhaps in 20 or more years, they would prorate payment to the city.

Harrenstein added that a majority of the council do not think the site indicated on the Parks and Recreation Master Plan is the best site for a park, so it will probably not be on the site originally identified.

Harrenstein then gave a brief report of business the City council has transacted recently. At the June 25th meeting they accepted two new items: on-line bill payment for utilities and a level payment plan for the entire year, and Mayor Hopson recognized Fern Long for her 97 years and her many contributions to local organizations, especially the Historical Society which she helped organize, and her extensive knowledge of Eudora history.

The council recognized Dennis Thome for work he has done in rebuilding the old Wisdom service station on 10th Street and awarded him a business grant. They condemned a house at 1021 Spruce Street and will hold a public hearing on whether or not it will be demolished. They approved bids for extensive work on 20th Street at a cost of approximately \$125,000, of which the county will contribute \$40,000.

Harrenstein said attendance at the June "family night" was approximately 300, and said there will be a second on July 20. He commended Parks and Recreation Superintendent, Gary Scott, for the great job he is doing.

Building Inspector Curt Baumann's report in the commission's packet showed 14 building permits issued in June for an estimated value of \$22,570. Baumann said an application had been made for a \$200,000 home in the Shadow Ridge Development but the applicant has not signed it, so it is not included in this report.

There was no public comment so Chairman von Achen called for the public hearing item on the agenda: Consider zoning regulation text amendments for adaptive reuses as permitted uses in Residential Districts by Planned Overlay District. Von Achen told the audience that this is not about a special use tonight; it is just a change in the city's zoning regulations. The residents were present out of concern for an application presented at the June 6th meeting for a business use of the vacant Baptist church at 1103 Main Street.

Von Achen invited Consultant Michie to speak. Michie said this amendment is a follow-up to last month's draft amendment. He said a new definition would be added to the zoning regulations:

"Section 2: Adaptive Reuse: Any reuse of existing non-residential structures in residential districts that were built originally as conforming structures, adapted to accommodate—in their current or original form—new non-residential uses, other than retail-commercial or industrial land uses."

Also Section 3 (h) would be added:

Adaptive reuse of an existing non-residential structure that was built originally as a conforming structure, to accommodate the adaptive reuse in the current or original form of the existing structure, except that existing structures may be enlarged if the proposed enlargement is in conformance with all dimension requirements and all bulk and height restrictions.

Michie explained that there are many structure that were originally for institutional use in neighborhoods, mainly schools and churches, and now are vacant or not used for their original purpose. He said this amendment is in response to a market need and it would open up the existing regulations to allow additional uses for those large structures. The applicant would bring in a site plan and a public hearing would be held to show the plans for adapting the building, and parking, paving, storm water management, etc.

Chairman Von Achen asked Michie to again read aloud the definition of Adaptive Reuse. He then asked Michie what is meant by non-retail? Michie answered that retail sales are where you have products for sale or you serve customers as in a restaurant. This would not be allowed, he said, but it would allow for office-type businesses. Von Achen asked, "What about a bank?" Michie said a bank is not considered retail-commercial and von Achen countered with, "But they generate traffic."

Ken Adkinson commented, "So basically the public would have no input. Residents fear if this is enacted they will have no say on what is going on."

The line stating that existing structures may be enlarged had raised a red flag for several commission members. Someone asked if that meant an addition could be tacked on?

Michie answered "Yes," but it can't encroach on the lot dimensions and setbacks must be met. An old school might need a new entry way or there may be some improvements needed.

There is a list of "uses permitted" under a Planned Overlay District von Achen said, and the use goes with the POD. The need for a Planned Overlay District must be referred to right up front, he insisted.

Adkinson stated that he does not like Planned Overlay Districts and he has voted against them. "What do the people want there?" he asked.

Richard Campbell suggested that if an applicant comes in and meets the setbacks and meets all requirements and building codes, "we won't be able to say No". We really have only two buildings to consider, the Methodist and Baptist churches. The schools are all on major roads.

Collin Bielser asked the commission to look at the future. The Catholic building situation will be the same, he said. The long term version is that we want neighborhood values kept up. Not buildings setting vacant for years. You can specify that they can't enlarge a building.

Jason Hoover asked if they needed to enlarge, say a bathroom is needed? Michie told him the commission could narrow the definition.

Adkinson said he thinks the commission needs to study this more. We need to look at this, one by one and work with the neighborhoods to make decisions and zoning changes. But we don't want spot zoning, he added.

At this point the chairman opened the public hearing. Nell Trefz was the first to speak. She said she has lived across the street from the church for 60 years; it is a residential area and I'd be very much against anything commercial. It would devalue my property and my taxes would go up. When you make this commercial you may think you are doing a good thing, she told the commission, but I think there are five lots there and that is a lot of room to expand and I am absolutely against it. It will be out of your hands and we won't have any say.

Richard Campbell asked her if no building expansion is allowed if it would make a difference and she replied, "No, it would open a can of worms." She said she would not even approve of small offices.

Sue Lynch spoke next. She said she has talked to the people in the neighborhood and we do not want commercial. We don't want change. People won't know what is coming in, and they have a right to know.

Jim Lynch asked if the city will be shut out, once a decision is made, and asked "What is wrong with what we have now?" None of you or anyone on the council own land even near the church. Too many unexpected things can happen. Would there be a public hearing, or will it just be decided by staff and planning commission?

von Achen replied that there will be a public hearing on the site plan but there is a list of uses that are approved. I am not happy with it, he admitted, until we get the list of uses down. I don't want anything that generates traffic, he said.

Campbell, responding to Lynch asking who would make the decision, said this method would take the public out of the use decision, they would only hear the site plan.

Bud Elliott came forward and said, "There are often unintended consequences. There is vagueness about this, you are in uncharted waters." What bothers me is that government insulates itself from the consequences of its actions. There is instrumentalism and who knows where it comes out. Your system now works, don't inhibit the public input. We need more say, not less, he told the commission.

A lady who did not give her name asked the commission which one of them would want to live near a commercial development?

Jason Hoover told Elliott he agrees with getting people input, but added that the system works now to allow change on a case by case basis. We are still a small community, he said.

Attorney Adra N. Burks said she was representing Arthur Neis who owns property on Elm Street. She said that in researching the area it appeared to be solidly residential and the church and nursing home were not exceptions. What you have now is in total compliance with your zoning regulations, she told the commission.

Karen Rowland was the only person to speak in favor of allowing Adaptive Reuse. She praised the present location of the applicant at 112 East 10th Street and said even though they are only leasing the building they have made many improvements to it. It is a quiet business and would be an improvement over letting your building set vacant, and this specific use would not take down your property value, she said. Compared to what was once planned for this building, this would be far quieter than a day care center and meetings and coming and going all day and into the evening, she told them.

There were no more speakers so the chairman closed the public hearing and brought the question back to the table, where Ken Adkinson immediately moved that the planning commission not recommend approval to the city council. Richard Campbell seconded the motion but added that the commission should have a bit more discussion.

Campbell said this property is right in the middle of a residential area and we do not want spot zoning. West or Nottingham Schools would be good candidates for adaptive reuses but this location is not a good spot for commercial use. He added that he does not like the fact that the public would have no input in approving the use chosen. He agreed it is too bad to have a building left vacant. It could be condemned and torn down and perhaps there are other things that could happen, he said.

Grant Martin said the planning commission has the responsibility to rule, but this is the toughest decision he has had to make so far. We do have to consider what we would like to have next to our homes, and I am concerned with property enlargement. It shouldn't be enlarged. As a church there was traffic only periodically. I'd rather keep it the way it is than allow something the neighbors definitely don't want.

von Achen commented that the idea has some merit but he sees problems with it. He would like to see the uses allowed honed down, he said, and the neighbors should have some say about use. I have to vote against neighbors sometimes, he said, but I have a hard time voting against them this time.

Jason Hoover said he feels the same way. Ken has punched holes in the idea, too many holes, he said. It's uncertain what might happen in the future.

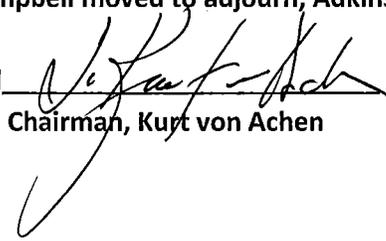
Michie then asked the commission if they would want to consider a text amendment that would restore power to the public on a proposed use? He said an applicant could apply for a Use Permitted Upon Review which has a site plan but also considers use.

Von Achen said he would be willing to look at a different proposal. He then suggested the motion be made in a positive voice so Adkinson moved that the Planning Commission does not recommend passage of this text amendment to the City council. Richard Campbell again seconded the motion and the vote was unanimous in favor of the motion, 5-0.

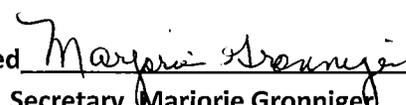
Campbell said he wanted to thank staff for all the work they did on the amendment and Adkinson remarked that it was an emotional question.

Campbell moved to adjourn, Adkinson seconded the motion and the meeting adjourned at 8:10.

Signed


Chairman, Kurt von Achen

Signed


Secretary, Marjorie Gronniger

