

## **AUGUST 1, 2012 PLANNING COMMISSION MEETING**

The Eudora Planning Commission met in regular session on Wednesday evening, August 1, 2012 with all seven members present: Chairman Kurt von Achen, Vice Chairman Richard Campbell, Ken Adkinson, Glenn Bartlett, Jason Hoover, Grant Martin and Johnny Stewart.

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, and approximately 17 persons in attendance for the public hearing.

Chairman von Achen called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited. The minutes of June 6, 2012 were approved as corrected and the minutes of the July 11, 2012 meeting were also approved. von Achen asked Administrator Harrenstein for his report.

Harrenstein said the City Council held a public hearing on the subject of adding fluoride to the city water, and a second hearing is scheduled for the August 13 council meeting. The council approved the sale of bonds in amount of \$2.8 million to cover the cost of the planned public safety building, and they gave preliminary approval to the city budget for 2013 which shows a raise of a 1.5 mill levy to cover the cost of the bonds.

The council approved the Eudora West Early Childhood Family Center space lease agreement between the City of Eudora and USD #491 for use of three rooms and the gymnasium in the former West Elementary School, Harrenstein said, and he mentioned the newsletter sent to all Eudora citizens and the 43 page community guide, published by the Chamber of Commerce and paid for by advertising, which the city had mailed to each resident.

Harrenstein also told the commission that staff had forwarded to the City Council the text amendment which would allow the use of any 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. This was Ordinance #992.

Because of specific concerns raised by both the Planning Commission and the public, the commission had unanimously passed a motion at the July 11 meeting to not recommend passage to the City Council of the adaptive text amendment as originally presented.

Harrenstein said the staff took into consideration the comments of the public and citizens and presented a revised text amendment to the City Council that staff believed addressed the major concerns raised, and they recommended the council override the Planning Commission's recommendation. The council approved a motion to send the item back to the Planning Commission with the direction that the revisions proposed by staff be reconsidered.

Grant Martin asked Harrenstein if the council had considered a different location for the public safety building, rather than the corner of 10<sup>th</sup> & Main Streets. Harrenstein said they briefly talked about it but the option was abandoned, since the council recognizes that the Economic Development Plan

adopted in 2010, advocates for keeping public buildings in the downtown area. Too, he said, it is a central location and allows quicker response to all areas of the city.

Richard Campbell asked the duration of the bond issue and Harrenstein said they are General Obligation bonds with a span of 20 years.

von Achen asked the Codes Administrator for his report. Baumann said the \$200,000 single-family house to be built by Coffman Construction in Shadow Ridge, is listed on the July report as the applicant signed the papers. Fourteen other permits had been issued for a total in July of \$230,137.

Johnny Stewart asked if a Use Permitted Upon Review goes with his property, or if it only applies to the person who received it in the beginning? Baumann answered that it goes with the property.

No one spoke in the public comment period so the chairman called for the first item on the agenda under Old Business: to reconsider the draft text amendments to the zoning regulations, allowing adaptive reuses in R-District by Use Permitted Upon Review and placing added restrictions on the adaptive reuses. He asked Michie to comment.

Michie told the commission that the City Council is asking you to consider alternatives to the original draft amendment which called for the use of a Planned Overlay District (POD). A POD would not have allowed for a public hearing or any input from the neighbors as to what kind of a business reuse was contemplated. The public would only have been invited to a public hearing on consideration of a site plan for the reuse. Michie said that with a UPUR there now would be a public hearing on both the use AND the site plan. Further, the amendment now calls for no increase of the exterior structure bulk or height by more than 10%, or of any minimum lot line setbacks. Michie said the council could have overruled the commission's recommendation and adopted the original amendments but instead they opted to return it to you and ask that you reconsider staff changes.

Glenn Bartlett asked if the public will have a voice in what will go in the building. Michie answered that they will have the ability to discriminate for good reasons against certain uses.

Chairman von Achen explained to those present that the commission is considering a text amendment to apply to the whole city, and are not considering a specific piece of property or special uses tonight. If this proposal passes, he said, an applicant will need to ask for a Use Permitted Upon Review which will require a public hearing; neighbors will be notified and will be able to speak to the use, in addition to a public hearing on the site plan for the reuse. Then, he said, the Planning Commission will make a recommendation to the City Council, but it is the council that actually makes the decision. They can accept or reject the recommendation. He opened the public hearing.

Nell Trefz, who spoke first at the July meeting, again led off, remarking that she has lived across from the church for 60 years, and again she forcefully opposed any kind of commercial use being allowed in the former Baptist Church.

The Chairman pointed out that this new amendment makes a major change and she would have a chance to speak at a public hearing on the planned use of the building.

Jim Lynch asked if the zoning would remain residential, and how many lots are in the parcel? The chairman said the zoning would not change and several people volunteered that there are three lots. The church occupies one lot and the other two are used for parking.

Attorney Adra N. Burks, representing out-of-town property owner, Arthur Neis, spoke at length, urging the commission to keep Eudora desirable for the "creative class" who would like to live here. She said allowing the church to be used as an office building could put a heavier strain on the infrastructure since the building will be in use every day where the church only held services for a few hours a week, and eventually the other property owners will have to help bear the cost of repairing or of replacing water & sewer lines. She asked the commission to check the comprehensive plan since it may require amending if this adaptive reuse becomes a regulation and she told the commission that under current regulations there are other legal uses for the property.

Adam L'Ecuyer said he was representing his mother who lives near the church. He suggested changing to adaptive reuse was at the top of a slippery slope and he urged that the lots be used for residences. He asked why businesses can't use some of the empty buildings downtown.

Caren Rowland, who was the only person to speak in favor of the ordinance in July, said if buildings are allowed to deteriorate, home values will go down too. If you live across from a daycare center you will still have traffic morning, noon and night, she warned. Answering L'Ecuyer she said the downtown buildings are not large enough for most businesses, and she told the commission they could have control over what goes into a building.

Jim Lynch asked if the Planning Commission has the means to let it become something other than office space.

The Chairman read aloud the list of current uses allowed in a residential district:

- (a) Detached single-family homes.
- (b) Accessory buildings and incidental uses
- (c) Home occupations, subject to special conditions
- (d) Temporary buildings, incidental to construction work
- (e) Garden & agricultural crops, but not raising livestock
- (f) Churches, subject to special conditions
- (g) Nursery school or child daycare, accommodating no more than 15

Then the Chairman read aloud the uses allowed with a Use Permitted Upon Review:

- (a) Public park or play area
- (b) Public or private school
- (c) Golf Club
- (d) Municipal use, public building and public utility
- (e) Mausoleums or Crematories
- (f) Nursing Home

(g) Radio, Television and Microwave Towers

Terry L'Ecuyer had noticed that von Achen had said this adaptive reuse would affect the whole town, and he wondered why more of the residents were not present. He said he would rather see the building demolished and houses built on the property, or turn it into a residence.

Benny Dean was the last to speak. He said large cities like Kansas City and Lawrence have fire stations in residential districts, and they can be made to look like residences. He said nobody ever notices the fire station on Clinton Parkway.

The Chairman declared the public hearing closed, and he asked Michie if the commission should look at the comprehensive plan if the ordinance is passed. Michie said that is an item to consider, though the text amendment is in agreement with the comprehensive plan in many places.

Adkinson said the old Methodist Church is a residence now but if she should move would it be available under adaptive uses? And what if someone has a large home; can they designate their residence for an adaptive use, and put in a business of some kind?

von Achen answered that the Methodist Church has no parking available, for it was sold separately, and it would be up to the city to decide if something can be put to adaptive use, say elder care.

Michie told them that they are allowed now, under current rules.

Martin asked Michie to clarify commercial, and Michie answered that commercial use is the broadest term and would allow sales and more traffic, while office/institutional is more narrow and does not allow sales or customer visits.

Commissioners asked several other questions clarifying various points about a UPUR. Finally, Campbell summarized that he is not sure he wants to upset the apple cart over just one building, since the Methodist Church has no parking so it would not be eligible, and the two schools are on main streets so they could apply for changes in zoning.

Stewart commented that his issue is that it is a residential family district. I would not be able to support this amendment over a single piece of property, he said. I don't want to encroach on our most protected areas.

The Chairman asked if they were ready for a motion. He said the commission could recommend approval, denial, change or they could table it.

Richard Campbell moved to recommend denial to the City Council. Johnny Stewart and Ken Adkinson both seconded the motion and the vote was unanimous in favor of the motion, 7-0.

von Achen reminded the audience that this will be heard by the city Council on August 13, and they might want to be present for that meeting.

Martin commented that the City Council could have overridden the Planning Commission's recommendation and approved the first draft. This way, he said, if they do override our recommendation to deny, there will have to be an application for a UPUR and the public will attend a public hearing on what business is attempting to enter their neighborhood.

Chairman von Achen called for the second item on the agenda under New business: discuss updating the Eudora Comprehensive Plan to include components of the 2012 Parks and Recreation Master Plan and setting a public hearing on the matter. He invited someone to speak.

Economic Development Analyst Bielser responded. He told the commission the current comprehensive plan has a very short section on Parks and Recreation and it needs updating. One item to be addressed is bicycle trails, and the thoroughfare plan also needs updating as the two mesh. Work needs to be done on the comprehensive plan map, he added.

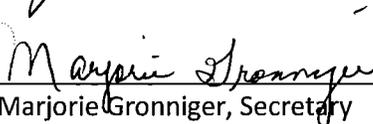
There was discussion about where to locate the new sports fields and park. It was stated that kids want to be seen when they are playing so maybe a spot out south, right next to Church Street might be suitable.

Stewart suggested the commission might need a more thorough presentation by staff to understand the finer points.

The Chairman said he understands the commission is not quite ready for a public hearing on the comprehensive plan. **Glenn Bartlett moved to delay his public hearing to allow for more study**, Ken Adkinson seconded the motion and the vote was unanimous in favor, 7-0.

**Richard Campbell moved to adjourn**, seconded by Glenn Bartlett. The meeting adjourned at 8:19 p.m.

Signed:  \_\_\_\_\_  
Chairman Kurt von Achen

Signed:  \_\_\_\_\_  
Marjorie Gronniger, Secretary

