March 6, 2013 Planning Commission Minutes

The Eudora Planning Commission met in regular session on Wednesday evening, March 6, 2013 in the Eudora Municipal Building. All members were present: Chairman Kurt von Achen, Vice Chairman Richard Campbell, Glenn Bartlett, Jason Hoover, Grant Martin, Tim Pringle and Johnny Stewart.

Also present were Codes Administrator Curt Baumann, Consultant Scott Michie of Scott A. Michie Planning Services, Brandon Boyd, Mike Coppedge, Jolene Born and Reporter John Schulz.

Chairman von Achen called the meeting to order at 7:00 pm, the pledge of allegiance was recited and the minutes of the February 6, 2013 meeting were approved as circulated.

Mike Press, newly named as interim City Manager, was not present. He and the City Attorney were in Denver representing the city in the ongoing lawsuit with Water District #4.

The February Building Inspector's report showed only seven permits issued in the month for an estimated value of $4,660 and fees of $120. The two snow storms near the end of the month may have affected the permits issued, but Administrator Baumann said he has had several inquiries about applications for new homes. Jason Hoover asked Baumann for a copy of the building permit fee schedule.

In the public comment period Mike Coppedge asked about a notice he had received concerning vacating certain streets and alleys. The chairman told him his questions would probably be resolved in the public hearing which was next on the agenda.

von Achen then called for the public hearing to consider zoning map amendment applications by Brandon Boyd, Eudora, to change zoning district classifications for 10 lots in the 1200 block of Spruce Street and four lots in the 1200 block of Pine Street from RS "Residential Single- Family" district to RT "Residential Two-Family" district. He invited Consultant Michie to speak.

Michie explained that all but three of the lots are already occupied by two-family homes, even though all the lots are zoned for single-family houses, and this application is an effort to bring them into conformance and that staff recommends that it be approved.

Chairman von Achen asked the applicant if there is any intention to sell these two-family units separately, pointing out that cannot be done unless there are separate water and sewer connections to each side.

Boyd said it is his belief that each unit has its own connections, but that he would have to check to make sure. However, he said it is not the intention to sell the units at all, so staff did not require platting or easements. It is simply a change of zoning that is asked for, he said.

In discussing the four lots on Pine Street, Michie said three are vacant and lie 75% in the flood plain. Neither are they served by a street since Pine Street dead ends at 12th Street. von Achen agreed, saying that while they could possibly be developed there are many regulations that would have to be met and it would be tremendously expensive. They are basically unbuildable, he said.

Here von Achen opened the public hearing and Coppedge remarked that 12th Street is narrow and no cross streets are cut through for 13th and 14th and that ambulance and fire trucks have difficulties in emergencies. von Achen said that if by chance anyone did want to build on the three lots they would have to be platted with proper road width.

Coppedge stated that he is opposed to duplexes and would not want single-family zoning changed to two-family zoning. Boyd reiterated that that the lots already have duplexes on them, and there is no intention to develop on Pine Street. We are just correcting the zoning to match what is already there, he said. von Achen commented that many of the buildings may have been there before Eudora had a zoning ordinance.

On the question of vacated alleys, von Achen explained that many years ago the state legislature vacated all streets and alleys in Eudora south of 12th Street. He then closed the public hearing and brought the question back to the commission.

Richard Campbell asked Boyd, why, if nothing is being changed, is he spending $1200 to get the different zoning?

Boyd answered that the owner of the lots is deceased and this has to be done to allow the properties to be divided among three heirs. They will have to be deeded and the zoning should be correct. For example, he said, should one of the duplexes burn it could not presently be rebuilt as a duplex for the zoning is for single-family only.

Michie assured the commission the duplexes more than meet the lot size for duplexes, and Jason Hoover remarked that they are nice duplexes but on single-family lots, so it needs to be corrected.

Campbell asked if the vacant lots necessarily need to have the zoning changed too? Boyd said that to divide them equitably they too, need to be rezoned.

Richard Campbell moved to recommend to the City Commission approval of the applications by Brandon Boyd to establish an RT, Two-Family district classification in the 1200 block of Spruce Street: 1210-1214; 1227-1229; 1228-1230; 1235-1237; 1236-1238 and in the 1200 block of Pine Street, 1221-1225 (including vacant Lot 13, Block 45) and Lots 11-12, block 45 (vacant lots located directly behind the duplex at l236-1238 Spruce Street). This recommendation is based on staff findings and recommendations to correct zoning where duplexes already in place are built on single-family lots.

Jason Hoover seconded the motioon and the vote was unanimous in favor, 7-0.

The chairman then called for the second public hearing, to consider a Comprehensive Plan text amendment to add a multi-modal transportation plan map based on the 2012 Eudora Parks & Recreation Master Plan. He asked Consultant Michie to comment.

Michie told the commission the error on the map has been corrected with 23rd Street named instead of 24th and the principal change from the hard work done by the Parks & Recreation committee last year was to change their recommendation for bike lanes on the streets to Shared Use Pathways. Eudora's streets are too narrow to allow bike lanes, while shared use paths, from eight feet to a preferred 12 feet in width can be used by both walkers and bike riders. He said the map shows the shared use paths on 10th Street to the Elementary School, on west 12th Street and from 14th to K10 and the hoped for overpass over the highway.

von Achen asked if the Planning Commission is recommending this text amendment and map to the City Commission or if the Planning Commission is adopting it? Michie told him the Planning Commission is adopting it. von Achen then opened the public hearing.

Ms. Born said she thinks the shared path is a good idea. No one else spoke so von Achen closed the public hearing and brought it back to the table.

Hoover asked if there is enough right-of-way on Church Street to allow for a shared use path? von Achen said he believes the city was very careful to make sure there was extra right-of-way. Hoover asked who will bear the cost of these paths?

Michie said that in big projects no one property owner should be burdened by more than his share; that the cost should be borne by the city at large, or a benefit district could be set up to divide the cost. He cited a court case where a business owner claimed he should not have to pay for a bike path when the whole city was benefiting from it, and the court ruled in his favor.

Grant Martin and Johnny Stewart both had questions about when and if these shared use paths will be required and if there are any "teeth" for enforcement?

Michie answered that this is your policy and you have the means to enforce it but not if you deviate from your plan. Passing this tonight gives the city legal backbone if you are challenged. He did admit that in a development it might be all over the map as to who pays, and he again mentioned a benefit district. It can be totally open ended as to who pays, he concluded.

Richard Campbell moved to adopt the text amendment to add a multi-modal transportation plan map based on the 2012 Eudora Parks and Recreation Master Plan to the Eudora Comprehensive Plan. Grant Martin seconded he motion and the vote was 6-1 with Jason Hoover abstaining.

Michie told the commission that this was his last meeting for a period of five months as he will be on a temporary assignment, but he will be back in August or September. He said he has arranged for Art Chambers, who is semi-retired and who served on the Olathe Planning Commission in the mid-90s, to attend the meetings in his place, and to assist with whatever is necessary.

Glen Bartlett moved to adjourn and the meeting adjourned at 7:55 pm.

Signed: _____
Chairman, Kurt von Achen

Signed: _____
Secretary, Marjorie Gronniger