

Eudora Planning Commission Meeting Minutes

January 7, 2015

Kurt von Achen, Chair	Present
Richard Campbell, Vice Chair	Absent
Glenn Bartlett	Present
Grant Martin	Arrived at 7:23 pm
Johnny Stewart	Present
Jason Hoover	Present
Tim Pringle	Present

Additional Attendees

Gary Ortiz, Eudora City Manager
Curt Baumann, Eudora Codes Administrator
Barack Matite, Assistant to City Manager
Mike Hutto, Eudora City Superintendent
Victor Burks, Eudora Planning Consultant (Sr. Planner @ Shafer Kline & Warren Engineering Inc.)
Dean Grob, Grob Engineering
Mike Flory
Caleb Weinhold (previous tenant of Mike Flory)
Don Grosdidier, Previous Eudora School Superintendent
Ken Englebrecht, Eudora resident
Mark Grosdidier, Eudora resident
Danny Lerow, Eudora resident
Other, audience

Meeting called to order at 7:00 pm by Chairman von Achen.

The pledge of allegiance was recited.

Chairman von Achen introduced Renee Shackelford as the new secretary for the Planning Commission.

Chairman von Achen announced the passing of Marjorie Gronniger, previous Planning Commission secretary, and expressed his gratitude for her years of hard work and dedication to the City.

Chairman von Achen introduced the new city planning consultant, Victor T. Burks III, Sr. Planner at Shafer Kline and Warren Engineering Inc. out of Lenexa, KS.

Quorum noted.

Planning Commission Meeting minutes of October 1, 2014 were approved as circulated.

Chairman von Achen requested a codes update from Codes Administrator, Curt Baumann.

Baumann stated the city granted 285 permits in FY 2014; 15 of them for residential single family homes. This is an increase from FY 2013 and he expects an increase in numbers each year going forward.

Chairman von Achen requested an update from City Manager, Gary Ortiz.

Ortiz informed the audience/public that he gives an update on city progress and activities at each of the Planning Commission meetings.

- 1) Update regarding the entry sign at 1400th Road; the letters and symbolic tree will be welded on tomorrow, January 8. The sign is located in such a way that it can be viewed going either east or west on 10 highway.
The Commission is hoping the sign will give an aspiration expression of the town and a sense of identity as well as express a level of quality that the Governing Body would like to see in relation to future development in Eudora.
- 2) Update regarding the sales tax increase; the City Commission wanted to identify a funding source for the Parks and Recreation Master Plan and other capital projects that have been put on hold for several years. An increase in sales tax would provide on-going revenue for these items that have not had funding.
The sales tax increase is scheduled for vote in early April. There is a full explanation of the reason for the sales tax increase and where the funding will be utilized on the city website and the city Facebook page for anyone interested.
- 3) Update regarding the downtown redevelopment; there is currently an active Farmers Market open on Saturdays from 9:00 am to noon.
The Black Cat Café moved to the former Funky Monkey restaurant building on 10th St. and is now called Cosmic Alehouse & Grill.
The vacant lot downtown is being acquired for redevelopment. We have a tentative interest from Studio 804 (graduate architectural program from the University of Kansas) possibly in August of next year in developing a mixed use development. This winter both Ortiz and Barack Matite will be applying to various granting agencies for funding.
- 4) We are scheduling a strategic planning update with the City Commission and following up with the one that happened last October. The meeting will be facilitated by John Divine.

Chairman von Achen opened the meeting for anyone with questions for Ortiz regarding the City Manager updates.

John Stewart asked Ortiz if the tree that will be located on the east entry sign is symbolic to the city green space desire or the City logo and if this will be a lighted sign.

Ortiz stated the tree is in reference to the City logo, "a place to grow". The sign will have LED lights behind the letters and the tree as well as in front of the sign.

Chairman von Achen thanked Ortiz for the updates.

Chairman von Achen opened the meeting for public comments regarding non-agenda items. Anyone may speak for not more than 3 minutes regarding non-agenda items and no action may be taken.

No comments were heard.

Public Hearings

- A. Rezoning – Nottingham Elementary property RS to C

Planning Consultant Victor Burks stated the property located at the corner of 14th and Church Street is currently zoned as RS and the prospective buyers are requesting to rezone the property to C. The rezoning application request encompasses approximately 2.5 acres of a larger site which is comprised of 2 tracts that are just over 19 acres. City staff met with the applicant, their engineer and the property owner to provide them with an overview of the city development process and discuss all applicable and relevant ordinances, regulations, studies and plans. The applicant, property owner and their engineer consultant were advised of the various planning activities that have occurred and that would guide the redevelopment of the entire property. The property owner, engineer consultant and applicant were advised by city staff that the rezoning application, as submitted, was, in our opinion, insufficient and in the opinion of city staff did not meet the objectives, policies and intention of the city's various zoning regulations and plans. The city specifically referenced the city comprehensive plan, zoning and subdivision regulations procedure manual, economic development plan, parks and recreation master plan, and most importantly the Nottingham Development Guidelines and conceptual site plans. In addition, we also discussed the Eudora Church Street study. City staff was advised by the applicants engineer that they would like their application to be heard at the 7th of January Planning Commission Meeting. I prefer to defer to the applicant at this time or back to the Chairman.

Chairman von Achen asked the applicant's engineer, Dean Grob, to discuss the request.

Dean Grob stated his presentation would cover the rezoning and preliminary plat.

Grob introduced the potential buyers of the property, Mike Flory and his nephew Jason Flory.

Grob briefed the audience on the background and time line of the Nottingham project.

- a) In 2010 the Nottingham guidelines as well as the economic development plans were developed
- b) The city and school district used those plans to distribute in an attempt to sell the Nottingham property.
- c) The city did not receive any proposals following the RFP.
- d) The Nottingham Guidelines were submitted and officially adopted in 2011.
- e) There wasn't any purchasing activity until early 2014 by Mike Flory.
- f) In June of 2014 the school district accepted a proposal from Flory to purchase the property based on the approval of the issues at hand tonight.
- g) There have been 5 meetings with city staff and consultants to discuss development options and street improvements since July of 2014.
- h) During this time Flory has received a pending contract with Casey's General Store to purchase Lot 1 of the Nottingham property.
- i) That contract is pending approval of the rezoning and preliminary plat on the agenda for the meeting tonight.
- j) During this time, the city hired Buxton and Co to complete a 3 year study on retail recruitment and retention for the Eudora area.

That brings us to date on the timeline. Tonight we would like to present the rezoning application and the preliminary plat for approval.

The Nottingham Guidelines for the project are to provide a gateway to Eudora coming in on Church Street, provide an attractive and sustainable community in that area, and provide opportunities for development.

The main objective of the Nottingham Guidelines is to get outside businesses to come to Eudora, promote quality development and improve the community esthetics.

On the NW corner of the property in question Flory would like to develop townhomes which will allow a buffer to the homes that currently exist on Elm St.

Grob stated they struggled with what to develop on the NW corner. People felt that it couldn't sustain that much business in that area.

Currently Flory has several townhome developments in Douglas County.

The larger part of the property which is tract B would be held for commercial developments. Flory has talked with several potential tenants for that area.

Grob stated the current plan, as much as they can see, fits the zoning plan and guidelines and most of what they want to see in this area.

Grob stated the Nottingham Guidelines doesn't specifically show a gas station or a convenience store. However, it does show gas stations in other areas of this property.

Grob stated the NE and NW lots are the beginning of a wonderful project. He stated they do not know exactly what will happen with the south part of the Nottingham property but feel they have a good potential buyer.

Grob stated with the comments he received yesterday that there are questions on the staff report. Staff does not feel enough information was provided to know if the rezoning is appropriate. A few of the questions were:

Character of the neighborhood – Grob stated the Nottingham concept plan is commercial which is exactly what Flory is presenting for approval.

Is there adequate public utilities? – Grob stated he spoke in depth with the city public works department and was assured there are adequate utilities.

To what extent could the Flory plan be detrimental to nearby properties? – Grob stated that the plan would not be detrimental to nearby properties in any shape.

Chairman von Achen opened the meeting for questions.

Tim Pringle asked Grob if he was at the meeting on behalf of Mike Flory or on behalf of the school district.

Grob stated he was working on behalf of Mike Flory.

Pringle asked Grob if the portion he was wanting to rezone has been purchased by Flory.

Grob stated it is under the first portion of the agreement.

Pringle asked Grob for further explanation.

Grob stated the property has not been purchased by Flory. The purchase is pending approval of the rezoning and preliminary plat approval.

Pringle asked Grob if the rezoning and preliminary plat is approved will the sale proceed. He stated that if the school owns the property, they are technically the ones that need to submit the applications.

Grob stated the school signed the application and are the applicant of record.

John Stewart asked Grob if he was familiar with article 19 of the procedure manual.

Grob stated he was but that he didn't specifically provide an answer to each of the questions in article 19. Grob stated he was not aware that the items on the agenda may or may not be addressed because he had not done so.

Stewart stated he was not sure if we had a process problem or if he wasn't made aware of article 19. He stated the questions in article 19 must be answered on the application.

Grob said he had article 19 and that he provided information for most of the questions.

Stewart asked Burks if article 19 were the questions A – G.

Burks stated that was correct. The questions need to be answered on the application not only in a meeting with staff.

Stewart stated the information in the applications were rather sparse.

Burks stated the application is a check-list, in conjunction; they need to meet the items that required in article 19.

Stewart asked Burks if he felt the answers from Grob were adequate.

Burks stated they were not adequate and what was submitted was inadequate to be able to review and answer the points in article 19.

Jason Hoover asked Burks if he conveyed the information to Grob.

Burks stated he had but that there is a bit of a question as to when the submittal date actually occurred but that they were made aware of staffs opinion that whatever they submitted needed to follow the guidelines and encumber that entire piece of property. That does not mean he had to have any contracts in hand but the entire property needs to be looked at, designed and planned.

Stewart asked Burks if it was a lack of a comprehensive kind of picture that gave him concern; that we might piece-meal the property.

Burks stated that it was a concern. He stated that city staff spent considerable resources on subdivision and zoning regulations and design guidelines for that area. The school district participated in that

process. This was done to allow perspective developers know what would be required of them should they wish to purchase the property and develop it. He stated that what was submitted was woefully inadequate not just inadequate because the parks master plan, and the city comprehensive plan discuss connectivity with sidewalks. There is nothing in the applications submitted that would allow a meaningful evaluation of that goal and objective. There is a tremendous amount of information that needs to be developed and shown on a preliminary development plan that would accompany a rezoning application that would allow city staff and the Planning Commission to evaluate what is anticipated to happen.

Grob stated the preliminary plat along Church St. included a 100' ROW that was required by the subdivision regulations and the existing sidewalk is outside that ROW. Another 12' was dedicated to pedestrian and utility easement to ensure there was a place for a sidewalk to go. What has been submitted is to simply get the ball rolling. The Nottingham Guidelines do not state they have to have a final plan for the entire site.

Stewart asked if Casey's General Store has been provided a copy of the Nottingham plan or are they just interested in the acreage and that would come later.

Grob believes Casey's has been provided the plan.

Stewart stated the track that is currently located on the property is highly used by Eudora residents. After looking at the preliminary plat he didn't see any walking trails and that doesn't work into our long term parks master plan where we envision that area not only to be commercial but also open to pedestrian traffic as well as people walking with strollers or bikers. The plats just didn't show much detail.

Grob stated they have talked with public works regarding extending the water lines. They currently don't show a walking path in this portion.

Hoover asked city superintendent Mike Hutto if the city chose to piece-meal the property if there is a concern for the city regarding utilities.

Hutto stated they currently don't know what will be required for the property until the final plans are submitted. The city can handle it but not knowing the specifics would cause added expense to the developer.

Mike Flory asked Grob to present a few of his townhomes to give everyone an idea of how the area may look in Eudora.

Grob presented several of the townhomes developed by Flory. They would be used as a buffer for the homes already located on Elm St.

Chairman von Achen opened the public hearing for the rezoning of 2 lots.

Caleb Weinhold, a previous tenant of Flory, stated that he and his wife rented from Flory for 6 years and he maintained the property very well.

Don Grosdidier, previous superintendent for Eudora schools, stated that he was a part of the initial RFP process for the Nottingham property. He stated the RFP was distributed in the paper and to individual developers. A lot of time and effort was put into the project. He believes it needs a residential buffer and that the property will have to be developed in stages. He expressed his desire for the issues between the city and Flory be resolved and asked the city to consider the potential revenue to be earned from this project.

Ken Englebrecht, Eudora resident, understands the plan shows 22 townhomes but wants to know how many apartments there would be.

Chairman von Achen stated the discussion isn't over apartments or townhomes. He doesn't understand the question.

Englebrecht wants to understand the difference between Flory's plan and the city.

Stewart stated that the 2nd item in red on the plans is for possibly townhomes and that it will stand as a residential buffer for that portion of Elm St.

Englebrecht expressed his concern about the potential traffic issues from adding 22 townhomes. He also wanted to know if 14th St. and Elm St. will receive adequate maintenance if the project goes through.

Stewart thanked him for his concerns.

Mark Grosdidier, Eudora resident, expressed his concerns regarding potential traffic hazards resulting from the Nottingham development. He would like to see the commission consider waiting until more information is given before approving the applications.

Danny Lerow, Eudora resident, expressed his concern regarding the added traffic on Elm St. but feels the plans to add another access road off of Church St. would be adequate.

Chairman von Achen closed the public hearing and asked Burks for a staff recommendation.

Burks stated based on regulations, comprehensive plan and accepted planning practices, staff finds that a full and complete application meeting the requirement as defined in the city ordinances and regulations and is specifically defined in article 19 of the procedures manual has not been submitted for city staff to adequately evaluate the requested action. Therefore, staff recommends the Planning Commission accept the staff findings deeming the application incomplete and forward it to the City Commission with a recommendation of denial.

Stewart asked if the Planning Commission actions are to approve, defer or deny.

Chairman von Achen stated that is correct, those are the options.

Stewart asked why staff didn't recommend deferring.

Burks stated it was an option to defer but that he understood the applicant engineer wanted a decision to either accept or deny the application.

Grant Martin asked if it was still the decision of the applicant.

Grob stated it was not. He wanted to know if they were to answer all of the questions would that cause an approval of the applications.

Chairman von Achen stated he didn't think he would get that kind of answer.

Stewart stated he had a couple of observations. The intersection at Church and 14th St. is very busy around 8:00 am. If the school is requesting the 2 lots to be rezoned commercial he believes it goes along with idea everyone has for that property. He then stated his concerns if they approved a piece-meal zoning without having a complete picture.

Chairman von Achen stated that was his main concern. He believes the city needs to up their game. We shouldn't be looking at just the 2 pieces of property. It needs to be uniformly looked at. It is a major development for the community.

Martin stated there were too many grey areas. The property is a major area of the city and it needs to be done right the first time. He does not feel comfortable with a yes vote.

Hoover agrees with Grosdidier regarding working with the people and getting businesses in town. However he feels that we need more information before approving the applications.

Glenn Bartlett asked if the rezoning was for all of the property or just the 2 lots.

Stewart stated it was for just the 2 lots. He agreed there needs to be more information and doesn't agree with the residential buffer.

Chairman von Achen stated there are a number of different options for a residential buffer.

Grant Martin made a motion to accept the staff recommendation to deem the application incomplete and for the planning commission to forward the application to the city commission with a recommendation of denial, motion seconded by Jason Hoover, 4 ayes, 2 nays, motion carried, 4 – 2. (Martin, Pringle, Hoover and Chairman von Achen voted in favor and Bartlett and Stewart voted not in favor.)

Chairman von Achen stated the application will be presented at the first City Commission meeting in February.

B. Preliminary Plat – Nottingham Elementary property

Chairman von Achen stated the preliminary plat has a 60 day time limit and needs to receive action.

Burks stated the applicant is requesting a preliminary plat approval for the property located at the SW corner of Church and E. 14th St.

The requested action covers approximately 2.5 acres of the property. City staff met with the applicant, their engineer and the property owner and provided an overview of the process and discussed all applicable ordinances and regulations.

In order to approve or disapprove the application, the Planning Commission shall determine if the preliminary plat application is found to be compatible with the following preliminary plat process as established by all applicable city regulations and ordinances and city procedures manual and any other applicable issues relevant to the proposed development.

After review the plat as submitted for the 2 plots, the plat would leave non-conforming plats on the west side.

Therefore, city staff recommends the Planning Commission accept staffs findings and deem the application incomplete.

Grob stated in the future he would like more time to review and answer the questions and issues.

Pringle asked Grob if he just received the staff report yesterday.

Grob stated he received the report 2 days ago.

Burks stated that answer misrepresents the work staff did. Staff was very clear to the applicant and their engineer about what was required during the many discussions prior to the commission meeting.

Chairman von Achen opened the meeting for public comments and none were heard.

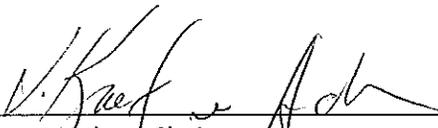
Chairman von Achen closed the public hearing.

John Stewart made a motion to accept staffs finding deeming the application incomplete and to forward it to the City Commission for a recommendation of denial. Tim Pringle seconded the motion, all ayes, motion carried, 6 – 0.

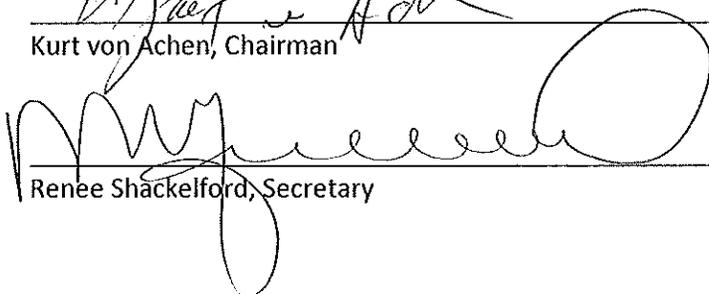
Chairman von Achen requested to put on the agenda for the next meeting whether or not we should declare this piece of property be a planned overlay district.

Jason Hoover moved to adjourn, motion seconded by Glenn Bartlett, all ayes, motion carried, 6 – 0.

Meeting adjourned at 8:36 p.m.



Kurt von Achen, Chairman



Renee Shackelford, Secretary