December 4, 2013 Planning Commission Meeting Minutes

The Eudora Planning Commission met in regular session on Wednesday evening, December 4, 2013 in the Eudora Municipal Building. All seven 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 and Consultant Scott Michie of Scott A. Michie Planning Services.

Chairman von Achen called the meeting to order at 7:00 p.m., the pledge of allegiance was recited and the minutes of the October 2, 2013 meeting were approved as circulated. There had been no meeting in November.

City Manager Michael Press was unable to be present but he had prepared a memorandum updating the commission on the water dispute between the city and the water district which is still unresolved. Press said the water district did hold open its option to appeal the recent ruling to the U.S. Supreme Court, and the city has until late December to file a response to the district action. After that the court will decide whether to hear the case or not.

Press also told the Planning Commission that the City Commission now holds work sessions after the formal meeting agenda is concluded and they are discussing a number of topics concerning the city's future. Among them are providing a higher level of Emergency Management Services (EMS) with the county's assistance, the future of the Fire Department's staffing needs and volunteer support, and a major project to replace water and electric meters, utility billing and meter reading.

Concerning the one item on the evening's agenda, off-street parking standards, Press said that based on the number of requests received for additional driveways, the increased on-street parking, and the fact that citizens are parking on the grass now, gives us reason to consider some modifications to our existing rules. He said he is not sure what the right answers are but he thinks it is important to discuss the issues and craft some solutions.

Codes Administrator Baumann and Barack Matite's Building Inspector's report listed 15 permits issued with a valuation of $263,584 and fees totaling $5,042. The report listed one RS (Single-family) permit to Cornerstone Homes for 619 East 15th Street with a valuation of $199,548. Baumann said another RS permit had been issued this date, bringing the total to eleven this year.

There was no member of the public present so there was no public comment.

Noting there were no public hearings and no Old Business on the agenda, Chairman von Achen proceeded immediately to the one item of New Business: Discuss issues surrounding off-street parking improvement standards and restrictions in residential and commercial districts, and the merits of a zoning text amendment.

Administrator Baumann explained that he has been getting repeated requests to enlarge driveways and to park on gravel in side yards. He said he sees gravel put own for parking all the time and it is definitely against zoning regulations. Vehicles in the yards destroy the grass and put mud in the street, and he would like to loosen up the rules a bit. Baumann had obtained a copy of the City of Lawrence residential driveway permit, and driveways there can come within two feet of the property line.

Consultant Michie, referring to the memo he had prepared, stated that Eudora's zoning regulations require that all off-street parking be of either asphalt or concrete, the city restricts parking in side yards and requires three spaces for all residential units, only one of which may be outside of a garage on a paved driveway. The code does not allow parking on grass or gravel parking on the side. Michie suggested the Planning Commission might want to consider residential parking in portions of side yard setbacks, and parking in rear yard setbacks could be considered as well. This could also allow for parking boats, trailers, and RVs.

Baumann was quick to explain that most garages seem to be used for storage, and all parking is done on the driveways or the street, while Johnny Stewart called attention to a family with teen-age drivers who attempt to squeeze four vehicles, partly on and partly off the paved driveway.

Michie said the city has no restrictions on the maximum amount of driveways of impervious materials and he had prepared a chart suggesting allowable additional pavement and allowing side yard parking.

This unleashed a 45 minute pro and con discussion, with nearly all adamant against side yard parking. Tim Pringle asked how many cars are now parking in side yards and there was no definite answer except "a lot." Then he asked if the city takes any action, and Baumann replied, "I just don't do that. I don't have any power to write a ticket."

Baumann said parking in front of a house has to be concrete, but on the side could be gravel.

Richard Campbell commented that if we start allowing gravel it will set a precedent, and he wondered how many would apply if it took a special permit or a Use Permitted Upon Review.

Grant Martin was emphatic, stating "No way would I be for this. We need to give our Codes Administrator more power. We've got codes but we don't enforce them. A gravel driveway needs to be taken out. I don't want my neighbor having a gravel parking space in his side yard and starting up his Harley next to my bedroom." He said he might agree to a concrete pad for parking a boat or an RV.

He pointed out an RV off Peach Street that hangs out over the sidewalk and nobody does anything about that, and Jason Hoover agreed with that remark and added that his neighbor had a guest for Thanksgiving who parked on a sidewalk and was given a ticket, while that RV has been there for ages.

Chairman von Achen pointed out that one reason for not parking in side yards was fire safety. Vehicles block side yards, he said.

Martin said that if they have the space he is not against pouring more concrete, but as far as side yards, "No." von Achen agreed, saying he'd be more lenient if there was extra width.

Campbell said there are a lot of RVs parked beside houses, and Hoover asked "Why not ticket them?" Bauman repeated that he is not allowed to ticket, so Hoover said since the city has the equipment to rip the gravel out, and then put it on their tax bill. Why have rules if nobody is going to follow them, he asked?

Michie suggested you could give a warning with a week or ten days to move it, but it would be a nightmare to enforce and keep track of.

Baumann told the commission that last summer we had a question of whether it is even legal for us to go on property to mow. The city attorney was asked for his input on this situation and he told us it was best to get off the man's property if the owner requests it.

Another angle mentioned several times by both Campbell and Johnny Stewart were the differences between the old part of town and the newer developments. The lots are often smaller and there are many gravel driveways; the situation is just different there, and Stewart asked if that could be considered.

von Achen asked how other cities handle the problem, and said the commission needs to hear from the city manager and the city attorney with perhaps more research from city staff. He summed up that he does not get a clear picture of the commission's conclusions, but he knows we do not want to change things too fast.

Campbell suggested that the Planning commission could recommend to the City Commission and to staff the need for enforcement.

Jason Hoover moved to adjourn, seconded by Glenn Bartlett. The meeting adjourned at 7:57 pm.

Signed: _____
Chairman, Kurt von Achen

Signed: _____
Secretary, Marjorie Gronniger