JUNE 4, 2014 PLANNING COMMISSION MINUTES

The Eudora Planning Commission met in regular session on Wednesday evening, June 4, 2014 in the Eudora Municipal Building. Six members were present: Chairman Kurt von Achen, Vice Chairman Richard Campbell, Glenn Bartlett, Grant Martin, Tim Pringle, and Johnny Stewart. Jason Hoover was absent.

Also present were Codes Administrator Curt Baumann, Consultant Scott Michie of Scott A. Michie Planning Services, and City Manager Mike Press.

Chairman von Achen called the meeting to order at 7:00 pm, the pledge of allegiance was recited and the minutes of the April 2, 2014 meeting were approved as circulated. There had been no meeting in May. The chairman invited the City Manager to give his report.

Press called attention to the newly decorated meeting room and mentioned that the kitchen too had been remodeled with new cabinets, floor, refrigerator and stove. He said work is continuing on the park at Shadow Ridge which has been so long in preparation, and said the concrete work should be finished on Friday. The City Commission is continuing to discuss the addition of a sales tax to help fund Parks and Recreation but Press said he doubted that would be completed this year but there may be a mail ballot next year. A survey has been done and Glenn Bartlett remarked that he had been surveyed. Press said a committee of friends of Parks and Recreation will probably be named to help communicate with the public.

Lastly, Press told the commission that this is his last meeting with them as he is once again retiring, but that the new City Manager has been selected and that Press will work with him through June on the city budget. He said Gary Ortiz has been with the Unified Government of Kansas City, Kansas and Wyandotte County for the past eight years and before that he was with the City of Leavenworth for 19 years.

Chairman von Achen told Press the commission has enjoyed working with him as City Manager. Press in turn, complimented the commission and said the members are a real asset to the community.

Barack Matite's and Code Administrator Baumann's report showed the Planning and Zoning department issued 23 permits in May with a valuation of $144,730 and to date 98 permits have been issued this year, including three permits for new houses in May. von Achen told Baumann he has had two good reports on his work, so he must be doing a good job. Vice Chairman Campbell remarked that hearing people complain about you means you are doing a good job, too.

No member of the public was present to speak. There were no public hearings and no old business so the chairman called for new business: "Discuss a draft zoning text amendment and planning land use policies for allowing existing uses in the Downtown Commercial (DC) Zoning District to rebuild." von Achen asked Consultant Michie to walk the commission through the topic.

As background, Michie explained, the DC District lies between 7th and 9th Streets and between Elm and Maple, east-west. Over the years the city has prohibited rebuilding existing structures in this area that may have been lost to fire or for other reasons. The intent was to promote gradual densification of land use over time as single family residences would be torn down in favor of commercial uses. The idea was to strengthen Eudora's downtown as a center of commerce on Main Street and its immediate neighborhoods. In fact, though, Michie said, market forces were not strong enough to overcome Main Street's inactivity and instead have tended to steer new commercial growth to the K-10 Corridor.

Baumann explained that a house at 814 Maple Street was damaged in a fire and the owner wanted to rebuild but the bank refused a loan because Eudora's city code does not allow a residence to be rebuilt in a commercial zone, and Maple Street is part of the commercial zone. Baumann said this is the third time this has happened and it really works a hardship on the owners, and he wondered if the code could be changed or revised.

Michie continued, saying that the long-standing land-use policy in the city's Comprehensive Plan does advocate for downtown commercial growth—including higher density residential development and mixed uses to support new and more intense downtown commerce, but the plan actually does not advocate achieving these results through clearing and redevelopment of downtown uses. Instead it promotes stabilization of existing uses and infill development, so nothing in the existing Comprehensive Plan calls for removal of existing uses.

Michie said it is not the land-use in the Comprehensive Plan that causes the problem, but it is really the zoning, so if you want single family houses to stay you have two options. You could broaden the intent of Section 3, 16-307(1) and amend it to allow for "reconstruction of existing residences" with approval of a Use Permitted Upon Review, in addition to what it allows now which is "addition, enlargement, expansion, or extension of existing uses permitted in the RS District."

Alternatively, he said, the DC District could simply allow "Existing Residences" as permitted uses, and this could be done with a simple amendment of Section 3, 16-307(1) Uses Permitted. This way a homeowner in the downtown area could rebuild a destroyed home by right, with no UPUR required.

Chairman von Achen offered a bit of history. He said originally in the 1970s when the Planning Commission began and K-10 went in, some thought Eudora might grow so much that once there actually was a plan to tear down the buildings on Main Street, make that ground into parking lots and the businesses rebuild where the houses are now. At that time, Urban Renewal funds were available from the government.

Michie said the urban renewal funds were used by a lot of cities, but cities are complex and a lot of uses failed, for example what Kansas City, Kansas did to their downtown was a joke.

Someone asked if a whole new house could be built on a vacant lot, but Michie said that was a different kettle of fish. He suggested limiting it to existing houses. Johnny Stewart asked about a business below and living quarters above and Michie said that could be done.

Baumann said he would prefer allowing rebuilding as a Use Permitted but not require the application for a UPUR as that costs $150 dollars and considerable time to process, and the homeowner is already stressed out by his loss. However, a vacant lot should require a UPUR he agreed.

Richard Campbell moved to set a public hearing on the topic at the July meeting and Tim Pringle seconded the motion, but the chairman asked for more discussion before calling for a vote.

Grant Martin said he agrees with a UPUR needed for building on a vacant lot, but not if the building has burned or otherwise been destroyed.

Stewart asked if there should be any constraints on a brand new building, how it should look, or how a residence should look.

Michie said that could be considered as a follow-up, certain style of architecture, etc. He asked if they wanted to consider additions to single family houses, apartments on a vacant lot, or mixed uses. No apartment building is allowed now, he added.

Chairman von Achen called for a vote on Campbell's motion and it was unanimous in favor of setting a public hearing on the text amendment and planning land-use policies for the July 2, 2014 meeting, 6-0.

Grant Martin moved to adjourn, Glenn Bartlett seconded the motion and he meeting adjourned at 7:31 pm.

Kurt von Achen, Chairman

Marjorie Gronniger, Secretary