

Eudora Planning Commission Meeting Minutes

March 4th, 2015

Kurt von Achen, Chair	Present
Richard Campbell, Vice Chair	Present
Glenn Bartlett	Present
Grant Martin	Present
Johnny Stewart	Arrived at 7:11 pm
Jason Hoover	Absent
Tim Pringle	Present

Additional Attendees

Gary Ortiz, Eudora City Manager Absent
Curt Baumann, Eudora Codes Administrator
Barack Matite, Assistant to City Manager
Victor Burks, Eudora Planning Consultant (Sr. Planner @ Shafer Kline & Warren Engineering Inc.)
Bret Kay (Air Filters Plus)

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

The pledge of allegiance was recited.

Quorum noted.

Planning Commission minutes of February 4th, 2015 were approved as circulated.

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

Baumann stated there is interest in the vacant lot between Greenway Apartments and the storage buildings off of 15th Street. The interested party has 10 days to purchase the property. Baumann is meeting with the interested party on March 5th to discuss options for the lot.

The city manager report was given by Barack Matite, Assistant to the City Manager.

- 1) Matite stated the city will be hosting an educational sales tax forum on March 9th before the City Commission meeting, the next one will be held on March 23rd at the Eudora Middle School at 6:00 pm and another meeting will be held on March 25th at Pinecrest at 4:30 pm.
- 2) City Manager Ortiz received a letter from the Eudora school district regarding the Nottingham property. Ortiz will draft a letter back to the school regarding the Nottingham property. The letter was authorized during executive session at the last City Commission meeting. The letter will initiate development discussion for the Nottingham property.
- 3) The city continues to work on the retail recruitment project with Buxton Company. The city received twenty potential retailers. So far, Menards is the only company that has responded and declined coming to Eudora.

4) Matite stated the city approved an application for a pygmy goat to live within the city limits.

That concluded the City Manager comments.

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 – No public hearings were scheduled.

New Business

A. Consideration of Site Plan Approval for Air Filters Plus

Chairman von Achen declared a conflict of interest and turned the meeting over to Vice Chairman Campbell.

Vice Chairman Campbell stated the Planning Commission received a site plan application from the office of Kenneth O von Achen, Chartered Architects, and asked if the applicant would like to present their request.

Vice Chairman Campbell stated the request was for an addition to the Air Filter Plus site located in Intech Business Park.

Kurt von Achen, from Kenneth O von Achen, Chartered Architects, stated sketches of the proposed project were included in the staff report. The project would add approximately 3,000 square feet to the existing building.

von Achen stated there were a couple of issues to address from the staff report. He stated Air Filters Plus is an existing building and all of the buildings at Intech Business Park were established before the K-10 Corridor Overlay District and the landscaping issue came about. Due to the timing, von Achen believes the Air Filters Plus application should be grandfathered in.

von Achen stated the code book requires for each 50' of set back and for each 100' of lot frontage onto the Kansas Highway corridor, there needs to be so many trees. von Achen stated he thought it was the regulatory set back, so in this case, he believes it should be 75'. Burks calculated the trees based on 100'. That penalizes anyone who should move their building back a little bit, whereas it should be judged against the regulatory set back, which in the industrial park is 75' and in other places it is 50'.

von Achen stated there is a 35' utility easement that runs between the property line and up into the property. That easement has a gravity sewer, forced main, 8" water line and an underground electrical line. That pretty much takes up the 35' and he thinks the city would be rather upset if we started planting trees in the utility easement. That has been an issue in the past.

What they propose to do is:

- 1) The applicant requests to develop about 50' of that property and will do some additional landscaping.
- 2) The parking lot has been in place for 16 years. The plans state that a screen will be added by landscaping it with boxwoods and burning bushes.

Vice Chairman Campbell asked if that was going to be located on the North side.

von Achen stated it was not. It is right in front of the parking lot on the South side.

von Achen stated the code book states buildings should not have blank facades that face K-10 Highway. The requested addition does not have windows in it. The entrance is the prominent feature for this building. They are requesting to leave the addition alone and let it fade away.

The staff report recommends approval with some conditions and von Achen does not object to any of the conditions; however he feels it is not necessary to condition a motion when the conditions already have things on them. For instance, the fire hydrant shows on the plan and is noted. The parking lot signs are noted and an example shown. There is a little bit of wash around the outlet pipe for the retention pond which they would like to put rip rap around to correct the wash problem.

Please note the property is on the K-10 Highway Overlay District. This is an existing business that wants to expand and that is a positive. The business does produce waste but they use an outside company to haul it off the property to a landfill.

Bartlett asked if the addition would fill up the property that Air Filters Plus owns.

von Achen said it fills up most of the property for the existing type of construction. They could take one small area that is framed construction in the building and up that to a type 4A which would be one hour protected and add more property but that is not in their plans.

Parking has been done along the driveway which should be a fire lane. The requested plan adds 12 parking spots which would give them 5 more than they utilize currently and will keep the fire lane open. There will be signs installed along the drive that state no parking.

Vice Chairman Campbell stated that von Achen mentioned a lot about trees and buffering but he didn't see where staff made any recommendations regarding that.

von Achen stated it was in the staff report and in the recommendation section it states that additional stipulations may be added in the future.

Stewart asked if von Achen addressed comment C on the staff recommendations.

von Achen stated the lighting was something they agreed to do. The plans show 3 new wall packs on the addition and they will be LED lighting.

Vice Chairman Campbell asked Burks for the staff report.

Burks stated the building was an existing site and was constructed before the Zoning Overlay District was in place so there are two zoning districts; industrial and the Kansas Highway Overlay District. Intech

Park is all warehousing and distribution. With the Kansas Highway Overlay District adoption, what's existing and what's added on, there needs to be a decision as to what needs to be brought up to current standards. The way the overlay district was written, it gives the Planning Commission the option to debate the issue and work up something that will meet the intent of the code. If you look at #3 on page 3 of the staff report and drop down to item d, it states *"Exteriors of buildings in the I District for which a building permit has been issued as of the effective date of the ordinance from which this chapter is derived are exempt from this requirement, as are additions to any such buildings."*

Burks stated this portion was added to the codes for situations such as this; however, there isn't any language like this in the Kansas Highway Overlay District.

On page 5 item 6 on the staff report, there are additional design guidelines for the zoning area. Everything else, up to this, the application meets.

The Planning Commission needs to consider or debate the intent. Number 1 on the same page requires any walls facing Kansas highway 10 to have windows and the plans submitted do not show windows. Number 6 on page 5 encourages masonry on the buildings and the plans submitted do not show that.

Burks stated it was his opinion that this addition is part of an existing structure that does not need the additional architectural details; however, they have agreed to make the addition match the existing building and will put LED lights on the addition and change the lights on the existing building to LED lighting. Visually, from K-10 Highway, the addition will look like it has always been there.

Burks respectfully disagrees that the distance as measured is accurate. However, with the way the code is written, it would require 44 trees to be added which is excessive for this piece of property. He believes there could be more done with the landscaping because one of the other requirements is to berm it. Visually the area is small enough and the elevation is pretty equal with 10 Highway. It could have a berm on it but it would not conceal anything. Burks does not recommend the applicant berm the area.

Burks stated there should be more plantings of some kind around the parking lot in stages set back from the right of way to make things look a bit better.

Burks stated the code was written in such a way that it gives the Planning Commission leeway to work with the applicant as to what is acceptable landscaping. Everything else that was submitted makes complete sense and the applicant was easy to work with.

Pringle asked how many trees the applicant was proposing.

von Achen stated 4, of which 2 already exist.

Pringle stated the difference between 6 trees and the 44 required trees is considerable difference; the Planning Commission needs to decide what a reasonable difference is. He drives by that area every day on his way to work and doesn't believe there is enough space for 44 trees.

Burks stated it is not very much space. Landscaping offers two things, a screen and something nice to look at. He is not sure how to come up with an acceptable number of trees for that area. The code needs to be more specific on how to calculate the trees. He does not feel the code book covers this area

adequately. He recommends not planting as many shrubs because he is not sure that it would screen the parking lot from the highway.

von Achen stated the shrubs being proposed are fairly easy to maintain and will not hide the parking lot but will make it look better.

von Achen left the Commission Chambers (building and meeting) to allow the Planning Commission to vote on the application.

Vice Chairman Campbell asked the Planning Commission members and staff if they had any items to discuss regarding the application. The Planning Commission needs to approve, deny, defer, or approve with conditions.

Vice Chairman Campbell believes the applicant has kept the current building looking nice and maintained. He doesn't feel the Planning Commission intended on completely blocking parking lots with landscaping.

Stewart believes the building is a nice looking building. He asked the applicant if they were extending the building but not keeping the same look and feel all the way down. He wanted to know if that was a cost base issue.

Bret Kay, from Air Filters Plus, stated there are two buildings there that are connected together and one has the tall glass windows and rock at the bottom and the extension matches the metal where the other extends out. They are requesting to add on to that but giving it some symmetry by making the addition 20' high and adding warehouse space not office space.

Stewart wanted to know if there would be a big objection to putting windows in the addition.

Kay stated it wouldn't be a big objection but they do have trees existing right in front of where the addition will be and it will be blocking the building so he isn't sure that anyone would actually see the windows if they were added.

Stewart stated Kay brought up the word symmetry and that is something that he would like to see because it does face K-10 Highway. He does believe the trees will help hide that side of the building.

Kay stated that the side with the rock and windows is their main entrance and the side they want noticed.

Stewart does agree with the applicant in terms of being able to somewhat buffer the parking lot and does like the shrubs chosen. He would personally prefer to see that from K-10 than a concrete block.

Martin stated the stipulations recommended by staff, that has been addressed, need to be narrowed down.

Burks stated the recommendations on the staff report are agreed to with the applicant.

Vice Chairman Campbell asked if the recommendations were on the current application.

Burks stated that was correct.

Vice Chairman Campbell asked if all the recommendations were met.

Burks stated that all recommendations were met on the proposed application with exception to item E and he has not seen a new application that shows item E being met but they have agreed to do so.

Vice Chairman Campbell stated that he understands that for the process, it is easier for whatever action the Planning Commission takes, it's easier for the recommendations that have already been agreed to with the applicant, be listed in the motion.

Burks stated that the motion simply needs to refer the recommendations stipulated in the staff report, especially on site plans.

Vice Chairman Campbell stated that would be a good reference especially when an agreement with all parties has not been met.

Vice Chairman Campbell asked if the Planning Commission would like to take any action.

Johnny Stewart made a motion to approve the Air Filters Plus site plan with stipulations *a – e* recommended by staff and further recommends approval of the landscaping as presented. Grant Martin seconded the motion, all ayes, motion carried, 5 – 0.

Vice Chairman Campbell asked von Achen to re-enter the building and meeting.

Chairman von Achen re-entered the building and meeting and stated that the calendar needed to be discussed.

Chairman von Achen stated there were no items on the agenda for the April 1, 2015 meeting.

The second item under the calendar was for consideration of rezoning the Nottingham School Site. The applicant has since withdrawn their application so this is no longer an issue.

Grant Martin moved to adjourn, motion seconded by Glenn Bartlett, all ayes, motion carried, 5 – 0.

Meeting adjourned at 7:44 p.m.


Kurt von Achen, Chairman


Renee Shackelford, Secretary