

Eudora Planning Commission Meeting Minutes

September 2, 2015

Kurt von Achen, Chair	Present
Richard Campbell, Vice Chair	Absent
Glenn Bartlett	Arrived at 7:04 pm
Grant Martin	Present
Johnny Stewart	Present
Jason Hoover	Present
Tim Pringle	Present

Additional Attendees

Gary Ortiz, Eudora City Manager - Absent
Curt Baumann, Eudora Codes Administrator
Barack Matite, Assistant City Manager
Victor Burks, Eudora Planning Consultant (Sr. Planner with Shafer Kline & Warren Engineering Inc.)
Nick Pappas, Eudora Planning Consultant (Planner with Shafer Kline & Warren Engineering Inc.)
Ruth Hughs, Eudora City Commissioner

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 the August 5, 2015 meeting were approved as circulated.

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

Baumann stated that August had been a slower month than expected and the city was at 276 permits issued at this time. Chairman von Achen asked Baumann when new construction would be seen. Baumann replied that there had been eight new starts this year but felt that the stock market may have scared some people off. Baumann had no further updates.

Chairman von Achen opened the floor to questions for Baumann. No questions were asked.

Chairman von Achen asked Assistant City Manager Barack Matite for an update.

1) Matite began with an update from the last City Commission meeting stating that Officer Daniel Flick was promoted to the new detective position for the city. He said that the City Commission had approved the hiring of a detective and Police Chief Bill Edwards did internal interviews of all that applied and Officer Flick was the one who was chosen and promoted into the new position.

2) Matite stated that the EudoraFest committee came before the City Commission asking for a waiver of fees along with the continued support from city staff during the EudoraFest event that is being held October 3rd, 2015. The City Commission granted their approval for this event. Matite also stated that the March of Dimes committee came before the City Commission and also asked for a waiver of the fees

associated in the use of CPA Park. This request was also approved by the City Commission. Matite said that after the festival season is over, city staff will review policies and outlines for what services the city staff will provide and what fees may or may not be associated for these types of events. Events including CPA Picnic, EudoraFest, March of Dimes and any other organization that would like to utilize city property, staff and wavier of any fees. After assessing the report, the City Commission will be making policy changes going forward.

3) Matite mentioned that the City Commission is also working on deciding what color to paint the water tower at Intech Business Park. The water tower located in Pascal Fish Park was painted KC Blue and the city received feedback that some people did not like the color that was put on that water tower. The City Commission will be reviewing some colors to be put on the water tower in the Intec Business Park at the next City Commission meeting that will be held September 28th, 2015.

5) Matite stated that there were changes made to the city's firework ordinance. Currently the fireworks ordinance states that the selling of fireworks is between July 1st and July 4th, and fireworks cannot be discharged until July 2nd. After the Fourth of July activities this past summer, the City Commission had a work session and said it was advisable that the city change the current fireworks ordinance to reflect when residents purchase fireworks they will then be able to start discharging them. This was approved by the City Commission. There were some issues that came up that required the City Commissions' input in the direction they wanted city staff to take as far as maintenance of the Eudora Cemetery. There were some inconsistencies such as benches, fences and other items that were not following the guidelines in the city's cemetery ordinance. The City Commission provided staff guidance and informed them of gravesites were grandfathered in.

6) Matite informed the commission that the 2014 City Annual Report is now available. City staff is working to make this report available earlier in the year, hopefully by January or February of the New Year to better reflect activities of the previous year events. The City Commission also received an update from 360 Engineering about the project regarding the electric investment grid audit and will be making another presentation in this next year.

Matite opened the floor to questions.

Hoover asked if Officer Tom Willis was still a detective now that the city has Officer Flick as the new detective. Matite responded that Officer Willis is a sergeant on the force. Hoover was happy to hear that Sergeant Willis is still on the force. Matite also added that the Eudora Police Department has a new police officer on the force, Officer John Woolfolk, and that he has started his field training. City Clerk Pam Schmeck added that a second officer was hired to replace Officer Flick position. His name is Chad Robertson and he previously worked at Douglas County Youth Services. Officer Robertson will be starting academy on September 21, 2015. Martin asked how many officers Eudora had on the force. Schmeck responded that the city has ten officers at this time and the police department is fully staffed.

Chairman von Achen asked if there were any other questions. He thanked Assistant City Manager Barack Matite. No further questions were asked.

Public Comment – 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 Hearing - No public hearings were scheduled.

Old Business - None

New Business

A. Work Session - Discussion of Carports and Property maintenance

Chairman von Achen opened the floor to Victor Burks to begin discussions. Burks said that being a work session he would not read the staff report and was assuming everybody has had a chance to read the report. Mr. Burks continued that based on his conversations with Baumann that there have already been some discussions about carports and property maintenance. There has also been an evaluation on what other communities are doing, and at this point they have staff recommendations but typically it has been his experience that Planning Commissions tend to already have some issues identified. If so we can start with those and then back track to other issues if they aren't mentioned in the staff report.

Chairman von Achen asked if there are any questions.

Stewart asked, who did the comparison chart in the report? Burks responded that Shaffer, Kline and Warren hired a fulltime planner Nick Pappas. He came from New Mexico where he got his undergraduate degree and graduated from the University of Kansas. Pappas is an urban planner who is completely familiar with working with city staff both in the Kansas City metro area and in New Mexico. Mr. Pappas pulled together this table for the comparison of other municipalities. Stewart complemented on how nice the comparison chart is.

Stewart added a second question. Who selected the municipalities? Burks responded, we did based on relevance to the city whether population or geography. Stewart added that he sees Leawood, Merriam, Roeland Park and Lawrence are on the chart but the only one that is close to Eudora is Gardner. So I am kind of curious if you are thinking in the future or what? Burks responded, I think if you look at it the idea was to be future looking. I don't want to say progressive, I think Roeland Park, Gardner and Lawrence would be comparable communities although they are larger in population, but I think if you were to look at a place like Tonganoxie I don't think it would give you a good comparison for what other communities are doing. Was there a community you wanted us to look at?

Stewart responded, well I think a community with similar demographics and population of Eudora. That is 45 percent blue-collar workers and a bedroom community. There may be some communities around Wichita would be a good for it. I am just kind of curious. I thought your reasoning was future growth. Because I think you look at the long term growth I would think Eudora would rival Merriam. Burks added, I think if you looked at any one of these communities at one point in time and their evolution, they were the same size Eudora is now. Some of these cities have actually adopted ordinances that are specific to original town or certain areas of the town that was developed in a different period where setbacks may have been nonexistent. Stewart thanked Burks for his information.

Chairman von Achen stated, we have in the past wrestled with side yard parking and surfacing, also what the setbacks should be. There has been discussion about boats and campers and that sort of thing. Those are the issues that we want to get into.

Burks stated that what can be difficult to identify is that Eudora is closer to the Kansas River than say Leawood. And they may have more blue-collar orientated type jobs verse white-collar type jobs. Each community developed different things recreation wise. Like boats, the closer you are to a body of water the more likely the residents are to have boats. What it comes down to is, specific issues that communities have to deal with are what you want addressed. If you have more folks that are blue-collar orientated, say they work at the railroad. They may be more apt to drive trucks that are related to those types of services. So you may have more commercial type vehicles parked on residential streets for longer periods of times than you would in other neighborhoods. So usually when you look at this, you are going to have things that are unique to Eudora that you're dealing with more so than Lawrence, Tonganoxie, Basehor or Ottawa. If you are having contractors park a lot of trailers and store a lot of building materials outside in a residential lot, and that's becoming an issue, then you amend your codes to address that. So for the carports in communities, what typically you can do is come up with an overlay district or identify an area, historically it was the original town, where the lots were platted and may have been 50 or 60 feet wide and people would buy 2 or 3 lots to build a home. So side setbacks can become an issue and because back then you could build much closer to the property line than you can now. You end up with an area that is developed residentially where there no set back requirements. If the city desires they can develop an overlay district, if you will, that sets perimeters where carports are allowed, and what would be a side yard setback. And if it's something where you don't want gravel, you have to specify you have a hard surface underneath the carport of whatever material and the car needs to be operable. Typically has to have four tires none are flat and they start the car and move it. If it's something that is out in the street, the police department is responsible for that.

Martin stated this might be a good way to approach it, would it be possible to go through line by line and whether we raise our hand say if we are in favor of hard surface only so we can at least give City Commission or staff direction on where we want to go. Chairman von Achen stated, I think that would be a good approach. I think we ought to be giving staff direction because they are going to have to write up an ordinance for us to look at. So about all I think we are doing is giving direction. Before we start that I have to ask a question though. The ICC code that you talk about, I am not familiar with the property management code. Baumann answered, the property maintenance code was adopted in 2006 and to be honest with you, I use that for evictions and we have had quite a few this summer. Chairman von Achen asked if the code has been adopted by the city and Baumann responded, yes we adopted the 2009 ICC series. Chairman von Achen asked if the code was a fairly thick code and Baumann responded, no it is a pretty thin code. Chairman von Achen said he thinks the commission should be familiar with the code. Bartlett asked why their report stated that they don't address it. Baumann says cities like Olathe with knock on your door if your house needs painted, but he has not done that before. Hoover asked, you guys use that when you condemn houses? Baumann answered yes, when I condemn a house.

Burks stated, I think the bigger policy issue for the city staff will be that this is to look at three or four issues and address them in short term. I think with these discussions and what I am hearing from the Commission is that we maybe need to look at a few other things as well relative to property maintenance and enforcement of some of the codes. What is a full time employee that is a codes enforcer going to cost us? Bring that person on that has enough experience that can help administer whatever ordinance you decide to change. Once you look at it, it is always about money. So I think for city staff to get direction on this and the larger issues will allow the commissioners know we are serious about this and we see it as part of the evolution of the community and to look at that because it will become paramount. I have been in communities where we have had two full time code officers, but there are only so many hours in a day and everyone has a budget. So you say, commission what hot

button issues do you want us to focus on that are quality of life issues. It will vary with people coming in and out of office. Some communities focus on grass and paint and some communities focus on grass and cars. That is what the work session is for. It's to see what you think is relevant and important to focus on. This would be relative easy to go down the list and address each issue. It is one thing to go out and buy one of those aluminum things and put it up versus attaching something to the house, because then Baumann would have to get involved to make sure codes are met. You have to think what is reasonable for a resident to spend on a car port. Then it becomes is it just easier to make them go find a storage place for their RV or boat.

Chairman von Achen asked if there were any comments from the City Commission on what the Planning Commission was about to do. City Commission member Ruth Hughs said no, I think this is exactly what we want done. This is a tough deal because you have people in the older portion of town that would have the overlay. There are houses that have people living there that probably really cannot afford to have a hard surface and they don't have a hard surface driveway. I think it is important for us to remember that citizens have rights. This is also where I have trouble because the people that live in the city want it to look good. I think that is what we all want is the city to look good. I like direction you are talking about; it is not about where we are now, it is about the direction we are going. We have a strong hold on future thinking. The other thing is if we need to hire a codes person, it would be a couple mills as tight as we are. Do I think that is ok? I think we need to look at the future and if you are going to have it, we need it enforce it. I can tell you, if you call Baumann, he will take it and go with it and the whole nine yards, but he isn't looking or anything else because he is overworked. I know he has a lot on his plate. The other thing that I think doesn't happen in Eudora is education. If we make a big switch like this to me this sounds reasonable and this is going to affect a 1/3 of the town. So we give a half of a year to implement it. Most people can make a decision and move in a ½ year, but to give them 30 days like we do now, that is not enough time. The huge component is we make these changes and we have the personnel, then we give enough time for compliance. People have that right. It seems like you buy your property and you should have some rights, but you have to think of the neighbor next door.

Tim Burks stated, I agree I think it is going to be hard. I think education is going to be key, enforcement as well. I am with City Commissioner Hughs; I think you need to give six months to a year. Then it has to be continuous, hey you have nine months, now six months. The clock will wind down and when the time comes, we can say we have given every opportunity we could give you.

Chairman von Achen stated, I think we are a long ways away with the whole situation. What is the sense of the group, do you want to go through staff recommendations one by one or through the chart? Stewart said I want to go through the chart. I think the chart has everything that the staff recommends.

Chairman von Achen stated #1 is requirement for parking surface. Eudora says hard surface only. We don't need to change that do we? We don't enforce it. Baumann responded, we do for anything new. Chairman von Achen said, the question is do we want to try and go back make those people that have gravel change it. Baumann said, with the monetary situation there are a lot of people that can't do it. Hoover and Bartlett agree with that statement. Burks added, I think this is where you could go to the overlay. For example, some language you could have is a carport or side driveway is allowed in the original town with gravel surface, but anything outside of that the driveway has to be concrete. Chairman von Achen said, I am talking about the guy that goes in five years after the home is built and decides to add more parking and puts a load of gravel down. Are you going to make me put concrete down? Burks said, If I was a codes person it better be the same material that is there now. If it is not that is where the codes person knocks on the door and begins the dialogue and say hey what gives here,

this gravel is not allowed you need to remove it. Chairman von Achen said, you consider that part of the ordinance if that happened. Burks said, in that situation I would. I would definitely look at an overlay district where you define the original town where the development is much denser and gravel drive ways are more common. The areas outside of that would all have to have hard surfaces. Martin asked, how would you address, on 20th Street, where we brought into those three homes into the city and they have gravel driveways, but they would be outside the original area of Eudora, or the overlay you talk about. Baumann said, I know a couple years ago this was brought up with the City Commission that if the original driveway didn't matter the location, because like you said 20th Street would be considered the newer part of town, but they could keep it as is and grandfathered in. Burks said sometimes you can word it where it says until building permit is required, and then it has to be brought to code. Hoover asked, is this common? Because to me like Olathe there is a new part of Olathe and an old part and they are very distinct. We are not as distinct, but we are similar. In Olathe, do they have different regulations for different parts of Olathe? Baumann stated when he was with the City of Olathe he didn't remember there being separation that way. Hoover added, to me that is very similar.

Chairman von Achen asked if there was enough direction on what they wanted for item one. Stewart asked Baumann for other options of hard surface beside concrete. Baumann said concrete and asphalt are all he knows about. von Achen added, there are some paving blocks. Baumann added there was a paving block drive out by the Recreation Center that looks great.

von Achen goes to item 2. Is there an open space requirement that restricts parking, and this has to deal with driveway width and your recommendation is to make it a percentage of the front yard. Burks said, yes and this is also typically relevant to side yard setback requirements. Some cities require a minimum of a foot off the property line and some cities let you go right up to the property line. I think what you are trying to avoid is a three or four car garage and when you get out of the right away, it opens up and typically those are larger lots, but you start getting a larger percentage of the lot that is concrete and asphalt. The open space requirement is to try and limit that. Passas added, that is in there because I foresee that you tell someone you can't park on your front lawn, then they concrete the whole front lawn and you don't want that. Chairman von Achen said, when we talk setbacks there are two kinds of setbacks, building and paving. We are not talking about messing with building setbacks, but we are talking about paving setbacks that would be less than what we now have. Items 2 and 8 kind of go together. It seems feasible to change the paving setback, but I am totally against messing with building setbacks. Burks responded, none of this is meant for building setbacks unless you say no to carports but they can construct something that is attached to the house and attached to the house then that. Chairman von Achen said, the carport would be part of the building so it shouldn't be able to encroach in the building setback. It is all about fire protection. Stewart added, Leawood says regular vehicles setbacks do not matter and encroachment is allowed. So they are talking encroachment in the building setback? Burks said, parking setback. Burks said no matter what comes out of this there will be things that will have to be addressed. Passas stated, as far as side parking I would keep it a few feet. Chairman von Achen stated we think for #2 and #8 together is to reduce our parking setback to 2 or 3 feet, which ever works best and to come up with a 30 to 35 open space for the front yard. If you have a 100 foot yard you have to have at least 35 foot of grass. Stewart asked, what value does that add to the city if we regulate that? Burks responded, to me it is more aesthetic. Stewart rephrased the question, if we already have restrictions of how many vehicles and parking spaces a house can have why do we need a percentage. von Achen responded, we are talking about changing that because they are saying it is not working. Baumann said, our code says now that you have to have a two car garage if you have 3 vehicles. I hate bringing up the old part of town, but all you see are one car garages. Burks added, that part of the code probably came about when most people had one car and now times have changed and

you have 2 to 3 cars per lot. Hoover asked, so when we are saying 30-35 percent, are we saying front lawn? In cul-de-sacs you can have a drive touching another drive because of the shape of the lot. We are talking about front yards and lots. Chairman von Achen agreed, Leawood says lot and I would say lot. I was thinking front yard. Martin added, there are cul-de-sacs you will have pinched at the front. I wouldn't be against of looking at it as 35 percent of lot. Chairman von Achen said where is everyone at on this? Stewart said, I am in favor of the paving setback, I don't think it is an enforceable thing to come up with a percentage. I think you're telling someone what they can build on their property. So if they want to build 100% of their usable space behind setbacks, we are saying no you can't and you have to leave some open. Hoover said, you are saying you want green space for aesthetics right? Burks said, the idea is you don't want the whole front yard paved. Pappas added, I think it was Merriam that came up with very specific guidelines on how wide your driveway can be even with an apron on it at the end. We could do something like that if you like. Stewart said, I am looking at enforcement. Chairman von Achen said, I think that to cut to the chase we need you to rework that a little. We want something that is reasonable. Burks said, I think what we were getting is that we don't want someone to have a 60 foot driveway. Once you are out of setback, in theory, you can pave it all, if you want. Chairman von Achen added, we are talking parking not patios and pools. Stewart asked, what feet per line can everyone live with? One foot, two foot? Bartlett said our building setback is 5 and I would like to stay with that. Burks said, my opinion is a foot to 8 inches less than whatever the building setback is. I think you need to look at it as two different standards because I don't think you could get a 5 foot setback in the older part of town. Baumann said, the original parking width is 9 foot, you have a 10 foot setback, you have a vehicle and we go 5 foot and the house is right there. If the citizen wants to park an extra vehicle beside their house, with a 5 foot setback he wouldn't have space.

Chairman von Achen moved to item 3, requirements for parking in the right away. That is where you start talking about 72 hours and should you allow larger vehicles like 18 wheelers parking in the right ways? Stewart said, let's first define right of way so we are all on the same page. Burks said, if you say right of way, typically in a new sub division, it is on the house side of the curb. So that right away extends out to the drive way approach. Whatever that would be is what people think as their lot. Chairman von Achen said, we are also talking about the guy parking his 18 wheeler out on the street. Baumann added, Eudora has it where if you have a 60 foot road there is a 30 foot right away. Burks stated, typically when the city gets a complaint they ask the complainer have you talked to the neighbor? The answer is no. If it is in the code, it is not made so you have to go out and mark tires so you know it hasn't moved, but gives you the means to enforce it. He continues, long term what are you willing to continue with and enforce. Stewart wants a time frame. Martin would like to see a definition on what vehicles will be allowed. Burks said I feel there will be a difference between passenger vehicles and recreation vehicles. Pringle said I think you will need to define commercial vehicles because a ¾ ton truck with a business on it vs. a ¾ ton person vehicle has the same frame. Burks said, there will be things that you will not be able to address. Chairman von Achen closed with, you have direction on that.

Chairman von Achen said, I think we need to see the ICC. Baumann said no problem.

Chairman von Achen said, #5 where parking is allowed on the lot and what is the maximum requirement. This is tied into all the other things we have talked about right? We say we want at least 3 parking spaces with two spaces being in a garage. Stewart stated I like Lawrence's. Chairman von Achen said. I don't have a dog in the fight. Martin said, Curt do you have some information on that? Baumann replied, I think things have changed since the regulations were made. Families have more cars now. I think we would alleviate the parking problem if we allowed side yard parking. The parking on the grass

drives me insane, but some have to do it. Burks added I think what you are trying to avoid is two in the driveway and then you have two in the yard. Chairman von Achen stated, there is a difference between parking in the side yard and parking in the side yard by the house. Baumann said I know we even brought up back yard parking. Stewart said the problem that I have is that we are telling everyone that builds a house that you have to build a two car garage. Baumann replied that is correct. Martin added Merriam has that parking is only allowed on approved parking spaces. For the sake of argument I am trying to take the garage element out of it, but still account for the ability to have 2 or 4 cars. Burks said we will look at it again. We were trying to limit the amount of vehicles in the right of way. Chairman von Achen said I am not sure where you got the information you have on the schedule. Off street parking and loading facilities shall be provided in all districts in accordance with the following schedule, dwelling single family a minimum of three parking spaces period. Baumann says keep reading and I think it says it subliminally states that it has to be in a garage. Chairman von Achen replies I can't find that. Hoover added, I was wondering that too because FHA homes most have to be one car garage. Chairman von Achen asks where are we going with the number of parking spaces. Stewart said I think we will have to specify the number. Hoover replied, no, the size of your parking will specify it. Grant said, I would leave the number out and leave it the function of the right away. Chairman von Achen, how about carports. Stewart likes carports. von Achen asked is this an old town new town deal again, where if someone in the new part wants a carport it would have to look like the house. Burks said I think one of the things that have to come out of this is code on what is the definition of a carport. He continued that what he would like to hear guidance on if carports are ok in old town or what other directions want to be explored. In my experience in old parts of town I have seen people wanting things that are easy and cost effective for them.

Chairman von Achen moved to #7. Are RVs and recreation vehicles allowed and are there any restrictions. Where do you want to go with it? Martin added I personally like Roeland Park where you can only have one car outside. I do like that there is no storage on the front side or back side so that keeps the RV behind the house and do you put a weight limit and does it have to be fenced in? Burks added the other option is you don't allow it. Hoover added then you run into the neighbors backing up blind. von Achen added that Lawrence is still working on it and it has been years. Burks said that is another issue for the overlay district as well because the space is limited. Chairman von Achen asked where they want to go with it. Pringle said I don't think that you should prohibit someone from having an RV but I do like Roeland Parks' regulations where you have to have it in the back. Hoover likes the idea of back yard parking on a hard surface, but Stewart disagrees because it is not going to be any less visible in the back yard than it is in the side yard. You are still going to drive down the road and see it in the back. My thing is putting the RV in the back yard is the people behind will see it then. So I would lean towards banning RVs in residential areas. Hoover asked Baumann what he thought. Bauman replied I don't know it gets touchy when you start telling people what they can and cannot do. Burks said it becomes subjective. Stewart asked if they got direction from them. Burks well if you are leaning towards banning RVs and you can restrict them by the number of axels. Stewarts corrected Burks that he feels that we should go with staff recommendation and allow parking in side yard. Martin added is there a way for the staff to make it really hard for someone to park a huge RV in the side yard. Burks said yeah if there is a side yard setback they have to meet that. It is all stuff we debate and get feedback from residents. von Achen said of all the options I like the staff recommendations so far.

Chairman von Achen said we already did 8 so let's move to 9. Is there an amortization clause to bringing parking services up to code? Martin said I think Martin made a good point. If you do have someone that builds the apron off their driveway how much does someone need to get out of a vehicle and still stay on the concrete?

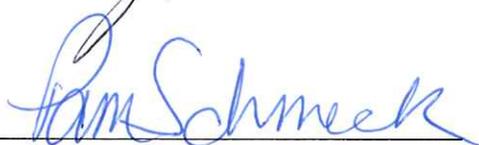
Chairman von Achen opened the floor to any other business. None heard.

Johnny Stewart motioned for adjournment, Tim Pringle seconded the motion, all ayes, motion carried, 6-0.

Meeting Adjourned 9:07 p.m.



Kurt von Achen, Chairman



Pam Schmeck, City Clerk