

# Eudora Planning Commission Meeting Minutes

November 4, 2015

Kurt von Achen, Chair	Present
Richard Campbell, Vice Chair	Present
Glenn Bartlett	Present
Grant Martin	Present
Johnny Stewart	Present
Jason Hoover	Present
Tim Pringle	Present

## Additional Attendees

Gary Ortiz, Eudora City Manager

Curt Baumann, Eudora Codes Administrator

Barack Matite, Assistant City Manager

Nick Pappas, Eudora Planning Consultant with Shafer Kline & Warren Engineering, Inc.

Tim Reazin, City of Eudora Mayor

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

2. The pledge of allegiance was recited.  
Quorum noted.

## 3. General Business:

a. The October 7, 2015 Planning Commission meeting minutes were approved as circulated.

b. Codes Administrator Curt Baumann reported activity has been slow. He has issued 314 permits to date which include (9) nine new homes.

c. City Manager Gary Ortiz reported staff had a strategic planning meeting with the City Commission regarding Nottingham development. Staff was directed to initiate a request for proposal to gain perspective of any interest in the private and public sector. Several local and regional parties have expressed interest in the property prior to an RFP being published. The City Commission is interested in creating incentives for the property which for local government means declaring a local tax increment financing district. Staff needed a clear direction regarding the scope of the district; west side of Church Street and the Nottingham and Laws Field property or a broader district that would encompass privately owned property on the North and commercial property on the East side of Church Street. The Commission determined to make it a broader district which would give everyone a chance to improve the property.

The Commission meeting agenda for November 9, 2015 includes the final approvals and financing packages for the energy efficiency project that staff has been working on for the last (5) five years. The project is self-funding; meaning the savings in energy will pay for the capital. The engineering firms have guaranteed the savings and should the savings fall short, the firms have agreed to make up the difference; write the City a check for the difference.

Additionally, the City will be talking to the Commission about a random scientific survey to gather objective data from the community regarding what improvements in the Park Master Plan the community ranks the highest. Those improvements will be funded by the  $\frac{3}{4}$  cent sales tax increase passed earlier this year.

The City has received several noise ordinance complaints due to some of the live entertainment in the downtown district. Staff will have a discussion with the Commission regarding this issue at the November 9, 2015 meeting as well.

City Manager Ortiz requested Assistant City Manager Barack Matite to update the Planning Commission regarding Phase II of the Eudora South Trail grant through KDOT.

Assistant City Manager Matite briefed the Commission on the location of the trail grant. The City should receive an answer regarding the grant in April of 2016. The KDOT grant is an 80/20 match. The Eudora school district has agreed to pay for 10% of the 20% match the grant requires from City.

City Manager Ortiz added the City Commission expressed their desire to maintain a strong relationship with the Eudora School District. It is the hope of the City Commission to work together with the Eudora School District on future CIP projects that benefit both parties.

Assistant City Manager Matite stated the City will continue to pursue a pedestrian bridge with the assistance of KDOT, but at this time, KDOT is undecided on the direction of the K10 expansion which makes it impossible for the City to submit a proper plan for the bridge without that question finalized.

#### 4. Public Comment –

Eudora Mayor Tim Reazin stated he is on the MPO (Metropolitan Planning Organization) representing the City of Eudora. He continues to remind the members that Eudora is in need of a pedestrian bridge. The group stated they would have a better idea of the K10 expansion direction once the overpass has been completed. The county funding discussion has been primarily focused on the removal of the Farmers Turnpike and the increased use of the West Lawrence exit. The county is concerned about the safety of the expansion from 2 to 4 lanes in the western part of the South Lawrence Traffic-way where it is still 2 lanes.

#### 5. Public Hearings - None

#### 6. Old Business – None

#### 7. New Business

##### a. Work Session – Discussion of residential parking regulations

Chairman von Achen asked Eudora Planning Consultant Nick Pappas to explain the proposed changes to the Zoning Regulations regarding residential parking requirements.

Nick Pappas explained the proposed changes. He double checked definitions, fixed the formatting issues, reverted the 18' requirement for parking spaces, and side yard driveway requirements were amended to accommodate corner lots. He researched RV dimensions and inserted the least restrictive so class A motor homes would be allowed on properties.

Pappas opened the meeting for any questions regarding the changes.

Chairman von Achen requested the word *vehicle* be added after *passenger* in the definition of *Conversion Van*.

Commissioner Tim Pringle stated the definition under Enclosed Building, from a legal point of view, was vague or ambiguous regarding *the windows and doors completely closed* portion of the definition.

Pappas explained the definition means a door and window must be installed that can be completely closed. However, he will add more detail to the definition and bring it back to the Commission for review.

Commissioner Pringle stated the definition under *Fifth-wheel Trailer* did not include the terms *living quarters, occupy, or temporary living quarters* was mentioned in the definitions of Full-size Van and RV. He assumed that Pappas was referring the Fifth-wheel Trailer to a camper type trailer and proposed adding one of the living quarter terms to the definition.

Pappas stated he would make that correction and bring it back to the Commission for approval.

Commissioner Pringle stated under *Passenger Vehicle, Car, Passenger Van, Pickup Truck or Motorcycle* definition did not understand the portion of the definition stating "*original exterior walls of the vehicle remain intact*"; is this referring to farm flat-bed trucks?

Pappas stated it could mean farm flat-bed vehicles or residents that are constructing a vehicle from the ground up.

Matite directed the Commission and Pappas to look at number (8) eight towards the back of the document 8g, *Residential driveways for single-family houses may be located up to a side lot line*. Section 8g. i. *Application for residential driveways that are proposed to be located within a required side yard shall be accompanied by a surveyed and staked plot plan of the property*. Questions have been brought to the attention of staff about the type of survey required; can they use the survey given when the home was purchased or does it need to be a new survey?

Chairman von Achen proposes the home owner have a current survey done. If an original survey is used, there may be an issue with the neighbor and if the property line crosses.

Commissioner Martin understands there needs to be a new survey done.

Baumann stated that residents must show the actual property pins then they have to have the property surveyed if they can't find the pins.

Vice Chair Campbell stated a new survey is necessary for side-yard parking to eliminate any questions.

Commissioner Stewart suggested putting *current survey* in the definition to eliminate any question.

Commissioner Pringle suggested leaving the definition as is stating *survey* that allows staff to decide if the survey presented is acceptable.

Vice Chair Campbell stated if a resident has a current survey, not one that is 40 years old, but a current survey that clearly shows the house and the pins they should proceed to stake their pins and have Baumann inspect it afterwards. We don't want to make things to cumbersome but we want to make sure it is correct. To eliminate that there aren't any problems, a new survey should be done.

Pappas suggested adding, *resident must have a survey that is within (10) ten years from the date of the permit*. Should the years be defined or simply stated as deemed necessary by city codes administrator?

Commissioner Hoover stated when he did his driveway, sprinkler system and fence, which is located, close to the line; he was required to get a survey.

Vice Chair Campbell stated that generally speaking, a new survey has been required. If residents were going to put up a building or fence etc., there have been too many problems with pins.

Commissioner Martin prefers to leave the definition wording as *survey* without adding *new or current* to the definition as previously stated by Commissioner Pringle. That would allow Baumann to decide what type of survey is necessary based on the project.

Chairman von Achen stated if anything being built close to a property line, a new survey should be required.

Vice Chair Campbell asked Baumann if he was ok with leaving the wording as is and allowing him the authority to decide if a new survey is necessary based on the project.

Baumann stated that he was fine with leaving the wording as is.

Matite suggested adding verbiage that gives Baumann the option of requesting a new survey based on the project.

Pappas will add the wording "*as deemed necessary by the codes administrator*".

Vice Chair Campbell directed attention towards the bottom section under the definition of Passenger Vehicle, Car, Passenger Van, Pickup Truck or Motorcycle. It states that flatbed trucks and vehicles with dual rear wheels are excluded. Are we going to change our parking regulations to mention the two exclusively? There are a lot of people in town that drive dual rear vehicles.

Commissioner Stewart stated that it says dual rear axles not wheels.

Vice Chair Campbell stated that was correct but it does mention flatbed trucks.

Pappas stated that they were excluded from this definition because under the definition of passenger vehicles parked in a residential right of way, the intent is just for passenger vehicles.

Commissioner Stewart stated that it would be ok for a flatbed pickup to be parked there because it's not a passenger vehicle.

Pappas stated that it would not be ok. It states that it shall be unlawful to park there if it is not a passenger vehicle.

Vice Chair Campbell directed the attention back to Fifth-wheel Trailer definition. Where it states *travel trailer*, does that include something that would be used for work and or a horse?

Pappas stated that it should state *all encompassing*. He will reword it and bring it back to the Commission for approval.

Vice Chair Campbell stated where it refers to being *towed by a pickup truck equipped with a special hitch in the truck bed*. He pointed out that some of those types of trailers are towed by something much larger than the described pickup truck. A broader definition of the type of vehicle that can tow the trailers should be inserted.

Pappas stated that he will insert a broader definition of pickup truck and bring it back to the Commission for approval.

Commissioner Stewart pointed out there is a definition for Hauling Trailer in this packet.

Commissioner Martin directed the attention to *Recreational Vehicle*. He suggested adding reference to ATV and UTV under the definition. A UTV typically has a side-by-side seating arrangement, seat belts and roll-over protection. They generally have a higher payload capability and are longer and wider than ATV's.

Pappas stated that he will insert ATV and UTV to the definition and will bring it back to the Commission for approval.

Chairman von Achen asked the Commission if the definitions were close enough to bring before a public hearing.

Commissioner Stewart directed the attention to Section 5 (Off-Street, Loading, and Storage) 3b (Location), each resident is permitted one (1) of the following: watercraft, with or without trailer; folding camper trailer; truck camper; travel trailer; fifth-wheel trailer, etc. Stewart stated there are quite a few residents currently in violation of this particular section.

Chairman von Achen stated that residents can't have a boat and a camper.

Commissioner Stewart stated residents can't have an RV and a boat either. Basically, we are telling residents that if they want to play, they have to pay for offsite storage. We are telling someone what they can do with their own personal property.

Commissioner Pringle stated the codes are stating what a resident may do outside of an enclosed structure.

Mayor Reazin addressed Chairman von Achen asked if the codes require the recreational vehicles be behind the front-line of the home.

Chairman von Achen stated that was correct.

Mayor Reazin asked if a resident has a long enough driveway that would allow a boat and a camper to be parked in line with each other and still be behind the front-line of the home, would that be allowed. The City Commission wants to enhance the community visually and give other opportunities to on-street parking. If residents are able to keep these items behind the front-line of their home, we hate to limit what they can have at their home. Mayor Reazin stated he was concerned about the cost of a survey to residents. He doesn't want the cost of a survey to prohibit the resident from removing mulch side parking or parking in their grass. He doesn't want to limit residents from getting concrete side parking due to the high cost of a survey.

Vice Chair Campbell stated the Eudora Fire Department spoke with the Commission previously and expressed that side parking was much less of a threat for fire fighters than what was parked in a residents driveway.

Mayor Reazin asked the Commission what category an antique fire truck would fall into.

Vice Chair Campbell stated that it would be treated the same as any of the items they are trying to eliminate from parking between homes and on the street.

Mayor Reazin stated if a class A motor-home is treated as a bus and it is located between homes, what view does the Commission have for that? He stated a semi truck is currently parked in a driveway on East 13<sup>th</sup> Street on the curve and there are trailers parked on Tallgrass Street that are (2) two car length trailers. He recently viewed a resident that poured a concrete side parking about 3' away from the neighbor's property line as well as a concrete side parking at a residence on Peach Street that was expanded using pavers because the original concrete side parking was not large enough for their motor home. Mayor Reazin would like to see something in the codes that will remove any question as to what is acceptable that will also allow the City the ability to enforce. For example, if a resident is found in violation, the resident would be issued a ticket/fine for violating City Codes. That is how Mayor Reazin feels about it but cannot speak for the rest of the City Commission on the matter. Again, he wants to focus on the beautification of the City as well as the safety of our streets. Cars parked along the streets causes safety hazards for children when crossing the street. Mayor Reazin appreciates the detailed and hard work the Planning Commission is doing regarding residential parking requirements. He recognizes the complexity of this issue.

Vice Chair Campbell asked if the Planning Commission was adding too much detail to the parking issue and making it more cumbersome than necessary.

Mayor Reazin stated there needs to be a starting point and goal to work towards and feels that the direction of the Planning Commission is on track with the City Commission goals. He understands and appreciates the difficulty Baumann has in enforcing such a large issue.

Chair von Achen stated the parking issue definitely needs to be behind the front-line of a home. Basically, what we are down to deciding the number of vehicles. Should the Commission increase it from (1) one to (2) two etc.?

Commissioner Stewart asked how the front-line works on a corner lot.

Pappas stated corner lot has to be the same standard as the front. Basically there are two front yards.

Chair von Achen clarified there is only one side to park with a corner lot.

Vice Chair Campbell stated that possibly limiting the parking to one vehicle is a bit too restrictive and maybe we should increase the number.

Chairman von Achen asked what a reasonable amount is.

Commissioner Stewart proposed allowing one to be parked in the driveway vs. none.

Matite suggested publishing the finalized parking requirements and allow residents (6) six months to comply. Should they not comply with the requirements; the City could send a letter stating they are in violation of City Code and then enforce the code if they still do not comply with the letter. From a political stand-point, if we enforced the parking codes right away, the City would receive quite a bit of

push-back from citizens that have a number of parking violations. Allowing residents (6) months to find adequate parking or time to find funding to expand their driveway would be much more reasonable.

Chairman von Achen replied to Matite the Commission already agreed to allow residents time to comply with any new parking requirements. The biggest issue at this time is how many should we allow.

Commissioner Martin stated for the record that he agrees with how the requirements are written allowing (1) one.

Commissioner Hoover agrees with Martin.

Commissioner Stewart stated that he does not agree because he doesn't feel the Commission has the right to tell residents what they can do on their own property. If they are out of the right-of-way, they should be able to park where they want.

Vice Chair Campbell agrees with Stewart that (1) is too restrictive. If a resident has an RV parked in the driveway for a summer while working on it or using it, it should be allowed.

Commissioner Stewart asked the Commission if they require an RV to be parked on the side of a home vs. their driveway; does that really improve the look of the home. If a home owner decides to extend their driveway on the side of the home and removes landscaping, does that process really improve the look of the home? It may not block the neighbors view in front of the home but they may not enjoy looking out their side window and see a large RV parked.

Commissioner Hoover stated that the neighbors wouldn't have to look around the RV if it is parked on the side.

Commissioner Campbell asked if under the current ordinance if he could have a trailer and boat on a trailer in his back yard. The answer was no. Commissioner Campbell said that he felt it was too restrictive. He feels that if people want to park things in the back yard they should be able to, but he is not a fan of side yard parking. Commissioner Campbell feels that it may be unenforceable.

Mayor Reazin said the reason he brought the issue up is that he knows he will have to deal with multiple vehicles when his boys start driving and wants to see the roads cleaned up. Chairman von Achen said he feels that the issue of vehicles has been addressed with them already widening the drive ways and allowing more vehicles, and that they are working on the recreation vehicles now. The current code would allow recreational vehicles there for 48 hours, and that it is complaint driven.

Commissioner Martin stated the reason they are looking at it so that there are ordinances so that it can be enforced easier.

Chairman von Achen stated the reason that he isn't voicing his opinion on the numbers is because he doesn't live in town. So it is down to the five commissioners that live in town to come up with that number.

Commissioner Martin stated he felt that recreational vehicles in the back yard would be tough unless you are in a corner lot, and he feels that should be sidelined.

The Commission feels that maybe limiting larger vehicles would be good and do so by axels of the vehicle. Commissioner Stewart asked about having a separate recreation section. Commissioner Grant feels that may be a good idea to do that as well. Commissioner Campbell added that if the ultimate for years down the road is to not allow it that he feels they should be separated out as well and say no.

Commissioner Stewart added that he felt there should be some discretionary capability to the city to allow some leniency if needed. Chairman von Achen feels that the code needs to be written so that one RV can be at a house because he feels eliminating them totally will be a big battle.

Pappas went over what they would like changed in the ordinance to one RV, in addition to one additional larger vehicle, and one utility trailer. The Commission agreed to that statement. Pappas added that he could add a provision that if you have multiple water craft on one trailer it will count as one.

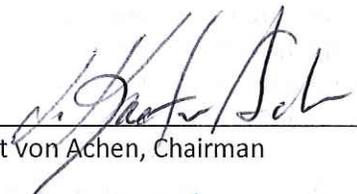
The Commission wants to see the City Commission approve things so that Baumann has some backing to enforce the ordinances.

Commissioner Stewart feels that they should hold off further conversation on the ordinance until the City Commission gives guidance on how they want it enforced so the ordinance can read that way.

Commissioner Stewart wants to make a motion to add a work session with the City Commission to work together on the ordinance.

**Commissioner Campbell made a motion for adjournment**, motion seconded by Commissioner Hoover, all ayes, motion carried, 7-0.

Meeting adjourned 8:49 pm.

  
\_\_\_\_\_  
Kurt von Achen, Chairman  
\_\_\_\_\_  
Renee Shackelford, Budget Analyst/Treasurer