

Eudora Planning Commission Meeting Minutes

January 6, 2015

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

Additional Attendees:

Curt Baumann, Eudora Codes Administrator
Nick Pappas, Eudora Planning Consultant with Shafer Kline & Warren Engineering, Inc.
Barack Matite, Assistant City Manager

Meeting called to order at 7:01 p.m. by Chairman von Achen.

The pledge of allegiance was recited.

Quorum noted.

Planning Commission minutes from the December 2, 2015 meeting were approved as distributed.

Chairman von Achen asked for an update from Codes Administrator, Curt Baumann. Baumann stated that 2015 finished with 336 permits issued including 9 housing starts. 2016 has begun with 3 permits issued. Baumann also stated that the old Black Lodge recording studio at 701 Main Street would be having upgrades done, along with the old Miller Agency building at 711 Main Street.

Chairman von Achen opened the floor to questions for Baumann - None heard.

Chairman von Achen asked for an update from Assistant City Manager, Barack Matite. Matite spoke about the work session that took place on December 14th, 2015 on smoking regulations in the city. He stated the new regulations would be adopted at the next City Commission meeting. He also made mention of the City looking at purchasing promotional items such as lapel pins, keys to the City etc. so the City has small tokens to give to guests of the City. Matite mentioned the idea of a TIF district for redevelopment of the Nottingham site and stated that they are interested in allowing businesses to the east of Nottingham to be included. A meeting has been set for January 14, 2016 with the business owners. Matite reminded the Commission that the Chamber of Commerce Annual Dinner is on January 16, 2016 and that they were all invited. The Commission was also invited to take place in a joint planning meeting with Douglas County regarding a soccer complex that will fall within the 3 mile boundary of Eudora. The meeting will take place January 25, 2016.

Chairman von Achen opened the floor to questions for Assistant City Manager Matite- Vice Chairman Campbell asked what the budget would be for the promotional items. Matite stated it would be around \$500.00.

4. Public Comment Period – None heard

5. Public Hearings – None heard

6. Old Business – None heard

7. New Business

a. **Discussion of accessory building regulations-** Nick Pappas opened discussion. He stated that a property owner contacted the City about building a new, larger house on his property and use his current house as an accessory garage. There are three regulations on accessory buildings. The first is that it needs to be far enough from an alley. Second is that it can't take up more than 30 percent of the rear yard. The third is that the accessory building cannot be taller than the house. Pappas continues that most cities put a limit on the size of the building, but Eudora does not have that.

Vice Chairman Campbell stated that he was aware of two other instances where home owners have built large detached building in the back of their house.

Codes Administrator stated that there is a building on 14th Street that caused the code to be changed to not allow two stories accessory buildings.

Vice Chairman Campbell stated that one criterion that the Commission always looked at was if the building had separate utilities. Campbell asked, Bill Whitten, property owner, what the size of the existing building is. Whitten responded that it was approximately 4500 sq. feet.

Chairman von Achen asked if Maple Street cut through the property. Whitten responded that it does not, but there are cul-de-sacs behind the property.

Commissioner Stewart asked Nick Pappas what other municipalities have a size limit on accessory buildings. Pappas responded that most have a limit of 1000 sq. feet, but some have tighter restrictions down to 800 sq ft.

Codes Administrator Baumann stated the main concern of City staff is will Whitten's property be considered two single family homes on a single lot. Chairman von Achen added to the statement that he agreed, and then asked Whitten how the City would know that he would have two families on the single lot.

Whitten responded that he wanted to look at an add-on connected by a breezeway. Chairman von Achen said that could be done, but asked if there were some alterations that could be done to the existing home to be sure that is a shop and not another home. Whitten asked with no ordinance on the books about mother-in-law quarters how will the city regulate that. Chairman von Achen asked if that was what Whitten was wanting. Whitten stated he doesn't want to take the option out. He added that he is looking for something bigger than what he currently has. He stated that he has a lot in the front and back available, and that his original plan was to live in the existing building while he built his new one, but plans changed, and now he is back to where he can build the new building. He also stated that was approved by the City originally years ago.

Chairman von Achen stated that the drawing shows that there are two lots on the property. Whitten responded that it was all one lot together and that he had it split, and that lots one and two are joined together as one lot. He did the split when he sold one residence and moved into the current household. von Achen explained that the issue at hand is if a house is built in front of the current residence, it could be one family in each building on one lot.

Codes Administrator Baumann added the issue is the code states no two story accessory buildings. He adds the question on how this will be handled since the two story building was already built when the code changed. Whitten added the only reason he built the house as it is now is because the previous Codes Administrator approved it.

Commissioner Stewart asked if he had thought of rezoning. Whitten asked if that would be considered spot zoning. Stewart added that the neighbors across the street have duplexes. Baumann responded that if the houses across the street are duplexes then that is spot zoning. Commissioner Stewart added that the City can spot zone if they choose.

von Achen added that since the property is south of 12th Street, Maple Street has been vacated. Whitten stated that he owns the vacated property on Maple Street and that he wants to take half of the street easement and putting it to each section giving two 130'x200' deep sections. He added that there is no access to the street from the back lot.

Commissioner Campbell added that the general area of the property is set up differently. He stated that going forward if someone wanted to do this they wouldn't be able to since it is two stories, but it was built before the code changed.

Commissioner Stewart stated there is only going to be one meter so it is clearly going to be one owner residential. The utilities will be paid by one person as well. He also added that bigger accessory building have sewer and water.

Chairman von Achen stated that the only thing that is wrong, at this time, is the code says not to have two story accessory buildings. He then asked if it would be considered grandfathered in? Commissioner Campbell added when the house was built it was noted that there would never be a second set of utilities and the old building administrator approved it. He then added that in the future the issue at hand has been fixed with not allowing two story accessory buildings.

Commissioner Martin stated that the current building was grandfathered in and that the Commission needs to take a look at mother-in-law- quarters. He asked Nick Pappas to do some research on what other cities have as regulations on mother-in-law quarters.

Chairman von Achen stated that there is no action needed from the Commission on this issue and that Baumann was just looking for guidance on how to move forward with the issue.

Commissioner Campbell said his opinion is that Whitten should be able to move forward with the new house, but should not be allowed to have separate meters. He also added that he agrees the Commission needs to look into mother-in-law quarters.

The Commission asked Baumann if he has enough direction on how to move forward and Baumann said yes as long as everything meets other codes he would have to issue a permit.

Assistant City Manager Matite asked Baumann if he has a way to respond to residents if he receives inquires on how the build was approved and Baumann said yes.

b. **Consideration of 2016 Planning Commission Calendar-** Commission reviewed the proposed calendar for 2016. **Commissioner Martin made a motion to approve the 2016 calendar as written**, motion seconded by Vice Chairman Campbell, all ayes, motion carried, 4-0

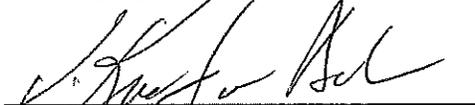
8. Calendar

a. **February 3, 2016 – Public hearing: text amendment regarding residential parking regulations.** Chairman von Achen asked Baumann if he has heard anything about it. Baumann stated he has heard one or two comments about it, but nothing major.

Commissioner Stewart asked what the Commission will do with the information. It was explained that the Commission will review it all and move forward with the recommendations to the City Commission.

Vice Chairman Campbell makes a motion to adjourn, motion seconded by Commissioner Stewart, all ayes, motion carried, 4-0

Meeting adjourned 7:59 pm.



Kurt von Achen, Chairman



Eric Strimple, Billing Specialist