

Eudora Planning Commission Meeting Minutes

February 3, 2016

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, City Manager

Barack Matite, Assistant City Manager

Pam Schmeck, City Clerk

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

Quorum noted for City Commission.

Mayor Tim Reazin	Present
Commissioner Tim Bruce	Present
Commissioner Ruth Hughs	Present

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 January 6, 2016 meeting were approved as distributed.

Codes Administration update – None heard. Codes Administrator did not attend meeting.

Chairman von Achen asked for an update from City Manager, Gary Ortiz. Ortiz spoke about the City Commission strategic planning meeting that took place on January 23, 2016. The meeting was to review the long term vision of the City. Some of the key focus points were economic development, broaden economic base so the City can work towards an improved park systems, working with Douglas County ambulance service in adding an ambulance service to Eudora. The Commission also wants to work on development in the downtown area. The request for proposal on Nottingham redevelopment was sent out and the first deadline is February 26, 2016. The staff is working on the end of the year report. The goal is to have it ready for next month's meeting.

4. Public Comment Period – None heard

5. Public Hearings

a. Public Hearing preliminary plat: Meadows at 15th No. 2 Addition, City of Eudora, Douglas County, Kansas.

Nick Pappas stated that the applicants of 592 E 15th Street have submitted a preliminary plat to rezone the western half to commercial and the eastern half to residential; it is currently zoned Residential, Two Family or Duplex. The site is bisected by a significant floodway and the property owner feels that it would act as a nice buffer between commercial and residential. Traffic counts have been looked at and the staff does not feel that this would be an issue. C.L. Maurer of Land Plan Engineering spoke on behalf of the applicant. He stated sewer is already in place for both the residential side and commercial side. The plat was completed and rezoned about 10 years ago and the plan got denied, but plans have changed. The waterway will be the individual lot owner's responsibility to maintain. Nick Pappas added that the future land use map does show it as commercial.

Chairman von Achen brought the hearing back to the Commission for action. He stated there were conditions stated on the application. Vice chairman Campbell stated that the maintenance of the waterway has been an issue in the past and was concerned if they wanted to approve another one. Nick Pappas responded that only a small portion of the plat is in the flood zone. City manager Ortiz added that even though the drainage ways are adjacent to privately owned property defer to the property owner. He added that there is public purpose to clean up the water ways and the City staff does that periodically. Vice chairman Campbell asked if there has ever been an issue of a property owner not wanting the City to clean up the property. Ortiz responded that there has never been an issue in Eudora.

Commissioner Stewart made a motion to approve the preliminary plat plan with the condition that the applicant provides a final plat that addresses the requirements missing in the initial submission. Commissioner Hoover seconded, all ayes, motion carried, 7-0

Pappas noted the agenda was incorrect. The public hearing should be heard to rezone the property from RTPOD Two Family Residential Planned Overlay District to C-Commercial District.

b. Public Hearing: zone map amendment from RTPOD to C-Commercial at Meadows at 15th.

Nick Pappas stated that the property is currently zoned RTPOD and is requesting to be zoned C-Commercial District. This zoning is shown in the future land use map.

Chairman von Achen shared a map with the audience to show what the applicant wants to have done and where the property is located. No public comments heard.

Chairman von Achen brought the hearing back to the Commission for consideration. Vice chairman Campbell stated that he feels that this change fits into the plans the City would like to see happen with the property. He added that there will not be a way for a through street to go there and feels this would be a good idea for the area. Commissioner Stewart added that after driving by the property he feels it fits into the area usage.

Vice Chairman Campbell made a motion to recommend approval of the rezoning application. Commissioner Martin seconded, all ayes, motion carried, 7-0

c. Public hearing: text amendment regarding residential parking regulations.

Nick Pappas stated that the Planning Commission has had four work sessions to consider revised residential parking regulations in Eudora, starting with a review of ordinances from cities in close

proximity of Eudora; significant discussion on what changes should be made to the regulations in Eudora regarding ATVs and RVs. Only the provisions on the parking of RVs made the final cut.

Pappas shared a slide show with the Commission and the public, full slide show is available in the official record.

Pappas went through the slide show and touched base on high points of the presentation. Key points were:

1. Comparison was made with nine similar cities in the Kansas City Metro. These cities have a population between 5000-60000 residents and they fit the characteristics of Eudora.
2. Balancing private property rights with community rights
3. Consideration of the number of calls/complaints received by city officials
4. Potential future consequences if the regulations are passed
5. Overview of Additions: new definitions required parking spaces, carport regulations, RV regulations, Driveway Specifications, Right-of-Way provisions.
6. New definitions: were updated to make it clear on what the code is talking about.
7. Required parking spaces: The old code stated that one of the required spaces for single-family detached houses, two-family houses and townhouses may be located within the required front yard, on a paved driveway leading to an attached or detached garage. The new code would read that a resident could have up to two.
8. Carport Regulations: Carports are allowed for single-family houses, two family houses, and town homes, provided the following stipulations are satisfied.
 - a. The carport is situated behind the front façade of the main structure in all lots and also behind the side façade that faces a public right-of-way in the case of corner lots; the carport, once constructed, will meet the minimum wind and snow loads as determined by the City's most recently adopted version of the International Building Code; Manufactured prefabricated carports that are temporary in nature or attached to a larger structure in a way that does not require a building permit may be located in the required side yard setback, provided that application for a carport is accompanied by a surveyed and staked plot plan of the property as deemed necessary by the Code Administrator; carports that are permanent in nature and constructed as part of a larger structure (thereby requiring a building permit) must comply with side yard setback requirements; and only passenger cars, passenger vans (including minivans), full size vans, conversion vans, pickup trucks, motorcycles, recreational vehicles, boats, empty hauling trailers, all-terrain vehicles, and lawn tractor/mowers that are fully operable, functioning, and that meet the provisions of Chapter 8, Article 3 of the Eudora City Code 9 as applicable) may be stored under a carport.

9. RV Regulations: Each residence is permitted to park or store, outside a garage, not more than one (1) recreational vehicle, motor home, camping trailer, travel trailer, pickup camper, etc. that does not exceed thirteen (13) feet in height, eight (8) feet six (6) inches in width and forty-four (44) feet in length.

a. No such parking or storage of these vehicles shall occur between the street and the front building line of the residence (and corner side yard on corner lots) with the exception of two occurrences – not to exceed 72 hours each – in a 30 day period; no vehicle, motor home, camping trailer, pickup camper, recreational vehicle, or similar item shall be used as living quarters within the boundaries of the City of Eudora unless such vehicle is parked in an area specifically approved by the Governing Body as a campground or as a location for temporary or emergency housing .

10. Driveway Specifications:

a. If expanding the driveway you can use the original material of the driveway; driveways should have a minimum width of 18 feet and a maximum of 35 feet wide; residential driveways for single-family houses may be located up to a side lot line; residential driveways for single-family houses shall be constructed in such a way that storm water runoff can occur.

11. Right-of-Way Provisions:

a. Passenger Vehicles that are parked on a residential right-of-way must move every 48 hours.

Chairman von Achen stated how a public hearing works and then opened the floor to public comments/questions.

Brett Skinner asked if there would be any grandfather clause for people that have had the RVs on their property for years. He also asked about driveway material since his property is gravel with a small portion of concrete. Chairman von Achen responded that no grandfather clause in the ordinance, however it has been discussed and the City Commission will be putting in a time period for compliance. Chairman von Achen stated that the material of the driveway could be gravel based on how the ordinance would read.

Robert Lagerstrom stated that the current house that he lives in has a slab of concrete for his RV. He then asked for clarification that the ordinance change would not allow him to keep his RV at his house like it currently is. He also feels that it will place undue burden on the resident of Eudora and that it is impeding on his rights as a property owner. Chairman von Achen thanked him for his comment.

David Beebe asked to know the nine cities used in the comparison. Nick Pappas answered that the cities included Merriam, Leawood, Lawrence, Gardner, and Roeland Park. Beebe added that he would like to see comparison of closer cities like Tonganoxie, Wellsville and Baldwin City. Vice Chairman Campbell added that he feels there is a misunderstanding on what the proposed ordinance. He stated that it does not state you can't have an RV, it states you can have one, 40 foot RV in your driveway. It is just

limiting on where you can have it. Brett Skinner added a comment that he felt most individuals in the audience will be prohibited because of building fronts. He then gets clarification on where the RVs would be allowed. Both Chairman von Achen and Commissioner Stewart explained that it would be on the side yard or back yard.

Wayne Smith stated that he lives on a corner lot and that his RV is on the side of his house and is not in the easement. Commissioner Pringle asked for clarification on if his RV was between his house and the road and Mr. Smith stated yes. Chairman von Achen responded that it would not be allowed with the way the ordinance is written.

Dorothy Sarlls stated she lives on the corner of 14th and Main. Their RV is on a concrete slab in the driveway. She asks if that would be allowed. Commissioner Stewart answered that as the ordinance is written it would not be allowed. Sarlls is against the ordinance because she feels that the City is telling her what she can do on her property that she pays the taxes on. Commissioner Stewart follows up with a statement explaining that the reason they do these public hearings is to get the feedback from the citizens, and so far the feedback has been against the portion on RVs and parking them in the driveway. The Commission added that the Planning Commission has been given guidance from the City Commission to come up with parking regulations.

Lisa Englebrecht stated that she lives at 14th and Main and she wanted clarification since she is on a corner lot she can't park her RV at her property since she is already at her easements, even though her RV is currently on a slab of concrete that she got approval to pour for her RV. She asked if the copy of the slide show would be made available and the commission stated yes. Vice chairman Campbell added that it is really hard to make rules for the whole town. He added that there are certain situations in the town where it clearly should not be happening and there are situations where it may have been OK, but since the City has had complaints and the City is working on taking care of those issues. Englebrecht responded that she understands that the City wants the town to look good and also have the items out of the line of sight as well.

Sandra Deay asked if there could be a permitting process to allow these that were not a problem before still be ok and make the ones that are issues be made to comply or be removed. Chairman von Achen stated that was a good suggestion.

Ray Morris stated the city is trying to dictate where homeowners can park something and restricting where you can pour a concrete pad. Chairman von Achen stated that the ordinance does not state that the back yard cannot have a concrete pad. Ray added that the slide stated driveway additions had to be paved. Von Achen corrected the statement by stating the slide read that expansion can be made using the existing material.

Jody Long stated that he lives at 14th and Elm and the way his property is set up his frontage is to Elm Street and his driveway is to 14th street, or in this case his side yard. To his understanding his residence was built before a road was place there so his structure is in the City easement. He asked if he wanted to expand the driveway, the only way it would be able to be done is in the easement. He wanted to know if that would be allowed. Chairman von Achen stated that he could not answer that question. Vice chairman Campbell added that there are many examples around town with special circumstances and he didn't feel that if Long wanted to pour concrete on that driveway that it would be unreasonable. Campbell added that one thing there is clearly a problem and some adjusting that needs to be done on the corner lots.

Justin Eddings wanted to know if it would be possible to look at things slightly differently. Some ideas are if it is on an improved surface and is sufficient set back from the road and is not deemed blighted by the neighbors. Chairman von Achen responded that the problem is that the public is not hearing the complaints from the neighbors stating they don't want them in the front yard.

Ryan Rubow wanted to know about alley parking since his drive is in the alley. Chairman von Achen responded that it would not affect him. Rubow asked what the issue is on what you have under a carport. Commissioner Bartlett stated that is why it is called a carport.

Mike Coffman stated that the way he understands it is the City is going more from a complaint driven to an enforceable problem. Chairman von Achen said he could not answer the question. Coffman feels that complaint driven is a better way to go. Vice Chairman Campbell added that the City is not going to go out and dig up all the issues and issue tickets.

Lindsey Rubow wanted to know what the consequences would be if you are in violation. Chairman von Achen responded that the enforcement portion is done by the City Commission.

Robert Lagerstrom spoke again stating he is landlocked and wanted to know if the Commission has done any research on what the average cost for storage is for these items. Chairman von Achen responded that one thing they have looked at is can the Commission make regulations for one part of the town and not the other. He added that all the things come back to that we need to do it for the whole town.

Michael Rockhold Jr. suggested making it for new construction only.

Mike Coffman asked if this is above and beyond what Lawrence does. Chairman von Achen stated that Lawrence is working on this issue right now and they are struggling to come up with a solution just like Eudora.

Elvin Winslow asked the commission, why now? Chairman von Achen responded that it is Eudora has been growing up quite well for years but Eudora is not the little town it was in 1950. Commissioner Hoover added that the City has received many complaints and that is why this being worked on.

Justin Eddings added if the Commission could look at allowing corner lots to be able to use the side yards so they are not considered dual fronted. Vice Chairman Campbell stated that corner lots will be an area they will be working on.

Edward Jankowski wanted to get clarification on if someone put up a carport, either permanent or temporary would it be required to put concrete under it. Chairman von Achen said yes if it is a new drive yes it would be.

Samantha Dolina asked if there would be any variance for people on a fixed income. Commissioner Stewart responded that there is no variance in the ordinance.

Jody Long wanted to understand the 2 hour limit and asked specifically on a flat bed trailer. Chairman von Achen responded that you would have 2 hours.

Brett Skinner wanted to find out more on the 48 hour limit for street parking of regular vehicles. He thought currently it was 7 days. Tyler Trowbridge, Eudora police officer, stated it had always been 48 hours.

Chairman von Achen closes the public hearing and brings it back to the Commission for discussion. Vice chairman Campbell commented about how there has been a 48 hour limit on parking for years and it has to be a complaint before the City does anything about it.

Commissioner Stewart doesn't like complaint driven because it is not applied everywhere.

Pappas stated that his suggestion is to postpone any action. He feels there is more work to be done including wording on uses upon review or special uses going forward.

Chairman von Achen went over the options. Those include postponing and differ for further study, approve as written or make changes on the spot.

Commissioner Stewart wanted to add notes for the record. On the 35 feet wide driveway, traditionally we allowed 18 feet with 9 feet per vehicle. He wanted to know why they went with 35 vs. 36 feet. Also he wants to see more work done on what can be placed under a carport, and tax amount, cost to owner and also the city legislation of private property and how he feels it is a slippery slope.

Vice chairman Campbell wanted to add grandfathering as something to look at. He wanted to make sure that all changes are on the City website to keep the public up to date, corner lots, check on how Douglas County treats driveway improvements and taxation on them.

Commissioner Martin spoke to Elvin Winslow on his question of why now. Martin stated that he knew that Eudora had a small town feel, but the town is growing which will cause growing pains. The commission was given a task and they have been working on the ordinance due to the complaints that the city has received. Martin would like to see Pappas look at Tonganoxie, Wellsville, Baldwin City and DeSoto to give a better comparison than the land locked cities. Martin would also like to see running changes in the code on the City website and on the City bill to alert the residents that there are changes that can be viewed on the website.

Vice chairman Campbell made a motion to table the issue for further discussion, Commissioner Hoover seconded, all ayes, motioned carried, 7-0.

Chairman von Achen thanked the public for attending the meeting.

Commissioner Hoover made a motion to adjourn, Commissioner Bartlett seconded, all ayes, motion carried, 7-0. Meeting adjourned 8:29pm



Kurt von Achen, Chairman



Eric Strimple, Billing Specialist