

SEPTEMBER 7, 2011 PLANNING COMMISSION MEETING MINUTES

The Eudora Planning Commission met in regular session on Wednesday evening, September 7, 2011 in the Eudora Municipal Building with five members present: Vice Chairman Richard Campbell, Ken Adkinson, Glenn Bartlett, Grant Martin and Johnny Stewart. Chairman von Achen and Erica Spurling were absent.

Also present were Codes Administrator Curt Baumann, Consultant Scott Michie of Lochner/BWR, Economic Director Collin Bielser, Reporter John Schulz, Aaron Gaspers, Chris Hefner, Michael Johnson, Mike Westerhouse, and other spectators.

In absence of Chairman von Achen, Vice Chairman Campbell conducted the meeting. He called it to order at 7:00 pm, the pledge of allegiance was recited and the minutes of the August 3, 2011 meeting were unanimously approved on a motion by Glenn Bartlett, seconded by Ken Adkinson, 5-0.

City Administrator Harrenstein was not present so there was no administrator's report, and Codes Administrator Baumann said it had been a quiet month. His building inspector's report showed only five permits with a total valuation of \$47,085.

At the public comment period, Mike Westerhouse came forward to apprise the commission members of his plans for two acres he has purchased on the west side of the animal clinic on 20th Street. He said he plans to divide it into ^{two} lots, which will be twice as big as his original Westerhouse Addition lots to the east. He plans to use one lot for his business and to hold the other for future development. He expects to bring an application for rezoning and a site plan to the October commission meeting.

Johnny Stewart asked if the anticipated plans for realigning 20th Street might affect him, but after discussion it was agreed that his location probably would not be impacted.

Another issue was compliance with Highway K-10 Corridor standards. Westerhouse said the staff had made him aware of them.

Acting Chairman Campbell then called for the public hearing to consider an application by Johnson Group, LLC, Lawrence, KS to establish a zoning district classification "C", Commercial District for a 1.18 acre parcel of land at the southeast corner of 15th Street and Church Street. Campbell asked Consultant Michie for his comments.

Michie said that since the neighborhood in that area is commercial he finds no problem with changing the zoning. He said it is consistent with the 2009 economic development plan, the utilities are adequate subject to site plan approval, in particular the storm drainage plans proposed by the applicant, and that no detriment is found, providing the Nottingham concept plan and design guidelines are implemented, and Michie said the applicant is being very cooperative.

Campbell then invited the applicant to speak and Aaron Gaspers came forward. He said he had little to add to Michie's remarks but that a copy of the plat was on display and it delineated the right-of-way lines.

There were no questions for Gaspers and no one present spoke for or against the zoning change, so Campbell brought the question back to the table, and closed the public hearing.

After a short discussion, Johnny Stewart moved to recommend approval of the application by Johnson Group, LLC, to establish a zoning district "C", Commercial District, subject to site plan review and approval.

Adkinson immediately asked Stewart if he didn't want to remove the words, "subject to site plan review and approval," since they were never a part of the usual motion for a change of zoning.

Michie gave the reasons for placing the review in the motion and Campbell said he understands the need for it since it is wise for the commission to know what is going on a property before any zoning is approved.

Stewart said he would let the motion stand as originally stated. Glenn Bartlett seconded the motion and the vote was unanimous in favor, 5-0.

The next item on the agenda was "Old Business". Consider a preliminary site plan application by Davidson A/E, on behalf of R.H. Johnson, Inc. for a Family Dollar development proposed for Family Dollar Addition No 1. Again the acting chairman invited Michie to speak.

Michie reminded the commission that this is their very first site plan under the Nottingham Guidelines, which they had expressly amended to apply to public right-of-way controlled by KDOT, and this plot of ground had formerly been under KDOT's control. Michie, in a memorandum, had refreshed the memories of the commission on the Nottingham Guidelines.

Michie said the proposed structures meet the requirements, with the exception that the dumpster is only 10 feet from the rear lot line, and if this is judged a corner lot, then the setback should be 20 feet. He said the applicant has worked creatively with the owner of the neighboring Dairy Queen to reconstruct the 15th Street curb cuts combining access to both businesses with a single drive approach.

Michie said landscaping is beyond the minimum required, that sidewalk improvement is shown, that screening and buffering are in place, especially to screen the block dumpster, and outdoor amenities are to be a bench at the public sidewalk and a bicycle rack. Michie added that there is a question about the possibility of moving the dumpster to the east side of the building so it will not be so visible from Church Street, and there is still a question about the lighting to be settled on the final site plan.

Chris Hefner of Davidson Architects/Engineers came forward and distributed copies of a conceptual drawing of the building and landscaping and the four elevations. He dealt at length with the question of possibly "flipping" the building plan to place the dumpster on the east side away from Church Street; but said the Family Dollar Corporation will have the final say. The commission consensus seemed to be that they would really prefer the dumpster on the east side, if possible. Collin Bielser clarified for the commission that the applicant is doing as much as possible to "flip" the building. At this time thought the applicant is not 100% positive this can be achieved, but if possible they will go ahead and make the alteration. If for some reason "flipping" the building is not achievable then the final site plan will be presented with the dumpster located on the west side of the building. Johnny Stewart demurred and said trash is a part of life and the dumpster will be seen on either side, plus the applicant has clearly gone at lengths to make the dumpster area as esthetically appealing as possible with the inclusion of the brick and stucco and enhanced landscaping.

Hefner said the HVACs will be on the ground behind the building and not on the roof, and a question about the lighting will be stalled by the final site plan in October. However, Michie insisted that there should be some, though not a lot, of architectural accent lighting to enhance the scene.

Hefner and Michie differed about the signage. Michie maintained that under the Nottingham Guidelines this signs should be smaller, while Hefner said the signs as designed take less space than Eudora's regulations, as much as 100 square feet less.

Grant Martin said he sees no major problem in the size of the signs. He said the north façade is set back some distance from 15th Street and on the west wall the trees that are planned will eventually be sizable so a large sign is needed there. It is not a big issue he said, if you are limited as to the size of signs the company provides.

Acting Chairman Campbell remarked, "You did the math and it meets our sign code."

Stewart ascertained that they are placing a 10 foot sidewalk not only at their building but also along 15th Street; someone asked about fire truck access, especially to the back of the building, and Codes Administrator Baumann said the Fire Chief has checked the plans; and Martin asked about the roof color and Hefner said it would be anodized aluminum and would be silver.

Ken Adkinson moved to approve the preliminary site plan with five conditions:

1. Grant a variance for 10 foot rear yard setback of the dumpster.
2. Satisfy the storm water drainage requirement of the city, including off-site utility easement dedications.
3. Require appropriate guarantees for the completion of public improvements as a condition of final plat acceptance by the Governing Body.
4. Require decorative architectural accent lighting on the landscaping.
5. If possible, flip the floor plan over to accommodate dumpster on the east side of building.

Grant Martin seconded the motion and the vote was 4-1 in favor, with Johnny Stewart voting nay.

The final agenda item was under "New Business," consideration of a preliminary and final plat of "Family Dollar Addition No. 1" for a 1.18 acre parcel of land at the southeast corner of 15th Street and Church Street. Campbell asked Michie's opinion.

Michie said that at the time he wrote his memo there was a problem with inlets in the storm drainage system, but Hefner's engineers made a slight change and the inlets were corrected, so the applicant has met those conditions.

Someone asked about the negotiations with KDOT? Gaspers came forward to say that they had worked with KDOT for months over how much land they would be vacating and they finally found the magical right-of-way line that KDOT is satisfied with. Gaspers said KDOT will look for financial consideration but the applicant is waiting for city approval before compensating KDOT.

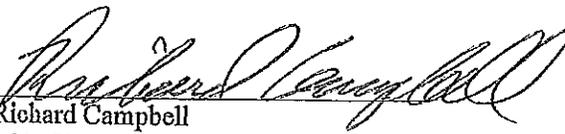
Ken Adkinson moved to approve the preliminary plat and final plat with three conditions:

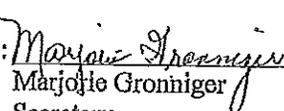
1. Satisfy storm water drainage requirements of the city, including off-site utility easement dedications.
2. Require appropriate guarantees for the completions of public improvements as a condition of final plat acceptance by the governing body.
3. Approval conditioned on final KDOT right-of-way vacation.

Johnny Stewart seconded the motion and the vote was unanimous in favor, 5-0.

Johnny Stewart moved to adjourn, seconded by Glenn Bartlett and the vote was unanimous in favor, 5-0.

The meeting adjourned at 8:08 pm.

Signed: 
Richard Campbell
Vice Chairman

Signed: 
Marjorie Groninger
Secretary