



# PLANNING COMMISSION

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**EUDORA PLANNING COMMISSION  
CITY HALL – 4 E. 7th STREET  
EUDORA, KANSAS  
SEPTEMBER 6, 2023  
7:00PM**

## **PLANNING COMMISSION MEMBERS**

Grant Martin, Chairman	Tim Pringle
Josh Harger, Vice-Chairman	Johnny Stewart
Dr. Ryan Rock	Aaron Thakker
Jason Hoover	Kelly Delay, Non-member Secretary

### **I. CALL TO ORDER**

### **II. ROLL CALL AND PLEDGE OF ALLEGIANCE**

### **III. CONSENT ITEMS**

- A. Consider the minutes of the last regularly scheduled meeting (June 7, 2023)

### **IV. PUBLIC COMMENTS**

Speakers are limited to three (3) minutes for non-agenda items only. No action will be taken.

### **V. DISCLOSURE OF EX PARTE COMMUNICATIONS**

Read more information about ex parte communications in [Article 5 of Kansas Statute, Section 77-525.](#)

### **VI. BUSINESS ITEMS**

- A. Consider a voluntary annexation for the tract of land located south of W 20<sup>th</sup> St, in the Eudora Township, adjacent to Eudora High School

### **VII. CHAIRMAN AND COMMISSION COMMENTS AND UPDATES**

### **VIII. CITY MANAGER AND STAFF COMMENTS AND UPDATES**

### **IX. WORK SESSION**

- A. None

### **X. ADJOURNMENT**



**EUDORA PLANNING COMMISSION  
CITY HALL – 4 E. 7th STREET  
EUDORA, KANSAS  
JUNE 7, 2023  
7:00PM**

**PLANNING COMMISSION MEMBERS**

Grant Martin, Chairman - absent	Tim Pringle
Josh Harger, Vice-Chairman	Johnny Stewart
Dr. Ryan Rock - absent	Aaron Thakker
Jason Hoover	Kelly Delay, Non-member Secretary

**I. CALL TO ORDER**

Vice Chairman Harger called the meeting to order at 7:00pm.

**II. ROLL CALL AND PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

A quorum was noted.

**III. CONSENT ITEMS:**

- A. Consider the minutes of the last regularly scheduled meeting (May 3, 2023)

**Commissioner Hoover moved the Planning Commission to approve the minutes as submitted**, motion seconded by Commissioner Thakker, all ayes, motion carried, 5-0.

**IV. PUBLIC COMMENTS**

Public comments were invited, but none were heard.

**V. DISCLOSURE OF EX PARTE COMMUNICATIONS**

Commissioner Thakker disclosed that he had discussed with applicant GW Weld regarding the acquisition of the property at 703 Church Street and had decided not to move forward with the purchase.

**VI. PUBLIC HEARING**

- A. Rezoning of Eudora United Methodist Church

Tom Schmidt, Finance Chair for the Eudora United Methodist Church, presented the reasoning behind rezoning as Douglas County Agricultural and the final processes of conforming to the City agricultural criteria.

Residents Laura Brady, Wendy Babboni, Matt Vogt, and Dale Hofer voiced their concerns about rezoning the Eudora Methodist Church property at 2084 N 1300 Rd / 1310 W 20<sup>th</sup> St. The concerns raised were the potential residential use of said property, public notice of the annexation, and traffic safety with zoning changes.

Schmidt and the Planning Commission explained that the public hearing will specifically address the zoning request and other concerns will be addressed at other venues.

Barry Shalinsky from the Bene Israel Cemetery Committee expressed interest in being involved in the developmental conversations in the areas surrounding the cemetery.

B. Uses Permitted Upon Review application for 703 Church St.

Residents Elizabeth Knispel, Ben Terwilliger, Don Bradshaw, Grant High, Clint Kieffer, and Mark Blubaugh showed their support for the continued use, development, and repurposing of 703 Church St.

## VII. BUSINESS ITEMS

A. Consider a rezoning application from the Eudora United Methodist Church for the tract of land located at 2084 N 1300 Rd / 1310 W 20<sup>th</sup> St, Eudora, Kansas

City of Eudora Codes Administrator/Building Official Curt Baumann presented the request for the rezoning of 2084 N 1300 Rd / 1310 W 20<sup>th</sup> St. A contingency upon annexing into the City requires every tract of land to be rezoned into one of the City's zoning options. The City's rezoning of Agriculture Residential "RA" is the closest classification that the City offers to Douglas County's Agriculture "AG-1".

**Commissioner Pringle moved the Eudora Planning Commission to recommend approval to the governing body of the City of Eudora to rezone the property located at 1310 West 20<sup>th</sup> Street from Douglas County Agriculture "AG-1" to City of Eudora "RA" Agriculture Residential, with the recognition that certain uses will require further action through the Planned Overlay District (POD) and K-10 Overlay District rezoning process, motion was seconded by Commissioner Thakker, motion carried, 5-0.**

B. Consider the Final Development Plan for Scooter's Coffee Drive-Thru Kiosk with Freedom Enterprises, LLC d.b.a. Scooter's Coffee

Baumann presented the proposed regulations surrounding the final development plan for Scooter's Coffee, and no changes were countered by the Planning Commission. City Staff recommended approval with the contingency of the nine conditions listed in the action.

**Commissioner Pringle moved the Planning Commission to recommend approval of the final Development Plan, including the identified deviations, with the following conditions:**

1. **Clean up any general typographical/technical errors and add information as necessary to address previous staff review comments, including any labeling to be consistent with the applicable preliminary plan/plat and final plat documents.**
2. **Signage is subject to further review and permitting per the City sign permit requirements as supplemented/modified by the approved Tenant Criteria Handbook.**
3. **Provide (2) two street shade trees along Church St.**
4. **All landscape planting areas should be properly irrigated and maintained.**
5. **All items from the staff review and communicated responses from the project engineer in the letter dated May 19, 2023, are addressed to the satisfaction of the owner's development team and city staff.**
6. **Plat (final plat approval and recording/filing required prior to building permit issuance) the property encompassed by the proposed development in accordance with City regulations.**
7. **Provide evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency, as well as the provision of any covenants/restrictions (tenant criteria) as part of the final plat review and approval process.**
8. **Address all design, development, and construction details in a manner that meets city requirements through the final plat, public improvement plan, building/construction plan, and other applicable permitting processes.**
9. **Meet all applicable federal, state, and local regulations and acquire applicable permits,**

motion seconded by Commissioner Thakker, all ayes, motion carried, 5-0.

- C. Consider a Uses Permitted Upon Review application for the establishment of an event center at 703 Church St.

Chris Miller from IBTS presented that City staff from Planning, Zoning, Public Works, and Fire have reviewed and provided feedback on the Use Permitted Upon Review application. Staff recommended approval with the stipulations listed in the motion below.

Applicant G.W. Weld presented the desired usage for 703 Church St. He discussed the building's history as a church, proposing a similar traffic volume to its previous usage, with high traffic on weekends and decreasing on weekdays. Weld noted that the use of the property as an event venue could be a revenue generator for Eudora. The initial proposed capacity of the event venue was 250 people.

The Planning Commission requested ADA accommodation plans for the event center. Weld verified that the venue will comply with ADA requirements, including the elevator in the existing building.

The Planning Commission also questioned the parking logistics of the event venue, specifying how it will be monitored, and how the UPUR will change if one of the tangential properties to the north would be sold.

Director of Public Works Branden Boyd stated that the parking currently available is limited to the west side of Church Street and that Church Street is a secondary truck route. This causes issues with the flow of traffic in the event Main Street is closed. Boyd also responded that Police Department monitors the street due to its known traffic-flow issues. Any future parking lot or angle parking would be required to go through the Planning Commission.

After deliberation, the Planning Commission determined that rather than classifying the event venue as a structure that was already covered in our City Code, they would use their discretionary power to create a parking regulation specific to the situation. This regulation was determined to be one parking space for every five occupants of the event venue.

**Commissioner Pringle moved the Planning Commission to recommend approval of the Uses Permitted Upon Review application, subject to the following conditions:**

- 1. The developer shall submit a landscape plan in accordance with Eudora Zoning Regulations**
- 2. The developer shall submit a lighting plan in accordance with the Eudora Zoning Regulations**
- 3. The property owner shall adhere to local parking regulations, no parking shall be permitted in the City right of way, and all parking areas shall conform with the construction standards of the Eudora Zoning Regulations**
  - a. One (1) parking space shall be required for every five (5) occupants**
- 4. All events shall be limited to indoor activities**
- 5. No live music or amplifications shall be allowed after 10:00pm**
- 6. The developer shall provide a traffic study conducted by a professional engineer**
- 7. The developer shall provide a stormwater study provided by a professional engineer,**

motion seconded by Commissioner Thakker, all ayes, motion carried, 5-0.

## **VIII. CHAIRMAN AND COMMISSION COMMENTS AND UPDATES**

**Chairman Grant Martin – Absent.**

**Vice Chairman Josh Harger – No Comment.**

**Commissioner Jason Hoover – No Comment**

**Commissioner Dr. Ryan Rock – Absent.**

**Commissioner Tim Pringle** – No comment.

**Commissioner Johnny Stewart** inquired about RV overnight parking within the City.

**Commissioner Aaron Thakker** – No comment.

## **IX. CITY MANAGER AND STAFF COMMENTS AND UPDATES**

**Interim City Manager Kevyn Gero** commented that Village Green is finishing up construction, with a ribbon cutting to be announced soon. The 10<sup>th</sup> Street Sidewalk ribbon cutting took place this evening. The City will have an update about the RAISE Grant at the end of June. Gero will be attending future meetings for the Northwest Johnson County Infrastructure Planning K-10 Expansion Project with Director of Public Works Boyd.

**Codes Administrator / Building Official Curt Baumann** presented that there are twelve open permits, five of which are for single-family homes.

**Planning Consultant Dave Knopick** – Absent.

**Codes Enforcement Officer Gordon Snyder** – No comment.

**City Clerk Kelly Delay** – No comment.

**Public Works Director Branden Boyd** – No comment.

**Fire Chief Mindy Andrusevits**– No comment.

## **X. WORK SESSION**

A. None

## **XI. ADJOURNMENT**

**Commissioner Hoover** moved the Planning Commission to adjourn the meeting, motion seconded by Commissioner Thakker, motion carried, 4-1.

Meeting adjourned at 9:16 pm.

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Grant Martin, Chairman

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Kelly Delay, City Clerk



## AGENDA STATEMENT

**DATE:** September 6, 2023  
**TO:** Planning Commission  
**FROM:** Curt Baumann, Codes Administrator and Building Official  
Kevyn Gero, City Manager  
**RE:** Consider an annexation agreement/petition with Judy Meiergerd for the tract of land south of West 20<sup>th</sup> Street, adjacent to Eudora High School

### BACKGROUND:

Judy Meiergerd has requested the tract of land located south of W 20<sup>th</sup> St, adjacent to Eudora High School in Eudora to be annexed and incorporated to the City of Eudora. Proposal: Future subdivision of land, creating a new parcel for future residential use.

### STAFF RECOMMENDATION:

Staff recommends Planning Commission approve the annexation petition as submitted by Judy Meiergerd. Extension of utilities, road improvements, stormwater, and easements are to be negotiated between the future developer and the City.

**BUDGET IMPACT:** N/A

### CITY MANAGER APPROVAL:

### ADDITIONAL DOCUMENTS ATTACHED:

- Staff Report
- Petition for Consent to Annex
- Exhibit 1 – Legal description and map of property

### RECOMMENDED ACTION:

*Suggested motion:* I move the Planning Commission to recommend approval to the City Commission for the requested annexation of land located in the Northeast quarter of Section 17, Township 13 South, Range 21 East of the 6<sup>th</sup> P.M., Douglas County, Kansas in Eudora.

# Staff Report

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**TO:** City of Eudora Planning Commission  
**FROM:** City of Eudora Planning and Zoning Department  
**SUBJECT:** Consider an annexation request from Judy Meiergerd  
**MEETING:** September 6, 2023

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## BACKGROUND

The City of Eudora has received a request from the property owner to consider annexation of the property as described/depicted in the attached documents. This parcel of approximately 96.75 acres adjacent to the City limits of Eudora.

This annexation request is considered a voluntary annexation request, and the property owner has submitted the traditional agreement and petition forms for City consideration. It should be noted that state statutes do not require the Planning Commission to take action on voluntary annexation items but it has been the practice of the City of Eudora to have the Planning Commission comment on such requests.

## ANALYSIS

City staff has reviewed the annexation request materials and has found that the property adjoins the current city limits pursuant to K.S.A. 12-520(a)(2), thus making the property eligible for annexation. Additionally, the property owner has provided a draft agreement and petition requesting and consenting to such voluntary annexation action per the documents provided.

Currently, no city utilities serve the property. The City of Eudora has no plans to extend utility services in this area at this time, and the property owner is not requesting the City of Eudora to provide any services. Both parties recognize that the need for such services will likely be driven by future development of the property and that any further utility service provision or infrastructure improvements will need to be paid for by the property owner/developer. Therefore, no service plan is provided at this time.

The property is located within the Eudora Urban Growth Area (Tier 2) and is shown as a mix between potential High-Density (Northern area) and Medium-Density (Southern area) residential land use on the Future Land Use Map in the comprehensive plan.

High Density Residential is associated with future RE, RC, RG, and RM zoning and described as follows:

*High-density residential land use is a range of all residential land uses, including multifamily unit type at densities greater than six units per acre. The high-density residential land use type is often used as a transition between non-residential uses and lower-density residential areas.*

Medium-density residential is associated with future RS or RT zoning and described as follows:

*Medium-density residential primarily includes single-family detached, single-family attached, duplexes, townhouses, and other smaller multiple unit structures designed with single-family neighborhood characteristics at densities not exceeding six units to the acre. Retirement homes, rest homes, adult congregate living facilities, and similar uses also may be appropriate in this category, given that the impact of these types of dwelling units (such as traffic, building mass, etc.) tend to be far less than standard dwelling units.*



The property is currently being used for agricultural purposes, and zoned Douglas County AG-1. The property will retain County zoning AG-1 until such time as a rezoning of the Property may be approved.

Description of the AG (Agricultural District) is as follows:

*The AG-1 District is intended to accommodate a full range of agricultural activities such as the raising of crops or livestock as well as the processing and sale of agricultural products raised on the premises and, at the same time, to offer protection to agricultural land and land uses. Maintaining an inventory of productive, or potentially productive, agricultural land is a principal goal within the unincorporated portion of the county. The district is also intended to provide protection for watersheds and water supplies, forest areas, and scenic areas; to promote the conservation of fish and wildlife; and to prevent the untimely scattering of more dense urban development. The standards of the AG-1 District are designed to permit limited development that is compatible with the existing rural character and agricultural land uses.*

The property owner has been encouraged to contact the current utility provider(s) and the township regarding their request to be annexed by the City of Eudora.

**STAFF RECOMMENDATION**

Based on relevant Kansas State Statutes, adopted City of Eudora Ordinances, Regulations and Procedures, the Eudora Comprehensive Plan, the Urban Growth Area Interlocal Agreement with Douglas County and the application content of this request, staff believes that this is valid request for voluntary annexation and is supportive of the request.

PETITION FOR/CONSENT TO ANNEXATION

Legal Name of Property Owner: Judy Meiergerd

*(All record owners must sign Petition; if property held in trust or other entity, petition must be signed on behalf of such entity; see last recorded deed or tax statements)*

TO THE CITY COMMISSION OF THE CITY OF EUDORA, KANSAS:

We, the undersigned, respectfully state:

1. That the undersigned is/are the record owner(s) of that certain real property located in Douglas County, Kansas, and described on the attachment(s) hereto, to-wit:

*See Attached*

2. That such land adjoins the City of Eudora, Kansas, as is shown on the map attached hereto and incorporated herein by this reference.

*See Attached*

3. That we request and consent to have such land be annexed and incorporated to the City of Eudora, Kansas, pursuant to the provisions of Kansas Statutes Annotated (K.S.A.) 12-520(a)(7).

LANDOWNERS:

Sign: *Judy Meiergerd*  
 Printed Name: Judy Meiergerd  
 Title: Land Owner

Sign: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

*[Additional copies of this petition may be used for additional signatures]*

STATE OF Kansas )  
 COUNTY OF Sedgewick ) ss.

The foregoing was acknowledged before me on this 22<sup>nd</sup> day of August, 2023, before me, the undersigned, a Notary Public in and for said County and State. Witness my hand and Notarial Seal subscribed and affixed in said County and State, the day and year in this certificate above written.



Signed: *Taylor Matthews*  
 Printed Name: Taylor Matthews  
 NOTARY PUBLIC

(NOTARIAL SEAL)



**Exhibit 1**

## 2023.3005 ANNEXATION LEGAL DESCRIPTION

A TRACT OF LAND FOR ANNEXATION PURPOSES IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 13 SOUTH, RANGE 21 EAST OF THE 6<sup>TH</sup> P.M., DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY JESSE A. NOLL, PS-1711, ON AUGUST 22, 2023, BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 88 DEGREES; 11 MINUTES 12 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2,622.12 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 02 DEGREES 14 MINUTES 12 SECONDS EAST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 796.41 FEET TO THE NORTHEAST CORNER OF EUDORA HIGH SCHOOL 1<sup>ST</sup> PLAT, RECORDED IN PLAT BOOK 17, PAGE 696 AT THE DOUGLAS COUNTY REGISTER OF DEEDS OFFICE; THENCE SOUTH 87 DEGREES 54 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 89.89 FEET; THENCE NORTH 02 DEGREES 16 MINUTES 54 SECONDS WEST. ALONG SAID NORTH LINE, A DISTANCE OF 229.91 FEET; THENCE NORTH 63 DEGREES 20 MINUTES 42 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 165.54 FEET; THENCE SOUTH 88 DEGREES 10 MINUTES 20 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 424.47 FEET; THENCE SOUTH 01 DEGREE 49 MINUTES 39 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 81.81 FEET, THENCE SOUTH 88 DEGREES 10 MINUTES 32 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 652.72 FEET TO THE NORTHWEST CORNER OF SAID PLAT AND THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 02 DEGREES 03 MINUTES 45 SECONDS EAST, ALONG THE WEST LINE OF SAID PLAT AND SAID EAST LINE, A DISTANCE OF 2,080.23 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF; THENCE SOUTH 88 DEGREES 03 MINUTES 51 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER; A DISTANCE OF 1,319.10 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 01 DEGREE 53 MINUTES 19 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2,653.08 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AND THE POINT OF BEGINNING.

THE ABOVE CONTAINS 4,214,364 SQUARE FEET, MORE OR LESS, OR 96.75 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL RIGHTS OF WAY, EASEMENTS AND ENCUMBRANCES, IF ANY