

Eudora Planning Commission Meeting Minutes

March 4, 2020

Grant Martin, Chair	Present
Danielle Young	Absent
Johnny Stewart	Present
Jason Hoover	Absent
Tim Pringle	Present
Dr. Ryan Rock	Present
Josh Harger, Vice Chair	Absent

Additional Attendees:

Curt Baumann, Codes Administrator  
Dave Knopick, City Planning Consultant  
Branden Boyd, Director of Public Works  
Barack Matite, City Manager  
Leslie Herring, Assistant City Manager

Quorum for Planning Commission noted and posted.

Meeting called to order at 7:02 PM by Chairman Martin.

The pledge of allegiance was recited.

General Business:

- A. Swearing in of Dr. Ryan Rock, reappointed to the Planning Commission. Commissioner Rock was sworn in by Secretary Eric Strimple.
- B. Consider minutes of the last regularly scheduled meetings, (05 February 2020)-  
**Commissioner Stewart made a motion to approve the 05 February 2020 meeting minutes as distributed**, Commissioner Rock seconded, all ayes, motion carried 4-0.
- C. Reports
  - a. Codes Administrator
    - i. Curt Baumann- Baumann stated there were 20 permits with 1 new housing start. Baumann added he spoke with Roger Johnson of RD Johnson. Johnson told him that all lots in phase 5 of Shadow Ridge have been sold and the beginning steps of the next phase would be coming soon.

b. City Manager

- i. City Manager, Barack Matite- Matite stated that the City Commission approved Ordinance 1106 which authorizes the CIP projects for 2020, with part of the CIP projects being the infrastructure improvements for the Nottingham project.

Matite asked Dave Knopick to update the Planning Commission on the Comprehensive Plan. Knopick stated the plan was moving along and the 1<sup>st</sup> round of input was complete. He added there were 942 responses to the online survey and that 88% of those were residents of Eudora.

Knopick said a few interesting details from the surveys included the primary reason for living in Eudora. The top three being the school district, born and raised in Eudora, or moved to Eudora. He added that population has grown by about 45% since the last Comprehensive Plan and most people were ok keeping growth about the same over the next 20 years.

Other concerns were infrastructure and commercial development. Knopick stated the next step will be a few interviews with business owners and key people in the community.

Public Comment Period: None heard

Public Hearings:

- A. Public hearing: Rezoning, Use Permitted Upon Review, Preliminary Development Plan, and Preliminary Plat applications for the proposed Nottingham commercial development located at 1428 Elm Street, Eudora, KS- City Manager, Barack Matite stated the project has come before the Planning Commission as a work session. Matite added that the project is a City project and the city is in the role of owner on this project.

Phil Dougherty, Slaggie Architects and Andy Gabbert, Renaissance Infrastructure Consulting presented a Power Point presentation to the public outlining the Nottingham Center Tenant Guidelines.

The Public Hearing was opened.

Dana Chance asked who would be responsible for the landscaping. Gabbert stated that the development will have an HOA so each lot owner will provide for maintenance and pay into a system to maintain the landscaping.

Chance asked how the parking for the recreation center will be address. Gabbert stated that parking will bleed into the project site with a shared parking access. He stated that lot

5 of the project is over parked to accommodate extra parking. He added that the City is also looking at adding additional parking on the east side of the recreation center in another project as well.

Mark Grosdidier asked why 15<sup>th</sup> Street isn't going to be a thru street in the project since it will have the stop light. He added the way it is proposed he feels that 14<sup>th</sup> Street and Locust Street will see extra traffic because of the access point into the development located there and the placement of Casey's. He stated that he feels having it go through the development would ease the traffic on 14<sup>th</sup> Street. Grant Niehus, Renaissance Infrastructure Consulting traffic engineer stated that as far as traffic, the bulk of the traffic is expected to be on Church Street. Niehus added that most of the traffic accessing Casey's will utilize Church Street.

Commissioner Stewart asked if the north and south bound turning lanes on Church Street will be part of phase 1. Gabbert said they were not part of phase 1. Niehus stated for phase 1, anything touching the west side of Church Street will be added in. He indicated there are talks about adding a right turn auxiliary lane going southbound into the property at 15<sup>th</sup> Street.

Commissioner Stewart asked what the projected traffic flow is for Casey's between 7:30 AM and 8:30 AM. Niehus stated that the estimates show approximately 150 cars in that timeframe.

Samantha Arrendondo stated that she does not want to have 15<sup>th</sup> Street go through the development because her kids walk to the recreation center to get on the school bus, play in the street with friends and ride their bikes to the park with friends. She added they moved to that area because of the kids' safety.

Julian Arredondo asked to not have more cars added to his street because he likes to play with his friends and walk to the park. Gabbert stated that the general design of the development is to push people towards using Church Street.

Mark Grosdidier asked how wide the sidewalks would be in the development. Gabbert stated they would be 5' wide.

Samantha Arrendondo asked if new sidewalks will be added on Elm Street. Gabbert stated that the plan has sidewalks along Elm, 14<sup>th</sup> and Church Streets.

Chad DiCaprio asked about lighting in the development. Gabbert stated that lights will have shields on them to stop light from going outside of the property line. He added you will still see light, but you shouldn't be getting excess light on residential property.

Dwane Richardson asked if the current entrance to the site at 16<sup>th</sup> street would stay. Gabbert said no it would be removed.

Dwane Richardson asked what the plan was for the house that is surrounded by the development. Gabbert stated the house is not part of the development at this time.

Mark Grosdidier suggested having the sidewalk go all the way through the development on 15<sup>th</sup> Street, from Church Street to Elm Street to give kids a walking path to get to the recreation center. Gabbert stated that the development is still in preliminary development and things like sidewalks may move or change in the final development plan.

Chad DiCaprio asked if electric would be underground. Dougherty stated, yes.

No other public comments were heard. Chairman Martin closed the public hearing.

#### New Business:

Dave Knopick, Planning Consultant presented the staff report for the Rezoning, Use Permitted Upon Review, Preliminary Development Plan, and Preliminary Plat applications for the proposed Nottingham commercial development. Knopick stated that the staff report received summarizes the four applications received. Knopick noted to the Planning Commission that they are only at the preliminary development plan and preliminary plat stage. He added these applications are the framework of the development and stated there are details that are not know yet, such as elevations, or design of the buildings, those will be part of the final plan review.

Knopick indicated the tenant criteria will have a two-fold purpose. The development team will use them as they reach out to potential buyers, and the city will use them for planning purposes.

Knopick stated thar a few deviation requests were received, which mainly relate to the setback, landscape area and parking requirements, but one deviation he wants to note is more for a process, the process is on how the Planned Overlay District operates and the definition of substantial changes and minor changes from preliminary to final plans. He stated in city code there is some very specific language on what elements trigger and what percentages require you to come back with a revised preliminary plan as part of the process. He stated what is being asked is for greater flexibility in the percentage thresholds on items because the project is at such an early stage that no one knows how this impervious surface is going to come out yet and they know there may be some deviations. He stated if the Planning Commission was ok with the deviations, they will use those percentage thresholds to determine if a revised plan would have to come back through the whole process for review.

Knopick stated staff doesn't feel any of the requested deviations appear to be excessive.

Knopick noted that the outline of the staff report and the review process the four applications have taken since the original submission on January 21, 2020. He stated the size of the vacant

land is approximately 14.65 acres and would be divided into 8 parcels and 2 tracts with three phases.

Knopick stated in the review criteria he broke out each of the four applications with sections of city code in italic, then provided staff comments under each code section. He added that the staff reporting was done from a neutral standpoint for the Planning Commission review. He stated that in all four applications staff is recommending approval.

Knopick added he doesn't see an issue with rezoning to commercial because the site is in a good location for commercial use.

Knopick said that with the Preliminary Development Plan applications he is suggesting approval with five criteria. The main one he wanted to note to the Planning Commission was #3, The preliminary plan may be adjusted to incorporate a full turn access at the mid-block drive access that is just south of Lot 1 aligning with the Sonic entrance to the east of Church. This change requires the drive to be a 3-lane section. He stated there are discussions taking place that may change the intersection into a full operational intersection, which may need another lane added to the plan. He stated #3 is in there just in case the full operational intersection may get incorporated into the final plans.

Chairman brought the four business items back to the Commission for discussion.

- A. Rezoning request- Rezoning application to rezone 1428 Elm Street from (RS) Residential Single-Family District to the (C) Commercial District with a Planned Overlay District (POD). Such action would result in the CPOD zoning district designation for the property- Chairman Martin opened the item up for Planning Commission discussion. No comments were heard.

**Commissioner Stewart made a motion to recommend approval of the rezoning application from RS Residential Single-Family District to CPOD Commercial Planned Overlay District, subject to the approval of the UPUR and Preliminary Plan applications, Commissioner Pringle seconded, all ayes, motion carried, 4-0.**

- B. Use Permitted Upon Review – proposed Nottingham commercial development (1428 Elm Street)- Chairman Martin opened the item up for Planning Commission discussion. No comments were heard.

**Commissioner Rock made a motion to recommend approval of the UPUR application as the CPOD designation allows for a greater level of design and development review through the preliminary and final development plan process in order to address specific parameters and qualities associated with the property and the surrounding context, Commissioner Stewart seconded, all ayes, motion carried, 4-0.**

- C. Nottingham Center Preliminary Development Plan- Nottingham commercial development (1428 Elm Street)- Commissioner Stewart stated the full turn access is designed to drive traffic to the north out of the development on Church Street and asked if Knopick was ok with that flexibility. Knopick deferred to Branden Boyd and Grant Niehus for comment.

Boyd stated that he has concern giving full access at the intersection just south of the proposed Casey's. His concern is backing traffic up on Church Street or in the development until there is a full build out on Church Street with turn lanes. He added that he feels that the right in from Church Street will be the fastest way for people to access Casey's from the north and not turning on 14<sup>th</sup> to access the development. Niehus added that the traffic study done by RIC does not recommend a full turn intersection, but Casey's is asking for it, so they are looking into the ramifications of allowing that to happen. He also noted it wasn't a safety concern, but a stack up concern.

Knopick stated since the final lot design for Casey's hasn't been received there is a possibility of access points on the south side of Casey's changing so that is why they wanted the flexibility in the suggested motion to changing to a full turn intersection if needed.

Chairman Martin stated he understands that Casey's is driving it, but he feels it would be creating another high school / Meadowlark intersection issue, which is terrible at certain times of the day.

Commissioner Rock added that the intersection at Sonic, right across the street is already a difficult intersection and if a full turn intersection is added across the street would be adding to the issues.

Commissioner Stewart asked if the deviations on setbacks to buildings from 10' to 0' is to get buildings closer together and to be more flexible. Knopick noted that it was for interior walls and stated he feels it is to allow flexibility in between lots so you could put buildings together. Knopick stated that he doesn't see an issue to that in a commercial development.

Andy Gabbert stated an example of the setbacks would be in lot 5 where it is currently one lot with multiple stores together, someone could come in and say that they wanted land to be sold by itself, and a replat could be done without a detrimental effect to the whole development.

Phil Dougherty added if property lines are redefined, there will be concern on fire separation, whether it is an open space between buildings or a fire rated separation wall. He stated in some cases fire separation walls cannot be on property lines which is a whole other dynamic that has to be approached code wise.

Commissioner Stewart stated that he understands that Casey's is driving the request for a full turn access at the mid-block drive. City manager Matite stated there are internal conversations about what we can do right now vs waiting. He added the city knows at full build out that Church Street will need to be upgraded and if the city wants to do it now or in phases. Matite stated he will be having the conversation with the City Commission and lay out how much money the city has for the project in phase 1 and the costs of doing it now versus later. Matite added that the City will be submitting a grant to KDOT to find a way for them to help pay for improvements south of 15<sup>th</sup> Street, that are in the right-of-way.

Commissioner Stewart stated that he was ok with #3 in the proposed motion if it has the word "may" in it.

Chairman Martin stated that he wants to make sure that everyone is cognizant to what is driving the request for #3. He added there was talk of give and take and we may have to give a little with the entity for establishing the first business of the development.

**Commissioner Stewart made a motion to recommend approval of the preliminary plan application, including the tenant criteria and the list of requested deviations, with the following conditions:**

1. **Cleaning up any general typographical / technical errors and adding information as necessary to address staff review comments.**
2. **The property encompassed by the proposed development be platted as part of the development process in accordance with City regulations.**
3. **The preliminary plan may be adjusted to incorporate a full turn access at the mid-block drive access that is just south of Lot 1 aligning with the Sonic entrance to the east of Church. This change requires the drive to be a 3-lane section.**
4. **Addressing design and development details in a manner that meets City requirements through the final plan, final plat, public improvement plan, building / construction plan and other applicable permitting processes.**
5. **Subject to meeting all applicable federal, state and local regulations and acquiring applicable permits.**

Commissioner Rock seconded, all ayes, motion carried, 4-0.

- D. Nottingham Center Preliminary Plat application- Nottingham commercial development (1428 Elm Street)- Chairman Martin opened the item up for Planning Commission discussion. No comments were heard.

**Commissioner Pringle made a motion to recommend approval of the preliminary plat with the following conditions:**

1. **Cleaning up any general typographical / technical errors and adding information as necessary to address staff review comments.**
2. **Preliminary plat shall incorporate references establishing a property owner association that will be responsible for shared property / development improvements and maintenance of such improvements. Specific dedications and references shall also be incorporated into final plat(s) for the development and require appropriate filing and recording establishing the association.**
3. **Preliminary plat shall incorporate references to shared parking and circulation arrangements. Such arrangements shall be noted on final plat(s) with appropriate easements / agreements filed and recorded accordingly.**

Commissioner Rock seconded, all ayes, motion carried, 4-0.

**Commissioner Stewart made a motion to adjourn the meeting,** Commissioner Rock seconded, all ayes, motion carried, 4-0.

Meeting adjourned 9:10 PM.



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Grant Martin, Chairman



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Eric Strimple, Secretary