

# EL DORADO

## K A N S A S

### PLANNING COMMISSION MINUTES - DRAFT September 23<sup>rd</sup>, 2021 6:30p.m.

#### 1. CALL TO ORDER & ROLL CALL

Chairman Stewart called the meeting to order at 6:30pm.

##### Members Present

Steve Fellers  
Frank Hughes  
Scott Leason  
Brad Long  
Tony Nichols  
David Stewart  
Gerald Watson

##### Staff Present

Jay Shivers

##### Others Present

Eric Barrier	1425 E. 6th
Jered Williams	1825 Hazlett
Bert Anderson	1810 Kendrick Ln
Joe Clark	1255 E. 6th

#### 2. APPROVAL OF MINUTES

Commissioner Leason moved to approve the minutes of the April 22<sup>nd</sup>, 2021, meeting. Commissioner Hughes seconded the motion. The motion passed (7-0).

#### 3. NEW BUSINESS

##### **ITEM NO. 1 – CASE NO. 21-05-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT FOR A PUBLIC ASSEMBLY VENUE AT 323 S. MAIN STREET.**

##### A. Presentation of Request

Mr. Shivers reviewed the staff memo and stated that the applicant plans to move a church into the first floor of the building at 323 S. Main Street. The building has apartments on the second

floor. Mr. Shivers said ample on-street parking is available in this area to accommodate their needs.

Bert Anderson and Jered Williams, representing Connect Church, said they have been meeting in a temporary place for a year to year and a half. They're looking for a long-term location. They said the proposed space was vacant for a number of years and Chris Garrison, building owner, was interested in remodeling the space. They started the remodeling project then found out it required a SUP and applied. They have 10 families that meet Sunday mornings for two and a half hours. That is only meeting time.

The applicants said they met with many neighboring property owners that received hearing notifications. People seemed glad something was going into the space. Salvation Army said they can use their parking lot, which is 15 to 18 spots. Mr. Anderson said there is plenty of on-street parking and the large County parking lot to the north. Mr. Williams said they're excited to get a permanent location.

#### B. Public Hearing

Commissioner Stewart opened the public hearing. There being no one to speak, the public hearing was closed.

#### C. Discussion by Planning Commission

Chairman Stewart asked if the SUP should be issued for the main level of the building only since there is residential on the second floor. Mr. Shivers said that is an option and said he thought the owner wanted to keep the second floor residential.

Commissioner Fellers asked if the SUP would apply to the building. Mr. Shivers said it applies to the property but can stipulate the first floor only. Commissioner Fellers said it's a good project but not comfortable granting it for second floor.

Commissioner Watson asked if staff heard from any neighbors. Mr. Shivers said he mailed a notice to every property owner within 200 feet and didn't receive a call or email.

Commissioner Long asked what is included in the remodel. Mr. Andersons said two classrooms in the back, two restrooms, and open space for their worship area. Commissioner Long asked how permanent this space is for them if they grow larger. Mr. Williams said they may want their own their own building in the future.

Chairman Stewart asked about their worship and asked what impact they may have on residents above. Mr. Williams said they begin in 10am, they offer coffee and breakfast. 10:15am is worship that includes some songs. They use a sound system. They only use acoustic guitar and vocals for music. After worship they split up and have bible study time in a small group setting. Chairman Stewart said they want a place for them but is also concerned about residents above the proposed space. Mr. Anderson said Mr. Garrison sprayed foam insulation for the sound and they've added fireproof sheetrock so they don't know how loud it will be upstairs. He said their style service isn't overly loud.

Commissioner Long asked if they have an amplifier. Mr. Williams said they have one speaker they plug the guitar into and it's small.

Commissioner Leason asked how many apartments are on the second floor. They thought six but four for sure. Commissioner Leason asked if the apartments are currently rented. The applicants said they are rented. Commissioner Leason asked if they spoke with the tenants upstairs. Mr. Anderson said they have not spoken with them.

Commissioner Fellers asked why the upstairs tenants are not on the mailing list. Mr. Shivers said they follow state law that requires notifying property owners within 200 feet. The applicants said they wouldn't mind talking with the upstairs tenants. As for the sound, Mr. Anderson said they would do whatever they need to do to be a good neighbor.

Chairman Stewart said he is interested in tabling the case until the building owner or applicants can speak with the upstairs tenants.

Commissioner Long said they're getting more non-profits all the time, is that the direction we want to go with downtown. Mr. Shivers said it is a market issue, the zoning allows a lot of uses. A lot of buildings have extensive maintenance and it comes down to buildings needing tenants and these are the organizations wanting the spaces. He said Linda Jolly with El Dorado Inc is always working to improve downtown and looks for grants to improve buildings to attract more businesses.

Commissioner Fellers said the building owner is assuming some of the risk and that he could lose tenants over this project.

#### D. Motion

Chairman Stewart moved to table to application to the next meeting, seconded by Commissioner Leason.

#### Roll Call Vote

Steve Fellers	Y
Frank Hughes	Y
Scott Leason	Y
Brad Long	Y
Tony Nichols	Y
David Stewart	Y
Gerald Watson	Y

The motion to table passed (7-0).

### **ITEM NO. 2 – CASE NO. 21-06-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT FOR AN ACCESSORY APARTMENT AT 1425 E. 6<sup>TH</sup> AVENUE.**

#### A. Presentation of Request

Mr. Shivers reviewed the staff memo and said the applicant is interested in building a second home on the property. Butler County Commission reviewed the case at their September 21<sup>st</sup> meeting and unanimously recommended approval.

Eric Barrier said his parents are getting older and having health issues. Their house doesn't accommodate walkers or wheelchairs. He said his parents built a 30 foot by 40 foot garage around five years ago. Mr. Barrier said he hopes to add on to the side of that garage with an all ADA accessible home. He said he plans to then remodel the original home and move into that home.

#### B. Public Hearing

Joe Clark, 1255 E. 6<sup>th</sup>, said he isn't against the second home. He said the area has a drainage problem where the water runs off the agricultural land from the north. He said he doesn't want to stop anything but wanted to share if their proposed home is near the road there may be some drainage problems.

Mr. Shivers said he worked with applicants in April and their original proposal was very close to the road, likely in a problem area they are describing. He said their current proposal is around 70 feet from the road. Mr. Shivers asked if Mr. Clark is aware of any drainage issues that far back. Mr. Clark said no. He just wanted to share information about drainage in the area.

There being no one else to speak, the hearing was closed.

#### C. Discussion by Planning Commission

Commissioner Long asked Mr. Barrier asked about elevations. Mr. Barrier said it would match the garage and have a small retaining wall at the rear of the building.

Chairman Stewart asked if it is out of the floodplain. Mr. Barrier said it is and they've talked with David Alfaro at the County.

#### D. Motion

Commissioner Leason moved to recommend approval of Case No. 20-06-SUP, a request by Eric Barrier, for a Special Use Permit to allow an accessory apartment on the property located at 1425 E. 6<sup>th</sup> Avenue, for the reasons set forth in the staff recommendation and heard at this public hearing, seconded by Commissioner Hughes.

#### Roll Call Vote

Steve Fellers	Y
Frank Hughes	Y
Scott Leason	Y
Brad Long	Y
Tony Nichols	Y
David Stewart	Y
Gerald Watson	Y

The motion passed (7-0).

**4. OLD BUSINESS**

**5. STAFF ITEMS**

Mr. Shivers provided an update on the items previously reviewed by the Planning Commission.

- Chairman and Vice Chairman Election

The Planning Commission discussed the positions and elected Chairman Stewart to continue as Chairman and elected Commissioner Hughes to serve as Vice Chairman.

**6. ADJOURNMENT**

The meeting was adjourned at 7:20pm.