

EL DORADO

K A N S A S

PLANNING COMMISSION AGENDA

March 23, 2023

5:30 PM

1. CALL TO ORDER & ROLL CALL

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

2. APPROVAL OF MINUTES

1 - 2/23/23 MINUTES

3. NEW BUSINESS

ITEM NO. 1 - CASE NO. 23-03-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT FOR AN EIGHT-FOOT FENCE AT 1750 RYAN CT.

- A. Presentation of Request
- B. Public Hearing
- C. Discussion by Planning Commission
- D. Motion

4. OLD BUSINESS

5. STAFF ITEMS

6. ADJOURNMENT

EL DORADO

K A N S A S

PLANNING COMMISSION MINUTES - DRAFT February 23, 2023 5:30p.m.

1. CALL TO ORDER & ROLL CALL

Chairman Stewart called the meeting to order at 5:30pm.

Members Present

Steve Fellers
Lawrence Fischetti
Scott Hackler
Scott Leason
Brad Long
David Stewart
Gerald Watson

Others Present

Scott Rickard
Britt Moore
Roger Cutsinger

Dan Rose

2. APPROVAL OF MINUTES

Commissioner Fellers moved to approve the minutes of the October 27, 2022, Planning Commission meeting, seconded by Commissioner Leason. The motion passed (7-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 23-01-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE TWO 20.2 ACRE TRACTS AND FOUR SEVEN-ACRE TRACTS AT THE SOUTHWEST CORNER OF SE 20TH STREET AND SE TETER ROAD FROM A-R AGRICULTURAL RESIDENTIAL DISTRICT TO R-S RESIDENTIAL SUBURBAN DISTRICT.

A. Presentation of Request

Scott Rickard provided an overview of the request and staff memo. The applicant, Britt Moore, is requesting the R-S zoning in order to create two 20.2-acre tracts along SE 20th Street and four 7-acre tracts along SE Teter Road. The property is located outside city limits, but within the El Dorado Extraterritorial Jurisdiction (ETJ). The minimum lot size in R-S zoning is 3 acres when a public water supply is available. The minimum lot size is 6.6 acres when public water or wastewater system is not present. The current zoning, A-R, has a 40 acre minimum lot size. Mr. Rickard explained the proposed zoning allows single-family residential, which is consistent with land uses and zoning in the area.

Mr. Rickard added that the Butler County Commission reviewed the request on February 21st, but unfortunately the applicant was unaware of their meeting & was not present. The County Commission voted to not support the rezoning citing the impact to township roads. Mr. Moore went to the Prospect Township and received approval of the project. Since the County recommended denial the PC must have super majority or 6 votes.

Britt Moore, applicant, presented the letter from the township showing they approved the lot splits since it will generate more revenue and they maintain the streets already and they don't see any issues with it.

B. Public Hearing

Chairman Stewart opened the public hearing. Heather Reed 2158 SE Teter and speaking for the Kiefers that live on Teter Road also no one ecstatic having residential lots on this property. Moved to live in country not have houses stacked on top of them and have an increase in traffic also worried about their taxes increasing and dangers to livestock.

Commissioner Leason asked Mr Rickard about water availability and what happens if it is not available. Mr Rickard stated that is the risk of the property owner, nobody is guaranteed water supply. Chairman Stewart reminded everyone that they are not conducting a full scale site plan review or development review just focused on land use and if it is appropriate and acceptable.

C. Discussion by Planning Commission

Commissioner Fellers stated if there are any concerns with water supply then that is up to the Rural Water District to handle.

Commissioner Long understands the concerns of the neighbors, but stated their job is to promote land use and he thinks this is good use of the land and will increase the property value and taxes.

D. Motion

Commissioner Long moved to recommend approval of Case No. 23-01-REZ, an application by Britt Moore, to rezone 68.4 acres at the Southwest corner of SE 20th Street and SE Teter Road from A-R Agricultural Residential District to R-S Residential Suburban District for the reasons stated in the staff recommendation and heard at this public hearing, seconded by Commissioner Fellers.

Roll Call Vote:

Steve Fellers	Y
Lawrence Fischetti	Y
Scott Hackler	Y
Scott Leason	N
Brad Long	Y
David Stewart	Y
Gerald Watson	Y

The motion passed (6-1). Mr. Rickard said the application would go to the March 20th City Commission meeting.

ITEM NO. 2 – CASE NO. 23-01-PLAT: CONSIDERATION OF THE FINAL PLAT OF KINDER 2ND ADDITION.

A. Presentation of Request

Roger Cutsinger of Savoy Company submitted the Kinder Second Addition Final Plat, creating three lots just north of Kinder First Addition. The lots have previously been zoned R-1 Low Density Residential District. A 60 foot right-of-way will be dedicated along the western boundary of these lots to provide access to the owners and any future development to the north. This property is not located inside the City limits, however the land to the north and the south is inside City limits.

B. Discussion by Planning Commission

Commissioner Fellers believes this is a great project and opens up the potential for the future.

C. Motion

Commissioner Fischetti moved to recommend approve the final plat of Kinder Second Addition as presented, seconded by Commissioner Leason.

Members Present

Steve Fellers	Y
Lawrence Fischetti	Y
Scott Hackler	Y
Scott Leason	Y
Brad Long	Y
David Stewart	Y
Gerald Watson	Y

The motion passed (7-0). Mr. Rickard said the plat will go to the City Commission on March 20th.

ITEM NO. 3 – CASE NO. 23-01-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT OFR AN ACCESSORY STRUCUTRE AT 522 W 5TH AVENUE.

A. Presentation of Request

Scott Rickard provided an overview of the request and staff memo. AGLN Development is requesting a Special Use Permit to allow a 2,400SF (40' X 60') accessory structure at 522 W 5th Avenue to use for storage, equipment and furniture. Paved access to the building will be required.

AGLN Development, represented by Clint Arndt, has previously been approved for a rezoning and Special Use Permit of the property for a nursing/convalescent home.

B. Public Hearing

Chairman Stewart opened the public hearing.

Clint Arndt, owner of Sunflower Homes and the General Contractor for the site stated that he has already padded up the location, but no foundation has been built. There will be multiple uses for the storage building including yard maintenance equipment, furniture storage, chemicals, etc. The site is planned for two assisted living facilities and possible duplexes or independent living housing.

Commissioner Hackler asked if 40 x 60 would be large enough and would they need an additional building in the future. Mr. Arndt stated he has other facilities and believes this will be a sufficient size.

Commissioner Long asked if the facility would be built immediately. Mr Arndt stated it would.

Commissioner Long asked if there would be a fence built around the storage building, Mr. Arndt stated he has not planned to build a fence at this time.

C. Discussion by Planning Commission

Commissioner Fellers is excited for these homes stating all other facilities are full and have waiting lists.

Commissioner Long stated this building makes sense and he supports the project.

Commissioner Hackler believes the building fits in due to across the street there is also storage buildings.

D. Motion

Commissioner Hackler moved to recommend approval of Case No. 23-01-SUP, a request by AGLN Development, for a Special Use Permit to allow a 2,400SF accessory structure on the property located at

522 W 5th Avenue, for the reasons set forth in the staff recommendation and heard at this public hearing, seconded by Commissioner Leason.

Members Present

Steve Fellers	Y
Lawrence Fischetti	Y
Scott Hackler	Y
Scott Leason	Y
Brad Long	Y
David Stewart	Y
Gerald Watson	Y

The motion to recommend approval passed (7-0). Mr. Rickard said the application will go to the City Commission on March 20th.

ITEM NO. 4 – CASE NO. 23-02-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT FOR BARBER AND BEAUTY SERVICES AT 2819 W 4TH AVENUE.

A. Presentation of Request

Mr. Rickard provided an overview of the request and staff memo. Dannah Rose is requesting a Special Use Permit (SUP) to allow pet grooming on the property at 2819 W 4th Avenue. There is no “pet grooming” in the Zoning Ordinance. In these cases, staff must determine if there is another use that is a close fit. Staff determined pet grooming is closest to “Beauty/Barber Services” as listed under Home Occupations. The property is zoned R-1 Low Density Residential.

Sarah Rose 2819 W 4th Avenue stated they currently groom dogs in their garage and are in need of a larger structure. Currently they see 3-4 dogs a day 5 days a week from 10:00 to 5:00 by appointment and they have not had any issues with traffic. The dogs have to be current on all their vaccinations. They are requesting the SUP so they can use the accessory structure for more convenience and so the dogs are not in their home.

Commissioner Fellers asked if a license was required.

Mrs. Rose stated there is not, but her husband has an animal science degree and she has been a vet tech in the past. They have been grooming dogs for about 1 year, just family and friends.

Commissioner Fellers then asked if their insurance company requires this business.

Mrs. Rose stated that their home owners policy does cover the work they are performing and any accidents that may happen. They consult with Veterernarian Justin Parsons on products, issues or any questions they may have about the dogs. The structure is 10’ X 30’ and they do have a permit to build.

Mr. Rickard stated the building does not have any relevance to the SUP request. The issue is the business in a single family home.

Commissioner Long asked if the owner of the dog stays while services are being rendered.

Mrs. Rose indicated the pet owner typically pulls in their driveway and drops off the animal.

Commissioner Long inquired if there are any breeds that they do not groom due to safety concerns if the animal would get loose in the neighborhood.

Mrs. Rose said they will not accept any viscous breeds like pit bulls or chows.

Commissioner Hackler asked if their business model was for one animal at a time and the building is an expansion over the garage they are currently using. Would the future allow for them to have dogs waiting for their appointments or will it always be one dog at a time. He is concerned about noise and dog runs affecting the neighborhood.

Mrs. Rose stated her goal is by appointment only one dog at a time and using the accessory structurer instead of their garage will just give them a more room and dedicated space.

Commissioner Long asked if signs could be placed on the residence.

Mr. Rickard stated they could not.

Commissioner Watson asked if the SUP would allow them to board dogs.

Mr. Rickard stated it would not.

Commissioner Fellers asked if the SUP needs a caveat to only allow one dog at a time to insure the neighborhood the use is followed.

Mr. Rickard stated the board can place any conditions on the SUP they see fit.

B. Public Hearing

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

C. Discussion by Planning Commission

Commissioner Hackler stated that he doesn't see any need to have special conditions to the SUP since they have been performing this work for a year with no issues.

Commissioner Fellers agrees with Commissioner Hackler, however if the SUP stays with the property, the next owner could do business differently.

Mr. Rickard stated the SUP is for the current owners that reside in the house, it would not be allowed for anyone else.

D. Motion

Commissioner Leason moved to recommend approval of Case NO. 23-02-SUP, a request by Dannah Rose, for a Special Use Permit to allow pet grooming on the property located at 2819 W 4th Avenue, seconded by Commissioner Hackler.

Members Present

Steve Fellers	Y
Lawrence Fischetti	Y
Scott Hackler	Y
Scott Leason	Y
Brad Long	Y
David Stewart	Y
Gerald Watson	Y

The motion to recommend approval passed (7-0). Mr. Rickard said the application will go to the City Commission on March 20th.

4. OLD BUSINESS

5. STAFF ITEMS

Mr. Rickard stated that a representative from the Planning Commission is needed for the Excess Sales Tax Committee/Sales Tax Task Force.

Commissioner Fellers asked if this committee is in relation to the sales tax survey that was made public.

Mr. Rickard stated that it is.

Commissioner Leason stated he was a representative a few years ago and found it interesting.

Commissioner Fellers was the current representative.

Commissioner Long felt like he has a conflict of interest to be able to serve.

Commissioner Watson has also served on the committee and is not interested at this time.

Commissioner Hackler could serve, but has other obligations at this time.

Chairman Stewart does not want to serve.

Commissioner Fischetti is already serving on another committee.

Commissioner Stewart nominated Commissioner Leason to the Excess Sales Tax Committee/Sales Tax Task Force, Commissioner Leason seconded the motion.

Motion passed 7-0

Mr. Rickard stated advertisement for the next City Planner will be soon.

Chairman Stewart reminded that officers are usually appointed on the Planning Commission board in the Spring.

6. ADJOURNMENT

The meeting was adjourned at 6:43pm.

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
FROM: Scott Rickard, Director of Engineering
RE: SUP – Fence at 1750 Ryan Ct.

Andrew & Casey McGraw are requesting a Special Use Permit to allow a privacy fence up to eight feet in height along the North property line of 1750 Ryan Court. The McGraw's recently installed a pool and are requesting this fence height to improve safety and privacy.

Article Six of the Zoning Regulations allows privacy fences up to six feet in height with a building permit and administrative approval. The regulations state that “the Planning Commission may, as a special use, authorize the construction of a fence no higher than eight feet if the Planning Commission finds the public welfare is served.”

Many of the following SUP standards will not apply in this case as they are primarily for reviewing specific land uses and/or structures. The standards that must be met and staff recommendations are as follows:

- A. *The location and size of the proposed use in relation to the site and to adjacent sites and uses of the property, and the nature and intensity of operations proposed thereon.* Land uses will remain the same on and around 1750 Ryan Ct.
- B. *Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.* N/A
- C. *Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.* N/A
- D. *The location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.* The proposed privacy fence will be up to eight feet in height. No additional buffering or screening is needed.
- E. *The adequacy of required yard and open space requirements and sign provisions.* N/A
- F. *The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.* Approving an additional two feet in height to a privacy fence is not expected to have a negative impact on neighboring properties and is compatible with current land uses in the area.

Staff recommends a recommendation to approve the Special Use Permit. Approval of this Special Use Permit requires a majority vote of the Planning Commission members present and voting. The Planning Commission may recommend approval, recommend approval with conditions, or recommend denial of the application.

Approval:

I move to recommend approval of Case No. 23-03-SUP, a request by Andrew & Casey McGraw, for a Special Use Permit to allow a fence up to eight feet in height on the property located at 1750 Ryan Ct., for the reasons set forth in the staff recommendation and heard at this public hearing.



1725 E Candace Ln

1744 E Candace Ln

1790 N Jason Dr

1731 E Candace Ln

1750 E Candace Ln

1830 N Cottonwood Dr

1735 E Candace Ln

1710 E Ryan Ct

1714 E Ryan Ct

1741 E Candace Ln

1745 E Candace Ln

1810 N Cottonwood Dr

1720 E Ryan Ct

1751 E Candace Ln

1705 E Ryan Ct

1730 E Ryan Ct

1740 E Ryan Ct

1740 N Cottonwood Dr

1540 N Aaron Ct

1715 E Ryan Ct

1730 N Cottonwood Dr

1725 E Ryan Ct

1735 E Ryan Ct

1750 E Ryan Ct

1745 E Ryan Ct

1720 N Cottonwood Dr

1530 N Aaron Ct

1710 E Payton Cir

1755 E Ryan Ct

1710 N Cottonwood Dr

1720 E Payton Cir

1640 N Cottonwood Dr

1730 E Payton Cir

1630 N Cottonwood Dr

1520 N Aaron Ct

1715 E Payton Cir

1610 N Cottonwood Dr