

# **EL DORADO**

## **K A N S A S**

### **PLANNING COMMISSION AGENDA**

**May 25, 2023**

**5:30 PM**

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

Steve Fellers  
Lawrence Fischetti  
Scott Hackler  
Frank Hughes  
Scott Leason  
Austin Letts  
Brad Long  
Tony Nichols  
Gerald Watson

#### **2. APPROVAL OF MINUTES**

##### **1 - APPROVAL OF 3/23/23 MINUTES**

#### **3. NEW BUSINESS**

##### **ITEM NO. 1 - CASE NO. 23-02 REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 1016 S HAVERHILL**

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

##### **ITEM NO. 2 - CASE NO. 23-004 SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST SPECIAL USE PERMIT FOR A MICRODISTILLERY**

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

D. Motion

**ITEM NO. 3 - CASE NO. 23-03 REZ: PUBLIC HEARING FOR THE CONSIDERATION  
OF A REQUEST TO REZONE 411 N METCALF RD FROM I-1 TO C-1**

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

**4. OLD BUSINESS**

**5. STAFF ITEMS**

**1 - DISCUSSION OF SIGN REGULATIONS**

**2 - DISCUSSION OF MAIN STREET DOWNTOWN MASTER PLAN**

**3 - CHAIRMAN ELECTION**

**6. ADJOURNMENT**

# EL DORADO

## K A N S A S

### PLANNING COMMISSION MINUTES - DRAFT

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

##### Others Present

Scott Rickard  
Casey McGraw  
Linda Fischetti

#### 2. APPROVAL OF MINUTES

Commissioner Long moved to approve the minutes of the February 23, 2023, Planning Commission meeting, seconded by Commissioner Hackler. The motion passed (9-0).

#### 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 AND EIGHT-FOOT FENCE AT 1750 RYAN CT.**

##### A. Presentation of Request

Scott Rickard provided an overview of the request and staff memo. The applicants, Andrew & Casey McGraw are requesting a Special Use Permit to allow an eight-foot fence along the North property line of 1750 Ryan Court.

## B. Public Hearing

Chairman Stewart opened the public hearing. No one came forward to speak on the matter.

## C. Discussion by Planning Commission

Commissioner Hughes inquired if the fence would only be eight-foot on one side of the property. Mr. Rickard stated that was correct. Commissioner Leason verified the location of the fence. The applicant, Casey McGraw stated that they have a pool and the east side of the property already has a retaining wall with a six foot fence on top of the concrete and now the fence on the back property line is lower. They would like to increase the height on the north side of the property for safety and aesthetics. Commissioner Hackler asked if Mrs. McGraw is an acquaintance with the neighbor. Mrs. McGraw stated that they are and that her husband had spoken with them this week about the proposed fence and how they would share the extra height. Commissioner Long asked if the fence is getting replaced or added to. Mrs. McGraw stated they would be replacing the fence with all new materials. Mr. Rickard stated he did speak with the neighbors in question and after speaking with the applicants the neighbors had no issues with the proposed fence. Chairman Stewart inquired if anyone else reached out with concerns. Mr. Rickard stated that he had only received one, but it was more of an inquiry in the process of the request.

## D. Motion

Commissioner Hackler moved to recommend approval of Case No. 23-03-SUP, an application 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 stated in the staff recommendation and heard at this public hearing, seconded by Commissioner Leason.

### Roll Call Vote:

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

The motion passed (9-0). Mr. Rickard said the application would go to the April 17th City Commission meeting.

## 4. OLD BUSINESS

## 5. STAFF ITEMS

Mr. Rickard stated that there are two upcoming cases and the Commission will be discussing sign regulations as well as the downtown master plan.

Linda Fischetti at 400 S Summit then requested to speak to the Commission regarding a privacy fence she wishes to place on her property. Ms. Fischetti was directed to speak to the City Clerk to be placed on the City Commission agenda.

## **6. ADJOURNMENT**

The meeting was adjourned at 6:29pm.

## PLANNING COMMISSION MEMORANDUM

TO: Planning Commission  
CC:  
FROM: Scott Rickard  
RE: Rezone 1016 S Haverhill from AR to I-1

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Everygy, is requesting a zone change from A-R Agricultural Residential District to I-1 Light Industrial District at 1016 S Haverhill Road. The land is currently vacant. The purpose of the rezoning is to allow for construction of an electrical substation on the property. The property is located in the City of El Dorado's Extraterritorial Jurisdiction (ETJ), also known as the Growth Area. The City of El Dorado has jurisdiction over land uses within this area. However, all building permits are issued by Butler County.

The regulations state the Planning Commission shall make findings of fact to determine whether the application is found to be compatible with the following:

- A. Character of the neighborhood.* The character of the area is generally agricultural and general business on the east side of Haverhill and business-office-institutional (BCC) on the west of Haverhill Road.
- B. Consistency with the Comprehensive Plan and ordinances of the City of El Dorado.* The Future Land Use Map (FLUM) designates the subject property and areas in the immediate vicinity as Industrial; the zoning ordinance defines this as containing "heavy and light industrial land uses including manufacturing, warehousing, storage and processing of raw materials. Oil extraction activities may be included when it is the primary land use."
- C. Adequacy of public utilities and other needed public services.* The lot has access to rural water and will install a private sewer system.
- D. Suitability of the uses to which the property has been restricted under its existing zoning.* The change from A-R to I-1 will allow Everygy to use the property for more industrial uses in the future. The applicant is only planning on an electrical substation at this time.
- E. Length of time property has remained vacant as zoned.* The property has been zoned for agricultural use. The property was used for the drive in Movie Theater and had a small structure that has been demolished.
- F. Compatibility of the proposed district classification with nearby properties.* The proposed zoning, in addition to the current use on the property, is compatible with the other existing uses in this area. There is currently a substation to the East of the property.
- G. The extent to which the zoning amendment may detrimentally affect nearby properties.* Staff does not think this classification will detrimentally affect nearby property.
- H. Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.* Staff believes the proposed amendment does not pose a disproportionately great loss to the surrounding landowners.

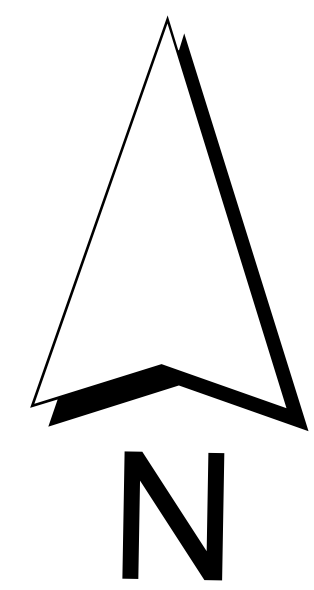
The proposed land use meets the Future Land Use Map and is a logical expansion area for the large industrial area to the east of Haverhill Road. On April 4, 2023, the Butler County Commission

supported the request by a unanimous vote of 5-0. For these reasons, staff recommend approval of the rezoning request.

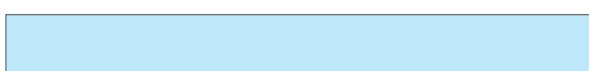
Adoption of this amendment requires a majority vote of the Planning Commission members present and voting.

Suggested Motion:

I move to recommend approval of Case No. 23-02-REZ, an application by Evergy, to rezone 1016 S Haverhill Road, from A-R Agricultural Residential District to I-1 Light Industrial District, for reasons stated in the staff recommendation and heard at this public hearing.



Legend

|                                                                                  |                    |
|----------------------------------------------------------------------------------|--------------------|
|  | City_limits        |
|  | <all other values> |
| <b>ZONE</b>                                                                      |                    |
|  | A-R                |
|  | C-1                |
|  | I-1                |
|  | M-P                |
|  | R-3                |
|  | R-1                |
|  | R-S                |

W ENTERPRISE AVE

W OLIVE AVE

S FREDRICK DR

S RACE ST

W TOWANDA AVE

S ARTHUR ST

S DOUGLAS RD

S HAVERHILL RD

SUBJECT PROPERTY

W SUNSET RD

## PLANNING COMMISSION MEMORANDUM

TO: Planning Commission  
CC:  
FROM: Scott Rickard  
RE: Special Use Permit at 518 N Star St for a Microdistillery

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Herb Llewellyn is requesting a special use permit to allow a micro distillery at 518 N. Star. The owner of the property, Marc Myers, has provided a letter approving of this request.

The definition of a micro distillery is not listed in our zoning regulations, therefore we are comparing the usage to a microbrewery which is described as follows:

Microbrewery: An appropriately licensed brewery that produces no more than 5,000 barrels of beer per year and does so in a completely enclosed building. May also include restaurants and sales of alcoholic and cereal malt beverages as legally licensed.

A micro distillery will require a Special Use Permit (SUP) in C-1 General Business District.

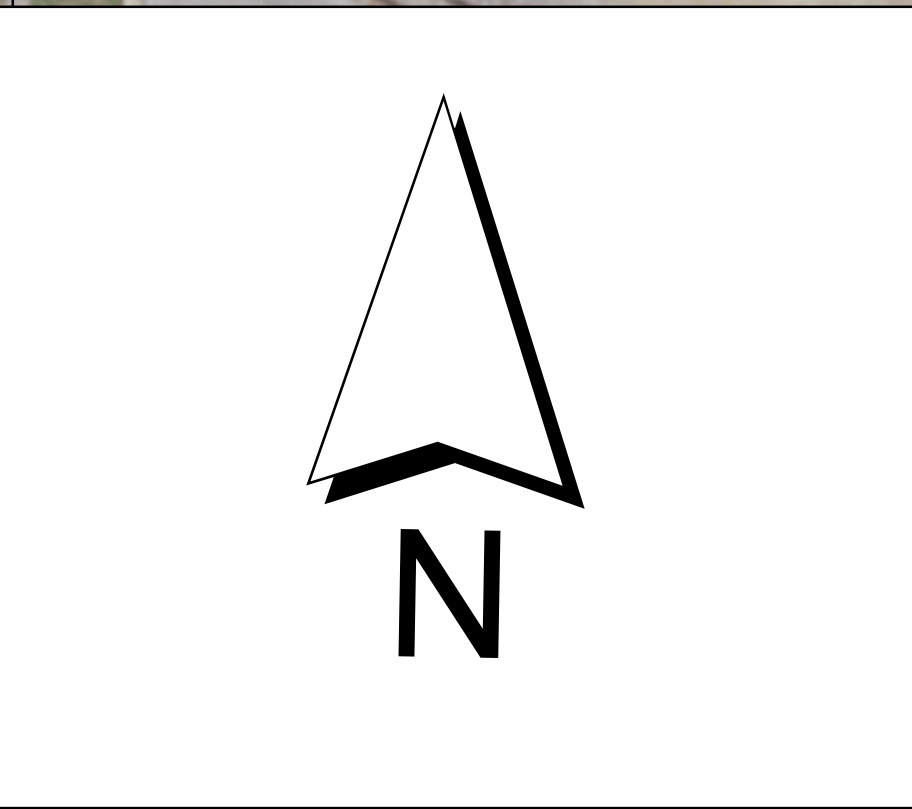
Zoning Ordinance standards for review:

- 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.* The property currently consists of a warehouse structure. Properties abutting the subject parcel to the south are residential. The property along the north was once used as a doll museum. Across the street consists of homes.
- 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.* This property is accessibly by emergency services with adequate ingress/egress and parking area.
- C. *Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.* The City of El Dorado does provide utilities to the facility.
- 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 applicant is considering preliminary plans for expansion. New construction will be subject to the site plan review process.
- E. *The adequacy of required yard and open space requirements and sign provisions.* The property is currently developed well beyond the minimum setback requirements.
- F. *The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.* The proposed land use is compatible with the neighborhood.

Approval of this Special Use Permit requires a majority vote of the Planning Commission members present and voting.

Suggested Motion:

I move to recommend approval of Case No. 23-04-SUP, a request by Herb Llewellyn, for a Special Use Permit to allow a micro distillery on the property located at 518 N Star St., for the reasons set forth in the staff recommendation and heard at this public hearing.



N WASHINGTON ST

W 4TH AVE

N STAR ST

W 5TH AVE

SUBJECT PROPERTY

N GORDY ST

N MAIN ST

## PLANNING COMMISSION MEMORANDUM

TO: Planning Commission  
CC:  
FROM: Scott Rickard  
RE: Rezone 411 N Metcalf Rd from I-1 to C-1

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Nicholas & Maria Engels are requesting a zone change from I-1 Light Industrial District to C-1 General Business District at the northwest corner of Metcalf Road and W. Third Avenue. The property is vacant land and the applicants are requesting C-1 to build a day care center.

The regulations state the Planning Commission shall make findings of fact to determine whether the application is found to be compatible with the following:

- A. *Character of the neighborhood.* The existing land use to the west consists of single-family residential. The uses directly north and also east and south are industrial, with some general business to the southwest.
- B. *Consistency with the Comprehensive Plan and ordinances of the City of El Dorado.* The Future Land Use Map (FLUM) designates this property as Industrial Mixed Use; this includes a mix of heavy/light land uses and other land uses that generally support nearby development such as warehousing, storage, commercial, restaurants and offices. This serves as a transition between industrial land uses and less intense land use.
- C. *Adequacy of public utilities and other needed public services.* The lot has access to all public utilities.
- D. *Suitability of the uses to which the property has been restricted under its existing zoning.* The change from I-1 to C-1 will allow the property to utilize more commercial uses and less industrial use. A day care center is allowed by right.
- E. *Length of time property has remained vacant as zoned.* To the best of our knowledge, the property has never been developed.
- F. *Compatibility of the proposed district classification with nearby properties.* The proposed zoning is compatible with the other existing uses along this portion of N. Metcalf. As noted in the FLUM description above, this is a commercial and industrial area that will generally accommodate commercial, light industrial, and office uses.

G. *The extent to which the zoning amendment may detrimentally affect nearby properties.* Any rezoning that increases intensity may introduce impacts on the neighboring properties. C-1 allows a broad range of commercial uses, including retail, restaurant, office, and self-storage, to name a few. The Zoning Regulations require transitional buffers, such as privacy fencing or landscaped berms, where the commercial development abuts lower intensity uses. It also places limitations on exterior light fixtures to ensure they are shaded and do not direct light into residential areas. C-1 allows a wide range of commercial uses with various impacts, from a quiet self-storage facility to a bustling gas station.

H. *Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.* Staff does not expect a disproportionately great loss to surrounding landowners.

The proposed rezoning is consistent with development in the area. The proposed zoning is in conformance with the 2030 Comprehensive Plan and Future Land Use Map and is consistent with zoning in the area; for these reasons, Staff recommends approval of the zone change request.

Suggested Motion:

I move to recommend approval of Case No. 23-02-REZ, an application by Nicholas and Maria Engels to rezone 411 N Metcalf Rd, from I-1 Light Industrial District to C-1 General Business District, for reasons stated in the staff recommendation and heard at this public hearing.

# Legend

## Zoning 2023

<all other values>

## Zoning\_Type

- A-R
- C-1
- C-2
- I-1
- I-2
- M-P
- O-I
- R-1
- R-2
- R-3
- R-S



N METCALF RD

N HAVERHILL RD

N SUNFLOWER DR

SUBJECT PROPERTY

W 3RD AVE