

# EL DORADO

## K A N S A S

### PLANNING COMMISSION AGENDA

May 23, 2024

5:30 PM

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

Steve Fellers  
Lawrence Fischetti  
Scott Hackler  
Debbra Laforge  
Scott Leason  
Brad Long  
Austin Letts  
Gerald Watson

#### 2. APPROVAL OF MINUTES

##### 1 - APPROVE MINUTES 4/25/24

#### 3. NEW BUSINESS

##### ITEM NO. 1 - REZONE APPROX. 39 ACRES AT SE 20TH ST. & SE BLUESTEM RD.

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

##### ITEM NO. 2 - PLAT-ROCKY CREEK MEADOWS

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

#### 4. OLD BUSINESS

**5. STAFF ITEMS**

**1 - CHAIR AND VICE CHAIR ELECTION**

**2 - NEXT MEETING 6/27/24**

**PUBLIC HEARING TO REZONE THE NORTH SIDE OF TOWANDA AVE FROM  
BOYER RD TO HAVERHILL RD**

**6. ADJOURNMENT**

# EL DORADO

## K A N S A S

### PLANNING COMMISSION MINUTES - **DRAFT**

April 25, 2024

5:30 p.m.

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

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

##### Members Present

Steve Fellers  
Scott Hackler (late)  
Lawrence Fischetti  
Scott Leason  
Austin Letts  
Brad Long

##### Others Present

|                                |                          |
|--------------------------------|--------------------------|
| Joyce Horsch                   | 3505 W Towanda           |
| Clint Rogers                   | 3425 W Towanda           |
| Suzette Moore                  | 3625 SW 10 <sup>th</sup> |
| Terrysa Carleton               | 3495 SW 10 <sup>th</sup> |
| Tracy Morgan                   | 1717 SW Boyer Rd         |
| Carol Renfro                   | 1312 SW Boyer Rd         |
| Michele Tucker                 | 3345 W Towanda           |
| James Hatfield                 | 3205 W Towanda           |
| Darren Schwindt                | 3515 W Towanda           |
| Sarah & Richard Hagins         | 3435 W Towanda           |
| Kimberly Blake                 | 3625 W Towanda           |
| Callie & Mason Johnson         | 3525 W Towanda           |
| Greg Hiebert                   | 3235 W Towanda           |
| Eddie Dean Jr                  |                          |
| Wes Struthers                  |                          |
| Samantha Ghareeb with SEH, Inc |                          |
| Jake Vasa with SHE, Inc        |                          |

#### 2. APPROVAL OF MINUTES

Commissioner Fellers moved to approve the minutes with corrections as noted for March 28, 2024, seconded by Commissioner Letts. The motion passed (5-0).

### 3. NEW BUSINESS

#### **ITEM NO. 1 – CASE NO. 24-03-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE APPROXIMATELY 78 ACRES ALONG W TOWANDA AVE. FROM A-R (AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 (RESIDENTIAL MULTIPLE FAMILY DWELLING DISTRICT)).**

##### A. Presentation of Request

Mr. Rickard provided an overview of the previously approved rezoning request of approximately 78.3 acres on the west side of Butler Community College from A-R Agricultural Residential to R-3 Multiple Family Dwelling District. The City Commission requested an additional public hearing since the previous meeting was rescheduled due to a lack of quorum. Mr. Rickard stated the property has been annexed into the city limits and needs to be assigned a zoning classification.

Jake Vasa with SEH, Inc., the engineer on the project stated the development will be mostly single-family, with the east side being multi-family and everything presented is preliminary until final platting and the request is to rezone approximately 100 lots.

Commissioner Long inquired if the homes would be single-family. Mr. Vasa indicated the lots on the east side will be multi-family townhomes.

Commissioner Long inquired if a buffer zone would be added. Mr. Vasa stated a buffer is not required and doesn't intend to have one.

Commissioner Long inquired if the property could be accessed from the college. Mr. Vasa said he hoped there would be, but that information would be developed during the plat, and this is just a request to rezone the property.

Mr. Rickard stated buffers are required in commercial/industrial areas. Commissioner Fellers inquired if BCC received a letter and if they responded. Mr. Rickard stated they did receive notification but did not reach out.

Mr. Rickard stated there is a natural buffer which is the flood plain and there are restrictions that will be met. Mr. Vasa noted that the drainage area is in the 100-year flood, it will be maintained as green space along with other features to preserve green space like pedestrian trails.

Commissioner Fellers inquired if trees would be cut trees in that area. Mr. Vasa indicated that some might be cut, but a lot can't be disrupted since it is a wetland area, and the Corp of Engineers has restrictions.

Mr. Rickard noted there are pipelines right of way to the south that will need to be avoided. Commissioner Fellers inquired if the pipelines restrict basements to be installed.

##### B. Public Hearing

Commissioner Leason opened the public hearing.

Greg Hiebert is concerned about the traffic on Towanda and how it is not built for 100 more homes. He also stated the road already receives traffic from the college and refinery. He has spoken with a trustee with BCC and the college or himself doesn't want to pay for the development of Towanda and believes that should be the responsibility of the developer.

Mr. Rickard informed the commission that the impact on traffic is part of their decision-making process. Mr. Rickard stated that the improvement of Towanda Ave and Boyer Rd are in the city's capital improvement plan. Towanda Ave/10<sup>th</sup> Street is an important byway in the city's long-range plan and are aware that it will continue to receive more traffic if the development proceeds.

Commissioner Long inquired who was responsible for the maintenance of the road today. Mr. Rickard stated that the El Dorado Township and City are both responsible for upkeep since the city limits cross in different locations.

Richard Horsch stated he, along with most of the other owners, don't want the burden of the project and they don't want any of the cost for improvements. He also said he doesn't want the road any bigger. He remarked that the property to be developed is an abandoned oil field and he wonders what is underneath the soil and doesn't want to pay for remediation.

Commissioner Leason stated they are only discussing the rezone and all studies will be done later.

Commissioner Fellers remarked that Mr. Horsch had fair questions, but the Planning Commission does not address remediation concerns.

Richard Hagins stated he is also concerned about the traffic on Towanda, an environmental study, and stated the developer needs to pay for Towanda & Boyer upgrades, not the citizens. He also inquired about the weight limit of the road and the need for trucks to follow the truck routes. Mr. Rickard explained that a lot of projects and developments have happened in El Dorado with oil production in the backyard which is the developers' and future owner's responsibility.

Mr. Hagins inquired how the development would be built out. Mr. Vara stated that the northeast corner will be completed first and then they would need a structure that crosses the channel into the next phase. Eddie Dean, Jr. stated they once they were near completion of the first 49 lots, they would then move to the next phase of the 80 acres.

Darren Schwindt stated he counted 98 lots which will be approximately 150 vehicles trying to leave every morning then with the multi-family area there is a potential for an additional 150 cars that would make the traffic on Towanda would make Central and Haverhill crazy and thinks it looks like chaos. Mr. Schwindt said his other concern is how his property value will go down if tries to sell his house. He reiterated that he would like to keep his view, the property value will go down, but taxes will go up someone will have to pay for the road, and it will need to be a four-lane road. Mr. Schwindt also questioned if a decision had already been made on the case.

Commissioner Hackler stated that they had been approved once and the City Commission sent it back. Commissioner Fellers noted that the Planning Commission is a volunteer advisory board, and the recommendations are sent to the City Commission where they have the final vote.

Mr. Rickard stated that today Towanda Ave from Boyer to Haverhill carries an average daily traffic of 2,590 vehicles and Boyer has an average of 2,115 daily traffic. Commissioner Letts inquired on how many vehicles need to travel the roads before the city improves Towanda.

Mr. Rickard noted that the vehicle traffic, financial aspect, safety, and the completion of the traffic master plan all play roles in the decision to make the improvements.

Kimberly Blake lives on the corner of Towanda and Boyer and can attest to the traffic. Ms. Blake said it takes minutes to get out of her driveway and she has complained about the intersection and the traffic in the past and how there is no defined authorization since half is in City and half is in the County. Ms. Blake also stated that she would like the lots to be compatible to the 2-3 acre lots that they have now and if development happens on the lots south of the pond that they are not little bitty lots and asked the Planning Commission to look to see if that is more feasible of an option.

Commissioner Fellers inquired if the next phase of development would have a public hearing. Mr. Rickard acknowledged a rezone would have a hearing, but the plat approval would not. Commissioner Fellers when & if development progresses to the next phase would the public be able to discuss lot sizes.

Mr. Rickard stated the Planning Commission has guidelines on plat review and approval. The hearing is for zoning and platting is what it is. Mr. Rickard also stated there are minimum size requirements the builder must follow.

Suzette Moore voiced objection to moving the land from agriculture. She stated as a cattle farmer it concerns her the loss of ag land that will be encroached on and losing space for cattle.

Commissioner Fellers inquired if she uses any pastureland in the area.

Ms. Moore stated she is leasing land south of the property in question for her cattle.

Mason Johnson stated that it is ridiculous how much traffic the area has, and he believes the wildlife population will no longer be seen. He also commented that their property taxes will go up and their values will go down.

James Hatfield is concerned about who will pay for the infrastructure in the area and if the development will use the sewer line that currently serves their houses.

Mr. Rickard indicated that the current sewer line will not be used for the development and a water line would need to be connected and tied in. Mr. Rickard also commented that the utilities will be placed wherever the right of way is located.

Commissioner Letts inquired if city water and sewer are served to the current homes in the area.

Mr. Rickard stated that they are, and their level of service won't change. The City Commission has a policy on how streets will be built, and the state legislation controls how roads will be assessed. The developer will have street cost that leads into Towanda Ave. and the Commission has the authority to proceed with the project.

Commissioner Letts inquired if the city could upgrade the street anytime.

Mr. Rickard stated they could with an improvement district to share the cost.

Commissioner Letts questioned who pays the cost to improve in the new development.

Mr. Rickard stated that the landowners can request improvements per policy. The developer will pay for improvements inside the development.

Mr. Hatfield inquired if the current owners would pay to improve Towanda Ave.

Mr. Rickard stated that anything outside a residential street size will be paid for by the City and Towanda Ave. is separate from the development. The streets, water, and sewer in the development are part of City policies.

Commissioner Leason reiterated that they were here to discuss zoning only.

Eddie Dean, Jr. remarked that there will not be any Section 8 or low-income housing. They plan to build another Vintage Place which has 150 homes with 2 exits. The goal price point is as reasonable as possible in the low \$200,000 and up. Mr. Dean also stated they plan to increase the size of homes on the south side and no apartment complexes will be built, it is all single-family and twin homes.

Commissioner Long inquired how many phases the development would be.

Mr. Dean stated it depends on funding, expenses, and specials, and also depends on grant build-out requirements. The development is supply in demand and would like to hold costs down to be more desirable and they plan to build custom homes.

Commissioner Hackler inquired if they had any thought process to build a road out to Boyer.

Mr. Dean stated a bridge will be expensive and they can't build a road for access without the expense.

Commissioner Hackler commented that the development of the proposed rezoning could take 10-15 years. Mr. Dean stated that they would like it to be a speedy development. Commissioner Long inquired if the homes would be cheap rentals. Mr. Dean said no, not at all. Mr. Rickard read a letter that was received and discussed the meeting with Mr. Rush who owns land to the south and notified the Commission of two phone calls from adjacent property owners that are against the project. Commissioner Leason closed the public hearing.

#### C. Discussion by Planning Commission

Commissioner Fischetti stated that R-3 is too loose of a zoning and he would be voting no. Commissioner Fellers commented on all the concerns of Towanda Ave and hopes the City Commission will come up with a plan to address those concerns. Commissioner Long believes development is headed this way and feels for the owners but it could increase their property values and he also has concerns over Towanda Ave. Commissioner Leason asked Mr. Rickard if the annexation to the north of Towanda would have curb and guttering. Mr. Rickard stated that yes it would, and annexation laws have changed where they can no longer go down the center of a road right of way. The future rezone and annexation would be Towanda Ave. and Boyer Rd.

#### D. Motion

Commissioner Fellers moved to recommend approval of Case No. 24-03-REZ, an application by Wes Struthers and Dean Construction to rezone approximately 78.3 acres in the west half of the northeast quarter of Section 9, Township 26 South, Range 5 East from A-R Agricultural Residential to R-3 Multiple Family Dwelling District, seconded by Commissioner Long.

##### Roll Call Vote:

|                    |   |
|--------------------|---|
| Steve Fellers      | Y |
| Scott Hackler      | Y |
| Lawrence Fischetti | N |
| Scott Leason       | Y |
| Austin Letts       | Y |
| Brad Long          | Y |

The motion passed (5-1 ).

#### **ITEM NO. 2 – CASE NO. 24-01-PLAT: CONSIDERATION OF BELLY ACRES WEST PLAT.**

##### A. Presentation of Request

Scott Rickard provided an overview of the plat for Belly Acres West, owned by Wade Wilkinson. The property is in Butler County in the City's ETJ. The plat creates five lots, four 3-acre lots, and one 17-acre lot. The property was previously rezoned. The plat does conform to Butler County regulations.

## B. Public Hearing

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

- C. Commissioner Letts made a motion to approve the plat for Belly Acres West, seconded by Commissioner Fischetti.

### Roll Call Vote:

|                    |   |
|--------------------|---|
| Steve Fellers      | Y |
| Scott Hackler      | Y |
| Lawrence Fischetti | Y |
| Scott Leason       | Y |
| Austin Letts       | Y |
| Brad Long          | Y |

The motion to approve the plat passed 6-0.

## 4. OLD BUSINESS

## 5. STAFF ITEMS

Mr. Rickard stated the next meeting will be on May 23<sup>rd</sup>. Public hearing to rezone approximately 38 acres at SE 20<sup>th</sup> St. & SE Bluestem Rd. from A-R to R-S and the plat for Rocky Creek Meadows at the same location.

The Commission will also have its annual election of chair & vice chair.

## 6. ADJOURNMENT

The meeting was adjourned at 6:47 pm.

## PLANNING COMMISSION MEMORANDUM

TO: Planning Commission  
CC:  
FROM: Scott Rickard  
RE: Rezone SE 20th & SE Bluestem

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William Counterman has applied to rezone approximately 39 acres at the southwest corner of SE 20<sup>th</sup> Street and SE Bluestem Road from A-R Agricultural Residential District to R-S Residential Suburban District. R-S is a residential zoning that primarily allows single-family residential on large lots.

The property's current zoning, A-R, requires a minimum lot size of 40 acres. The applicant proposes two 5-acre lots and one 7-acre lot along SE Bluestem Rd and one 19-acre lot along SE 20<sup>th</sup> St. The proposed lots will require R-S zoning. The minimum lot size in R-S zoning is three acres when a public water supply is available. The minimum lot size is 6.6 acres when a public water or wastewater system is not present.

This property is located outside city limits but within the El Dorado Extraterritorial Jurisdiction (ETJ). The County Planning Commission heard the request on 5/7 with favorable approval. The Butler County Commission will review the request on 5/28.

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

***Character of the neighborhood.***

The existing land uses in the area consist of mainly agricultural open space and a few single-family residential. Zoning in the area is primarily A-R.

***Consistency with the Comprehensive Plan and ordinances of the City of El Dorado.***

The Future Land Use Map (FLUM) designates the subject property as Agricultural. The Zoning Ordinance states "The primary land use is agricultural in nature, such as farming and livestock production. May include ancillary uses like residential or storage. May include large lot single-family land uses generally no denser than one unit per five acres."

***Adequacy of public utilities and other needed public services.***

Rural Water is available in the area; county regulations also allow the use of water wells. The applicant plans to use lagoons for wastewater treatment.

***Suitability of the uses to which the property has been restricted under its existing zoning.***

R-S is one of the more restrictive zoning districts in the zoning ordinance. The property is generally restricted to its current use, agricultural open space, and very low-density single-family residential.

***Length of time property has remained vacant as zoned.***

The property has been used for agricultural purposes.

***Compatibility of the proposed district classification with nearby properties.***

R-S is a zoning classification best suited to areas on the urban fringe where low-density residential and agricultural uses are intermingled. The proposed zoning is consistent with the land currently used in the area.

***The extent to which the zoning amendment may detrimentally affect nearby properties.***

Adding a new single-family residential lot is not expected to affect neighboring properties detrimentally. The proposed lot size exceeds the minimum lot size requirements and is consistent with the rural residential in the area.

***Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.***

Staff does not anticipate a disproportionately great loss or significant impact on nearby landowners for the above reasons.

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

**Suggested Motion:**

I move to recommend approval of Case No. 24-05-REZ, an application by William Counterman to rezone approximately 39 acres in the NE ¼ of the NE ¼ of Section 17, Township 26 Range 6 East, located at the southwest corner of SE 20<sup>th</sup> Street and Bluestem Road from A-R Agricultural Residential District to R-S Residential Suburban District, for reasons stated in the staff recommendation and heard at this public hearing.

**Legend**

 Subject Property

 1000' Buffer

**ETJ District**

**ZONE**

 A-R

 M-P

 R-1

 R-S



SE 13TH TER

1000' Buffer

SE 20TH ST

SUBJECT PROPERTY

SE TETER RD

SE BLUESTEM RD

SE COLE CREEK RD

## PLANNING COMMISSION MEMORANDUM

TO: Planning Commission  
CC:  
FROM: Scott Rickard  
RE: Plat

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The Rocky Creek Meadows plat located along SE 20<sup>th</sup> Street and SE Bluestem Road creates four residential lots, two 5-acre lots and one 7-acre lot along SE Bluestem Rd and one 19-acre lot along SE 20<sup>th</sup> St. The proposed lots require R-S zoning.

This property is located outside city limits but within the El Dorado Extraterritorial Jurisdiction (ETJ). The County Planning Commission heard the request on 5/7 with favorable approval. The Butler County Commission will review the request on 5/28.

The final plat meets the requirements found in the Zoning Ordinance and Subdivision Regulations. Staff does recommend approval of the plat.

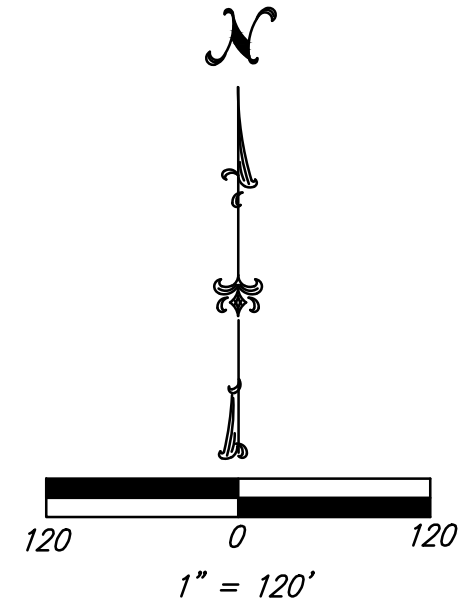
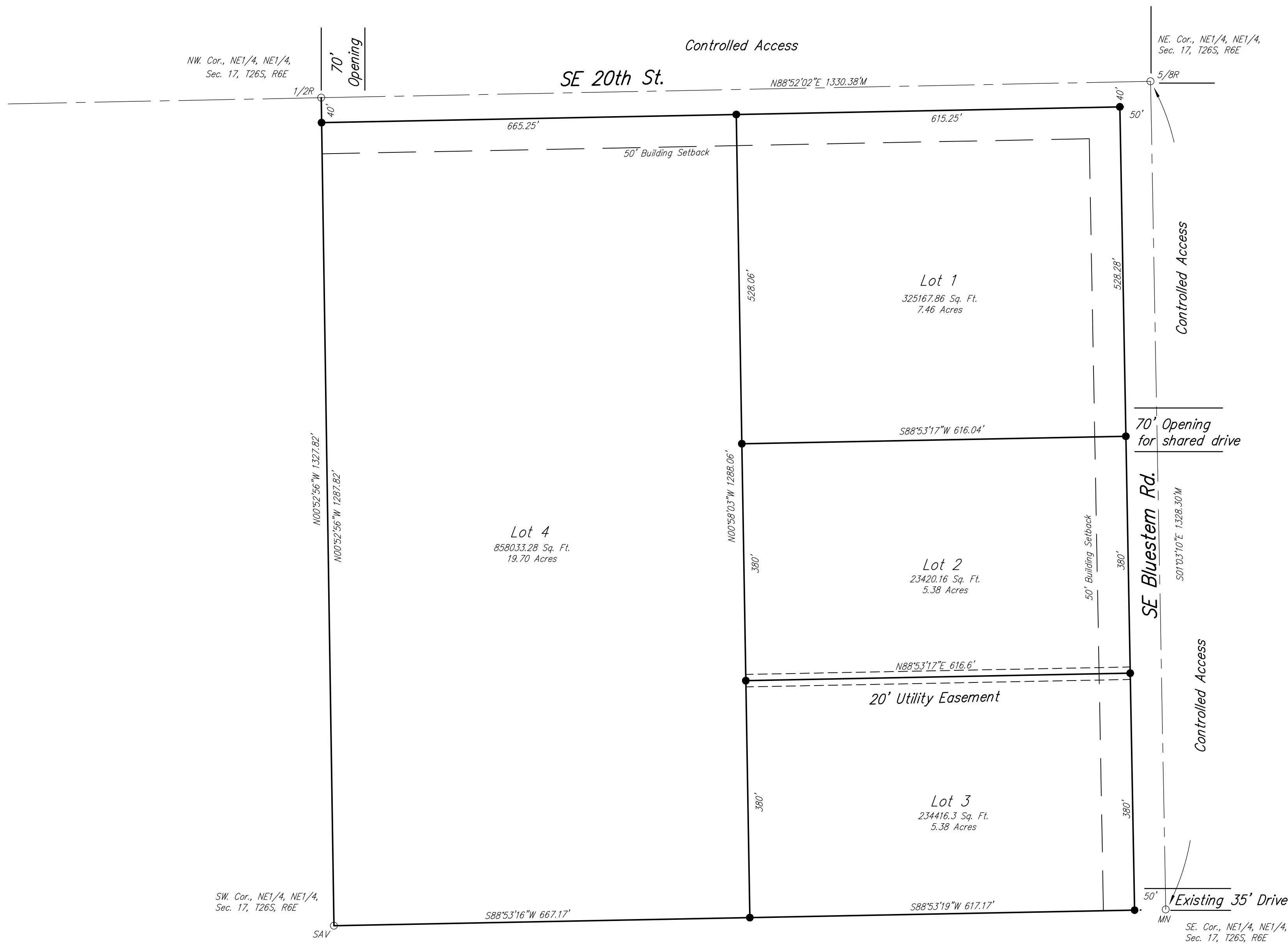
Recommended Motion:

*I move to approve the plat of Rocky Creek Meadows, as presented.*

Final Plat

# ROCKY CREEK MEADOWS

THE NE1/4 OF THE NE1/4  
OF SEC. 17, TWP. 26 SOUTH, R6E,  
BUTLER COUNTY, KANSAS



- LEGEND**  
C=Calculated  
M = Measured  
P = Platted  
Basis of Bearing  
NAD83 Kansas  
South Zone
- LEGEND**  
○ MN ..... MAG NAIL W/SAVOY WASHER (Found)  
○ 28 ..... 1/2" REBAR w/CLS 28 CAP (Fd)  
○ SAV ..... 1/2" REBAR w/SAVOY Cap (Fd)  
○ 5/8R ..... 5/8" REBAR (Found)  
○ 1/2R ..... 1/2" REBAR (Found)  
○ 1/2IP ..... 1/2" IRON PIPE (Found)  
● ..... 1/2"x24" REBAR w/BHC CAP (Set)

EL DORADO CITY PLANNING COMMISSION CERTIFICATE

State of Kansas )  
County of Butler ) SS  
This plat of Rocky Creek Meadows has been submitted to  
and approved by the El Dorado Planning Commission on  
this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Scott Hackler, Chairman

Attest: \_\_\_\_\_, Secretary

CERTIFICATE OF SURVEY

I, the undersigned, licensed professional Surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on March 26, 2024 and the accompanying Final Plat prepared and shown to the best of my knowledge and belief: The Northeast Quarter of the Northeast Quarter of Section 17, Township 26 South, Range 6 East of the 6th P.M., Butler County, Kansas.

Date Signed: \_\_\_\_\_  
Roger L. Cutsinger P.S. #805

LAND SURVEYORS REVIEW

Reviewed in accordance with K.S.A. 58-2005 on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Michael A. Work PS#1160  
Butler County Surveyor, Butler Co., Kansas

OWNER'S CERTIFICATE

State of Kansas )  
County of Butler ) SS  
This is to certify that the undersigned owner(s) of the land described in the Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of ROCKY CREEK MEADOWS, a Plat of the Northeast Quarter of the Northeast Quarter of Section 17, Township 26 South, Range 6 East of the 6th P.M., Butler County Kansas, that all highways, streets, alleys, easements and public grounds as denoted on the plat are hereby dedicated to and for the use of the public for the purposes of constructing, operating, maintaining and repairing public improvements. The land contained herein is held and shall be conveyed subject to any restrictions, reservations, and covenants on file or hereafter filed in the Office of the Register of Deeds of Butler County, Kansas.

Date Signed: \_\_\_\_\_  
William Counterman

NOTARY CERTIFICATE

State of Kansas )  
County of Butler ) SS  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024  
\_\_\_\_\_  
William Counterman  
\_\_\_\_\_, Notary Public

My appointment expires: \_\_\_\_\_

BUTLER COUNTY COMMISSIONERS CERTIFICATE

State of Kansas )  
County of Butler ) SS  
This plat, if approved, and all dedications shown hereon, if any, are hereby accepted by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.  
\_\_\_\_\_  
Daniel J. Woydziak, Chairman  
\_\_\_\_\_  
Tatum Stafford, Butler County Clerk

~ BUTLER COUNTY REGISTER OF DEEDS ~

STATE OF KANSAS )  
COUNTY OF BUTLER ) SS  
This is to certify that this instrument was filed for record in the Register of Deeds office at \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and was duly recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_.

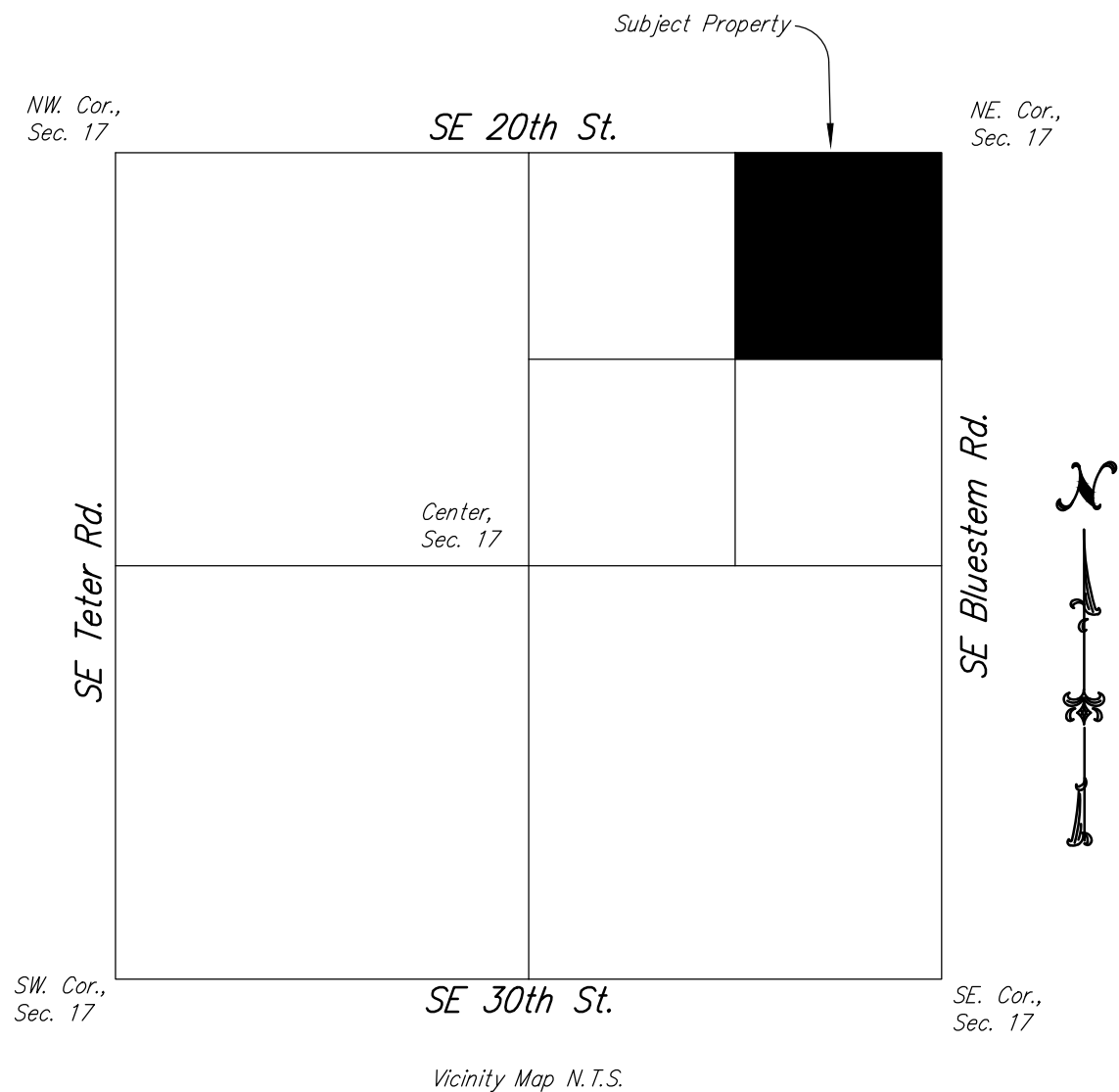
\_\_\_\_\_  
Jacque Roberts, Register of Deeds

~TRANSFER RECORD ~

Entered on transfer record this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Tatum Stafford, Butler County Clerk

NOTE:  
Each property owner is responsible for the cost, construction, and building of their own fence, on the property line, unless there is an agreement with the adjoining owner to share in the cost and maintenance of such fence.



PROJECT NO. 042070.00.01

**BHC**  
CIVIL ENGINEERING / SURVEYING / UTILITIES  
120 N. Main, Suite 3, El dorado, KS 67042  
Phone: (316) 452-5552