

EL DORADO

K A N S A S

PLANNING COMMISSION AGENDA

October 24, 2024

5:30 PM

1. CALL TO ORDER & ROLL CALL

Steve Fellers
Lawrence Fischetti
James Barnaby
Debbra Laforge
Scott Leason
Brad Long
Austin Letts
Norman Wilks

2. APPROVAL OF MINUTES

1 - APPROVAL OF MINUTES-8/22/24

3. NEW BUSINESS

ITEM NO. 1 - REZONE 119 W ASH FROM C-1 TO C-2

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

ITEM NO. 2 - PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS TO PUBLICATIONS

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

**ITEM NO. 3 - PUBLIC HEARING TO CONSIDER ZONING ORDINANCE
AMENDMENTS TO THE BOARD OF ZONING APPEALS**

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

4. OLD BUSINESS

5. STAFF ITEMS

1 - NEXT MEETING 11/21/24

6. ADJOURNMENT

EL DORADO

K A N S A S

PLANNING COMMISSION MINUTES-DRAFT

August 22, 2024

5:30 p.m.

1. CALL TO ORDER & ROLL CALL

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

Members Present

Steve Fellers

Debbra LaForge

Scott Leason

Austin Letts

Brad Long

Norman Wilks

Staff Present

Scott Rickard

Others Present

Nick Engels

2. APPROVAL OF MINUTES 6/27/24

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 24-08-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 319 S TAYLOR FROM R-1 (RESIDENTIAL LOW-DENSITY DISTRICT TO R-2 (RESIDENTIAL MEDIUM-DENSITY DISTRICT).

A. Presentation of Request

Engles Property Management represents KJA Enterprises LLC. They are requesting to rezone the property located at 319 S Taylor from R-1 Residential Low-Density District to R-2 Residential Medium-Density District. The applicant proposes to split the lot and build two duplexes.

The neighborhood in the area consists of R-2 zoning to the east with R-1 single-family to the north, west, and south. The introduction of duplexes within the R-2 zoning district will maintain the residential character of the neighborhood while providing a gradual transition between

existing R-1 properties and more dense developments. The proposed duplexes are consistent with the surrounding neighborhood and will not disrupt the existing character.

Mr. Rickard commented that the City Commission has discussed how a lot of communities are seeing a shift away from differentiation between a single-family home and a duplex-style home and just letting them co-exist in general housing areas. This project fits the character of the neighborhood

Nick Engels, from Engels Property Maintenance, representing KJA Enterprises, said they are proposing to split the lot and build two duplexes. The duplexes will be two bedrooms with one bath.

Commissioner Long asked how many addresses there would be. Mr. Engels stated the property will have four addresses. Commissioner Long inquired how many off-street parking spaces each duplex will have. Mr. Engels stated each duplex will have space for four vehicles with one off-street space per unit.

B. Public Hearing

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

C. Discussion by Planning Commission

Commissioner Wilks inquired if the property would need to be platted. Mr. Rickard stated that he would not. A lot can be split once without platting and review and approval is done by staff.

Commissioner Leason questioned if these are the same types of structures that have been going up all over town in the last few years. Mr. Rickard stated he has seen all types of housing.

Commissioner Fellers commented that this project is a perfect example of what should be happening in El Dorado. All of the resources are already available, which lowers cost and it is a great project.

Commissioner LaForge inquired if this is a medium-income type of rental. Mr. Rickard stated it is the owner's discretion to determine the rent. Commissioner LaForge stated there has been a lot of talk about affordable housing and she was curious.

Commissioner Letts stated the property would have four different units available.

D. Motion

Commissioner Leason moved to recommend approval of 24-08-REZ, an application by KJA Enterprises LLC to rezone the property located at 319 S Taylor from R-1 Residential Low-Density District to R-2 Residential Medium-Density District for reasons stated in the staff recommendation and heard at this public hearing, seconded by Commissioner LaForge.

ROLL CALL VOTE

Commissioner Fellers	Y
Commissioner LaForge	Y
Commissioner Leason	Y
Chairman Letts	Y
Commissioner Long	Y
Commissioner Wilks	Y

4. OLD BUSINESS

Commissioner Long inquired about increasing the buffer zone to extend past the 200-foot requirement for notifications. Mr. Rickard stated that it needs to be presented to the City Commission. Mr. Rickard also mentioned that notices are being published on the City's website and Facebook.

5. STAFF ITEMS

Next meeting 9/26/24 a SUP for a bio-oil processing facility and potentially an additional Special Use Permit.

6. ADJOURNMENT

The meeting was adjourned at 5:45 pm.

PLANNING COMMISSION MEMORANDUM

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

AJW Development Fund LLC is requesting a rezoning of the property located at 119 W Ash from C-1 General Business District to C-2 Central Business District. The property is currently utilized for retail space on the first floor, and the applicant proposes adding residential apartments on the second floor.

Findings of Fact

Character of the Neighborhood:

The area surrounding 119 W Ash features a variety of zoning classifications, including C-2 to the east and north, C-1 next door, R-1 single-family residential to the west, and I-1 light industrial to the south. The rezoning to C-2 aligns with the existing character of the neighborhood, particularly as C-2 zoning encourages the type of mixed-use development seen in the surrounding properties, where commercial, residential, and institutional uses coexist.

Consistency with the Comprehensive Plan and Ordinances of the City of El Dorado:

The Future Land Use Map (FLUM) within the City's Comprehensive Plan designates the downtown area as Downtown Mixed-Use, which supports a combination of commercial, residential, and institutional uses. The C-2 Central Business District zoning directly promotes this mixed-use concept by encouraging higher-density residential and commercial development. This zoning change aligns with the Comprehensive Plan's objectives of strengthening the economic and social vitality of the downtown area, increasing housing options, and fostering a walkable, pedestrian-friendly environment.

Specifically, the **Comprehensive Plan** emphasizes the need to revitalize downtown El Dorado through increased residential density and promote mixed-use developments that encourage daytime and evening activity. This rezoning allows for such development, allowing residents to live downtown, supporting local businesses, and contributing to a lively, sustainable urban core.

Adequacy of Public Utilities and Other Needed Public Services:

The property has access to all necessary public utilities, including water, sewer, electricity, and telecommunications, making it feasible to support the proposed development. No additional public services will be required for the zoning change.

Suitability of the Uses to Which the Property has been Restricted under its Existing Zoning:

The current C-1 General Business District zoning restricts the property primarily to low-intensity commercial uses, which does not facilitate the desired mixed-use residential development. C-2 zoning offers greater flexibility by permitting higher-density residential uses above commercial storefronts, making it a more appropriate designation for the proposed use.

Comparison of Zoning Regulations:

- **C-1 (General Business District):**
 - Primarily supports low-density commercial activities such as retail, services, and offices. While suitable for general business, it does not permit residential uses in the same manner as C-2 zoning does.
 - Requires off-street parking for all uses, which can limit the development potential in compact downtown spaces.
- **C-2 (Central Business District):**
 - Specifically intended for denser, mixed-use development. C-2 zoning supports commercial activities at the street level and allows residential apartments above, fostering a vibrant, urban environment.

- **C-2 zoning** does not require off-street parking, providing greater development flexibility, especially in historic or compact downtown areas, and encourages walkability.

Length of Time the Property has Remained Vacant as Zoned:

A commercial tenant has occupied the property, so it has not remained vacant. The rezoning to C-2 would allow for increased utilization of the property through the addition of residential units.

Compatibility of the Proposed District Classification with Nearby Properties:

The proposed C-2 zoning is compatible with adjacent properties, particularly those zoned C-2 to the east and north. C-2 zoning supports the type of mixed-use development that is characteristic of the downtown core, creating a cohesive urban area.

The Extent to which the Zoning Amendment may Detrimentally Affect Nearby Properties:

Staff does not expect the rezoning to have a negative effect on nearby properties. The mixed-use nature of the C-2 district is intended to enhance the downtown area by supporting both residential and commercial uses. The introduction of residential apartments is unlikely to cause any detriment and may instead support local businesses by increasing the number of residents living downtown.

Whether the Proposed Amendment Provides a Disproportionately Great Loss to the Individual Land Owners Nearby Relative to the Public Gain:

The public gain from this rezoning outweighs any potential negative effects on nearby landowners. The rezoning encourages more residential units in the downtown area, which benefits the public by supporting local businesses, promoting downtown revitalization, and making more housing available.

Conclusion:

Rezoning the property at 119 W Ash from C-1 to C-2 is consistent with the Comprehensive Plan's objectives of fostering downtown revitalization and mixed-use development. Staff supports this rezoning as it promotes higher-density residential uses in the downtown area, which will enhance the economic vitality of the area and align with the City's long-term goals. The C-2 district is more suitable for the proposed development, and the rezoning is unlikely to negatively impact nearby properties.

Staff Support for the Rezoning:

Staff supports the rezoning from C-1 to C-2 because it better aligns with the City's long-term vision for downtown growth and mixed-use development. In their assessment, staff recognized that C-1 zoning is limited in its ability to accommodate higher-density residential development, while C-2 zoning allows for greater flexibility and supports the City's downtown redevelopment efforts. By permitting residential uses on the second floor of existing commercial structures, C-2 zoning helps achieve the City's goal of creating a more vibrant and livable downtown environment.

Suggested Motion:

I move to recommend approval of Case No. 24-09-REZ, an application by AJW Development Fund LLC to rezone the property located at 119 W Ash from C-1 General Business District to C-2 Central Business District, for the reasons stated in the staff recommendation and as heard at this public hearing.

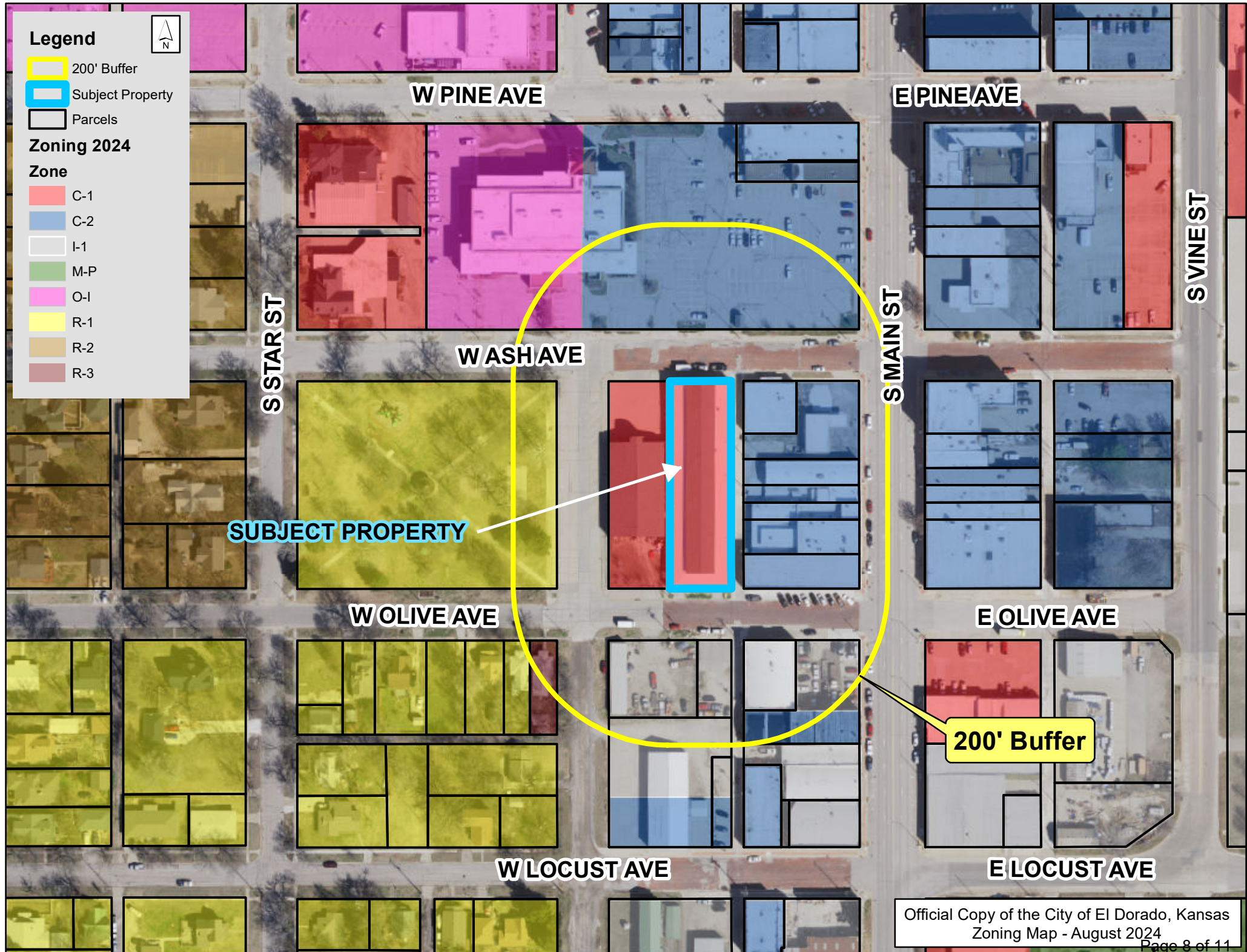
Legend

-  200' Buffer
-  Subject Property
-  Parcels

Zoning 2024

Zone

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



PLANNING COMMISSION MEMORANDUM

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

One of the procedures before a public hearing is to publish an official notice in the newspaper of general circulation at least 20 days before the hearing. These notices are published in the Butler County Times-Gazette.

Due to the increase in social media and online content, there has been a decrease in publication dates, size, circulation, and staffing at the local newspaper. Therefore, in March 2024, the City Commission adopted a resolution designating the city website as the official newspaper for the City of El Dorado. Those notices can be found at <https://eldoks.com/573/legal-notices-and-publications>. To stay consistent with other City publications, Staff recommends designating the city website as the official newspaper of general circulation for publications. Changes would need to be made to the following zoning regulations.

The publication requirements are in the following sections:
Zoning Regulations Article 13-Amendments, Section 11-Protest
and Section 12-Publication
Procedures Manual Article 6-Zoning Text Amendments
Procedures Manual Article 7-Zoning District Change
Procedures Manual Article 8-Appeal of Administrative Decision
Procedures Manual Article 9-Variance
Procedures Manual Article 10-Special Uses
Procedures Manual Article 11-Amendments of Subdivision Regulations

A public hearing held by the Planning Commission is required for all Zoning Ordinance amendments. Staff recommends designating the city website as the official newspaper of general circulation for publications.

Suggested Motion:

I move to recommend approval of the above amendments to the Zoning Regulations, designating the city website as the official newspaper of general circulation for publications, for the reasons stated in the staff report and heard at this public hearing.

PLANNING COMMISSION MEMORANDUM

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

The Board of Zoning Appeals is defined as a Board created by the Governing Body that has jurisdiction and the statutory authority to hear and determine appeals and variances to the zoning regulations. Currently, the Board of Zoning Appeals meets only every couple of years. Since the Planning Commission meets frequently and stays current on the zoning regulations, City staff would like to streamline the process and designate the Planning Commission to function as the City's Board of Zoning Appeals.

The following code and zoning regulations changes from Board of Zoning Appeals to Planning Commission:

- Municipal Code 15.48.200
 - Per KS 12-759 the City of El Dorado shall designate the Planning Commission to function as the city's Board of Zoning Appeals and ~~The board of zoning appeals shall act as the appeal board as established by the City of El Dorado and~~ shall hear and decide appeals and requests for variances from the floodplain management requirements of this chapter.
 - (Ord. No. G-1313, 11-4-19)
- Zoning Regulation Article 3
 - 1.A.(1).g
 - The word "Board" means the Planning Commission ~~Board of Zoning Appeals~~.
 - 3 (definitions) – Can leave it as is.
- Zoning Regulation Article 5
 - 4.C
 - A lot on which there is erected a multiple-family dwelling shall contain an area of not less than 7,500 square feet, or 2,500 square feet per dwelling unit, whichever area is the larger, except that this regulation shall not apply to dormitories or rooming and lodging houses where no cooking is done in individual rooms or apartments. The Planning Commission ~~Board of Zoning Appeals~~ may increase the intensity of use for multiple-family dwellings by one residential unit if all of the following conditions can be met:
- Zoning Regulation Article 12
 - 1.
 - Formation: The word "Board" when used in this article shall mean Planning Commission ~~Board of Zoning Appeals~~. The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, regulations or ordinances. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing

the description of evidence presented, the findings of fact by the Board, the decision of the Board, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the City Clerk and shall be public record.

- Zoning Regulation Article 14

1. 2.B.(3)

- Receive, file, and forward to the Planning Commission ~~Board of Zoning Appeals~~ the records in all appeals and all applications for variances

2. 2.B.(5)

- Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning regulations, and the rules of the Planning Commission ~~Board of Zoning Appeals~~

A public hearing held by the Planning Commission is required for all Zoning Ordinance amendments.

Suggested Motion:

I move to recommend approval of the Zoning Regulation amendments to designate the Planning Commission to function as the Board of Zoning Appeals for the reasons stated in the staff report and heard at this public hearing.