EL DORADO

THE FINE ART OF LIVING WELL

PLANNING COMMISSION AGENDA

February 26, 2015

6:30 p.m.

1. Call To Order & Roll Call
2. Approval Of Minutes

   Documents: 1-22-15 PC MINUTES.PDF
3. New Business

   3.I. CASE NO. 15-002-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 321 N. STAR STREET FROM R-1 RESIDENTIAL LOW DENSITY DISTRICT TO R-3 MULTIPLE FAMILY DWELLING DISTRICT.

   3.II. CASE NO. 15-003-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A SPECIAL USE PERMIT FOR TRANSITIONAL HOUSING AT 131 N. STAR STREET.

   3.III. CASE NO. 15-001-HIS: PUBLIC HEARING TO DETERMINE FEASIBILITY OF DEMOLISHING A REGISTERED HISTORIC STRUCTURE AT 200 N. MAIN STREET.

   3.IV. CASE NO. 15-002-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A SPECIAL USE PERMIT FOR A BANKING DRIVE-THROUGH AT 200 N. MAIN STREET.
4. Old Business
5. Staff Items
6. Adjournment

PLANNING COMMISSION MINUTES
January 22, 2015
6:30 p.m.

1. CALL TO ORDER

Vice Chairman Funk called the January 22nd, 2015, Planning Commission to order at 6:30pm.

MEMBERS PRESENT:
Scott Leason
Brad Long
Van Pooler
Allen Potter
Gerald Watson
Kyle McLaren
Steve Funk

MEMBERS ABSENT:
Fred Britain
Gregg Lewis

STAFF PRESENT:
Scott Rickard, Assistant City Engineer
Jay Shivers, City Planner

OTHERS PRESENT:
Dennis Gates
Larry Light
Atcha Nolan
Hamza and Lora Smajlovic
Sherry Hagemeistor
Shawn Snyder

2. APPROVAL OF MINUTES

Commissioner Long made a motion to approve the minutes for the December 18, 2014, Planning Commission meeting, seconded by Commissioner Pooler. The motion passed unanimously (7-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 15-001-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 4411 SW HIGHWAY 196 FROM R-S RESIDENTIAL SUBURBAN DISTRICT TO I-1 INDUSTRIAL LIGHT DISTRICT.

A) PRESENTATION OF REQUEST

Commissioner Potter announced that he has a conflict of interest and stepped out of the room. Jay Shivers made a brief presentation on the zone change request. He notified the Commission that the County Commission considered the item at its January 20th, 2015, meeting and recommended approval of the zone change request by a 3-2 vote. Mr. Shivers explained that while staff believed the applicant had been operating on the site for some time, the applicant, Hamza Smajlovic, clarified that he had started to move their business to this location but was stopped by a County inspector and told to contact the City regarding appropriate zoning. Mr. Shivers also explained to the Commission that staff recommended approval with the condition that the applicant install screening along the western boundary of the property to screen operations from the closest residential properties.

B) PUBLIC HEARING

Dennis Gates, residing at 4517 SW Highway 196, spoke against the zone change. Mr. Gates inquired about the type of uses allowed in I-1 zoning. Scott Rickard replied that the district is for light industrial uses that are not obnoxious due to appearance, noise, emissions, or odor.

Larry Light, residing at 4519 SW Highway 196, explained that the electric company once wanted to store propane tanks on property. Mr. Light stated that he moved there to stay away from industrial uses. Mr. Light said he was told that the pole barns were for storage only. Mr. Light stated that he opposed the zone change.

Hamza Smajlovic, the applicant, explained that his business is painting water towers and swimming pools and that a majority of the work is done offsite. He explained that the enclosed barns were built before the zone change request because he wasn't aware that a zone change was required. Mr. Smajlovic was issued building permits from Butler County. He explained that he planned to store trucks and equipment in the buildings. He also explained that he has to run a generator for electricity until Westar can connect to his buildings.

Atcha Nolan, 4406 SW 3rd Terrace, commented that she is not opposed to the zone change. Ms. Nolan also stated that she would like to see the trees on south side of property remain for screening purposes.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Funk asked when generators and equipment would be operating on the site. Mr. Smajlovic replied that any noise generated would be only during day time hours. He also explained that once he has the Westar electric connection, the only equipment he may operate is a bobcat tractor. Commissioner Funk inquired about the day to day activities. Mr. Smajlovic replied that they will not be there every day since they do a majority of work offsite. He plans to have one person in an office onsite full time. He also noted that work will occur onsite during winter months to maintain equipment during the off season.

Commissioner Watson inquired if the applicant will do any painting or store any hazardous materials on the property. Mr. Smajlovic replied that he may paint objects, such as farm trailers,

in the future during the winter off season; he also stated he would not be storing hazardous materials, only small amounts of paint. Mr. Smajlovic offered to store the paint in a separate storage shed. He also stated that he planned to build a six foot wood privacy fence along the western portion of the property.

Commissioner McLaren inquired about how Mr. Smajlovic got his permits. Mr. Smajlovic stated that he received building permits but cannot get certificates of occupancy until he has the appropriate zoning.

Mr. Rickard clarified that when the building permits were issued to the applicant, the applicant was not aware that a zone change was needed.

Commissioner McLaren asked the applicant what would happen if the zoning is denied. Mr. Smajlovic replied that he cannot occupy and work on the site. Commissioner McLaren commented that Butler County should have notified the applicant of all the requirements at the start of the process.

D) MOTION

Commissioner Funk moved to approve Case No. 15-001-REZ, an application by Hamza and Lora Smajlovic, to rezone 4411 SW Highway 196, from R-S Residential-Suburban District to I-1 Light Industrial, for reasons stated in the staff recommendation and heard at this public hearing with the condition that the applicant provide screening on the west side of the property. The motion was seconded by Commissioner Long.

Roll Call Vote

Steve Funk	No
Van Pooler	Yes
Scott Leason	No
Gregg Lewis	Absent
Brad Long	No
Allen Potter	Absent – Conflict of Interest
Gerald Watson	No
Kyle McLaren	No
Fred Britain	Absent

Motion Failed 5-1

Commissioner Long moved to deny Case No. 15-001-REZ, an application by Hamza and Lora Smajlovic, to rezone 4411 SW Highway 196, from R-S Residential-Suburban District to I-1 Light Industrial, for reasons stated in the staff recommendation and heard at this public hearing with the condition that the applicant provide screening on the west side of the property. The motion was seconded by Commissioner Leason.

Roll Call Vote

Steve Funk	Yes
Van Pooler	Yes
Scott Leason	Yes
Gregg Lewis	Absent
Brad Long	Yes
Allen Potter	Absent – Conflict of Interest
Gerald Watson	Yes
Kyle McLaren	Yes
Fred Britain	Absent

Motion passed 6-0.

ITEM NO. 2 – CASE NO. 15-001-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A SPECIAL USE PERMIT FOR A FUNERAL HOME AT 120 N. MAIN STREET.

A) PRESENTATION OF REQUEST

Mr. Shivers made a brief presentation to the Commission and explained that the funeral home has been in operation since 2011 and staff is not aware of any complaints or negative impacts of the business.

B) PUBLIC HEAING

There being no one to speak, Commissioner Funk closed the public hearing.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner McLaren inquired about how Heritage Funeral Home found out about the Special Use Permit. Mr. Rickard replied that the applicant was meeting with staff members when it was brought to their attention. Commissioner Watson asked if the business would continue doing what they've been doing all along. Mr. Rickard replied that it would continue as it has been operated in the past.

D) MOTION

Commissioner Leason moved to approve Case No. 15-001-SUP, a request by Heritage Funeral Home, for a Special Use Permit to allow a Funeral Home on the property located at 120 N Main Street for the reasons set forth in the staff recommendation and heard at this public hearing. Commissioner Pooler seconded the motion.

Roll Call Vote

Steve Funk	Yes
Van Pooler	Yes
Scott Leason	Yes

Gregg Lewis	Absent
Brad Long	Yes
Allen Potter	Yes
Gerald Watson	Yes
Kyle McLaren	No
Fred Britain	Absent

Motion passed 6-1.

4. OLD BUSINESS

None

5. STAFF ITEMS

Mr. Rickard notified the Commissioners that the Capital Improvements Plan will be sent out before the next Planning Commission meeting. He also noted that the City Commission has asked Planning Commission to review the guidelines for repurposing city-owned property and that staff would distribute the appropriate materials and information. He also explained that staff had met with County Commission in a work session to discuss the extraterritorial growth area and interlocal agreement.

6. ADJOURNMENT

Commissioner Long moved to adjourn the meeting, seconded by Commissioner Lewis. The meeting was adjourned at 7:11pm.