EL DORADO

THE FINE ART OF LIVING WELL

PLANNING COMMISSION AGENDA

March 26, 2015

6:30 p.m.

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

   Documents: 2-26-15 PC MINUTES.PDF

3. New Business
4. Old Business
5. Staff Items

   5.I. Capital Improvement Plan (CIP)

6. Adjournment

PLANNING COMMISSION MINUTES
February 26, 2015
6:30 p.m.

1. CALL TO ORDER

Chairman Fred Britain called the February 26th, 2015, Planning Commission to order at 6:30pm.

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

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

OTHERS PRESENT:

Daniel Wilson	Steve Carmichael	Kristina Yoring
Rod Ziegler	Sarah Boone	Dan Wilson
Glenn Buchhole	Kathy Boone	Stephen Shearburn
Pat Belt	Eric Shaver	Charles Staats
Justin Graham	Catherine James	Bill Young
Leon Koehn	David Stewart	Nick Badwey
Alice Burns	Melody Gault	Emily Connell
Leslye Bullock	Macy Collins	
Dan Bullock	Dallas Collins	
Wanda Stewart	Nita Whiteman	

2. APPROVAL OF MINUTES

Commissioner Funk made a motion to approve the minutes for the January 22, 2015, Planning Commission meeting, seconded by Commissioner Watson. The motion passed unanimously (9-0).

3. NEW BUSINESS

ITEM NO. 1 – 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.

A) PRESENTATION OF REQUEST

Jay Shivers made a brief presentation of the zone change request. Dan Bullock, the applicant, stated that he purchased the lot with the intent to build a four-plex residential structure for senior living.

B) PUBLIC HEARING

Eric Shaver, located at 315 N. Star Street, inquired about the zoning regulations and ADA regulations for a senior living home. Mr. Shaver stated that he's concerned about adding multifamily units in the area and believes it is not a betterment to the neighborhood.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Funk asked if the developer can change their mind after the zone change is complete. Mr. Shivers explained that the applicant could choose to build a different product and that R-3 zoning allows for single-family homes and multifamily structures. He stated that the zone change focuses on land use, and not the proposed product. Commissioner Funk inquired about the maximum number of units the developer could build on the property. Mr. Shivers responded that there are no limitations on maximum number of units in the Zoning Ordinance. He explained that the developer is limited by the size of the lot, setback requirements, parking requirements, and other building code regulations; if the developer is interested in building a larger structure or complex, he would need to acquire the surrounding properties and return to the Planning Commission and City Commission for additional zone changes.

Mr. Shaver asked if there is a different parking requirement for senior living. Chairman Britain explained that the hearing is about the land use and the city zoning and building ordinances will regulate parking. Mr. Shaver stated that the zone change was spot zoning and inquired about the possibility of the property becoming commercially zoned in the future. Chairman Britain responded that due to the proximity of R-3 zoning across the street and to the south, the zone change was not spot zoning. He also stated that if the developer wanted commercial zoning he would have to return to the Planning Commission and that commercial zoning was not likely in the residential neighborhood.

D) MOTION

Commissioner Lewis moved to recommend approval of Case No. 15-002-REZ, an application by Dan and Leslye Bullock, to rezone 321 N. Star Street, from R-1 Residential - Low Density District to R-3 Multifamily Dwelling District, for reasons stated in the staff recommendation and heard at this public hearing. Scott Leason seconded the motion.

Roll Call Vote

Fred Britain	Yes	Kyle McLaren	Yes
Steve Funk	Yes	Van Pooler	Yes
Scott Leason	Yes	Allen Potter	Yes
Gregg Lewis	Yes	Gerald Watson	Yes
Brad Long	Yes		

Motion Passed 9-0

ITEM NO. 2 – CASE NO. 15-003-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A SPECIAL USE PERMIT FOR TRANSITIONAL HOUSING AT 131 N. STAR STREET.

Chairman Britain stated that he had a conflict of interest and stepped out of the meeting.

A) PRESENTATION OF REQUEST

Mr. Shivers made a brief presentation and explained to the Commission the zoning requirements for Transitional Housing. Melody Gault, representative of Butler Homeless Initiative, Inc., made a presentation on the proposed transitional housing.

B) PUBLIC HEARING

Alice Burns, attorney representing Leon Koehn who owns the property at 137 N. Star Street, stated that they are sympathetic to the cause but are opposed to the location. Ms. Burns stated he client is concerned with safety, property value, and changes to the character of the area. She stated that it is not in her business, which is located nearby, or her client’s best interest to locate this facility near residential or business areas. She stated that the homeless shelter may cause a loss of property value in the area and potentially an increase in crime. She noted that the last proposed location for the homeless shelter east of town was a much more appropriate location. Ms. Burns asked the Commission to vote against the Special Use Permit.

Kathy Boone, residing at 143 N. Star Street, stated that she has been trying to sell her house and that the homeless shelter will make it more difficult to sell the property. Ms. Boone stated that she is not in favor and that the lot is too small for the proposed use.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Lewis stated that if the First Christian Church built a fence it could create a fire hazard to the subject property due to the existing small property setbacks. He also stated the air conditioning unit encroaches upon the church property. Commissioner Lewis stated that the homeless shelter would need permission from the church to encroach upon their property and that the church would not give that permission. Scott Rickard stated that the property setbacks were nonconforming and that property line disputes are between private entities. Commissioner Lewis asked if the applicant has permission to park on the church parking lot. Ms. Gault responded that they would not use the church parking lot and that they would build a parking lot in the rear of the property. Ms. Gault stated that she spoke with the church and that they were in favor of the project; she said this is the first time she had heard any of these concerns.

Commissioner Leason asked how many people would be in the house. Ms. Gault replied that up to 20 people would stay in the house though the ordinance allows for up to 30. Mr. Rickard also commented that the applicant would have to work with the Fire Marshal on occupancy limits and requirements.

Commissioner Watson asked if families could stay and how the shelter would handle the homeless population. Ms. Gault explained that as a transitional home, rather than an emergency shelter, they would help provide job training opportunities and mentorship over a period of time. Commissioner Watson inquired about homeless people living under bridges to which Ms. Gault replied that they can stay the night; to be part of home they will have case manager assigned to them to help them move forward with other job and living opportunities.

Commissioner Long asked about financing ongoing expenses. Ms. Gault replied that they are, and will be, funded by grants, donations, a capital campaign, and church mission groups. Commissioner Long asked if the transitional home will need volunteers every day and if that will be a problem. Ms. Gault replied that it would not be a problem and that they only use volunteers when paid staff is not there; the home will be staffed by paid staff or volunteers 24 hours a day. Commissioner Long commented that he had spoken with a concerned business owner and inquired about transitional home residents loitering in the area during the day. Ms. Gault explained that residents will be busy with health appointments, attending classes, and applying to jobs.

Commissioner Lewis asked staff about the small setbacks of the property. Mr. Rickard replied that many older properties across town are nonconforming and that if a structure is more than 50% destroyed by fire or other event, it will have to be rebuilt to today’s requirements. Commissioner Lewis stated that he was concerned about putting up a fence between the church and the subject property and that it could impede the exit of residents in the event of a fire. Mr. Rickard commented that a screening fence is not required between the two properties; the northern half of the church property is the same zoning designation as the subject property.

Commissioner Watson asked if the church could build a fence; Mr. Rickard replied that they could as long as it was on their property.

Commissioner Funk commented that he was concerned with the adjacent resident’s concerns on property values and will oppose the application.

Commissioner Potter commented that he was concerned with the growth of the transitional home and that they may have to turn away residents in the future. Ms. Gault stated that if the home is full in the future, they will explore other options.

D) MOTION

Commissioner Funk moved to recommend denial of Case No. 15-003-SUP, a request by Butler Homeless Initiative, Inc., for a Special Use Permit to allow Transitional Housing on the property located at 131 N. Star Street, for the reasons set forth in the staff recommendation and heard at this public hearing. Commissioner Leason seconded the motion.

Prior to the vote, Commissioner Lewis commented that he was concerned with the property lines and that residents of the transitional home may park in the church parking. Commissioner Lewis commented that he thought the property line issue would be a problem for the church in the future.

Commissioner Potter commented that a concern with the Blue Spruce Hotel location was transporting residents back and forth from El Dorado. He also commented that they have to find an accessible location for the facility. Commissioner Funk noted that he was concerned with the large number of residents that spoke against the transitional home locating at the Blue Spruce Hotel because of their concerns with safety and property values.

Commissioner McLaren commented that a smaller number of people were present to speak against this location compared to the previously proposed location.

<u>Roll Call Vote</u>

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

Split vote: 4-4. According to the City of El Dorado Procedures Manual: "A tie vote is considered a failure to recommend and goes to the Governing Body with no recommendation."

<u>ITEM NO. 3 – CASE NO. 15-001-HIS: PUBLIC HEARING TO DETERMINE FEASIBILITY OF DEMOLISHING A REGISTERED HISTORIC STRUCTURE AT 200 N. MAIN STREET.</u>

A) PRESENTATION OF REQUEST

Chairman Britain commented that he had requested that staff distribute a copy of the state statute with the agenda packets. Mr. Shivers gave a brief history of the property and historic district and explained that the Comprehensive Plan emphasizes the preservation of historic structures. Mr.

Shivers also explained the process for demolishing historic structures and criteria for reviewing the demolition request as outlined by Kansas Preservation Statute 75-2724.

Rod Ziegler, representing Emprise Bank, explained to the Commission that they would like to build a new bank building on the same lot as the existing building. He stated that the existing building would have to be demolished to provide parking for the new building. He noted that existing structure has flooded in the past. Mr. Ziegler stated that they are not asking for tax abatements and want to stay in the downtown area. He noted that other buildings have been torn down for new buildings, such as the YMCA; Mr. Shivers responded that that occurred prior to the creation of the historic district and associated state requirements.

B) PUBLIC HEARING

Dan Wilson, representing El Dorado Main Street, spoke against the demolition request. Mr. Wilson stated that the organization's mission statement includes enhancing our downtown identity and heritage, and that the historic structure have unique character that make up the downtown historic district. Mr. Wilson stated that the Emprise Bank building is a contributing building to the historic district and is eligible for historic tax credits. Mr. Wilson noted that preservation is a challenge; tearing down a historic building is a last resort. Mr. Wilson explained that demolishing a historic building, especially a contributing building, should only be done if there is a threat to life, safety or welfare. He also recommends any new buildings in the downtown area be compatible and consistent with the existing architecture of the historic district.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Funk asked if the buildings were added to historic district by the City Commission. Scott Rickard replied that a previous zoning director worked with El Dorado Main Street to create the district; he also noted that contributing buildings have a historic significance. Mr. Wilson explained the requirements to be considered a contributing building and discussed the process that created the historic district.

Commissioner Funk stated that he owned a building downtown when the historic district was created in 2013 and that he opposed the district. He also stated that he spoke against the creation of the historic district at that time. Commissioner Funk continued to explain that he doesn't consider the Emprise Bank building to be a historic structure and stated that denying the demolition is saying that we don't want Emprise Bank to build a new building downtown when there are other new buildings nearby. He also stated that the letter provided by Emprise Bank provides enough reason to warrant the demolition, especially when every other bank in town has built a new building. Commissioner Funk stated that the Commission needs to approve this request.

Chairman Britain commented that the Planning Commission has to abide by the state statute about feasible and prudent alternatives. Commissioner Funk stated that Wichita recently approved the demolition of historic structures because it would lead to new construction that would enhance the downtown area and that that is what the Commission needs to do here.

Mr. Wilson stated that the building is historic and designed by the prominent architect McAfee.

Commissioner Lewis stated that there is a mold issue in the building that needs to be addressed. Mr. Rickard reminded the Commission that they are discussing the feasibility of demolishing the building and if there is an alternative. Commissioner Lewis stated that mold is a big issue. Chairman Britain commented that "feasible and prudent" does not apply to building maintenance; he noted that some of the items on the Emprise Bank letter are maintenance items, such as roof and parking lot repairs. Chairman Britain commented that structural problems are a major issue and that he would like to see more information.

Commissioner Lewis commented that the flooding and mold issues can be remedied by moving away from intersection.

Commissioner Funk commented that flooding and mold is more than sufficient to prove there is no alternative. Commissioner Potter asked if the new building would have a basement and what the elevation change would be between the new and old buildings. Mr. Rickard replied that staff does not know the elevation change.

Mr. Rickard stated that staff has met with Emprise Bank representatives and discussed how the City and El Dorado Main Street could help the business through tax credits or the Neighborhood Revitalization Plan to keep the building viable. Mr. Rickard stated that the Capital Improvement Plan will have a 1.5 million dollar storm sewer project to detain water and improve drainage in the downtown area. Mr. Rickard also noted that there is only so much protection a storm sewer system can provide; significant rain events can cause flooding such as in 2013.

Mr. Ziegler noted that flooding has been a problem for years but stated it takes a three to four inch large rain event to flood the building.

D) MOTION

Commissioner Funk moved to declare that there is no feasible alternative to demolishing the historic structure at 200 N. Main Street and recommended approval of a demolition permit. Commissioner Lewis seconded the motion.

Chairman Britain commented that he will vote against the demolition because he would like to see more information on the non-maintenance items on this project and on projects in the future.

<u>Roll Call Vote</u>

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

Motion passed 7-2

ITEM NO. 4 – 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.

A) PRESENTATION OF REQUEST

Mr. Shivers made a brief presentation on the Special Use Permit application.

B) PUBLIC HEARING

No discussion

C) DISCUSSION BY PLANNING COMMISSIONERS

No discussion

D) MOTION

Commissioner Funk moved to recommend approval of Case No. 15-002-SUP, a request by Emprise Bank, for a Special Use Permit to allow a Banking Drive-Through on the property located at 200 N. Main Street, for the reasons set forth in the staff recommendation and heard at this public hearing, contingent upon approval of the demolition of the existing building.

Commissioner Lewis seconded the motion.

Roll Call Vote

Fred Britain	Yes	Kyle McLaren	Yes
Steve Funk	Yes	Van Pooler	Yes
Scott Leason	Yes	Allen Potter	Yes
Gregg Lewis	Yes	Gerald Watson	Yes
Brad Long	Yes		

Motion passed: 9-0

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4. OLD BUSINESS

5. STAFF ITEMS

Staff distributed the CIP and notified the Commissioners that there would be a presentation at the next meeting.

6. ADJOURNMENT

Commissioner Long moved to adjourn the meeting, seconded by Commissioner Lewis. The meeting was adjourned at 7:45pm.