



EL DORADO

PLANNING COMMISSION MNINUTES

June 28, 2018

6:30 p.m.

1. CALL TO ORDER & ROLL CALL

Chairman Long called the meeting to order at 6:30pm.

Members Present:

Scott Leason
Brad Long
David Stewart
Kelly Tetrick
Gerald Watson

Staff Present:

Jay Shivers

Others Present:

Tim Frische	1305 S. Emporia
Sonja Fritsche	1305 S. Emporia
Frank Patten	1282 S. High
Pete Storandt	105 Race Street
Judie Storandt	105 Race Street
Donald Adlesperger	1285 S. Topeka
Sherri Adlesperger	2048 SW 40 th

2. APPROVAL OF MINUTES

Commissioner Leason moved to approve the minutes of the April 26th, 2018, Planning Commission meeting, seconded by Commissioner Tetrick. The motion passed unanimously (5-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 18-02-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT AT 105 S. RACE STREET TO ALLOW AN EIGHT FOOT FENCE.

Jay Shivers reviewed the staff memo and explained that Judie and Peter Storandt are requesting a Special Use Permit to allow an eight foot fence. Mr. Shivers then invited Mr. and Mrs. Storandt to address the Commission.

Mrs. Storandt said they purchased the neighboring properties to keep the area residential and to change the lots so that her backyard is as deep as the other lots on Race Street. She said they want to build an eight foot fence along the new lots lines to match with their existing eight foot fence.

Commissioner Stewart asked about the status of the subdivided property. Mrs. Storandt said they have surveyed the lot and plan to replat the lots but they do not plan to build anything on the lots fronting on W. Central Avenue in the near future.

Chairman Long asked who owns the chain link fence on the west side of her property. Mrs. Storandt replied that it is owned by the donut shop. She said they have talked to the owners and have permission to remove a portion of the chain link fence to put up the wood privacy fence.

Commissioner Leason said that the zoning regulations state the fence must serve the welfare of the public and asked Mrs. Storandt how the fence does so. She said it serves the welfare by demolishing two abandoned buildings that have likely had vagrants living in them from time to time and that the neighbors are happy the structures are gone. Commissioner Leason asked about an eight foot fence versus a six foot fence. She said privacy is a two-way street and that it gives them privacy while also preventing others from having to look at their back yard. She also said they have a pool and a yard that slopes in a way that a six foot fence would not give adequate privacy. She also said it is a good demarcation between the commercial space on the corner and the residential areas. Commissioner Leason asked about a portion of her fence pickets that are facing the interior when they should face outwards. Mrs. Storandt said that is their old fence that will be torn down and replaced with the pickets facing outwards.

Chairman Long asked if Mrs. Storandt planned to stain the proposed fence like the existing fence. She said they have not decided yet.

Chairman Long opened the public hearing. There being no one to speak, the public hearing was closed.

Commissioner Stewart asked about the possible platting of the lots and if that needed to be addressed first. Mr. Shivers said it had been surveyed but did not appear to need to go through the lot split or replatting process because it is not creating a number of new lots or requiring the dedication of new right-of-way or easements.

Commissioner Tetrick asked if they were only considering the fence at the location on the map and if it could be moved closer to W. Central Avenue. Mr. Shivers said the SUP will approve the fence in an exact position and it is tied to the site plan submitted with the application. If the applicant would like the fence in a new location in the future, they must apply for a SUP and come back to the Planning Commission for approval.

Commissioner Stewart asked where the utilities are located. Mr. Shivers said he thought they were along the western property line and that the applicants would need to contact Dig Safe to determine exact locations.

Commissioner Tetrick moved to recommend approval of Case No. 18-02-SUP, a request by Peter and Judith Storandt, for a Special Use Permit to allow a fence eight feet in height on the property located at 105 S. Race Street, for the reasons set forth in the staff recommendation and heard at this public hearing, seconded by Commissioner Watson.

Roll Call Vote

Commissioner Leason	N
Chairman Long	Y
Commissioner Stewart	N
Commissioner Tetrick	Y
Commissioner Watson	Y

The motion passed by a split vote (3-2).

ITEM NO. 2 – CASE NO. 18-03-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT AT 1305 S. EMPORIA STREET TO ALLOW AN ACCESSORY STRUCTURE EXCEEDING 1,200 SQUARE FEET IN AREA AND 12 FEET IN HEIGHT AT THE SIDE WALL.

Mr. Shivers presented the staff memo and explain the Tim and Sonja Fritsche are requesting a SUP to allow an accessory structure 1,960 square feet in area and 14 feet in height at the side wall. Mr. Shivers invited the Mr. and Mrs. Fritsche to address the Commission

Tim Fritsche said they have a boat and travel trailer they park near their house and they want to keep them safe and secure. He said they contacted all the neighbors. He said they want the building to look good and referred to the pictures in the agenda packet. The 14 foot side wall would give them the space to store his boat and trailer in either side of the building without having to go down the center. Mr. Fritsche said they want to building to look nice and have heard good feedback from neighbors they have talk to. The building will not have windows on the north wall and they plan to plant trees, shrubs, and flowers along the 15-foot setback along the north property line. The building will be two-tone colors and will match the house colors.

Chairman Long asked about the height of the roof. He said they have not decided on a pitch but want something that will fit the neighborhood in pitch or lower/shallower. Chairman Long asked about drainage. Mr. Fritsche said he would build it up two to three feet and will likely have a gutter that runs to the street like his house.

Commissioner Leason asked if there are any other buildings in the area that are this size of the proposed building. Mr. Fritsche said a neighbor, Patrick Light (1134 S. Emporia), recently built one. Mr. Shivers said that building is 1,500 square feet, 30x50, with 14 foot side walls.

Commissioner Tetrick asked if Mr. Fritsche spoke with his neighbors and said many came to the rezoning hearing and were concerned with the appearance of structures in this neighborhood. While Mr. Fristsche was looking through his papers, Mr. Shivers said he encourages all applicants to contact their neighbors before the official hearing notifications arrive in the mail. Mr. and Mrs. Fritsche said they spoke with many of the neighbors within the 200 foot mailing radius.

Chairman Long asked if they spoke with the homeowners to the west of their property. Mrs. Fritsche said they did, and that one of the owners was at the meeting, Mr. Patton.

Commissioner Tetrick asked if in 10 years they moved, can someone rent that building in the future. Mr. Shivers said the lots must always stay together and could not be rented out.

Commissioner Stewart asked if there would be any impact from having a lot with two zoning designations. Mr. Shivers said there should not be any impacts. The zoning regulations require the lot to go by the more restrictive of the two zoning regulations and should not be a problem since the lot would be fully developed. Commissioner Stewart asked about the drive approach and paving. Mr. Fritsche said it will require about 1,800 square feet of concrete and go from each corner of the building out to the street. The front of the building will be even with his front porch and they plan to build a composite privacy fence and extend it over to the front of the building. Commissioner Stewart asked if there would be a new curb cut. Mr. Fritsche said there shouldn't be a new cut since the neighborhood has roll over curbs.

Commissioner Leason asked if they raise the building two or three feet how that will affect the drainage in the area. Mr. Fritsche said they would like to run the downspouts underground and out to the curb similar to his house to move the water away. He said only the building area would be raised, not the entire lot. Mr. Shivers also said staff will review the drainage in the area during the building permit process.

Chairman Long opened the public hearing. Donald Adlesperger said he owns 12 lots near the subject property that have not been developed. He said the proposed building will be a detriment and will be a large building easily seen driving south down Emporia Street. He said no one will want to build a house next to the building. Mr. Adlesperger said of the 50 houses built, there's no detached garages like this in the area. He said it will detract from the lots and they will be hard to sell. He said the other referenced garage on Emporia is set behind the owner's house, surrounded by trees, and not as visible at the back of the lot whereas this one will be very visible. He said two lots have sold nearby and the buyers probably won't like it.

Frank Patton, 1282 S. High Street, lives behind where the building will be built and was approached by the Mr. and Mrs. Fritsche prior to them buying the lot. Mr. Patton has no objection to the building and said their property looks nice and is well-maintained. He's said it's not a house but it's better than having boats and things setting out. Mr. Patton said he is in favor of it and the people he has talked to are not against it.

Mr. Adlesperger said at the last rezoning in the area for duplexes, every neighbor in the area objected to the rezoning because they thought it would be disruptive. He said future owners may use the building for different purposes.

There being no one else to speak, Chairman Long closed the public hearing.

Commissioner Watson said equipment stored in a building is better than sitting out on a lot with the neighbors looking at it but also understands Mr. Adlesperger's concerns about the building. Commissioner Watson asked if there is a limit to what can be stored on open property. Mr. Shivers said recreational vehicles must be stored on a hard surface and not in the yard and that there's regulations that apply to that. He said you can't buy a lot and just store equipment on it in a residential area. Commissioner Watson said they already have their boat and camper sitting on the lot, what else can go there. Mr. Shivers said no heavy equipment, only recreational vehicles. Mr. Shivers said the code enforcement officer is typically on top of these cases but it's common to get complaints and address recreational vehicles in front yards where they are more noticeable. He said it's common for people to build a gate and fence and park their boat or RV in their back yard on a hard surface.

Commissioner Tetrick said they shouldn't approve a building just to get their vehicles out of the elements, referencing Commissioner Watson's comments. He said the lots are for houses and that's what was determined at the December 14, 2017, meeting and the City Commission also determined the lots were for single family homes by their vote against the rezoning.

Commissioner Watson asked if they should limit the lot to someone living there and not build a building to store a boat. Mr. Shivers said the regulations allow the property owners to build an accessory building up to 1,200 square feet and 12 feet in height at the side wall. Mr. Shivers said that once you pass those measurements, it requires a Special Use Permit. He said they can build a garage today, but they want something larger than allowed by simple building permit. Mr. Shivers said the current limit of 1,200 square feet is in line with the house sizes in the neighborhood, which range from 1,100 to 1,400 square feet in size. Commissioner Tetrick asked if the proposed building would be larger than most of the houses. Mr. Shivers replied that it would be larger. Chairman Long said they're looking at a 1,960 square foot building.

Commissioner Leason asked if duplexes couldn't fit the area, how will a metal building fit. Mr. Shivers said he didn't remember the proposed layout for duplexes and they may have included combining lots.

Chairman Long said he doesn't think it is compatible with the neighborhood.

Mr. Shivers said the Commission has a number of options for motions, beyond a simple recommendation to approve or deny. He said the SUP process allows for conditions. He said they can move to table the request and ask the applicant to consider changes to the building or apply conditions that will address the impacts created by it, such as requiring screening, landscaping, and/or require it to have a similar façade to the neighborhood homes.

Commissioner Watson asked if it could be screened with trees. Commissioner Leason said the building is bigger than anything in the area and would require a fence bigger than what is in the area to screen it. He said he wouldn't be concerned if it wasn't so much bigger than everything else in the area. He said it goes against what all the neighbors said at the meeting a few months ago.

Commissioner Tetrick said the neighbors spoke out against the rezoning for all the same reasons they are discussing and that he thinks it will hurt the property values for the nearby properties. He thought it would be hard to sell and develop the vacant property to the north. He said the neighbors expressed concern about property values with duplexes and this building will not look like a house.

Commissioner Stewart stated that Google Maps designates the vacant lots to the north as a park and asked for clarification. Mr. Shivers said it is not a park and not sure why it shows that. He said it could be that they have been vacant for so long that a neighbor submitted it to Google as a park. Mr. Shivers said the only thing of concern on the plat is a utility easement between the Fritsche's home lot and new lot that would have the building, preventing the building from moving closer to the home. He said the agenda packet should have a portion of the plat in it. Commissioner Stewart asked about the building and awning location in relation to the easement. Mr. Shivers said it would be clear of the easement; he said they are allowed to build up to the edge of the easement, but not inside of it.

Commissioner Stewart addressed Chairman Long and said he is reluctant to become a design review board and that they have their hands full as a Planning Commission and advisory board to the City Commission. He said he doesn't want to add a number of stipulations to make the project satisfactory.

Commissioner Leason moved to recommend denial of Case No. 18-03-SUP, a request by Tim and Sonja Fritsche, for a Special Use Permit to allow a 1,960 square foot accessory structure with 14 foot side wall height on the property located at 1305 S. Emporia Street, for the reasons set forth in the staff memo and heard at this public hearing, seconded by Commissioner Tetrick.

Roll Call Vote

Commissioner Leason Y
Chairman Long Y
Commissioner Stewart Y
Commissioner Tetrack Y
Commissioner Watson Y

The motion passed unanimously (5-0) to recommend denial.

4. OLD BUSINESS

5. STAFF ITEMS

Mr. Shivers said it was time to elect, or re-elect, a chair and vice-chair for the Planning Commission. After some discussion, the Commission decided to wait until more members are present.

Mr. Shivers said there would be another meeting in July, on Thursday the 26th.

Mr. Shivers provided an overview of one of the agenda items for that meeting, a SUP for a 3,200 square foot accessory structure with 16 foot side wall height in a residential area. Mr. Shivers said he will be in contact with the applicant to discuss the possibly of proposing a smaller building.

6. ADJOURNMENT

The meeting adjourned at 7:30pm.