



EL DORADO

PLANNING COMMISSION MINUTES - DRAFT

August 23, 2018

6:30 p.m.

1. CALL TO ORDER & ROLL CALL

Chairman Long called the meeting to order at 7:30pm.

Commissioners Present:

Scott Leason
David Lewis
Brad Long
Kyle McLaren
David Stewart
Kelly Tetrick
Gerald Watson

Staff Present:

Jay Shivers

Others Present:

Randy Ewart	409 N. Taylor
Brad Cool	5550 NW 20 th
Sonja and Tim Fritsche	1305 S. Emporia
Brandon Evenson	2276 L Rd
Gregg Lewis	1260 S. Emporia
Loresa Lewis	1260 S. Emporia
Sherri Adlesperger	2048 SW 40th

2. APPROVAL OF MINUTES

Commissioner Stewart made a motion to approve the minutes with a correction, seconded by Commissioner Watson. The motion passed unanimously (7-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 18-03-SUP: REVIEW UPDATED PROPOSAL 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.

o Presentation of Request

Jay Shivers made a brief presentation of the staff memo, updated since the last meeting to describe the updated accessory building proposal. Tim and Sonja Fritsche approached the podium and asked if the Commission had any questions for them. There were no questions. Chairman Long thanked them and said their letter was very thorough.

o Public Hearing

Chairman Long opened the public hearing. Sherry Adlesperger spoke on behalf of Donald Adlesperger (1285 S. Topeka, owns seven vacant lots north of the proposed building location and various other vacant lots in the immediate area), who couldn't attend the meeting. Ms. Adlesperger read some notes on behalf of Mr. Adlesperger:

- The building will still be about 20 feet tall including roof and foundation,
- this type of building is not allowed anywhere else in an R-1 zone,
- it will be constructed on an adjoining lot to his home and not his original home lot,
- what would prevent them from selling the metal building separate from the house in the future?
- average size of storage buildings are 10-15 feet,
- the building will devalue property in the area,
- if the neighbors wouldn't allow the duplexes, why a steel building?

Ms. Adlesperger added that she researched property taxes in the area. The vacant lots bring in to the city 270 dollars a year. Lots with houses bring 2,300 to 3,900 dollars a year. She said if the lots are never sold, and a big metal building in a residential area will make them hard to sell, it will be tax revenue lost. Average size of homes in the area are 1,118 square feet on a single level to 1,496 square feet. There is one at 1,558 square feet but includes two stories. She said the metal building will be larger than most homes on block. No metal buildings currently out there, all the homes are made of brick and wood with composition roofs. She said the storage buildings she can see are made of wood and shingles; no small metal buildings.

Loresa Lewis, 1265 S. Emporia, lives two lots down the street. She said they are okay with the building. It has nothing to do with the payback of the duplexes. Duplexes would have been a wholly different issue. Mrs. Lewis said they take good care of their lots, unlike the vacant lots that are not taken care of and the new house on the corner that is not taken care of or the house on the corner of Topeka that is not taken care of. She said the issue is not about the size of the building. She said the building will fit in with the community.

Mr. Fritsche said he worked with his contractor to reduce the overall height and said it will be below the rooftop of his house. Mr. Fritsche offered to plant some trees to help with the view of the building. Mr. Fritsche referenced photos he submitted for the agenda packet. He said the

duplexes were a separate issue. He said the house built by the duplex developer doesn't mow the grass. It is mowed every four to six weeks. He said they spoke against the duplex proposal because they wanted something nice and not something that would attract negative attention. He said the house at Finney and Topeka has a car in the yard, tall grass, and broken windows. He said he will work with the city to add a separate awning near his shed to cover his camper. He said they will build a building.

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

o Discussion by Planning Commission

Commissioner McLaren asked about the property line between the two lots. Mr. Shivers said that Butler County can combine them for taxing and GIS purposes and that the zoning ordinance refers to them as zoning lots, where there is one owner with contiguous lots. Mr. Shivers explained the difference between lots of record and zoning lots. Mr. Shivers said they would not allow the property to be split back into individual lots if the building is approved.

Commissioner Watson asked if there's any special regulations for the neighborhood. Mr. Shivers said the city doesn't have any special rules for the neighborhood. He said there was a discussion about covenants but there is currently no homeowners association or covenants filed for the subdivision that he's aware of. He said if there is, the city doesn't enforce neighborhood covenants. Commissioner Watson asked if it would be a metal building, including roof and sides. Mr. Shivers said it would be.

Commissioner McLaren said there's nothing in the zoning code that prohibits metal buildings.

Commissioner Leason asked Mr. Fritsche why he needs the high side walls instead of what is allowed. Mr. Fritsche said to house his personal property. He's asking for just enough height to get his camper in the building.

Chairman Long said he has problem with an oversized metal building being built and surrounded by wood frame homes in the neighborhood. He said he didn't know if that's where El Dorado wants to go, putting metal buildings in neighborhoods. Chairman Long asked if anyone has a motion.

Gregg Lewis asked to speak. Chairman Long said they closed the public hearing and thought everyone had a chance to speak. Mr. Lewis said El Dorado is a recreational community; there's other places to store equipment but most want to store it next to their house. He said they're not allowed to park them next their houses on the grass, they have to be on concrete. Mr. Lewis said they can welcome this or not be a recreational community. He said his boat is out of town and he can't bring it home to put beside his house.

o Motion

Commissioner McLaren made a motion to recommend approval with the condition property line is removed, seconded by Commissioner Lewis. Chairman Long asked for a roll call vote.

Roll Call Vote:

Scott Leason	N
David Lewis	Y
Brad Long	N
Kyle McLaren	Y
Samuel McVay	Absent
David Stewart	N
Kelly Tetrick	N
Gerald Watson	Y

The motion to recommend approval failed (3-4).

ITEM NO. 2 – CASE NO. 18-04-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT AT 410 AND 412 N. DENVER STREET TO ALLOW AN ACCESSORY STRUCTURE EXCEEDING 1,200 SQUARE FEET IN AREA AND 12 FEET IN HEIGHT AT THE SIDE WALL.

o Presentation of Request

Mr. Shivers reviewed the staff memo. Randy Ewart, applicant, asked for an open mind and said Chairman Long doesn't like metal buildings. Chairman Long said he didn't think oversized metal buildings belong. Mr. Ewart said he needs a large building to house his motorhome and 27 foot trailers. He said he'd like to protect his investment. He has several show cars he wants to house in it. He said he tore down the two homes behind his house and that they were eyesores. He wants to build the most beautiful structure in the neighborhood with roman columns and trees. He said he spent 22,000 dollars buying the lots and tearing the homes down.

Commissioner Watson asked if he needed the height for his bus. Mr. Ewart said his bus is 12 feet tall, standard height for a motorhome. He said the bus is 40 foot long and his trailer is 12 feet tall, 27 feet long, and hauls two cars stacked in it, 67 feet long total. Commissioner Watson asked if he needed an extra four feet in sidewall height. Mr. Ewart said he needs a 14 foot garage door and the side wall has to be higher than that. Mr. Ewart said he could build a 10 foot wide by 70 foot long building to get the bus in but there won't be room to work on it, and no room for his cars. He said he has a 30 foot limousine, wants to start a limousine business, and would like to get it out of the weather. He said people won't hire limos when they have hail damage. Mr. Ewart said with the two lots, he has more than enough space within the setbacks.

o Public Hearing

Chairman Long opened the public hearing. Mrs. Lewis said she doesn't understand the metal building thing. There is one a block south of her house. She said it looks nice. Mrs. Lewis supports Mr. Ewart. She said the Commission can't make metal buildings a personal thing. Commissioner Tetrick said it isn't about being metal, the building is oversized and beyond what the regulations allow. Commissioner Tetrick said he drove by the building a block away and said it sticks out. Mrs. Lewis asked how that building was approved but these are not.

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

o Discussion by Planning Commission

Mr. Shivers said he had heard from three people on this case. One wrote a letter of support and it is included in the agenda packet. Mr. Shivers also received a phone call and walk-in that opposes the permit application. Jane Persons, 521 W. 3rd, said she opposed the building due to its size and could not attend the meeting. The walk-in person wished to remain anonymous at the hearing, though staff has her contact information, and also opposed the building due to its size.

Mr. Ewart asked to speak and was invited to the podium by Chairman Long. Mr. Ewart said if it was important to his accusers they would have appeared at the meeting. He said he would ask them if they want his building or the two slums back on the lots. Mr. Shivers said the two residents have health problems and do not travel well.

Mr. Lewis approached the podium. Mr. Lewis said all Mr. Ewart needs to do is add a small apartment and the building becomes a house. Mr. Shivers said it would need to be more than that, it must be a house and garage and not just a kitchen and bathroom tucked in the corner. Mr. Shivers told the Commission that occasionally when there is a request for a large accessory building that looks like it may not be approved, applicants will propose a residential space in the building to call it a house. Mr. Shivers said he has talked with the Building Official and projects like this would need to meet all the requirements to be a home and not just a small apartment. Mr. Lewis asked what the minimum square feet is needed to make it a home. Mr. Shivers said he is not the Building Official and that the board is discussing the accessory structure; he said if the SUP is denied, then Mr. Ewart will meet with him and the Building Official to discuss the applicable codes and regulations and alternative options. Commission Stewart asked if the public hearing had been closed. Chairman Long confirmed that it had been closed.

o Motion

Commissioner Leason moved to recommend denial of the SUP, seconded by Commissioner Stewart. Chairman Long asked for a roll call vote.

Roll Call Vote:

Scott Leason	Y
David Lewis	N
Brad Long	Y
Kyle McLaren	N
Samuel McVay	Absent
David Stewart	Y
Kelly Tetrack	Y
Gerald Watson	Y

The motion to recommend denial passed (5-2).

ITEM NO. 3 – CASE NO. 18-02-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 526, 600, AND 602 N. VINE STREET FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT.

o Presentation of Request

Mr. Shivers reviewed the staff memo. Brandon Evenson, applicant, said he is interested in purchasing the property to build a metal building for his construction business to have an office and area to store equipment. He said he thought the home next door on Vine Street is going into foreclosure and that if possible he will try to purchase it, demolish it, and rezone it too.

Commissioner Stewart asked if he owns the property. Mr. Evenson said it is under contract with Mr. Dankert pending the rezoning. Commissioner Stewart asked if Mr. Dankert is making the request. Mr. Shivers said the applications have separate lines for the property owner and applicant; Mr. Evenson is making the request.

Chairman Long asked if he would still purchase the property if the rezoning is denied. Mr. Evenson said he probably would not. He said he has no use for residential lots. Chairman Long ask about the size of his metal building considering the discussion tonight. Mr. Evenson said those were for residential areas, this will be industrial. Commissioner Stewart said it would be a primary structure in an industrial area. Commissioner Tetrick mentioned it would be allowed above the residential size since it is a rezoning. Commissioner Tetrick asked about the maximum building size. Mr. Shivers said there isn't a set maximum, but it still has to meet all the other zoning regulations and building codes. He said they will still have to provide for parking and screening and all the other items on the development checklist.

Commissioner McLaren said he is concerned about the residences nearby and the jump from R-1 to I-1 is significant. He said he would be in favor of it if Mr. Evenson owned all the residential properties and could turn the whole area to commercial and industrial. The Commission discussed the buildings in the immediate area.

Mr. Shivers said he spoke with Robbie Pollard who owns one of the homes behind the subject lots. He could not attend the meeting and does not oppose it. He discussed two concerns with staff, one is making sure there is appropriate screening and the other that all traffic accesses Vine Street and not the road in front of his house. Mr. Shivers said screening is required between industrial and residential properties. Mr. Evenson said there is a tree line along the property line and he is willing to plant more if needed. Mr. Shivers said that portion of the property may already meet the screening requirements.

o Public Hearing

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

o Discussion by Planning Commission

Chairman Long said he could see this area becoming more industrial and that the corridor is going that direction.

Commissioner Tetrick asked if rezoning to C-1 was considered. Mr. Shivers said he met with Mr. Evenson and after hearing what he would like to build determined I-1 was the best fit.

Commissioner Stewart said a major difference between C-1 and I-1 is that C-1 restricts outdoor storage unless it is for the display of merchandise. Mr. Evenson said he plans to store everything inside the building.

Commissioner McLaren said the next owner could cover the lot with outdoor storage and asked if it would have to be screened from Vine Street or if it's just along the residential area. Mr. Shivers said it would be screened next to residential and commercial and he thought there was an exemption along roads depending on the type of road.

The Planning Commission discussed the challenges to connecting to the sewer line in center of Vine Street.

o Motion

Commissioner Leason moved to recommend approval, seconded by Commissioner Watson.

Roll Call Vote:

Scott Leason	Y
David Lewis	Y
Brad Long	Y
Kyle McLaren	N
Samuel McVay	Absent
David Stewart	Y
Kelly Tetrick	Y
Gerald Watson	Y

The motion to recommend approval passed (6-1).

4. OLD BUSINESS

5. STAFF ITEMS

Mr. Shivers said there would not be a September meeting.

Mr. Shivers said it was time to elect a new chairman and vice-chairman for the next year. He said Scott Hackler has been appointed to the Planning Commission to replace Dan Bullock's seat outside of city limits. Chairman Long made a motion to make Commissioner Tetrick the new chairman and Commissioner Stewart the Vice Chairman, seconded by Commissioner Lewis. The motion passed unanimously by voice vote.

Mr. Shivers updated the Planning Commission on agenda items from earlier in the summer. Mr. Shivers also said they would be discussing tiny homes and the use of shipping containers in residential areas in the coming meetings.

6. ADJOURNMENT

The meeting was adjourned at 8:31pm.