



EL DORADO

THE FINE ART OF LIVING WELL

PLANNING COMMISSION MINUTES - DRAFT
February 28, 2019
6:30 p.m.

1. CALL TO ORDER & ROLL CALL

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

Members Present:

Scott Hackler
Brad Long
David Stewart
Kelly Tetrick
Gerald Watson

Staff Present:

Jay Shivers
Scott Rickard

Others Present:

Tom Pennycuff 800 S. Taylor
John Brickley 107 SE Bluestem
Roger Cutsinger 120 N. Main

2. APPROVAL OF MINUTES

- a. January 31, 2019 Minutes
- b. February 7, 2019 Minutes

Commissioner Long moved to approve the minutes from the January 31st and February 7th meetings, seconded by Commissioner Hackler. The motion passed (5-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 19-01-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 610 SW PURITY SPRINGS ROAD FROM A-R

AGRICULTURAL-RESIDENTIAL DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT.

A) PRESENTATION OF REQUEST

Jay Shivers reviewed the staff memo. John Brickley showed the Planning Commission proposed building locations for Wheatland Construction, Sunflower Services, and AJ's oilfield services.

Commissioner Long asked if there are working oil wells on the property. Mr. Brickley said there are two producing wells on the property and they may be interested in drilling a couple more. Commissioner Long asked if they would connect to the city sewer. Mr. Brickley said they'll do what the city asks them to do. Tom Pennycuff, representing Sunflower Services, said the state would require them to tap into the city water and sewer lines in the area.

Chairman Tetrick asked if they would access the property using SW Purity Springs Road. Mr. Pennycuff said they would.

Commissioner Long asked if I-1 allows outdoor storage. Mr. Shivers said it is allowed. Commissioner Long asked if Mr. Brickley plans to have outdoor storage. Mr. Brickley said they would have some oilfield equipment on the south side, such as trucks and pipe racks. Commissioner Long asked if it would need screening from the house to the north. Mr. Shivers said it will depend on the location of the storage since the property is so big.

Mr. Shivers said letters were sent to all properties within 1,000 feet since the property is outside city limits. He said he received two phone calls to learn more about the rezoning.

B) PUBLIC HEARING

Chairman Tetrick invited anyone who wishes to speak on the matter to do so.

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Hackler asked if water and sewer infrastructure are nearby, do they need to be annexed to use it. Mr. Rickard said it depends on how the development is laid out and subdivided. Commissioner Hackler asked if it places a burden on the city to annex roads near the property. Mr. Rickard said the city would annex SW Purity Springs road along the west boundary of the property.

Commissioner Watson asked if the sewer line is big enough for the property. Mr. Rickard said it is big enough and has capacity. It was installed around 2003 to serve KDOT's facility. Mr. Rickard said that facility is also connected to rural water. He also said the city is working on a master plan that includes water and sewer extensions to the industrial area north of 254.

D) MOTION

Commissioner Stewart moved to recommend approval of the rezoning application as presented, seconded by Commissioner Long.

Roll Call Vote

Commissioner Hackler	Y
Commissioner Long	Y
Commissioner Stewart	Y
Chairman Tetrick	Y
Commissioner Watson	Y

The motion passed (5-0).

ITEM NO. 2 – PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS

A) PRESENTATION OF REQUEST

Mr. Shivers said the Planning Commission discussed and reviewed the ordinance amendments in February and provided an overview of the ordinance changes up that point. Mr. Shivers said there are a couple of decisions to be made on changes. There is also one new definition, one definition update, and one section of the ordinance that can be removed as it is no longer relevant.

Mr. Shivers explained that the section being removed says that newly annexed property is automatically zoned R-1, one of the most restrictive classifications in the zoning ordinance. Months after the last major zoning ordinance update, the city worked with the Butler County to acquire zoning jurisdiction for three miles around the city. With the new jurisdiction, the city no longer needs to automatically rezone properties to R-1 upon annexation.

Mr. Shivers said the Floor Area definition update tweaks the existing definition to apply to the new infill housing regulation, focusing on measuring everything above grade.

Mr. Shivers said the Planning Commission discussed prohibiting shipping containers in residential areas versus regulating them. Mr. Shivers said he did a city survey and found that a majority of cities in Kansas are currently prohibiting shipping containers in residential areas as permanent accessory structures and allowing them for temporary uses.

B) PUBLIC HEARING

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

C) DISCUSSION BY PLANNING COMMISSIONERS

Commissioner Long asked how many containers are currently in residential areas. Mr. Shivers said he is aware of two. He said none have been permitted and the city does not currently have regulations for shipping containers. Commissioner Long asked if the regulations would affect the existing containers. Mr. Shivers said that some cities will add a line to the ordinance giving existing shipping containers a time period to conform to the new rules.

The Planning Commission discussed how to move forward with voting and if the infill regulation needed to mention larger/smaller homes may be allowed by variance or SUP. The Commission decided it was already eligible for a variance and wording should stay as it was presented.

Commissioner Watson asked about lot sizes for properties platted before 1951 and how the reduced setback would apply. Mr. Shivers said many lots are as small as 40 feet wide and that most people on larger lots would prefer not to place a garage close to a lot line. That typically happens on smaller lots where owners have little space to work with.

Commissioner Stewart said accessory structures should be subservient to principal structures in scale and height. He said they have the scale part in the proposed changes. Commissioner Stewart said he was concerned about accessory structures matching the peak height of a home, using a flat or low pitch roof and having tall side walls. The Planning Commission discussed the advantages and disadvantages of using peak height of the accessory structure to peak height of principal structure, side wall height limits, and using the code definition of structure height which is usually the midpoint of the roof of a principal structure, not the peak.

D) MOTION

Commissioner Stewart moved to modify the proposed height language by requiring the peak of the accessory structure to not exceed the midpoint of the principal structure and the slope to be compatible with the principal structure to within 1/12 of the primary slope, seconded by Commissioner Hackler. The motion carried (5-0). Commissioner Stewart moved to approve the proposed residential accessory structure size, height, and setback amendments, seconded by Commissioner Long. The motion carried (5-0).

The Planning Commission reviewed the shipping container regulations. Commissioner Long moved to prohibit shipping containers as residential accessory structures and allow for temporary use as presented, seconded by Commissioner Watson. The motion carried (5-0).

The Planning Commission reviewed the proposed infill regulations. Commissioner Stewart moved to approve the infill regulation amendment as presented, seconded by Commissioner Hackler. The motion carried (5-0).

Commissioner Stewart moved to approve the new and updated definitions as presented, seconded by Commissioner Hackler. The motion carried (5-0).

The Planning Commission reviewed the by-law changes and discussed the differences between the Planning Commission and Board of Zoning Appeals. Commissioner Hackler moved to approve the proposed by-laws changes as presented, seconded by Commissioner Watson. The motion carried (5-0).

Commissioner Long moved to remove the annexation section from the zoning ordinance as presented, seconded by Commissioner Hackler. The motion carried (5-0).

4. OLD BUSINESS

5. STAFF ITEMS

6. ADJOURNMENT

The meeting adjourned at 7:53pm.