

# EL DORADO

## K A N S A S

### PLANNING COMMISSION MINUTES - DRAFT April 22<sup>nd</sup>, 2021 6:30p.m.

#### 1. CALL TO ORDER & ROLL CALL

##### Members Present

Steve Fellers  
Scott Hackler  
Frank Hughes  
Scott Leason  
Brad Long  
David Stewart  
Kelly Tetrick

##### Staff Present

Jay Shivers

##### Others Present

Lluvia Quintero  
Alfredo Nunez

#### 2. APPROVAL OF MINUTES

Commissioner Stewart moved to approve the minutes of the March 25<sup>th</sup>, 2021, meeting, seconded by Commissioner Hackler. The motion passed (7-0).

#### 3. NEW BUSINESS

##### **ITEM NO. 1 – CASE NO. 21-02-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 120 E. 4<sup>TH</sup> AVENUE FROM C-1 GENERAL BUSINESS DISTRICT TO C-2 CENTRAL BUSINESS DISTRICT.**

##### A. Presentation of Request

Jay Shivers provided an overview of the staff memo. The applicant is requesting a change of zoning from C-1 to C-2. The zoning districts are similar with the exception that vehicle uses, such as gas stations and vehicle sales, are not allowed by-right. C-2 does not have parking or setback requirements.

Lluvia Quintero, applicant, asked if anyone has questions.

Commissioner Long asked about the plans for the property. Ms. Quintero said they want to add a kitchen and a second dining area and move the outdoor area farther east. She said would like to have an outdoor area this summer with bands playing.

Mr. Shivers says under current zoning, there are no expansion options due to setbacks and parking requirements.

Chairman Tetrick asked if the owner of the large property to the north was contacted. Mr. Shivers said yes. Ms. Quintero also said she contacted them.

Commissioner Stewart asked if there are parking agreements with the neighboring property. Ms. Quintero said yes.

Commissioner Hughes asked if there's any parking on the property. Ms. Quintero said the front parking spaces are on the property.

Commissioner Long asked how many people can be seated. Ms. Quintero said 100, the kitchen expansion is their main project for now.

#### B. Public Hearing

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

#### C. Discussion by Planning Commission

No additional discussion.

#### D. Motion

Commissioner Long moved to recommend approval of Case No. 21-02-REZ, an application by Lluvia Quintero and Alfredo Nunez to rezone 120 E. 4th Avenue, from C-1 General Business District to C-2 Central Business District, for reasons stated in the staff recommendation and heard at this public hearing. The motion was seconded by Commissioner Hackler.

#### Roll Call Vote

|               |   |
|---------------|---|
| Steve Fellers | Y |
| Scott Hackler | Y |
| Frank Hughes  | Y |
| Scott Leason  | Y |
| Brad Long     | Y |
| David Stewart | Y |
| Kelly Tetrick | Y |

The motion passed unanimously (7-0).

#### **4. OLD BUSINESS**

#### **5. STAFF ITEMS**

##### Accessory Building Discussion

Commissioner Fellers said he wanted to discuss people not getting permit for accessory buildings and how to inform people they need permits. He said many buildings don't meet code and don't have permits. He said his garage expansion made his taxes go up, wondered if non-permitted buildings don't get taxed. He wants to find a way to be more proactive to inform residents when they need a permit. He said he sees shipping containers in town. He said the code allows for a large buildings.

Chairman Tetrick said code enforcement addresses some of these issues. Commissioner Long said some of these buildings are SUPs. The Planning Commission discussed taxing of accessory structures and concerns about extending electricity to small buildings.

Mr. Shivers said the vast majority of buildings are permitted, regulations were changed a couple years ago. He said a lot of concerns fall under code enforcement. He said staff works to inform the public through Channel 7 announcements, water bill announcements, etc., over the years.

Mr. Shivers said they banned shipping containers in residential areas. Containers existing before the new regulations were allowed to remain. Otherwise, new ones need to be reported. He said if he sees something questionable, contact him or code enforcement.

##### Review of City Commission meeting agenda items

Chairman Tetrick said the City Commission approved the Bernita's Acre plat.

Chairman Tetrick discussed the rezoning at Boyer and Third. He said the City Commission voted against their recommendation 3-2. A protest petition was filed and the City Commission needed a super majority to approve. He said it didn't fail or pass, but was not approved. Commissioners Lewis, Young, and Badwey all voted for the rezoning and gave justification and reiterated that misinformation was spread by the petition organizer. He said Commissioner Wilkinson voted against the rezoning with no justification and encouraged everyone to watch the meeting. He said all her talking points were in favor of approval and she discussed how she had multiple rental units in El Dorado. Commissioner Guthrie thanked the Planning Commission for their hard work and voted against it because he wanted it to remain R-1, primary reason is that he was contacted by an old friend and based his decision on that. Mayor Young discussed how they shouldn't base decisions on misinformation spread by petition organizer.

Chairman Tetrick said several Planning Commission members were approached by homeowners questioning their friendship and employment status for voting for the rezoning. He said they are a volunteer advisory board that has criteria for making decisions, based upon our Comprehensive Plan and criteria upheld by the Kansas Supreme Court. He said all these points were made to the City Commission and still two members chose to ignore it.

Chairman Tetrick said this is an important board and they provide a valuable service to the city through their recommendations. He said they do the dirty work for the City Commission. He said they listen to all parties and their concerns, sift through this information, and still must make a decision based on the criteria knowing they must live, work, and interact with these same people.

Chairman Tetrick said they've been overruled twice in the last eight months and three times in the last three years. The Lawndale SUP, the S. Emporia Rezoning, and the one on Monday. He said they want to feel respected and like their decision matters, but right now it doesn't.

Chairman Tetrick said he calculates these decisions have cost the city three to five million dollars in new construction and 40 new properties were eliminated. He said he did some research with surrounding communities to see how they are dealing with it. Salina has a line out the door with developers, Lenexa needs to annex more land to build on, and Ottawa said they're getting new duplexes and triplexes. He said communities of our size are doing the things our City Commission voted against.

Chairman Tetrick thanked Mr. Shivers for allowing him to serve and said he's enjoyed the meetings, discussions, and growth the Planning Commission has shown. The future is bright with David in charge. Tonight is his last meeting. He thanked everyone for their hard work on this case and the friends they've made along the way.

Commissioner Stewart said he appreciated his efforts over the years and has respect for making this step. He said it has been difficult with some of these cases. There has been public pressure applied to many of them personally. It has been frustrating and he hopes this adjustment will resonate through the City Commission, City Hall, and through the city. This is a great town with great opportunity. They've done heavy lifting to further that along but sometimes it's like getting kicked in the shins. He thanked Chairman Tetrick for time and commitment and passion.

Commissioner Long thanked Chairman Tetrick and said Mr. Shivers is well prepared and the board knows what's going on. He said Chairman Tetrick has done a great job.

Commissioner Fellers thanked him, said he agreed with everything he said tonight.

Commissioner Hackler thanked Chairman Tetrick, he said he feels his frustration and it's difficult to do the leg work and get the bad part of the operation. He said it's all for nothing sometimes and it's very frustrating. He said he appreciates what Chairman Tetrick has done and respects his decision.

## **6. ADJOURNMENT**

The meeting was adjourned at 7:00pm.