



EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
June 21, 2021 – 6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Invocation** – Reverend Mark Somerville, Family Worship Center
4. **Pledge of Allegiance**

Proclamations and Recognition

5. None

Personal Appearances. Personal appearances are opportunities for organizations or citizens to make special presentations before the City Commission. Such appearances are scheduled in advance of the meeting by calling City Clerk Tabitha Sharp at (316) 321-9100 by 5:00 pm the Tuesday preceding the meeting. Presentations are limited to ten minutes. Any presentation is for information purposes only; no action will be taken.

6. None

7. Public Comments. Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission may do so when called upon the Mayor. Comments on personnel matters and matters pending in court are not permitted. Speakers are limited to three minutes. Any presentation is for information purposes only; no action will be taken.

Consent Agenda (*Consent agenda items will be acted on by one motion unless a majority of the City Commission votes to remove an item for discussion and separate action.*)

8. [Approval of City Commission Minutes from June 7, 2021.](#)

Old Business

9. None

New Business

10. [Application to Rezone \(O-I to I-1\) 10 Lots in the El Dorado Business Park](#)
11. [Application to Rezone \(R-1 to R-3\) 522 W 5th Avenue](#)
12. [Special Use Permit Application – 522 West 5th](#)
13. [Deer Run Final Plat](#)
14. [Evergy Underground Utility Proposal](#)

Discussion Items

15. None

Reports

16. City Commission and Advisory Board Updates

17. City Manager

Executive Session

18. None

Adjournment

21. Consideration of a motion to adjourn the June 21, 2021 regular meeting

PUBLIC COMMENT POLICY:

Citizens are encouraged to address the City Commission during regularly scheduled meetings. This policy is intended to provide some guidelines to ensure that all El Dorado citizens have a chance to address the Commission.

1. Each citizen will state their name and address before making comments.
2. There are no residency requirements.
3. Each citizen will have 3 minutes to present his or her comments.
4. An extension of time, if necessary, may be approved but must be by a majority of the City Commission.
5. Comments or questions will be directed only to the City Commission.
6. Citizens will follow the decorum policy.
7. Debate or argument between parties in the audience will not be allowed.
8. Certain legal issues may not be discussed. (Examples include but are not limited to personnel issues, lawsuits, etc.)
9. Violation of this public comment policy will result in the citizen being directed to cease or resume sitting.

Approved by the Commission this 2nd day of May 2005.

EL DORADO

K A N S A S

PLANNING COMMISSION AGENDA

May 27th, 2021

6:30p.m.

1. CALL TO ORDER & ROLL CALL

The meeting was called to order at 6:30pm.

Commissioners Present

Steve Fellers
Frank Hughes
Scott Leason
Brad Long
David Stewart
Gerald Watson

Staff Present

Jay Shivers

Others Present

Will Clevenger
Clint Arndt

2. APPROVAL OF MINUTES

Commissioner Long moved to approve the April 22nd meeting minutes, seconded by Commissioner Hughes. The motion passed (6-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 21-04-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 522 W. 5th AVENUE FROM R-1 LOW DENSITY RESIDENTIAL DISTRICT TO R-3 MULTIFAMILY RESIDENTIAL DISTRICT.

ITEM NO. 2 – CASE NO. 21-03-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT FOR A NURSING/CONVALESCENT HOME AT 522 W. 5TH AVENUE.

A. Presentation of Request

Mr. Shivers presented the rezoning and Special Use Permit together. Mr. Shivers reviewed the staff memos and said the proposed use, nursing or convalescent home, needed a Special Use Permit which also required a rezoning to R-3 Multiple Family Dwelling District.

Clint Arndt, applicant, said him and his wife have Sunflower Homes and have two facilities in Emporia. His wife is a physician and his background is in construction and real estate. He said senior housing is very underserved. Home Plus is senior housing that started 25 years ago and the idea is to have a small facility that takes care of elderly rather than stereotypical nursing homes. It is more of a home setting and roommate situation, doesn't feel like a nursing home. They have one nurse for every three or four residents whereas nursing homes are much higher. They do more activities than nursing homes. They are designed for long-term care but can also serve short-term care, such as if a caregiver needs a break or vacation they can drop off a family member. Proposed facility can only handle up to 12 overnight residents at a time. They are regulated by the State.

Mr. Arndt said he would like to see the entire property turn into senior living but it will depend on demand.

Commissioner Fellers asked about the layout and sidewalks.

Mr. Arndt said he placed parking to the west so can have another facility to the west of the parking lot. He would like a future roadway and sidewalks connecting senior homes. He said this property is appealing because of the size.

Commissioner Long asked if the property can access 6th Avenue. Mr. Shivers said it will depend on the layout and that it is an option.

B. Public Hearing

Chairman Stewart opened the public hearing for both the rezoning request and the SUP request. There being no one to speak, the hearing was closed.

C. Motion and Discussion by Planning Commission

Commissioner Long moved to recommend approval of Case No. 21-04-REZ, an application by Clint Arndt to rezone 522 W. 5th Avenue, from R-1 Low Density Residential District to R-3 Multiple Family Dwelling District, for reasons stated in the staff recommendation and heard at this public hearing, seconded by Commissioner Leason.

Commissioner Long moved to recommend approval of Case No. 21-03-SUP, a request by Clint Arndt, for a Special Use Permit to allow a nursing or convalescent home on the property located 522 W. 5th Avenue, for the reasons set forth in the staff recommendation and heard at this public hearing, seconded by Commission Watson.

Commissioner Fellers asked if we sent out letters. Mr. Shivers said we sent letters within 200 feet and many went to owners at different addresses meaning many of the properties are rentals.

Commissioner Long said he thought it is a good project.

Commissioner Hughes said it's difficult to find senior living facilities.

Mr. Shivers said he regularly gets calls and emails from companies doing research on senior living and assisted living facilities in El Dorado.

Roll Call Vote for Rezoning Motion

Steve Fellers	Y
Frank Hughes	Y
Scott Leason	Y
Brad Long	Y
David Stewart	Y
Gerald Watson	Y

Roll Call Vote for SUP Motion

Steve Fellers	Y
Frank Hughes	Y
Scott Leason	Y
Brad Long	Y
David Stewart	Y
Gerald Watson	Y

Both motions to recommend approval pass (6-0).

ITEM NO. 3 – CASE NO. 21-01-PLAT: CONSIDERATION OF THE FINAL PLAT OF DEER RUN ADDITION.

A. Presentation of Request

Mr. Shivers said Deer Run Final Plat has been resubmitted under R-1 zoning regulations. Mr. Shivers said it creates 13 lots and one new right-of-way. The applicant plans to install a sidewalk in most of the subdivision in order to get the density bonus.

Will Clevenger, with Garver on behalf of the applicant, said they are asking for the density bonus which requires sidewalks on both sides of the road. He said they would like to install it on one side where the houses will be and around the cul-de-sac.

B. Motion and Discussion by Planning Commission

Commissioner Leason moved to approve the Deer Run Final Plat as presented, seconded by Commissioner Hughes.

Chairman Stewart asked about the sidewalk request. Mr. Shivers said the requirement is for the sidewalk to be on both sides of the road. He said the applicant contacted him and Scott to see if their proposal would work to have a sidewalk along the east side of the road and wrap around the cul-de-sac. Mr. Shivers said they thought it was enough to qualify due to the layout of the

property and it did not seem feasible to continue the sidewalk along the west side of Deer Run Court where there are no homes, little space, and may encroach on the floodplain and pipeline right-of-way.

Chairman Stewart asked about drainage. Mr. Clevenger said the water will drain off to the west. There is also a drainage easement on the south end of the plat to carry drainage from the addition to the east and take it southwest to the channel.

Commissioner Hughes asked if it would be an open ditch.

Mr. Clevenger said it would be open at the south end and where it drains out of Deer Run Court will be a flume due to pipeline constraints they cannot go too deep.

Chairman Stewart asked if they would be helping with the drainage from Prairieland Estates Second Addition. Mr. Clevenger said yes.

Chairman Stewart asked if Lot 11 would access Second Avenue. Mr. Clevenger said yes.

Roll Call Vote

Steve Fellers	Y
Frank Hughes	Y
Scott Leason	Y
Brad Long	Y
David Stewart	Y
Gerald Watson	Y

The motion passed (6-0).

ITEM NO. 4 – CASE NO. 21-03-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE LOTS 6, 7, 8, AND 9 OF BLOCK 1 AND LOTS 4, 5, 6, 7, 8, AND 9 OF BLOCK 3 IN THE EL DORADO BUSINESS PARK ADDITION FROM O-I OFFICE INSTITUTIONAL DISTRICT TO I-1 LIGHT INDUSTRIAL RESIDENTIAL DISTRICT.

A. Presentation of Request

Mr. Shivers reviewed the staff memo. He said the request is on behalf of the City of El Dorado due to changing market demand. Mr. Shivers said the City is in the process of replatting this area and plans to extend Stapleton Avenue to the west for industrial traffic to prevent such traffic on El Dorado Avenue around the hotels.

Commissioner Leason asked if this area is near Flint Hills Services. Chairman Stewart confirmed. Mr. Shivers said they are the only people within 200 feet to get a notice.

Commissioner Long asked about Stapleton Avenue. Mr. Shivers said it is platted but is actually a dirt path for now.

B. Motion and Discussion by Planning Commission

Commissioner Leason moved to recommend approval of Case No. 21-03-REZ, an application by City of El Dorado, to rezone Lots 6, 7, 8, and 9 of Block 1 and Lots 4, 5, 6, 7, 8, and 9 of Block 3 in the El Dorado Business Park Addition to I-1 Light Industrial District, for reasons stated in the staff recommendation and heard at this public hearing, seconded by Commissioner Long.

Commissioner Fellers said he was recently at Flint Hills Services and they were aware of what's going on, they received the letter and said they're good with it.

Roll Call Vote

Steve Fellers	Y
Frank Hughes	Y
Scott Leason	Y
Brad Long	Y
David Stewart	Y
Gerald Watson	Y

The motion passed (6-0).

4. OLD BUSINESS

5. STAFF ITEMS

Mr. Shivers said the rezoning for the Blue Goose was approved by the City Commission. Mr. Shivers said they need to have an informal vote for the Chairman and Vice Chairman positions.

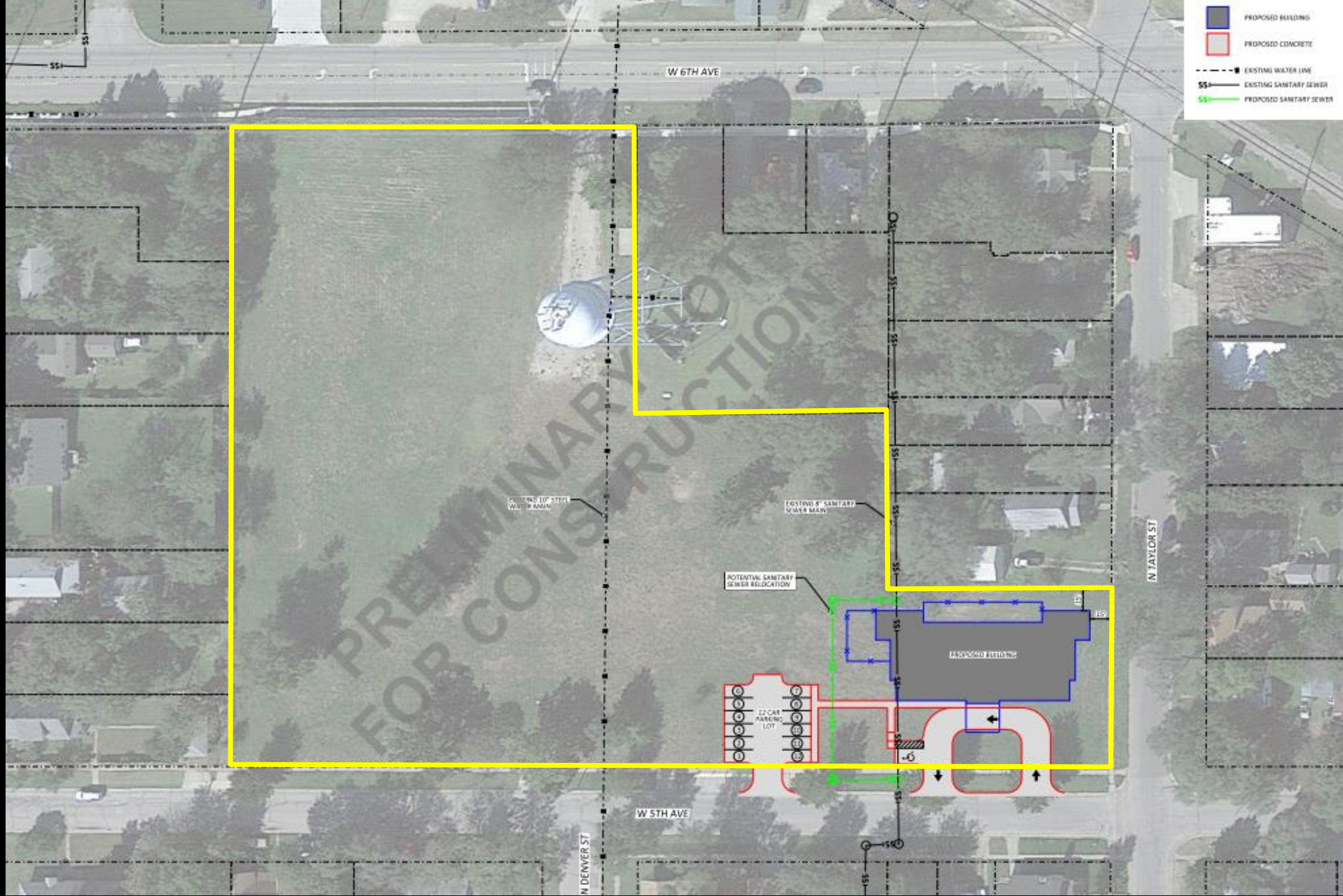
6. ADJOURNMENT

The meeting was adjourned at 7:15pm.

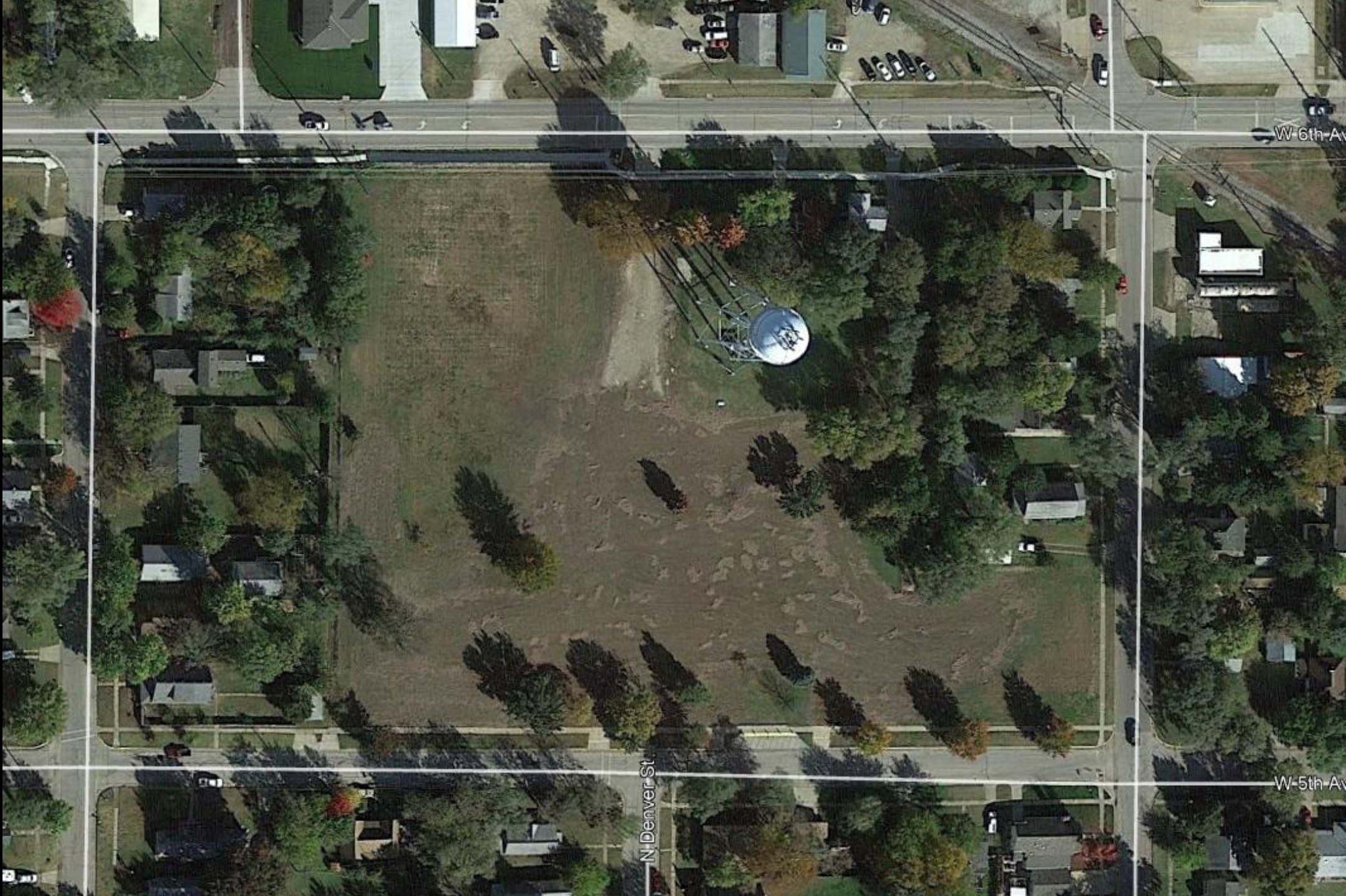
Planning Commission

May 27th, 2021

City of El Dorado, Kansas







R-1
Low Density Residential

Single Family
Residential

In-Home Day Care

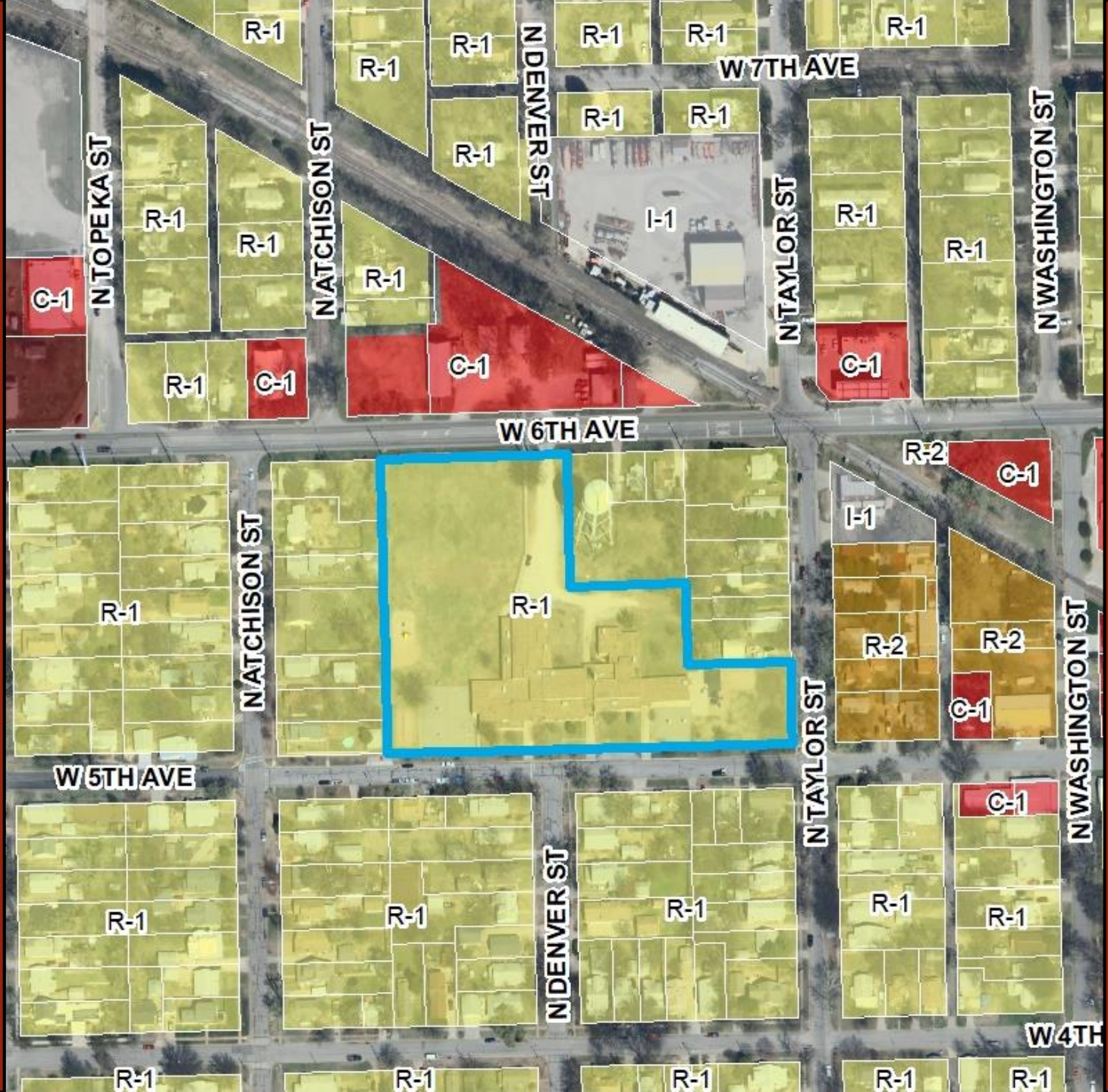
Parks

By SUP

Educational Institutions

Public Assembly Venue

Bed and Breakfast



R-3
Multifamily Residential

Single Family
Residential

Two Family Residential

Multifamily Residential

Parks

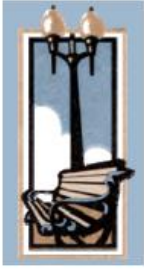
By SUP

Educational Institutions

Public Assembly Venue

Bed and Breakfast

Nursing/Convalescent
Home



CITY OF EL DORADO

2030 Comprehensive Plan



Vision Statement

By 2030, El Dorado will be a community that has improved the availability and variety of quality new housing options.

Goal 4: Housing

- Increase and improve the supply of quality rental properties
- Increase the supply of buildable lots and housing stock to improve housing opportunities at all price points
- Meet special housing needs of current and future residents, improve housing choices for special needs and underserved populations

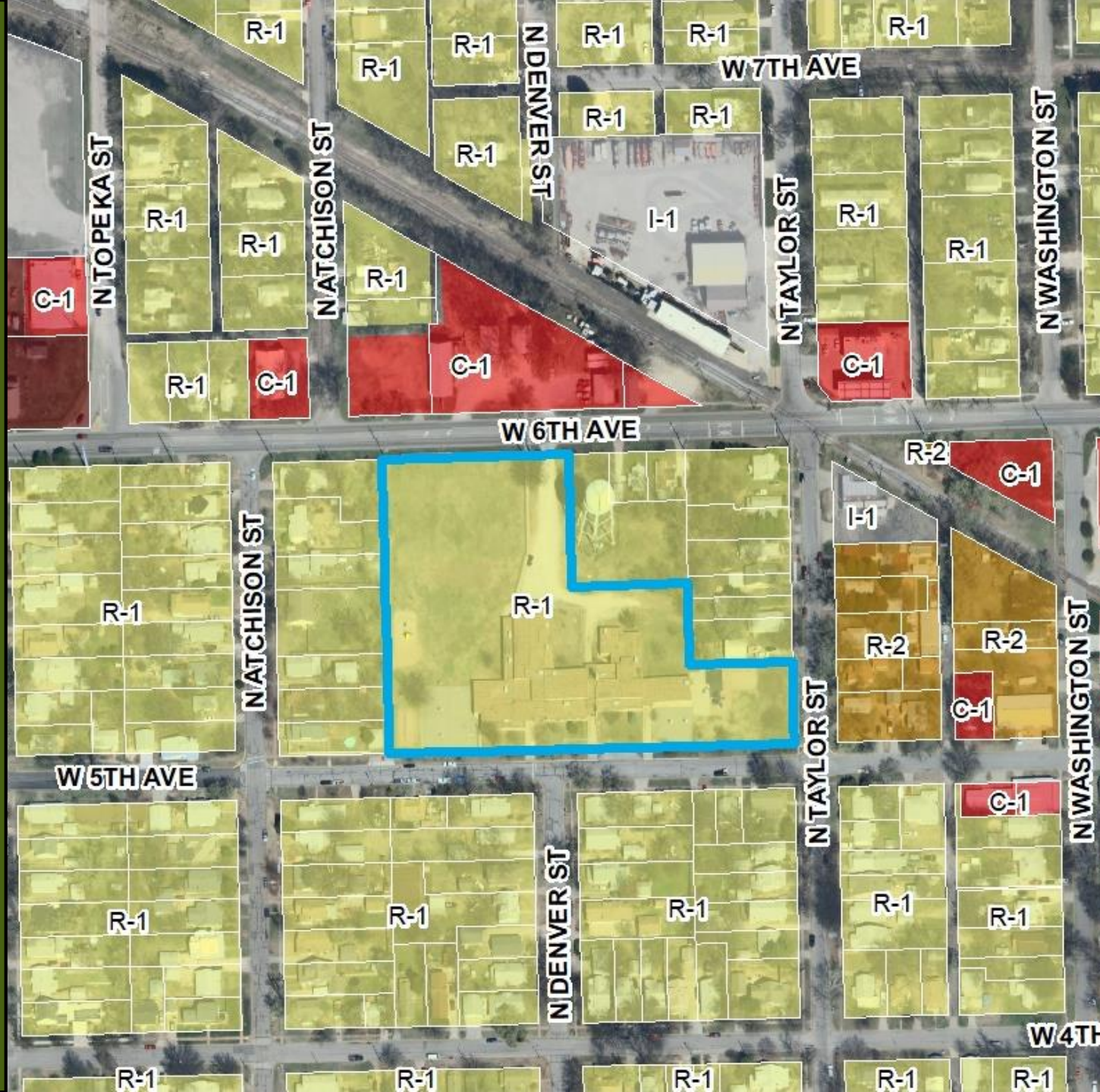
Potential Impacts

Visual

Noise

Traffic

Property Values

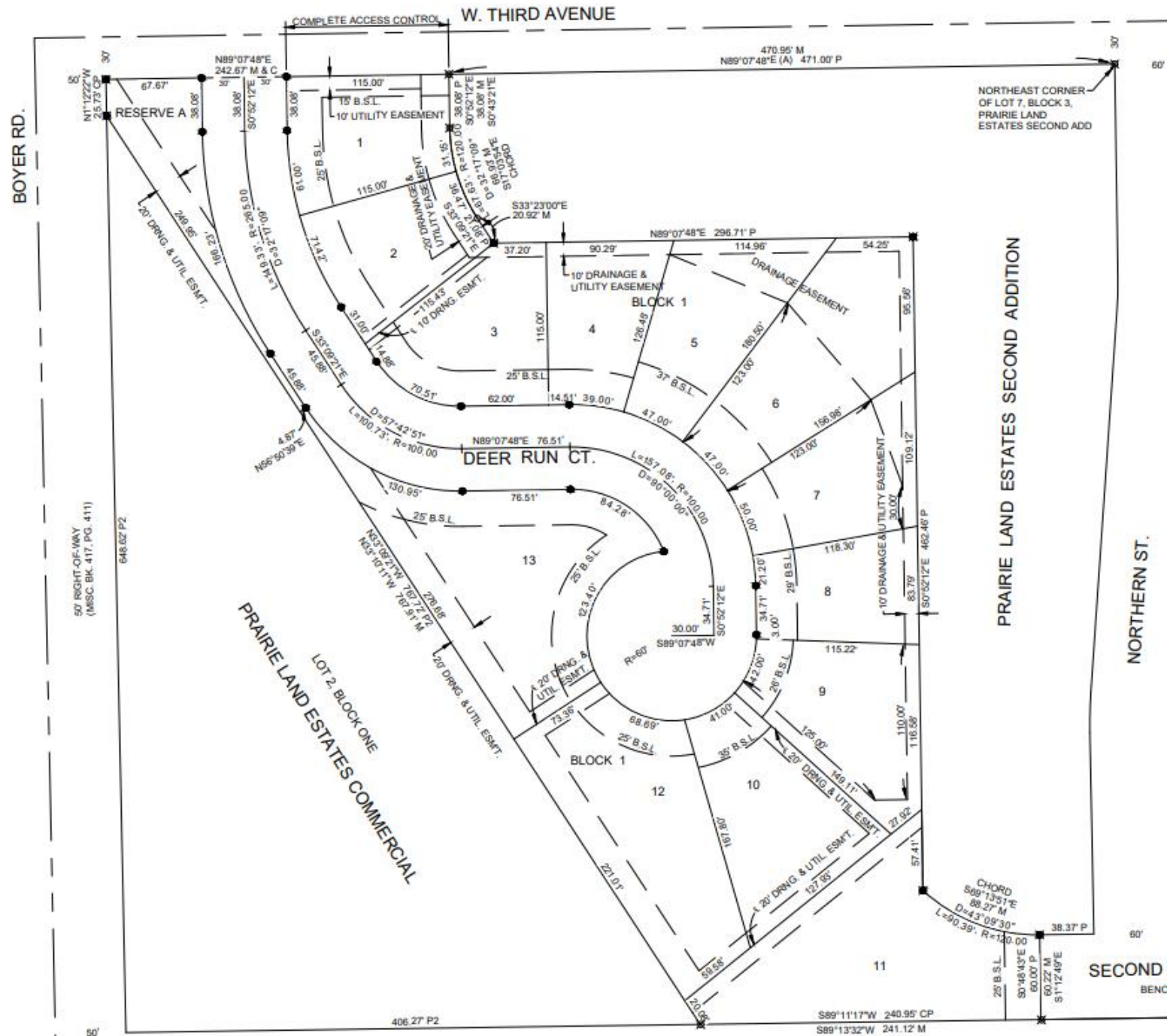


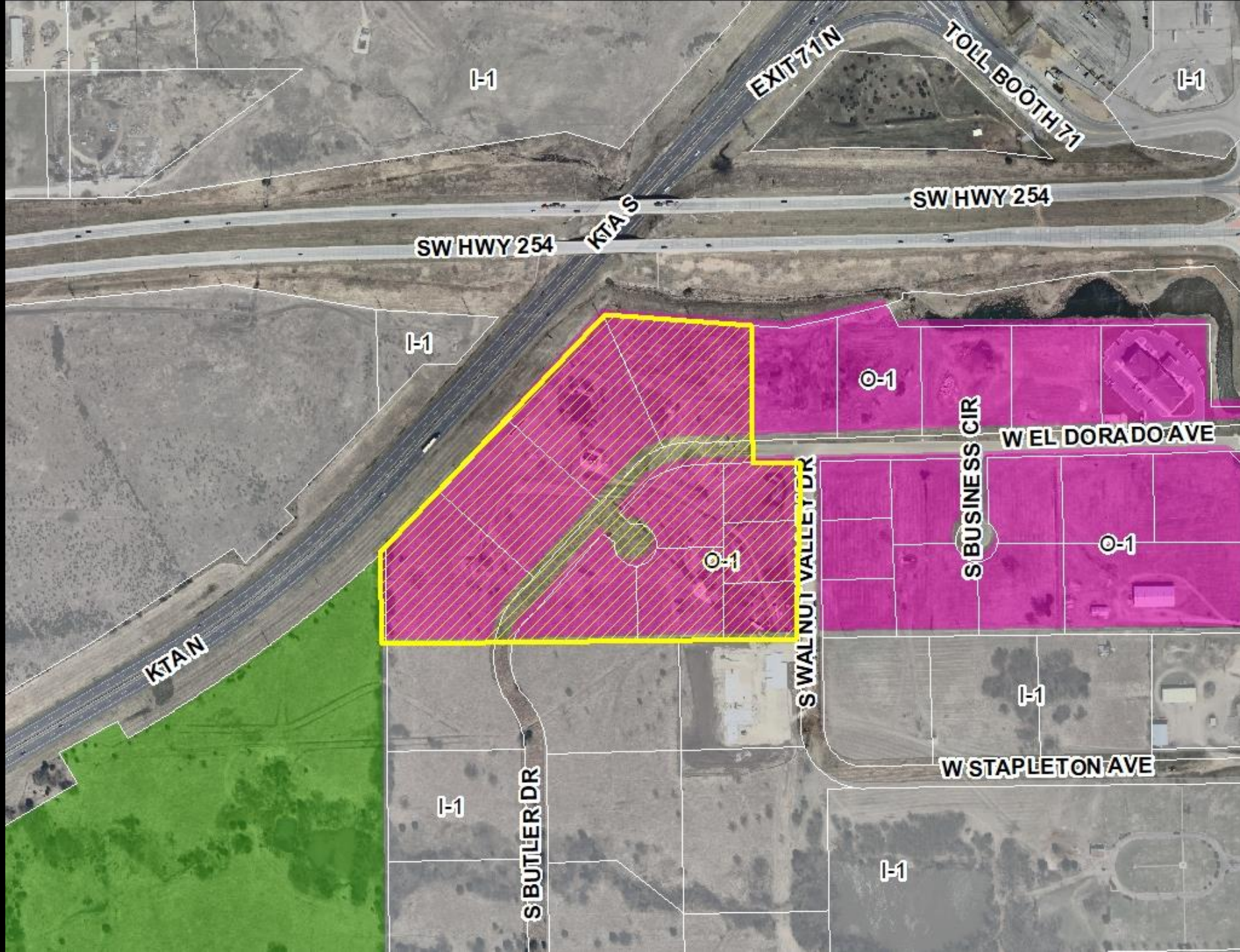
Community Benefits

Additional Housing

- Less than 1% of rentals vacant
- 17 homes of 3,300 for sale, 0.5%
- Flint Creek 32 homes, 500 applications

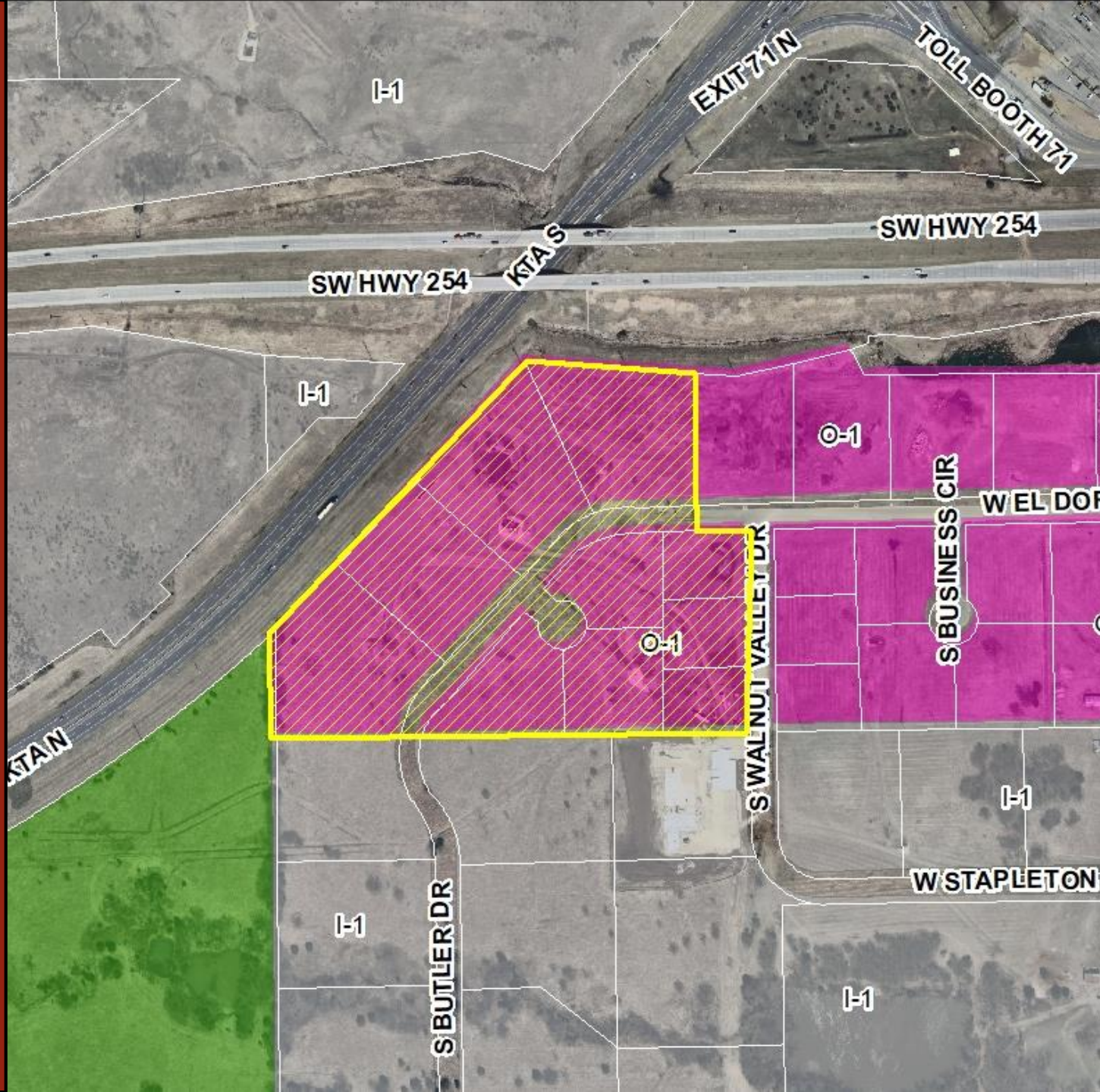






O-I
Office Institutional

Hotel/Motel
Medical Clinic
Museums/Galleries
Retail
Bar
Townhouse
Day Care Center
Farmer's Market



I-1
Light Industrial

Equipment Rental
Gas Station
Manufacturing
Freight Terminal
Self Storage
Vehicle Repair
Vehicle Storage Yard
Warehousing

TO: City Commission
FROM: Engineering Department
SUBJ: Application to Rezone (O-I to I-1) 10 Lots in the El Dorado Business Park
DATE: June 11th, 2021

Background:

The Planning Commission held a public hearing on May 27th, 2021, to review an application to rezone Lots 6, 7, 8, and 9 of Block 1 and Lots 4, 5, 6, 7, 8, and 9 of Block 3 in the El Dorado Business Park Addition from Office Institutional District (O-I) to Light Industrial District (C-1). The Planning Commission voted to unanimously recommend approval of the rezoning application (6-0).

Attachments:

Planning Commission Minutes
Planning Commission Memorandum
Zoning Map
Ordinance

Policy Issue:

Zoning districts restrict properties to a specific set of land uses. Most rezoning applications, such as this one, request a zoning district that is less restrictive and allows an increase in land use intensity.

Fiscal Impact:

Approval of the zoning map amendment will create little to no fiscal impact on the City of El Dorado at this time.

Staff Recommendation:

Approve the rezoning application.

Commission Actions:

Commissioner _____ moved to approve Case No. 21-03-REZ, requesting a rezoning of 10 Lots in the El Dorado Business Park to I-1 Light Industrial District and that Ordinance No. G-1355 be approved.

Commissioner _____ seconded the motion.

Roll Call Vote

Position No. 2	Commissioner Gregg Lewis	_____
Position No. 3	Commissioner Nick Badwey	_____
Position No. 4	Commissioner Kendra Wilkinson	_____
	Mayor Bill Young	_____
Position No. 1	Commissioner Matt Guthrie	_____

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PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
FROM: Jay Shivers, AICP, City Planner
CC: Scott Rickard, Engineering Director
RE: Zone Change Application – Northwest El Dorado Business Park

The City of El Dorado is requesting a rezoning from O-I Office Institutional District to I-1 Light Industrial District on Lots 6, 7, 8, and 9 of Block 1 and Lots 4, 5, 6, 7, 8, and 9 of Block 3 in the El Dorado Business Park Addition. The City is working with multiple buyers to replat the western half of the El Dorado Business Park and rezone the northwest quarter. The City purchased this property in 1998 and formally platted the El Dorado Business Park Addition in 2001. The northern half of the Business Park is zoned Office Institutional (O-I) and the southern half Light Industrial (I-1).

The regulations state the Planning Commission shall make findings of fact to determine whether the application is found to be compatible with the following:

- A) *Character of the neighborhood.* The Business Park is mostly vacant land, with generally commercial uses at the entrance along El Dorado Avenue as well as a developed commercial property near the southeast corner of the proposed rezoning area. The subject property borders W. Central Avenue to the north, the Kansas Turnpike to the west, industrially-zoned vacant land to the south, and partially developed commercial properties to the east. The subject property currently has a welcome sign facing the Turnpike and scattered oil infrastructure.
- B) *Consistency with the Comprehensive Plan and ordinances of the City of El Dorado.* The Future Land Use Map (FLUM) designates the subject property and the entire El Dorado Business Park as Industrial Mixed Use; the Comprehensive Plan defines this as containing “a mix of heavy/light industrial land uses and other land uses that generally support nearby development, such as warehousing, storage, commercial, restaurants, and offices.”
- C) *Adequacy of public utilities and other needed public services.* The proposed rezoning area has access to public water and sewer along Walnut Valley Drive with adequate capacity for development.
- D) *Suitability of the uses to which the property has been restricted under its existing zoning.* The current zoning, O-I, allows a range of commercial and institutional uses as well as townhouse residential.
- E) *Length of time property has remained vacant as zoned.* N/A
- F) *Compatibility of the proposed district classification with nearby properties.* The proposed zoning is compatible with surrounding commercial and industrial uses in the area. The properties to the south and west across the Turnpike are

zoned for industrial uses. The Turnpike interchange is to the north. The properties to the east are a mix of commercial uses.

G) *The extent to which the zoning amendment may detrimentally affect nearby properties.* Given the existing land uses in the area, staff does not anticipate any additional impacts on neighboring properties.

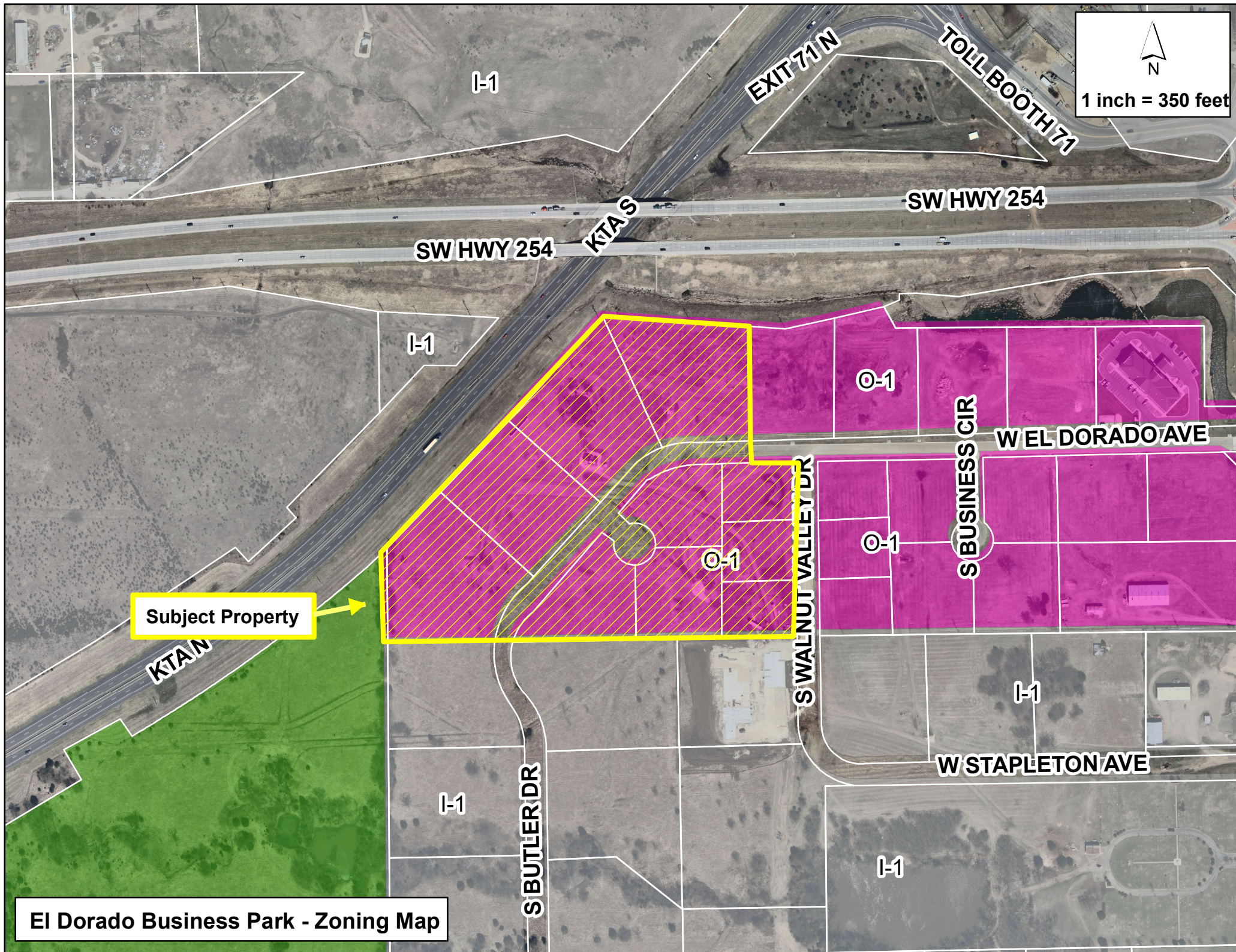
H) *Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.* Staff does not anticipate a disproportionately great loss to the surrounding landowners given the intended industrial and commercial nature of the area.

The City is in the early stages of replatting this property. To better serve the industrial portions of the El Dorado Business Park, the City is working to extend Stapleton Avenue to the west to provide primary access to the proposed rezoning area. The remaining area, zoned O-I, will use El Dorado Avenue as primary access. This will separate industrial traffic from the customer-driven businesses along El Dorado Avenue. The proposed rezoning conforms to the Comprehensive Plan and is consistent with expected development in this area. Staff supports the rezoning request.

Adoption of this amendment requires a majority vote of the Planning Commission members present and voting.

Suggested Motion:

I move to recommend approval of Case No. 21-03-REZ, an application by City of El Dorado, to rezone Lots 6, 7, 8, and 9 of Block 1 and Lots 4, 5, 6, 7, 8, and 9 of Block 3 in the El Dorado Business Park Addition to I-1 Light Industrial District, for reasons stated in the staff recommendation and heard at this public hearing.



Subject Property

El Dorado Business Park - Zoning Map

ORDINANCE NO. G - ____

AN ORDINANCE ZONING CERTAIN LAND IN THE CITY OF EL DORADO, KANSAS, I-1 LIGHT INDUSTRIAL DISTRICT AND AMENDING THE ZONING MAP OF THE CITY

WHEREAS, an application has been filed with the El Dorado Planning Commission requesting rezoning of certain land from O-I Office Institutional District to I-1 Light Industrial District;

WHEREAS, on the 27th day of May, 2021, at a Planning Commission meeting duly convened, the Planning Commission held a public hearing and voted to recommend and does hereby recommend that the Governing Body approve the rezoning;

WHEREAS, it is determined by the Governing Body of the City of El Dorado, Kansas, that certain property located within the City of El Dorado should be zoned;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS:

Section 1: That the following described real estate should be and is zoned I-1 Light Industrial District:

Lots 6, 7, 8, and 9 of Block 1 and Lots 4, 5, 6, 7, 8, and 9 of Block 3 in the El Dorado Business Park Addition

Section 2: The Governing Body hereby directs that the City Zoning map be amended to conform herewith.

Section 3: This Ordinance shall take effect and be in full force from and after its publication once in the official city newspaper.

PASSED by the Governing Body of the City of El Dorado, Kansas, and

APPROVED by its Mayor, this 21st day of June, 2021.

Bill Young, Mayor

ATTEST:

Tabitha Sharp, City Clerk

APPROVED AS TO FORM

Ashlyn Lindskog, City Attorney

TO: City Commission
FROM: Engineering Department
SUBJ: Application to Rezone (R-1 to R-3) 522 W. 5th Avenue
DATE: June 11th, 2021

Background:

The Planning Commission held a public hearing on May 27th, 2021, to review an application to rezone 522 W. 5th Avenue from Low Density Residential District (R-1) to Multifamily Residential District (R-3). The Planning Commission voted to unanimously recommend approval of the rezoning application (6-0).

Attachments:

Planning Commission Minutes
Planning Commission Memorandum
Zoning Map
Ordinance

Policy Issue:

Zoning districts restrict properties to a specific set of land uses. Most rezoning applications, such as this one, request a zoning district that is less restrictive and allows an increase in land use intensity. Multifamily Residential zoning allows all three types of residential: single-family homes, two-family homes, and multifamily structures.

Fiscal Impact:

Approval of the zoning map amendment will create little to no fiscal impact on the City of El Dorado at this time.

Staff Recommendation:

Approve the rezoning application.

Commission Actions:

Commissioner _____ moved to approve Case No. 21-04-REZ, requesting a rezoning of 522 W. 5th Avenue to R-3 Multifamily Residential District and that Ordinance No. G-1356 be approved.

Commissioner _____ seconded the motion.

Roll Call Vote

Position No. 2	Commissioner Gregg Lewis	_____
Position No. 3	Commissioner Nick Badwey	_____
Position No. 4	Commissioner Kendra Wilkinson	_____
	Mayor Bill Young	_____
Position No. 1	Commissioner Matt Guthrie	_____

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PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
FROM: Jay Shivers, AICP, City Planner
CC: Scott Rickard, Engineering Director
RE: Zone Change Application – 522 W. 5th Avenue

Clint Arndt is requesting a zone change from R-1 Low Density Residential District to R-3 Multiple Family Dwelling District on 4.3 acres at 522 W. 5th Avenue. The applicant is requesting R-3 to build an assisted living facility on the property and potentially senior housing in the future. R-3 zoning allows all levels of residential, such as single-family, two-family (duplex), and multifamily residential.

The regulations state the Planning Commission shall make findings of fact to determine whether the application is found to be compatible with the following:

Character of the neighborhood.

The existing land uses in the immediate area consist of single-family residential to the west, south, and east and a mix of commercial and industrial uses along W. 6th Avenue. The city also has a water tower adjacent to the northeast corner of the property. Zoning in the area is primarily R-1 to the west and south of the subject property, a mix of R-2, I-1, and C-1 to the east, R-1 and I-1 along W. 6th Avenue to the north.

Consistency with the Comprehensive Plan and ordinances of the City of El Dorado.

The Comprehensive Plan Vision Statement calls for improved availability and variety of quality new housing options. The Future Land Use Map (FLUM) designates the subject property as Institutional, defined as “governmental offices/facilities and land uses related to other institutions such as prisons, hospitals, schools, colleges, churches, and nonprofit organization.” The Comprehensive Plan likely did not consider the possibility of Lincoln Elementary school being demolished when it was created and adopted 2009. The FLUM designates properties to the east and north as Neighborhood Mixed Use, defined as “a mix of residential types and small-scale commercial and institutional uses that are typically meant to serve the needs of the surrounding neighborhood.”

Adequacy of public utilities and other needed public services.

The City of El Dorado has infrastructure in place and capacity available for higher intensity land uses at this location.

Suitability of the uses to which the property has been restricted under its existing zoning.

R-1 is one of the most restrictive zoning districts in the zoning ordinance. The property is generally restricted to its current use, single-family residential. In-home daycare and group homes are allowed by right. Institutional uses are

possible with a Special Use Permit (SUP). An accessory apartment is also possible with a SUP.

Length of time property has remained vacant as zoned.

Lincoln Elementary School was located on this property until it was demolished in 2018.

Compatibility of the proposed district classification with nearby properties.

The property is adjacent to commercial and industrial properties to the north and are zoned to allow two-family homes to the east; high density residential is typically a good fit for transitional areas along arterial roadways such as this.

The extent to which the zoning amendment may detrimentally affect nearby properties.

Rezoning to higher densities may introduce negative impacts to neighboring properties, including additional traffic and noise, if developed to its full potential.

The zoning ordinance requires screening where high intensity zoning districts are developed next to lower intensity zoning districts. This transitional buffer requirement can be a planting screen, landscaped berm, or privacy fence. The intent of this transitional buffer requirement is to reduce negative impacts on neighboring properties from the possibility of higher density development next door.

Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.

The potential benefit of this rezoning includes redevelopment of a former school property into newer residential options for the citizens of El Dorado. The focus of the applicant on senior housing is in line with national trends towards more senior housing development. Residential redevelopment at any level would provide newer housing options, whereas 65% of current housing within El Dorado was built prior to 1959 and 85% built before 1979. It is staff opinion that the installation of screening and buffering in conjunction with direct access to W. 6th Avenue will reduce the impacts of higher density development in this area and not cause a disproportionately great loss to surrounding landowners.

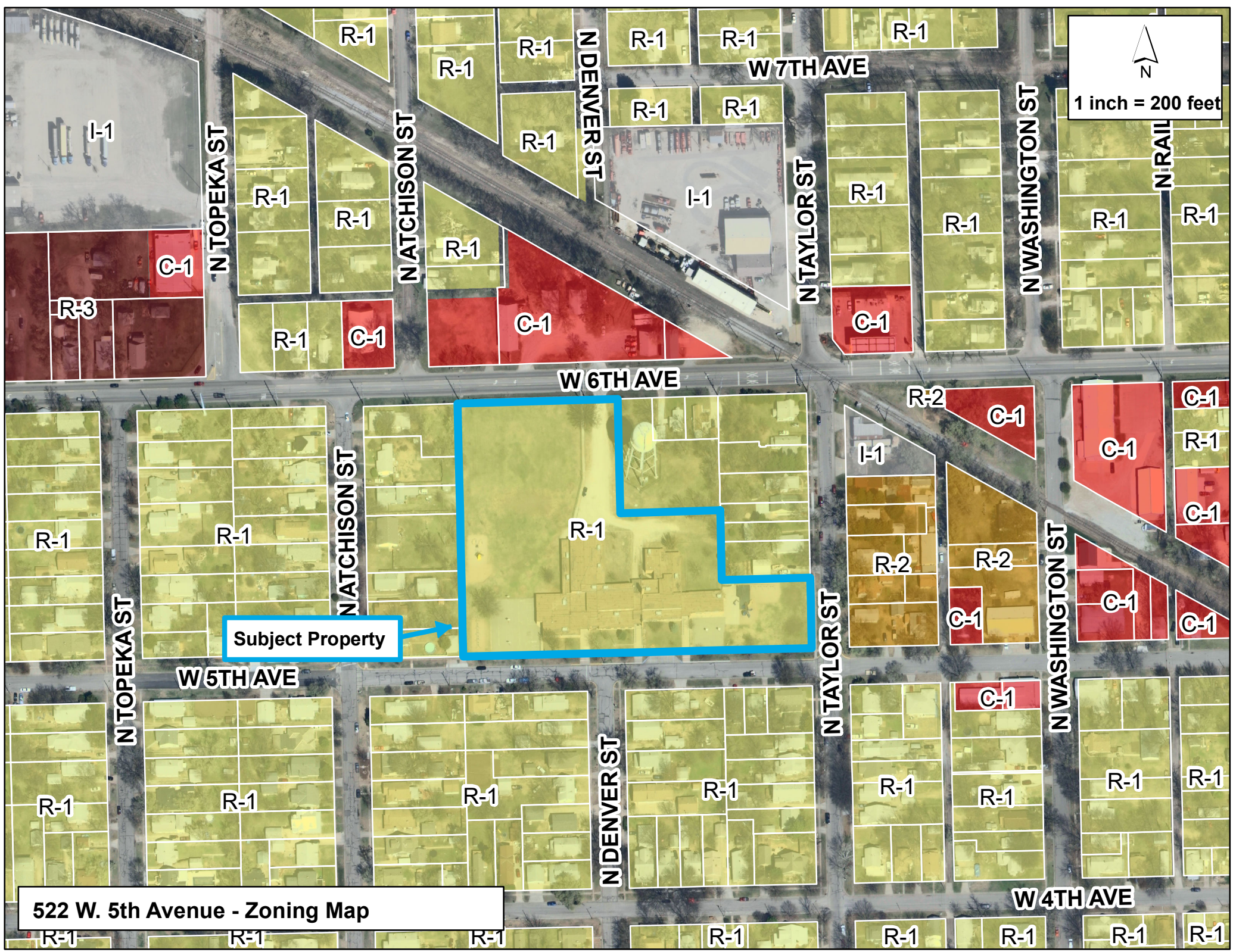
El Dorado has a limited number of large tracts suitable for higher density residential that are multiple acres in size, adjacent to existing residential, have access to all city utilities, and directly access an arterial-class road. High density residential is likely the highest and best use for this property. The developer has expressed interest in an additional assisted living facility and two-family homes for seniors on this property in the future.

The proposed zoning conforms to the Comprehensive Plan, would increase land use intensity near a major arterial, and help address housing needs in El Dorado. Staff supports the request.

Adoption of this amendment requires a majority vote of the Planning Commission members present and voting.

Suggested Motion:

I move to recommend approval of Case No. 21-04-REZ, an application by Clint Arndt to rezone 522 W. 5th Avenue, from R-1 Low Density Residential District to R-3 Multiple Family Dwelling District, for reasons stated in the staff recommendation and heard at this public hearing.



522 W. 5th Avenue - Zoning Map

ORDINANCE NO. G - ____

AN ORDINANCE ZONING CERTAIN LAND IN THE CITY OF EL DORADO, KANSAS, R-3 MULTIPLE FAMILY DWELLING DISTRICT AND AMENDING THE ZONING MAP OF THE CITY

WHEREAS, an application has been filed with the El Dorado Planning Commission requesting rezoning of certain land from R-1 Low Density Residential District to R-3 Multiple Family Dwelling District;

WHEREAS, on the 27th day of May, 2021, at a Planning Commission meeting duly convened, the Planning Commission held a public hearing and voted to recommend and does hereby recommend that the Governing Body approve the rezoning;

WHEREAS, it is determined by the Governing Body of the City of El Dorado, Kansas, that certain property located within the City of El Dorado should be zoned;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS:

Section 1: That the following described real estate should be and is R-3 Multiple Family Dwelling District:

522 W. 5th Avenue:

Parcel 1: Lots 1, 2, and the North 35 feet of Lot 3, in Wells Addition to the City of El Dorado, Butler County, Kansas,

Parcel 2: Beginning at a point 33 feet South of the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 2, Township 26 South, Range 5 East of the 6th P.M.; running thence South 431.9 feet to the North line of Tenth Avenue (now 5th) in said City; thence East 214.5 feet to the West line of Farmer Street (now Denver) in said City; thence North 431.9 feet to the South line of 11th Avenue (now 6th) in said City; thence West 214.5 feet to the point of beginning, all in the City of El Dorado, Butler County, Kansas,

Parcel 3: The following land taken in Condemnation case 21747 Commencing at a point on the north line of 5th Avenue as now located in said City of El Dorado, Kansas, which point is 166 feet, more or less, due North of the NorthEast corner of Lot 19, in Wells Addition to said City of El Dorado, thence running West 115 feet, thence running North 94 feet, thence running West 25 feet, more or less, to the East line of Denver Street, thence running North 139.38 feet, more or less to the South line of a tract of land described in a deed recorded in Volume 159 of Deeds at Page 55, in the office of the Register of Deeds of Butler County, Kansas, thence running East to the SouthEast corner of the tract described in the above mentioned deed, thence running North 20 feet, thence running East 10 feet, thence running North 30 feet, thence running East 27 feet, more or less, to the West line of Woodsfield Addition to said City of El Dorado, thence South 282 feet, more or less to the North line of said 5th Avenue, thence West 37 feet, more or less, to the place of beginning, being a part of the NE/4 of the NW/4 of Section 2, Township 26 South, Range 5 East of the 6th P.M., Butler County, Kansas AND Commencing at a point on the North line of 5th Avenue as now located in the City of El Dorado, Kansas, which point is 166 feet more or less due North and is 115 feet West of the Northeast corner of Lot 19, in Wells Addition to the City of El Dorado, Kansas, thence running West 50 feet, more or less to the East line of Denver Street, thence running North 94 feet, thence running East 50 feet, more or less, to a point due north of the place of beginning; thence running South 94 feet to the point of beginning, being a part of the NE/4 of the NW/4 of Section 2, Township 26 South, Range 5 East of the 6th P.M., in Butler County, Kansas.

Section 2: The Governing Body hereby directs that the City Zoning map be amended to conform herewith.

Section 3: This Ordinance shall take effect and be in full force from and after its publication once in the official city newspaper.

PASSED by the Governing Body of the City of El Dorado, Kansas, and

APPROVED by its Mayor, this 21st day of June, 2021.

Bill Young, Mayor

ATTEST:

Tabitha Sharp, City Clerk

APPROVED AS TO FORM

Ashlyn Lindskog, City Attorney

TO: City Commission
FROM: Engineering Department
SUBJ: Special Use Permit Application at 522 W. 5th Avenue
DATE: June 11th, 2021

Background:

The Planning Commission held a public hearing on May 27th, 2021, to review an application for a Special Use Permit at 522 W. 5th Avenue for a nursing or convalescent home. The Planning Commission voted to unanimously recommend approval of the Special Use Permit application (6-0).

Attachments:

Planning Commission Minutes
Planning Commission Memorandum
Zoning Map
Ordinance

Policy Issue:

Special Use Permits (SUP) allow specific uses to take place on a property. The SUP may allow specific uses or structures not explicitly permitted or prohibited by the zoning ordinance. The zoning ordinance has set criteria for reviewing SUP applications that include analyzing the size and locations of proposed uses/structures in relation to adjacent sites and the general compatibility of the proposed use/structure with adjacent properties in the area.

Fiscal Impact:

Approval of the SUP will not have a fiscal impact on the City of El Dorado.

Staff Recommendation:

Approve the application.

Commission Actions:

Commissioner _____ moved to approve Case No. 21-03-SUP, requesting a Special Use Permit for a nursing or convalescent home at 522 W. 5th Avenue and that Ordinance No. G-1357 be approved.

Commissioner _____ seconded the motion.

Roll Call Vote

Position No. 2	Commissioner Gregg Lewis	_____
Position No. 3	Commissioner Nick Badwey	_____
Position No. 4	Commissioner Kendra Wilkinson	_____
	Mayor Bill Young	_____
Position No. 1	Commissioner Matt Guthrie	_____

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PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
CC: Scott Rickard, Engineering Director
FROM: Jay Shivers, AICP, City Planner
RE: SUP – Nursing or Convalescent Home at 522 W. 5th Avenue

Clint Arndt is requesting a Special Use Permit (SUP) to allow a nursing or convalescent home at 522 W. 5th Avenue. The Zoning Regulations define Nursing or Convalescent Home as “an institution or agency licensed by the State for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.”

Zoning Ordinance standards for review:

- A. *The location and size of the proposed use in relation to the site and to adjacent sites and uses of the property, and the nature and intensity of operations proposed thereon.* The proposed use is a nursing/convalescent home. Such uses are not known to generate significant impacts to surrounding properties and are generally known to be quiet. The developer has stated residents do not drive and expects traffic to be limited to staff members, prescription delivery, and taking residents to doctor appointments.
- B. *Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.* The site is accessible to all municipal services.
- C. *Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.* Additional utility capacity is available for the proposed use.
- D. *The location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.* Mr. Arndt is proposing a 12-unit home near the corner of W. 5th Avenue and N. Taylor Street. The proposed single-story structure is 7,600 square feet in size. The proposed façade consists of decorative stone and siding. The building location is adjacent to single-family homes to the north, east, and south.
- E. *The adequacy of required yard and open space requirements and sign provisions.* Setback requires appear to be adequate for the proposed use.
- F. *The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the*

community. The proposed land use is residential in nature and is not known to create major impacts on residential areas.

The proposed use is consistent with the Comprehensive Plan, is compatible with the existing residential uses in the area, and will provide additional assisted-living options for local residents. Staff support the Special Use Permit request.

Approval of this Special Use Permit requires a majority vote of the Planning Commission members present and voting.

Suggested Motion:

I move to recommend approval of Case No. 21-01-SUP, a request by Clint Arndt, for a Special Use Permit to allow a nursing or convalescent home on the property located 522 W. 5th Avenue, for the reasons set forth in the staff recommendation and heard at this public hearing.



Letter of Intent for 522 W 5th, El Dorado KS

Our intent is for the purpose of obtaining approval for the expansion of a new building for Sunflower Care Homes, a Home Plus establishment, in El Dorado KS.

A Home Plus establishment, is licensed with the State of Kansas, and serves those elderly residents needing care, supervision and assistance due to memory loss, dementia and other skilled nursing needs. It provides the resident with a home atmosphere that is secure and pleasant, while providing them with their daily needs.

Our building would consist of 12 private rooms, living and dining rooms, activity rooms and recreational areas for residents to live in and enjoy on a full-time basis. On site would be operated by licensed staff 24/7 to provide care for the residents. We would also offer Respite and Daily services to help caregivers get time needed to accomplish other tasks.

We believe that this type of business is in great demand for El Dorado and surrounding areas. Not only helping meet the demand for senior living it will provide approximately 20 new jobs for the city. The property itself will contribute to the neighborhood with a clean and new appearance. Compared to other multi-family zoned areas, this type of new business will not create much added traffic count to area. The residents will not drive and only 2-4 staff are on location at a time. Only visits from family members and health services will account for any additional flow.

Overall, we feel this will be a great benefit for the City of El Dorado, by providing additional senior living and elderly services and helping develop a location within an existing, established neighborhood.

Clint Arndt

AGLN Development LLC



ORDINANCE NO. G-____

WHEREAS, an application has been filed with the El Dorado Planning Commission requesting a Special Use Permit for a nursing or convalescent home at 522 W. 5th Avenue and;

WHEREAS, on the 27th day of May, 2021, at a Planning Commission meeting duly convened, the Planning Commission held a public hearing and voted to recommend and does hereby recommend that the Governing Body grant the Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS:

Section 1. The Special Use Permit is hereby granted to AGLN Development to allow a nursing or convalescent home in an R-3 Multiple Family Dwelling District at 522 W. 5th Avenue.

Section 2. This ordinance shall be in full force and effect after its publication once in the official city newspaper.

PASSED by the Governing Body of the City of El Dorado, Kansas, on this 21st day of June, 2021.

Bill Young, Mayor

ATTEST:

Tabitha Sharp, City Clerk

TO: City Commission
FROM: Engineering Department
SUBJ: Deer Run Final Plat
DATE: June 11th, 2021

Background:

The Planning Commission reviewed the Deer Run Final Plat at a regular meeting on May 27th, 2021. The Planning Commission voted to unanimously approve the Final Plat.

Attachments:

Staff Memo
Plat

Policy Issue:

Plats are required by the Subdivision Regulations to subdivide property and create new lots of record, easements, and right-of-way. The Planning Commission reviews plats to ensure conformance with the Zoning Ordinance and Subdivision Regulations and approve the plat. The role of the City Commission is to accept easements and right-of-way dedications.

Fiscal Impact:

The subdivision itself will not have a fiscal impact on the City of El Dorado.

Staff Recommendation:

Accept the right-of-way and easement dedications in the Deer Run Final Plat

Commission Actions:

Commissioner _____ moved to accept the right-of-way and easement dedications in the Deer Run Final Plat.

Commissioner _____ seconded the motion.

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PLANNING COMMISSION MEMO

TO: Planning Commission
FROM: Jay Shivers, AICP, City Planner
Scott Rickard, Engineering Director
RE: Deer Run Addition – Final Plat

The Planning Commission reviewed and approved the Final Plat of Deer Run Addition on March 25th, 2021. The preliminary plat was based upon a successful rezoning to R-2 Medium Density Residential District. At the meeting, the Planning Commission requested the removal of Lot 1, Block 3, of the Prairie Land Estates Second Addition. The rezoning request was later denied.

The applicant has submitted a Final Plat of Deer Run with R-1 Low Density Residential District regulations with the density bonus. The density bonus allows the three residential zoning districts reductions in lot size and setbacks when sidewalks are provided on both sides of the street. The density bonus allows the developer to move forward with the same plat, excluding the lot in Prairie Land Estates Second Addition as requested. The plat creates 13 lots and proposes one new right-of-way, Deer Run Court, to access all of the lots.

The applicant will present the plat and answer any questions at the meeting. The final plat meets the requirements found in the Zoning Ordinance and Subdivision Regulations. Staff recommend approval of the plat.

Recommended Motion:

I move to approve the final plat of the Deer Run Addition as presented.

DEER RUN

El Dorado, Butler County, Kansas

State of Kansas)
SS
Sedgwick County)

State of Kansas)
SS
City of El Dorado)

We, Garver, LLC, Land Surveyors in aforesaid county and state, do hereby certify that, under the supervision of the undersigned, we have surveyed and platted "DEER RUN", El Dorado, Butler County, Kansas on the ____ day of _____, 2021, and that the accompanying plat is a true and correct exhibit of the property surveyed, described as follows:

The SW1/4 of the NW1/4 of Sec. 4, T26S, R5E of the 6th P.M., Butler County, Kansas; EXCEPT Prairie Land Estates First Addition, El Dorado, Butler County, Kansas; AND EXCEPT Prairie Land Estates Second Addition, El Dorado, Butler County, Kansas; AND EXCEPT Prairie Land Estates Commercial, El Dorado, Butler County, Kansas; AND EXCEPT Central and School Road Commercial Estates, El Dorado, Butler County, Kansas; AND EXCEPT that part dedicated for street rights of way.

All public easements and dedications are hereby vacated by virtue of K.S.A. 12-512b, as amended.

Garver, LLC
Land Surveyor
William K. Clevenger, PS #1437

Know all men by these presents that we, the undersigned, have caused the land described in the surveyor's certificate to be platted into Lots, a Block and a Street, to be known as "DEER RUN", El Dorado, Butler County, Kansas. The utility easements is hereby granted as indicated for the construction and maintenance of all public utilities. The drainage easements are hereby granted to the public as indicated for drainage purposes. The drainage and utility easements are hereby granted as indicated for drainage purposes and for the construction and maintenance of all public utilities. Access Controls as indicated are hereby granted to the appropriate governing body. The streets are hereby dedicated to and for the use of the public. Reserve "A" is hereby reserved for oil extraction improvements, irrigation, signage, landscaping, entry features, park improvements, and utilities confined to easements. The Reserve is to be owned and maintained by the Home Owners Association for the addition, their successors and/or assigns. A Minimum Pad Elevation for lowest openings on all Lots = 1341.0 (NAVD88). A drainage plan has been developed for this plat. All drainage easements, rights of way and reserves shall remain at established grades (unless modified with the approval of the City Engineer) and shall be unobstructed to allow for the conveyance of stormwater.

Bryan Lagaly Properties, LLC
a Kansas limited liability company
Managing Member
Bryan Lagally

State of Kansas)
SS
Sedgwick County)

Be it remembered that on this ____ day of _____, 2021, before me, a notary public in and for said County and State, came Bryan Lagally, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public
Marsha R. Bishop

My appointment expires _____.

State of Kansas)
SS
City of El Dorado)

This plat of "DEER RUN", El Dorado, Butler County, Kansas, has been submitted to and approved by the El Dorado City Planning Commission this ____ day of _____, 2021.

El Dorado City Planning Commission
Chair
David Stewart

ATTEST:
Secretary
Jay Shivers

State of Kansas)
SS
City of El Dorado)

These easements and rights-of-way accepted by the City Commission of El Dorado, Kansas, this ____ day of _____, 2021.

At the Direction of the City Council
Mayor
Bill Young

ATTEST:
City Clerk
Tabitha Sharp

Reviewed in accordance with K.S.A. 58-2005 on this ____ day of _____, 2021.

Appointed Land Surveyor
Butler County, Kansas
Gerald E. Dixon, PLS 1516

Entered on transfer record this ____ day of _____, 2021.

County Clerk
Tatum Stafford

State of Kansas)
SS
Butler County)

This is to certify that this plan and plat has been filed for record in the office of the

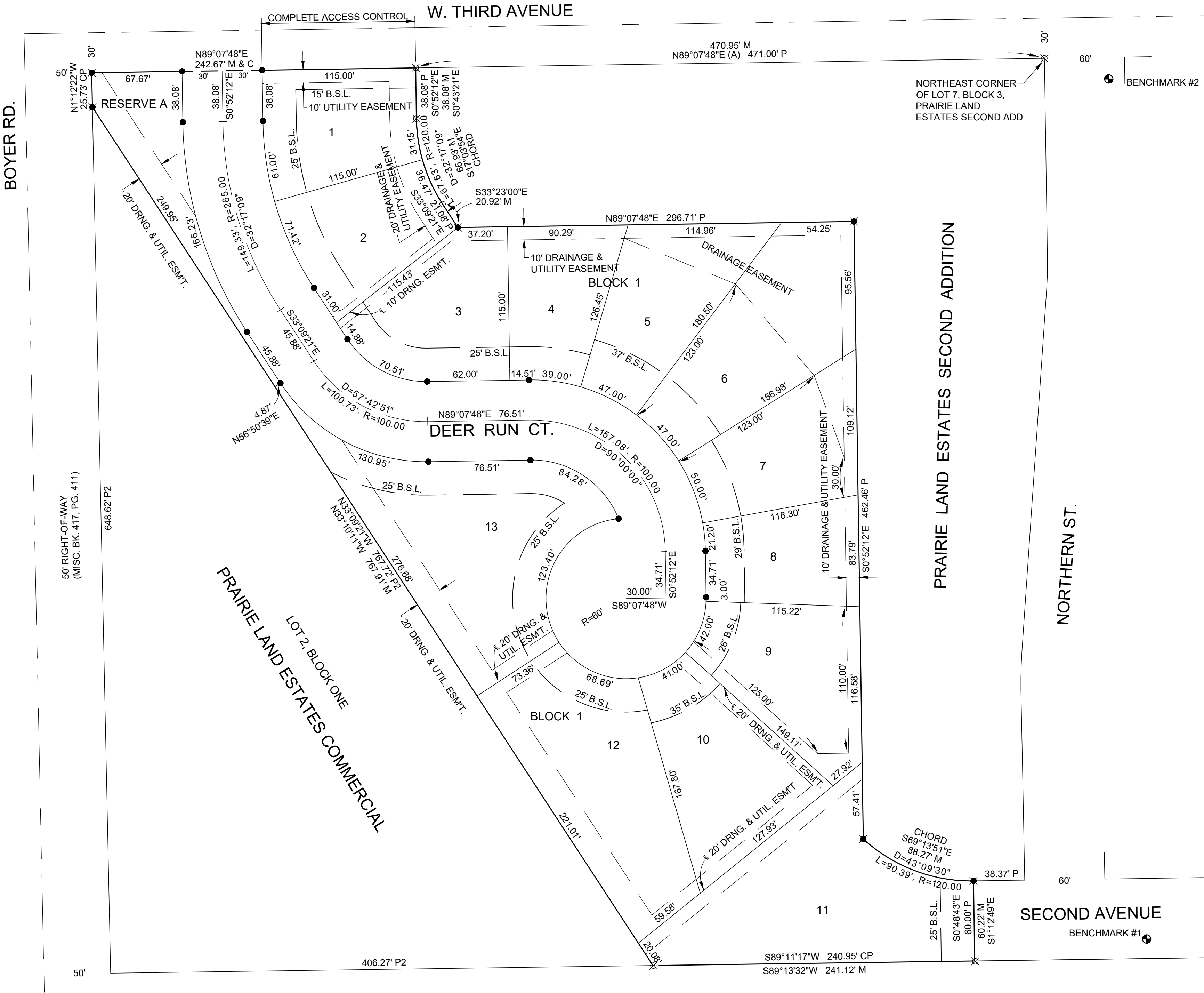
Register of Deeds, this ____ day of _____, 2021, at ____ o'clock __ M., and is duly recorded.

Book ____ Page ____ .
Register of Deeds
Jacque Roberts
Deputy
Paula Stoskops

DWG FILE: 20S04038 SURVEY BASE
PROJECT NO. 20S04038
APRIL 29, 2021



GARVER
8535 E. 21st Street N.
Suite 130
Wichita, KS 67206
(316) 264-8008
www.GarverUSA.com



NOTE:
Property is zoned R-1 with the density bonus. A sidewalk will be installed on the East side of Deer Run Court and will terminate at the northeast corner of Lot 13, Block 1 in this addition.

Lots 10, 11 and 12 will not be built upon until oil extraction is complete and oil improvements have been removed from the site. A temporary utility easement for public utilities is granted over Lot 10 and shall expire upon removal of oil production equipment.

TO: City Commission
FROM: City Staff
SUBJ: Evergy Underground Utility Proposal
DATE: June 16, 2021

Background:

Evergy is investing in upgrading their electric distribution lines within a portion of downtown. The current system is outdated 4KV, they are looking to upgrade to a 12KV system. This upgrade would include the removal and replacement of all poles and overhead infrastructure within the project area (see map). Including the costs to upgrade customer's service panels.

Evergy understands there is a desire from El Dorado Main St. to see all downtown overhead lines located underground for aesthetic purposes. Knowing that, Evergy provided us with an alternative project. The proposed project would place their lines underground. Evergy has asked that the City consider paying for the additional costs associated with going underground. The highest potential cost for the City if we desire the underground route would be \$340,000. The City reached out to the franchised communication utilities located on the same poles as Evergy to gage if they have a desire to relocate underground. Cox Communications gave the City an estimate of \$40,000 to be paid by the City for going underground. AT&T, as of this agenda, has not responded to the City's request for discussion.

Attachments:

Evergy provided PowerPoint with included map

Policy Issue:

The City Commission must approve any expense above \$50,000.

Fiscal Impact:

The City would be responsible for a total up to \$380,000. The City has capital improvement projects within the area for drainage, street maintenance, and waterline improvements which we believe would be better spends for tax dollars.

Staff Recommendation:

Decline the proposal for sharing cost of underground electric, and communication lines.

Commission Actions:

Commissioner _____ moved to (accept or reject) the proposal from Evergy and to (approve/deny) the expenditure for an amount not to exceed \$380,000.

Commissioner _____ seconded the motion.

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City of El Dorado

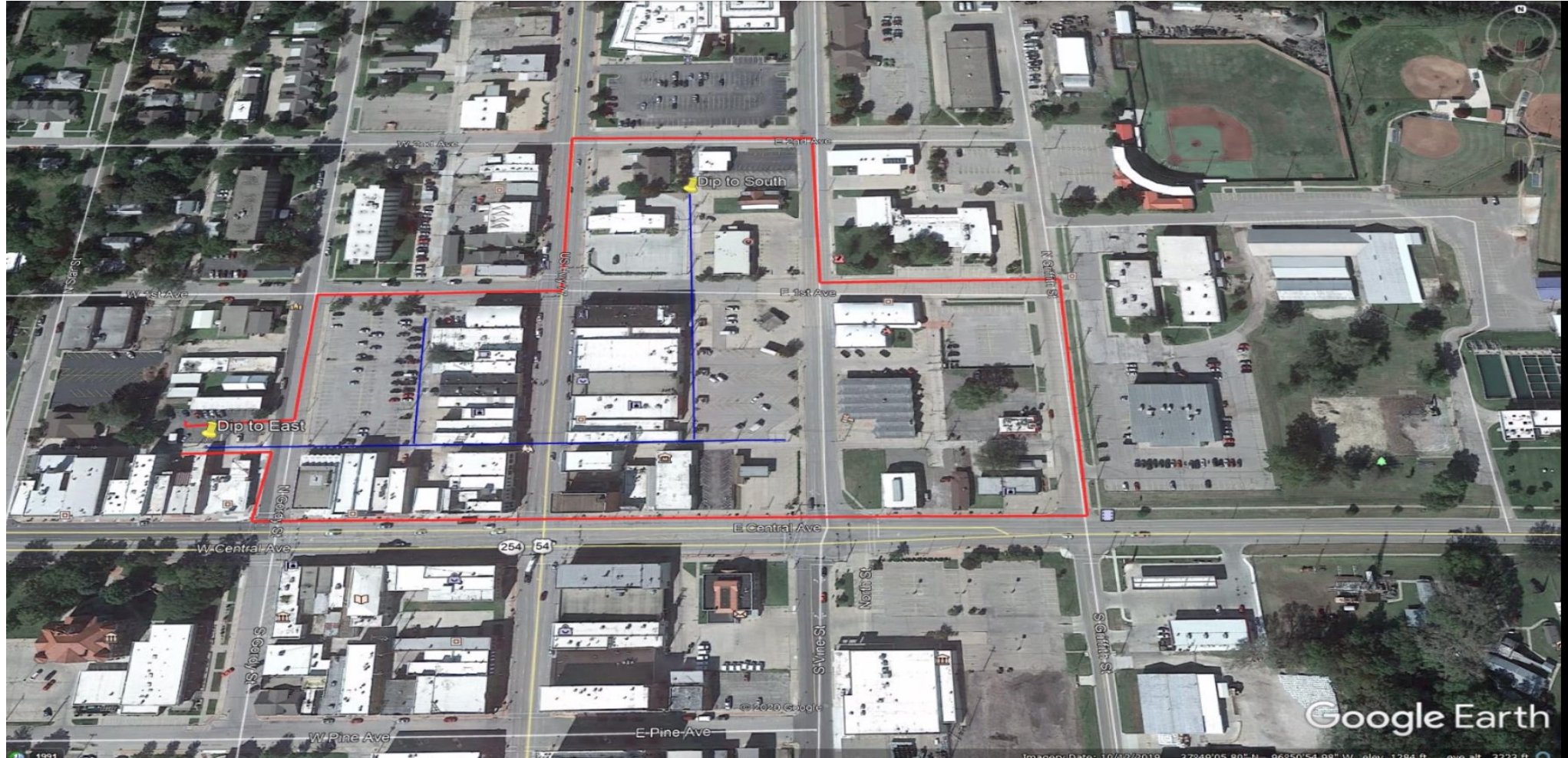
Downtown Corridor Improvements





Project Area

Central Ave north to 2nd st / Gordy St. east to Vine St.





4kV to 12kV Conversion Proposal

- **Overhead** upgrade option from 4KV to 12kV includes: r/p of poles, transformers, restoration costs, traffic control and misc. fees.
 - Every to cover all costs associated with this OH option.
- **Underground** upgrade option from 4kV to 12kV includes: removal of poles and transformers, restoration costs, addition of pad mounted transformers, boring trenching, traffic control and misc fees including any necessary easements.
 - Every to work with the City for any necessary easements in and around the adjacent parking lots.

CONT.



4kV to 12kV Conversion Proposal – cont.

Underground Option - Additional requirements:

- Businesses needing service upgrade conversions from 6 wire to 4 wire 3 phase:
 - 214 W. Central
 - 124 N. Main
 - 114 N. Main
 - 120 N. Main
 - 130 N. Main

(This customer work Includes up to 200amp panelboard and reconnect to the existing branch circuits)



4kV to 12kV Conversion Costs

Overhead Distribution cost - \$550k

This total cost will be picked up by Evergy if you opt out of the Underground option.

Underground Distribution cost - \$890k

Costs to the City - \$340k – This is the differential costs between the new overhead & underground systems.

Customer upgrade costs : \$54k - Cost to be covered by Evergy.

(6wire to 4 wire 3 phase)