

EL DORADO

K A N S A S

PLANNING COMMISSION AGENDA

February 26, 2026

5:30 PM

[IGNORE_INDENT]

1. CALL TO ORDER & ROLL CALL

James Barnaby
Steve Fellers
Debra LaForge
Scott Leason
Austin Letts
Brad Long
Brian Martin
Norman Wilks

2. APPROVAL OF MINUTES

1 - 11/20/25 MINUTES

3. NEW BUSINESS

ITEM NO. 1 - VARIANCE 927 N OIL HILL RD

- A. Presentation of Request
- B. Public Hearing
- C. Discussion by Planning Commission
- D. Motion

ITEM NO. 2 - REZONE 2600 W 6TH AVE FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO O-I (BUSINESS OFFICE INSTITUTIONAL DISTRICT) AND REZONE APPROXIMATELY 30ACRES NORTH OF W 6TH AVE, WEST OF CONSTANT CREEK, EAST OF KTA AND SOUTH OF UPRR FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO R-3 (MULTIPLE FAMILY DWELLING DISTRICT).

- A. Presentation of Request
- B. Public Hearing
- C. Discussion by Planning Commission

D. Motion

ITEM NO. 3 - ZONING AMENDMENTS

- A. Presentation of Request
- B. Public Hearing
- C. Discussion by Planning Commission
- D. Motion

4. OLD BUSINESS

5. STAFF ITEMS

1 - NEXT MEETING MARCH 26, 2026

6. ADJOURNMENT

EL DORADO

K A N S A S

PLANNING COMMISSION MINUTES-DRAFT
November 20, 2025
5:30 p.m.

1. **CALL TO ORDER & ROLL CALL**

Chairman Letts called the meeting to order at 5:30 pm.

Members Present

Steve Fellers
LJ Fischetti
Debra LaForge
Scott Leason
Austin Letts
Norman Wilks

Staff Present

Scott Rickard

Others Present

Wade Wilkinson
Roger Cutsinger
Jim & Judy Gardner
Jim Fry
Larry McCully
Neil Buckman
Zac Sundgren

2. **APPROVAL OF MINUTES 9/25/25**

3. **NEW BUSINESS**

ITEM NO. 1 – CASE NO. 25-03BZA PUBLIC HEARING TO DETERMINE THE ADVISABILITY OF AMENDING THE PLANNED DEVELOPMENT OVERLAY FOR THE GREENS AT PRAIRIE TRAILS AND CASE NO. 25-03-PLAT: CONSIDERATION OF THE FINAL PLAT FOR THE GREENS AT PRAIRIE TRAILS 2ND ADDITION.

A. Presentation of Request

A request was made for the remaining unimproved portion of The Greens at Prairie Trails. The 2nd Addition reconfigures a portion of the original subdivision as a replat of Lots 12 through 17, Block B, Lots 1 through 20, Block C, Lots 1 through 14, Block D, Reserve D, and Reserve E,

within the Northwest Quarter of Section 36, Township 25 South, Range 5 East, Butler County, Kansas.

The Planned Development Overlay and final development plan for The Greens at Prairie Trails were previously approved, with an amendment adopted on December 14, 2006. That action established the basic framework for dwelling types, maximum attached units, and siting standards. The current request is a second amendment focused on clarifying the applicable dimensional standards and updating the layout within the 2nd Addition. A concurrent final plat establishes the necessary rights-of-way, lot and block layout, easements, and dedications for this phase.

Summary of Amendment No. 2 to the P-D Overlay

- Building footprints shown on the development plan are illustrative.
- Dwelling types. Single family detached remains the default throughout the 2nd Addition.
- Dimensional standards. Minimum structure separation is fifteen feet, with the ability to reduce that separation where a compliant fire wall is provided under the building code.
- Lot specific site plans. Prior to building permit, a lot level site plan must be submitted that shows the structure footprint, driveway location, minimum floor elevation, curb grades, rear yard grades, and the relationship to adjacent homes where applicable.
- Living area ranges. The amendment carries forward the living area ranges for detached homes. It also specifies the living area ranges for attached homes where they are permitted. Living area is defined as the ground floor footprint excluding garage and patios.

Final Plat review

The final plat for the 2nd Addition provides the surveyed boundary and legal description, complete lot and block layout with dimensions and curve data, rights of way widths and street geometry, drainage and utility easements, building setback lines, dedication language and standard plat notes, signature blocks for the owner, surveyor, Planning Commission, and City officials, and identification of reserves and common areas. City Commission acceptance of dedications will follow Planning Commission action.

The significant changes for the plat are the reconfiguration of the lots and how the roads are laid out and the PUD amendment will change from multifamily homes to only single-family homes.

Commissioner LaForge inquired about the entrances into the area. Mr. Rickard stated the current residents are concerned about the increase in traffic volume to the area.

Commissioner Letts questioned if there will only be one entrance. Mr. Rickard noted it is a unique subdivision with a lot of curves and the developer is interested in addressing concerns of the HOA.

Commissioner Letts inquired about the variances already approved. Mr. Rickard stated the changes to the PUD are for lot and road layout and changing from multifamily units to single family units. Mr. Rickard stated if the PUD is accepted only single-family homes can be built.

Commissioner Wilks stated that any change would require an amendment to PUD. Mr. Rickard noted that it is correct and the new development will be consistent with what is currently there. Commissioner Wilks inquired about the street width. Mr. Rickard noted the width is the standard street width, the same as other streets throughout town and the amendment only affects the setbacks of the properties.

Commissioner Wilks inquired about the use of Reserve B. Mr. Rickard noted it is for utility accommodation and green space.

Commissioner Fellers inquired if the PUD guarantees consistency of the buildings Mr. Rickard stated the PUD doesn't give the specifics how the homes must be built and a convenance dictates the specifics.

Commissioner Letts inquired if there are any duplexes in the existing subdivision. Mr. Rickard confirmed there is one duplex currently.

B. Public Hearing

Chairman Letts opened the public hearing. Jim Fry noted he thinks the development is great and has no problems with it. Mr. Fry commented on a proposed drawing he has seen making Par Drive one way traffic and questioned if there will be more traffic why would the City consider having one lane be closed and it is also in front of his house and he does not agree to the change. Mr. Rickard states that it is not warranted or needed to have one way road and it is the HOA approaching the developer or city for tradeoffs for the increase of traffic. Mr. Rickard noted there is no good way to reconfigure traffic. Mr. Rickard stated since there is concern a petition from the HOA would have to be presented to the City Commission if a one-way street is desired.

Jim Gardner presented a letter to the commissioners and noted if the HOA and developer don't come to agreement and the retirement community goes to court the planning commission's approval will be submitted in court.

Commissioner Leason asked what agreement Mr. Gardner is referring to. Mr. Gardner stated the developer has had plenty of time to present an agreement to the HOA, but they have nothing in writing.

Neil Buckman noted he likes the concept of the area but is concerned about the traffic increase. Mr. Buckman is afraid Par Drive will become a racetrack to the schools, additional homes increase traffic, and they moved to the subdivision because they liked the idea of senior living in a quieter neighborhood and he has no problem with the development if it conformed to what is currently in place.

Mr. Rickard commented that the potential of modifying the current convenance is more revolved around the age of individuals living in the subdivision that the HOA manages. The changes the Planning Commission is considering are the plat and PUD amendment.

Commissioner Fellers clarified that the Planning Commission has zero ability to regulate the convenance. Mr. Rickard stated that it is correct that a convenance is a restriction that is put on the deed of the property. Commissioner Fellers noted he understands the concern for the people living there. Mr. Rickard stated that traffic is regulated with zoning regulations.

Commissioner Letts commented that from a traffic perspective the subdivision originally approved 41 houses versus the new amendment to 30 which would be less traffic. Commissioner Fellers stated Mr. Fry has a legitimate concern about the proposed changes to the traffic flow. Mr. Rickard noted we must always be cautious of any changes. Commissioner Fellers inquired if Mr. Fry would lose parking in front of his house. Mr. Rickard commented that he does not have much.

Roger Cutsinger noted that the developer met with the HOA and has included a 6' tall concrete wall along the west side of the lots to appease the HOA. Mr. Cutsinger also noted that street width and layouts are always considered to accommodate emergency vehicles & school buses, and he does not agree with making the street one way.

Mr. Rickard noted the plat does include an easement for a concrete wall and it is included to break up the built-out area from the proposed plat area of development. Commissioner LaForge noted the current concrete wall is not attractive. Mr. Cutsinger noted for the traffic flow the plat will reduce the number of homes that can be built from the current plat and the city needs more housing.

C. Discussion by Planning Commission

Commissioner Fischetti inquired who owns the circle. Mr. Rickard stated it is the intent for the HOA to own the reserves and the city has right-of-way. Commissioner Fischetti inquired if the HOA would be responsible for any modifications to the traffic flow of the street. Mr. Rickard stated the developer would assume the costs.

Commissioner LaForge inquired if traffic is a concern with more houses. Mr. Rickard stated the developer wishes to revise the current convenance from 55 and older to any age and the concern is young families may create more traffic. Mr. Rickard noted the City can't regulate restrictions like age or income levels. Commissioner Fellers inquired if other residents had concerns. Mr. Rickard noted he has spoken to Kurt Bookout the president of the HOA and a couple other residents. Commissioner Fellers inquired if speeding becomes a problem could speed bumps be installed. Mr. Rickard noted no other locations have speed bumps but there are other things that could be done. Commissioner Fellers inquired if the city has means to address speeding. Mr. Rickard commented yes, there are options available. Commissioner LaForge inquired on the letter from Jim Fry discussing an addition that encroached into an easement. Mr. Rickard stated a home built an addition onto their house and the site plan presented for the permit is different than what was built and Mr. Fry brought it to our attention that it was built in the easement. The City Commission vacated a portion of the unused easement to accommodate the error.

Commissioner Wilks noted they have had discussions before regarding off-street parking and how it clogs up the streets and if the street size for this amendment will be the same street size as the current development. Mr. Rickard noted yes, the street will be the same size as what is currently in place. Commissioner Wilks commented that the street name on the new plat needs to be updated as it doesn't align with the current plat. Mr. Rickard confirmed the street name will need to be changed on the plat.

D. Motion

PUD Amendment Motion

Commissioner Leason moved to approve Case No. 25-03-BZA, an amendment to the planned development overlay for the Greens at Prairie Trails, for the reasons stated in the staff memorandum and heard at this meeting, seconded by Commissioner Fischetti.

ROLL CALL VOTE

Commissioner Fellers	Y
Commissioner Fischetti	Y
Commissioner LaForge	Y
Commissioner Leason	Y
Chairman Letts	Y
Commissioner Wilks	Y

Motion passed 6-0

Plat Motion

Commissioner Letts moved to approve Case No. 25-03-PLAT, the final plat for the Greens at Prairie Trails 2nd Addition with the correction Eagle Dr replacing Fairway Dr, for the reasons stated in the staff memorandum and heard at this meeting, seconded by Commissioner Wilks.

ROLL CALL VOTE

Commissioner Fellers	Y
Commissioner Fischetti	Y
Commissioner LaForge	Y
Commissioner Leason	Y
Chairman Letts	Y
Commissioner Wilks	Y

Motion passed 6-0

4. **OLD BUSINESS**

5. **STAFF ITEMS-** December 18 Accessory Apartment 1222 Country Club Ln
City Commission ADHOC committee review.

6. **ADJOURNMENT**

The meeting was adjourned at 6:20pm.

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
CC:
FROM: Scott Rickard
RE: Variance 927 N Oil Hill Rd

Background and request

Network Real Estate, on behalf of AT&T Wireless, is proposing construction of a new ground mounted wireless communication tower with an overall height of 150 feet. The tower is proposed within a 70 foot by 70 foot leased area located in the southwest corner of 927 N Oil Hill Rd. The applicant has submitted a variance request to reduce the required setbacks from the property lines.

Applicable zoning regulations

The property is zoned I-1, Light Industrial District. The zoning regulations allow new ground mounted wireless communication facilities up to 150 feet in height in I-1 and I-2 districts by right, subject to compliance with the adopted location and design standards and issuance of a building permit. For ground mounted towers, the zoning regulations require the structure to be set back from all property lines a distance equal to or greater than the height of the proposed structure. For a 150 foot tower, the required setback is 150 feet from each property line unless an approved alternative standard applies.

The regulations also include an alternative approach for setback when substantiated by a licensed engineer. Under that provision, the setback may be equal to the maximum distance the structure is designed to fall, measured from the center of the structure. If the proposed facility does not conform to the applicable standards, the Zoning Administrator is required to deny the permit. A denied permit may then be pursued through the variance process.

Based on the applicant's proposed location in the southwest corner of the parcel, the tower does not meet the required setbacks to the west and south property lines as shown on the submitted site information.

Board authority and variance criteria

The Board of Zoning Appeals is a quasi judicial body and is the only board authorized to grant variances from the specific terms of the zoning regulations. Variances must be evaluated under Kansas Statute 12-759 and the City's adopted variance criteria.

Kansas Statute 12-759 allows a variance only when it is not contrary to the public interest, and when, due to special conditions, strict application of the zoning regulation results in unnecessary hardship. The statute further requires the spirit of the regulations to be observed, public safety and welfare secured, and substantial justice done. A variance cannot authorize a use that is not permitted in the zoning district.

Under the statute, a variance may be granted only if the Board finds all of the following conditions are met.

1. Uniqueness. The variance arises from a condition unique to the property, not ordinarily found in the same district, and not created by an action of the applicant or property owner.
2. Adjacent property. Granting the variance will not adversely affect the rights of adjacent property owners or residents.
3. Hardship. Strict application of the zoning regulation would constitute unnecessary hardship upon the property owner represented in the application.
4. Public interest. The variance will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare.
5. Spirit and intent. Granting the variance will not be opposed to the general spirit and intent of the zoning regulations.

The City's variance standards also generally require that the hardship be related to the property itself, such as size, shape, topography, or other extraordinary physical circumstance. The Board must make findings for each criterion and enter those findings into the record.

Approval of a variance requires the concurring vote of a majority of the entire Board.

Applicant statement

The applicant states the proposed tower is intended to significantly improve AT&T wireless service, including 911 call reliability and data coverage, for the City of El Dorado and surrounding areas. The applicant also states that the proposed site has been selected after an exhaustive search and that other locations were not optimal for coverage objectives. The applicant indicates adjacent properties are commercial and industrial in nature.

Staff review and discussion of the variance criteria

Staff reviewed the request against the required variance findings.

1. Uniqueness

The uniqueness finding typically relates to a physical condition unique to the parcel, such as unusual shape, constraints, or physical limitations that prevent compliance with the regulation. The applicant's primary justification is based on a service coverage objective and the selected location on the parcel. Staff have not been provided with documentation showing a physical condition unique to 927 N Oil Hill Rd. that prevents meeting the required tower setbacks, as compared to other properties within the I-1 district.

2. Adjacent property impacts

The surrounding land use context appears to be primarily commercial and industrial. This can reduce certain compatibility concerns compared to residential adjacency. However, the setback requirement for a ground mounted tower is also a public safety standard related to fall zone and structural failure. Without engineering documentation supporting an alternative fall distance design, staff cannot determine whether reduced setbacks maintain the intent of the safety standard for adjoining properties.

3. Hardship

A hardship finding requires more than a preference for a particular location, a business objective, or the desire to achieve maximum coverage. It requires a showing that strict application of the regulation creates unnecessary hardship due to conditions tied to the property itself.

Staff have not been provided a record demonstrating that the parcel cannot reasonably accommodate a compliant tower location, or that a compliant location would be infeasible due to unique site constraints. Staff have also not received documentation addressing the alternative engineered fall distance option described in the wireless facility standards. Without that information, staff cannot conclude that unnecessary hardship has been demonstrated under the adopted criteria.

4. Public interest

Improved wireless service and improved 911 reliability are meaningful public benefits. At the same time, the setback requirement is tied directly to public safety considerations. If the Board considers approval, the record should address safety and fall zone performance through engineered documentation and site controls.

5. Spirit and intent

A wireless tower up to 150 feet is an allowed use by right in the I-1 district when standards are met. The requested variance is not for use; it is for a performance standard related to setbacks. Staff view this setback standard as a core requirement intended to protect adjacent property and the public by providing an adequate fall radius. A variance that materially reduces that radius can be inconsistent with the spirit and intent unless supported by engineering that demonstrates equivalent safety.

Staff recommendation

Based on the information provided to date, staff have not identified a property-based hardship or unique physical condition that supports approval of the requested variance under the adopted criteria. Staff recommend denial of the variance request.

If the Board is inclined to consider approval, staff recommends either continuing the item or conditioning approval on receipt of additional documentation sufficient to support the required findings, including, at a minimum, a licensed engineer statement substantiating the designed maximum fall distance and demonstrating that the proposed reduced setbacks meet the alternative fall zone standard described in the wireless facility regulations.

Possible conditions if the Board approves

If the Board approves the variance, the Board may impose reasonable conditions, safeguards, and restrictions necessary to carry out the intent of the zoning regulations and minimize potentially injurious effects. Common conditions for this type of request may include:

1. Licensed engineer certification of designed maximum fall distance, with stamped documentation.
2. Final site plan approval showing tower location, leased area, access, equipment layout, and fencing.
3. Fencing and screening standards for equipment compound, including maintenance obligations.
4. Lighting limited to that required for safety and regulatory compliance, with no additional site lighting unless otherwise approved.
5. Access and surface standards for emergency and maintenance vehicles.
6. Compliance with all building code requirements and all applicable federal, state, and utility coordination requirements.

Motions

Approval

I move to approve the variance reducing the required setbacks for the proposed 150-foot wireless communication tower at 927 N Oil Hill Rd., and find the request meets the variance criteria based on the findings entered into the record and evidence heard at this hearing.

Denial

I move to deny the variance reducing the required setbacks for the proposed 150-foot wireless communication tower at 927 N Oil Hill Rd. and find the request does not meet the variance criteria stated in the zoning regulations and Kansas Statute 12-759 based on the findings entered into the record and evidence heard at this hearing.

Legend

- Subject Property
- 200' Buffer



SUBJECT PROPERTY

200' Buffer

PARENT PARCEL DESCRIPTION:

Beginning at a point on the East line of the Southeast Quarter of Section 33, Township 25 South, Range 5 East of the 6th P.M., Butler County, Kansas, said point being 1295 feet North of the Southeast Corner of said Quarter; thence West perpendicular to said East line, a distance of 572 feet; thence North parallel with said East line, a distance of 250 feet; thence East perpendicular to said East line a distance of 572 feet; thence South 250 feet to the Point of Beginning. Subject to public road.

LESS AND EXCEPT the lands described within Deed Book 1223, Page 79.

70'x70' LEASE AREA DESCRIPTION:

That part of the Southeast Quarter of Section 33, Township 25 South, Range 5 East of the 6th P.M., Butler County, Kansas, and being more particularly described as follows:

Referring to the Southeast corner of said Section 33, a #4 Rebar found for corner; thence northerly, on a Grid bearing of North 00°52'33" West, on the East line of the Southeast Quarter of Section 33, 1294.95 feet; thence departing said East line, westerly, South 89°07'08" West, 327.68 feet to the Point of Beginning for the described 70'x70' Lease Area; thence following the perimeter for the Lease Area on the following bearings and distances: westerly, South 89°07'08" West, 70.00 feet; thence northerly, North 00°36'39" West, 70.00 feet; thence easterly, North 89°07'08" East, 70.00 feet; thence southerly, South 00°36'39" East, 70.00 feet, to the Point of Beginning.

Containing a total calculated area of 4,900 square feet, or 0.112 acres, more or less.

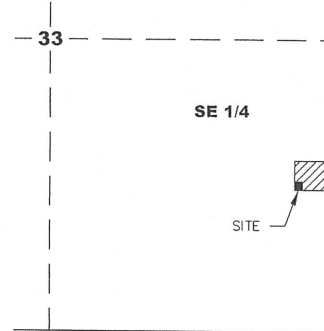
20' ACCESS/UTILITY EASEMENT DESCRIPTION:

An Access/Utility Easement, 20 feet in width, located in that part of the Southeast Quarter of Section 33, Township 25 South, Range 5 East of the 6th P.M., Butler County, Kansas, the centerline being more particularly described as follows:

Referring to the Southeast corner of said Section 33, a #4 Rebar found for corner; thence northerly, on a Grid bearing of North 00°52'33" West, on the East line of the Southeast Quarter of Section 33, 1294.95 feet; thence departing said East line, westerly, South 89°07'08" West, 327.68 feet to the Southeast corner of the described 70'x70' Lease Area; thence following the perimeter for the Lease Area on the following bearings and distances: westerly, South 89°07'08" West, 70.00 feet; thence northerly, North 00°36'39" West, 70.00 feet; thence easterly, North 89°07'08" East, on the North line of the described Lease Area extended, 80.00 feet, to the Point of Beginning for the centerline of the described 20' Access/Utility Easement; thence following the centerline of the easement on the following bearings and distances: southerly, South 00°36'39" East, 60.00 feet; thence easterly, North 89°07'08" East, 267.83 feet, to a point of intersection on the westerly right-of-way line of Oil Hill Road, also being the Point of Termination for the described 20' Access/Utility Easement. Containing a total calculated area of 6,557 square feet, or 0.151 acres, more or less.

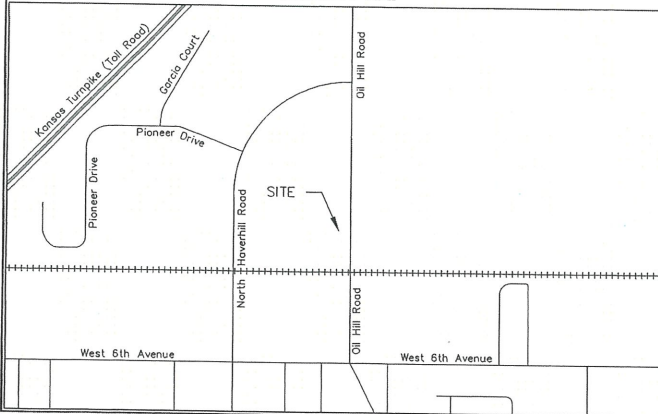
Parallel lines from the centerline of the described easement are intended to lengthen or shorten to intersect the lines described.

WSKSL0037744



PARENT PARCEL DETAIL

VICINITY MAP

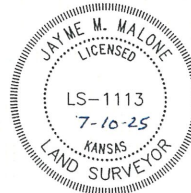


SURVEYORS NOTES

- 1.) Generally located in Kansas State Plane Coordinate System, South Zone (NAD-83).
- 2.) Not a survey of the parent parcel shown, but to be used only for the purposes shown hereon.
- 3.) The Utility locations shown hereon were determined by observed above ground evidence only. The surveyor was provided with above ground markings to determine any subsurface locations, and makes no guarantee that the underground utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. This surveyor has not physically located the underground utilities.

Zoning:

Flood Information:
Property falls within a Zone "X" and is outside a 100 year flood plain area, as determined by FEMA Flood Rate Map No. 20015C0359E, effective date June 2, 2009.



Surveyor's Certificate

I, Jayme M. Malone, a Professional Registered Land Surveyor under the laws of the State of Kansas, certify the above survey was executed by me, on the date shown. Distances shown are measured in feet and decimals of a foot.

Signed this 10th day of July, 2025.

Jayme M. Malone
Jayme M. Malone



REV	DATE	DESCRIPTION	BY
1	05.16.25	Preliminary	PD
2	05.17.25	Add Legals	PD
3	05.24.25	Final	PD
4	07.09.25	Revised Tower Coords	PD
5	07.10.25	Final 2	JM



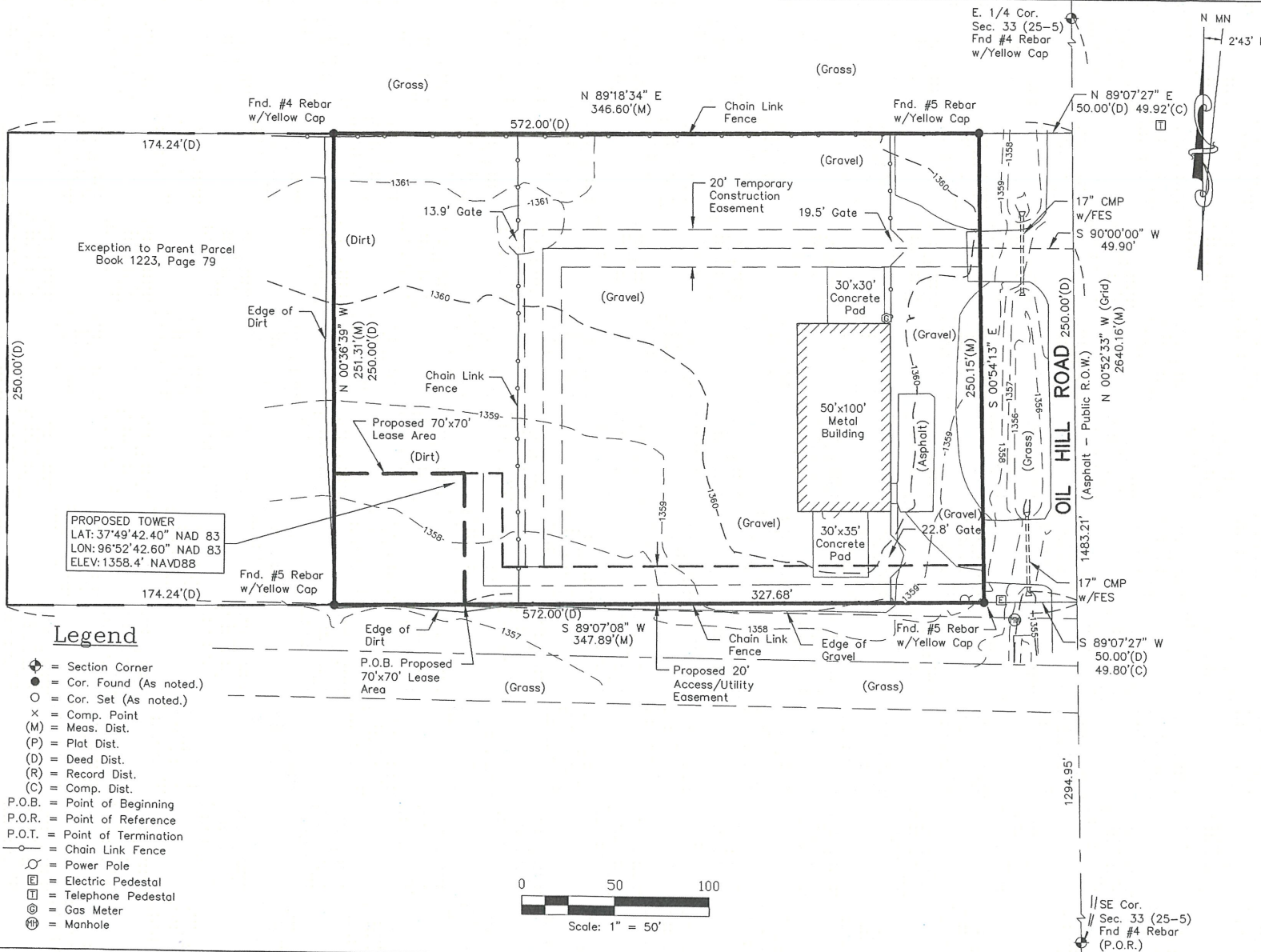
SITE NAME
OIL HILL RS

SITE NUMBER:
KS4068

SITE ADDRESS
**927 OIL HILL ROAD,
EL DORADO, KS
BUTLER COUNTY**

SHEET NAME
SITE PLAN

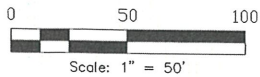
SHEET NUMBER
SS-1



PROPOSED TOWER
 LAT: 37°49'42.40" NAD 83
 LON: 96°52'42.60" NAD 83
 ELEV: 1358.4' NAVD88

Legend

- ⊕ = Section Corner
- = Cor. Found (As noted.)
- = Cor. Set (As noted.)
- × = Comp. Point
- (M) = Meas. Dist.
- (P) = Plat Dist.
- (D) = Deed Dist.
- (R) = Record Dist.
- (C) = Comp. Dist.
- P.O.B. = Point of Beginning
- P.O.R. = Point of Reference
- P.O.T. = Point of Termination
- = Chain Link Fence
- = Power Pole
- ⊞ = Electric Pedestal
- ⊞ = Telephone Pedestal
- ⊞ = Gas Meter
- ⊞ = Manhole



12851 MANCHESTER ROAD
 ST. LOUIS, MO 63131

5055 Hwy N, Suite 200
 St. Charles, MO 63304

FULLERTON
 ENGINEERS & ARCHITECTS

1100 E. WOODFIELD ROAD, SUITE 500
 SCHAUMBURG, ILLINOIS 60173
 TEL: 847-908-8400
 www.FullertonEngineering.com

REV	DATE	DESCRIPTION	BY
1	05.16.25	Preliminary	PD
2	06.17.25	Add Legals	PD
3	06.24.25	Final	PD
4	07.09.25	Revise Tower Coords	PD
5	07.10.25	Final 2	JM

8067

HUSKER SURVEYING

4535 Normal Blvd. Ste #101
 Lincoln, Ne 68506
 (402)423-5202
 (402)423-5211
 www.huskersurveying.com

SITE NAME	OIL HILL RS
SITE NUMBER:	KS4068
SITE ADDRESS	927 OIL HILL ROAD, EL DORADO, KS BUTLER COUNTY
SHEET NAME	SITE PLAN
SHEET NUMBER	SS-2

20' TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

A Temporary Construction Easement, 20 feet in width, located in that part of the Southeast Quarter of Section 33, Township 25 South, Range 5 East of the 6th P.M., Butler County, Kansas, the centerline being more particularly described as follows:

Referring to the Southeast corner of said Section 33, a #4 Rebar found for corner; thence northerly, on a Grid bearing of North 00°52'33" West, on the East line of the Southeast Quarter of Section 33, 1483.21 feet; thence departing said East line, westerly, South 90°00'00" West, 49.90 feet, to the Point of Beginning for the centerline of the described 20' Temporary Construction Easement; thence following the centerline of the easement on the following bearings and distances: westerly, South 89°18'34" West, 234.88 feet; thence southerly, South 00°36'39" East, 169.81 feet, to a point of intersection on the northerly line of the described 20' Access/Utility Easement, also being the Point of Termination for the described 20' Temporary Construction Easement.

Containing a total calculated area of 8,094 square feet or 0.186 acres, more or less.

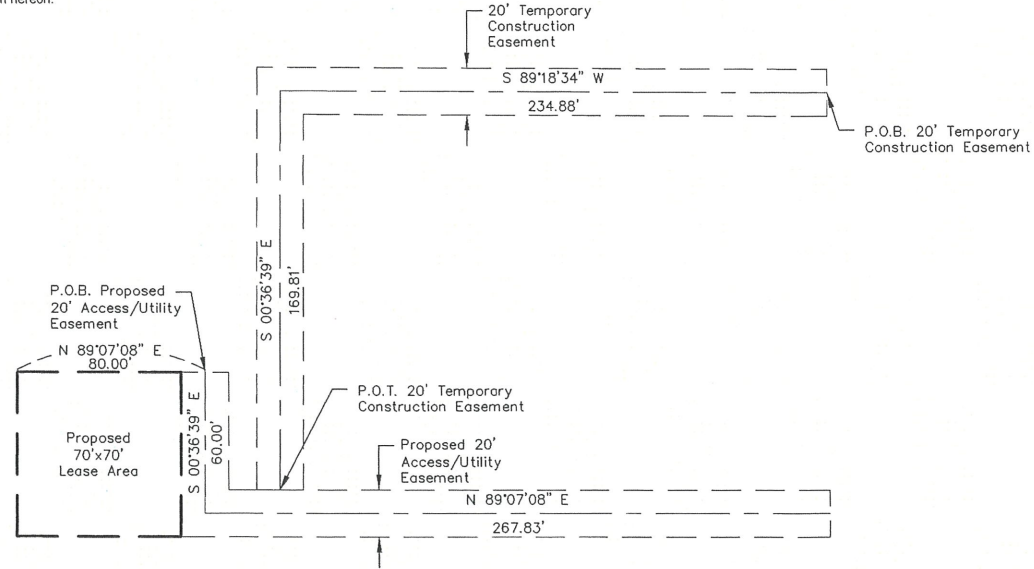
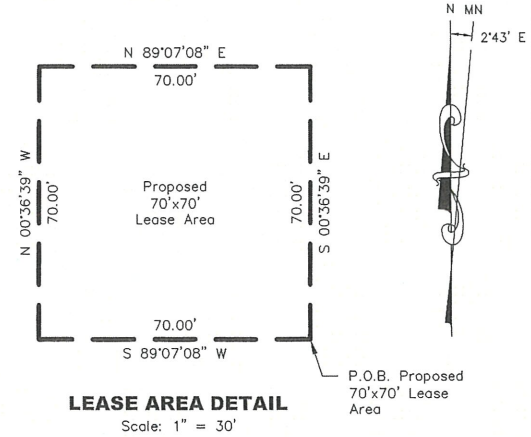
Parallel lines from the centerline of the described easement are intended to lengthen or shorten to intersect the lines described.

TITLE REPORT:

Based on title report provided by U.S. Title Solutions, File No. UST79791, dated effective March 19, 2025, there are no items of survey matters.

4. EASEMENTS AND RIGHTS OF WAY

- 4.1 Easement by American Petrofina, Incorporated, a Delaware corporation to Pester Refining Company, a Kansas corporation, Dated February 15, 1977, Recorded February 07, 1983, in Book 387, Page 96. Affects Subject property but cannot be plotted because it is blanket in nature.
Notes: Easement
- 4.2 Easement by City of El Dorado, in Butler County, Kansas to MAPCO Inc., a Delaware corporation, Dated February 22, 1979, Recorded April 06, 1979, in Book 338, Page 307. Affects Subject property and is shown hereon.
Notes: Pipe line



**20' ACCESS/UTILITY EASEMENT AND
20' TEMPORARY CONSTRUCTION EASEMENT DETAIL**
Scale: 1" = 50'



12851 MANCHESTER ROAD
ST. LOUIS, MO 63131



5055 Hwy N, Suite 200
St. Charles, MO 63304



1100 E. WOODFIELD ROAD, SUITE 500
SCHAUMBURG, ILLINOIS 60173
TEL: 847-908-8400
www.FullertonEngineering.com

REV	DATE	DESCRIPTION	BY
1	06.18.25	Preliminary	PD
2	08.17.25	Add Legals	PD
3	08.24.25	Final	PD
4	07.09.25	Revised Tower Coords	PD
5	07.10.25	Final 2	JL

8067

HUSKER SURVEYING
4535 Normal Blvd. Ste #101
Lincoln, Ne 68508
(402)423-5202
(402)423-5211
www.huskersurveying.com

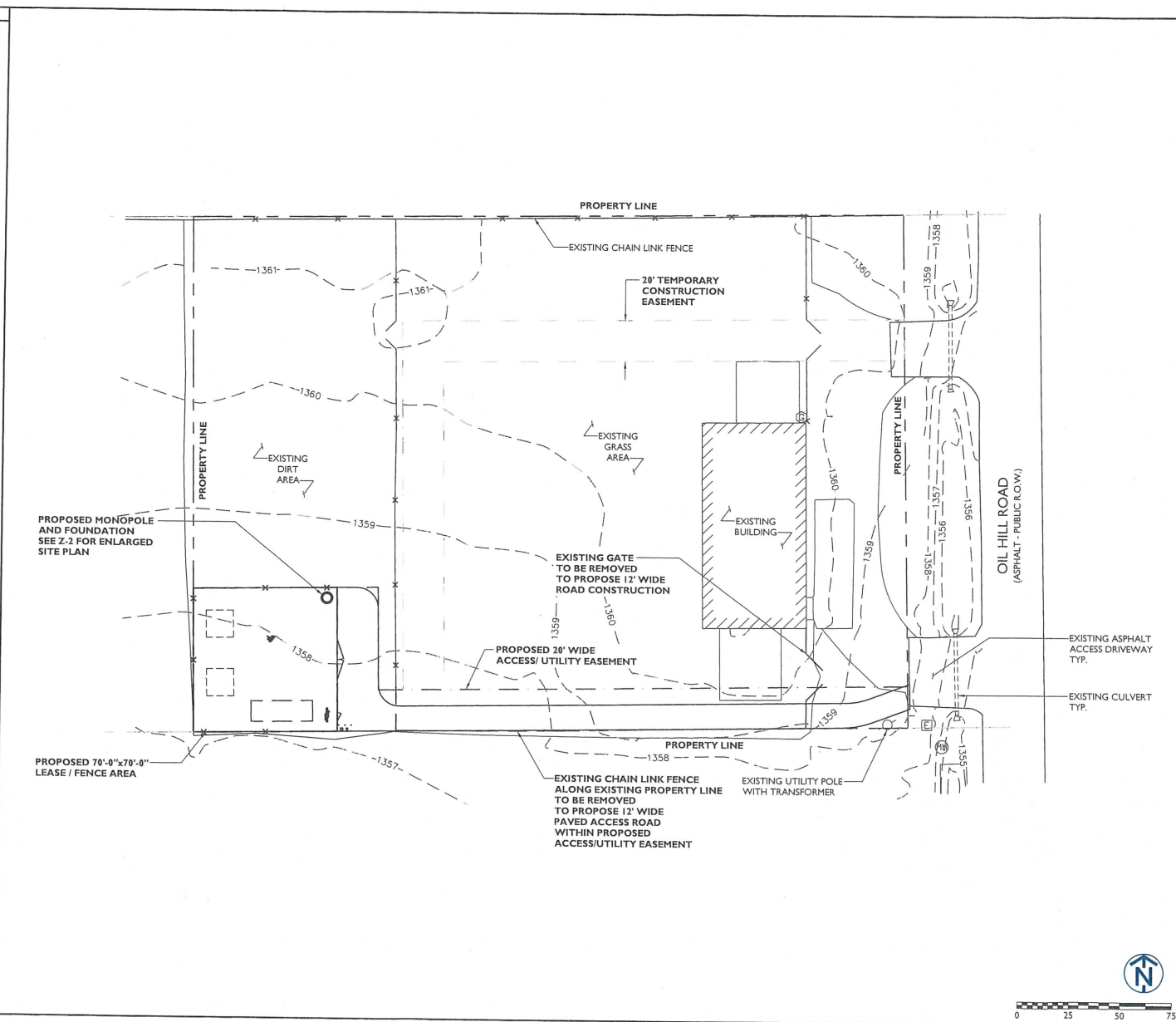
SITE NAME	OIL HILL RS
SITE NUMBER:	KS4068
SITE ADDRESS	927 OIL HILL ROAD, EL DORADO, KS BUTLER COUNTY
SHEET NAME	SITE PLAN
SHEET NUMBER	SS-3

ABBREVIATIONS

2C	2ND CARRIER
3C	3RD CARRIER
4C	4TH CARRIER
AFF	ABOVE FINISHED FLOOR
AFG	ABOVE FINISHED GRADE
AGL	ABOVE GROUND LEVEL
AMSL	ABOVE MEAN SEA LEVEL
APPROX	APPROXIMATE
ATS	AUTOMATIC TRANSFER SWITCH
AWG	AMERICAN WIRE GAUGE
BLDG	BUILDING
BBU	BASE BAND UNIT
CL	CENTERLINE
CLR	CLEAR
COL	COLUMN
CONC	CONCRETE
CND	CONDUIT
CSRF	CROSS SECTOR REDUNDANCY FEATURE
DWG	DRAWING
FT	FOOT(FEET)
EGB	EQUIPMENT GROUND BAR
ELEC	ELECTRICAL
EMT	ELECTRICAL METALLIC TUBING
ELEV	ELEVATION
EQUIP	EQUIPMENT
EX	EXISTING
EXT	EXTERIOR
FND	FOUNDATION
F	FIBER
FIF	FACILITY INTERFACE FRAME
GA	GAUGE
GALV	GALVANIZED
GPS	GLOBAL POSITIONING SYSTEM
GND	GROUND
GSM	GLOBAL SYSTEM FOR MOBILE COMMUNICATION
LTE	LONG TERM EVOLUTION
MAX	MAXIMUM
MCPA	MULTI-CARRIER POWER AMPLIFIER MANUFACTURER
MFR	MANUFACTURER
MGB	MASTER GROUND BAR
MIN	MINIMUM
MTS	MANUAL TRANSFER SWITCH
N.T.S.	NOT TO SCALE
O.C.	ON CENTER
PPC	POWER PROTECTION CABINET
PL	PROPERTY LINE
RBS	RADIO BASED STATION
RRH	REMOTE RADIO HEAD
RGS	RIGID GALVANIZED STEEL
IN	INCH(ES)
INT	INTERIOR
LB(S), #	POUND(S)
SF	SQUARE FOOT
STL	STEEL
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
UMTS	UNIVERSAL MOBILE TELE-COMMUNICATION SYSTEM
VIF	VERIFY IN FIELD
W/	WITH
XFMR	TRANSFORMER

SYMBOLS

	REVISION
	WORK POINT
	UTILITY POLE
	BRICK
	COMPRESSED STONE
	CONCRETE
	EARTH
	GRAVEL
	MASONRY
	STEEL
	CENTERLINE
	PROPERTY LINE
	LEASE LINE
	EASEMENT LINE
	FENCE
	CHAINLINK
	WOOD
	WROUGHT IRON
	ELECTRIC
	OVERHEAD
	UNDERGROUND
	FIBER
	OVERHEAD
	UNDERGROUND
	TELEPHONE
	OVERHEAD
	UNDERGROUND
	DC POWER



12930 OLIVE BLVD
CREVE COEUR, MO 63141

5055 Hwy N, Suite 200
St. Charles, MO 63304

DESIGN DEVELOP CONSTRUCT

1100 E. WOODFIELD ROAD, SUITE 500
SCHLAUBURG, ILLINOIS 60173
TEL: 847-908-8400
COAH E-1939
www.fullerton-us.com

#	DATE	DESCRIPTION	INT.
A	07/02/25	PRELIM. ZONING	LA
0	07/11/25	FINAL	LA

I HEREBY CERTIFY THAT THESE DRAWINGS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CONTROL, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE CODES.

SITE NAME
OIL HILL RS

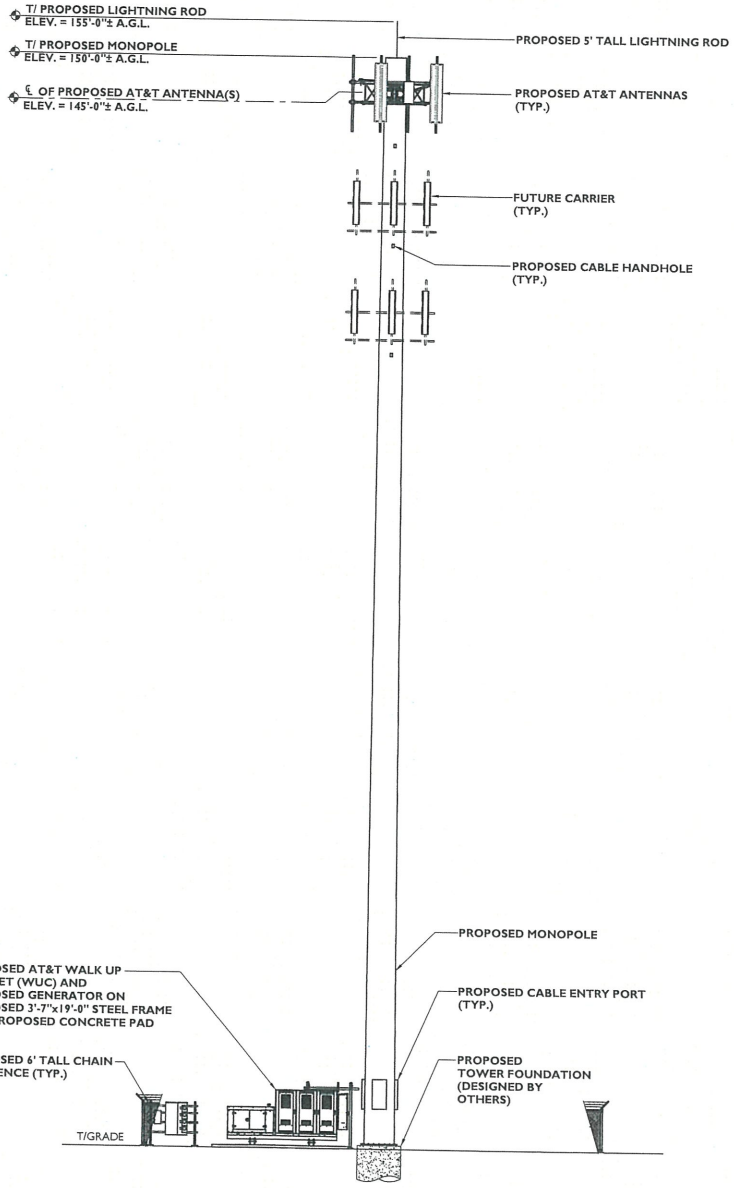
SITE NO.
KS4068

SITE ADDRESS
927 OIL HILL ROAD
EL DORADO, KS 67042

SHEET NAME
SITE PLAN

SHEET NUMBER
Z-1

PROJECT# 2023.0057.0066



12930 OLIVE BLVD
CREVE COEUR, MO 63141



5055 Hwy N, Suite 200
St. Charles, MO 63304



1100 E. WOODFIELD ROAD, SUITE 500
SCHAUMBURG, ILLINOIS 60173
TEL: 847-908-8400
CO# 081 E-1939
www.fullerton-us.com

#	DATE	DESCRIPTION	INT.
A	07/02/25	PRELIM. ZONING	LA
0	07/11/25	FINAL	LA

I HEREBY CERTIFY THAT THESE DRAWINGS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CONTROL, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE CODES.



SITE NAME
OIL HILL RS

SITE NO.
KS4068

SITE ADDRESS
927 OIL HILL ROAD
EL DORADO, KS 67042

SHEET NAME
TOWER ELEVATION

SHEET NUMBER
Z-3

TOWER ELEVATION

SCALE: N.T.S.

PROJECT# 2023.0057.0066

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
CC:
FROM: Scott Rickard
RE: Rezone

The City Commission discussed City owned land west of Fire Station No. 2 along W 6th Avenue, sometimes referenced as the Fire Substation property area. The land was originally acquired through past economic development efforts tied to BG Products, and the remaining tract is a remnant of the larger property needed for that project. The City has no planned municipal use for this site. Staff view housing as a strong potential fit given the surrounding context, the ability to extend public infrastructure, and the community's documented need for additional housing options and types. The subject area is currently zoned I-1 (Light Industrial District). The City Commission work session discussion identified that the area has meaningful buffers and separation that support a transition away from industrial zoning. Those buffers include the Kansas Turnpike, the Union Pacific Railroad right of way, Constant Creek, and the Fire Station property. To the south, zoning is residential and the area includes Oil Hill School.

This Planning Commission public hearing includes two related zoning map amendments intended to create a more appropriate zoning pattern for existing conditions and the City's intended reuse of the remaining City owned land.

Case No. 26-01-REZ

Fire Station No. 2, 2600 W 6th Avenue, request to rezone from I-1 (Light Industrial District) to O-I (Office Institutional District). This is a corrective zoning action to match the existing public safety and institutional use.

Case No. 26-02-REZ

Approximately 30 acres north of W 6th Avenue, west of Constant Creek, east of the Kansas Turnpike, and south of the Union Pacific Railroad, request to rezone from I-1 (Light Industrial District) to R-3 (Multiple Family Dwelling District). This zoning change is intended to reposition the City owned tract for residential development.

Evaluation of Rezoning Request:

Per Article 13 of the zoning regulations, the Planning Commission must make findings of fact to determine whether the requested zoning district amendments are compatible with the following criteria.

1. Character of the neighborhood

The surrounding area is a mix of zoning classifications and land use influences, including:

- I-1 industrial zoning to the north, west, and east, with major corridor influences from the Kansas Turnpike and the Union Pacific Railroad.
- O-I zoning and institutional use in the area of Oil Hill School.
- R-1 low density residential zoning to the south, including the Township Village Addition.

Rezoning the fire station parcel to O-I aligns the zoning with the existing public safety use. Rezoning the larger tract to R-3 supports a residential transition that is more compatible with the R-1 neighborhood to the south than the current industrial classification.

2. Consistency with the comprehensive plan and City ordinances

The Future Land Use Map designates this area as Commercial, intended for retail, restaurant, and professional office land uses. While the future land use designation is commercial, the City

Commission discussion identified housing as a strong potential fit for this City controlled tract based on current community needs and the surrounding land use transitions.

3. Adequacy of public utilities and other needed public services

The property is served by public infrastructure that can be extended without unusual constraints, which is an advantage if the City wants this site to contribute to housing supply in the near to midterm. The site is encumbered by several existing interests that will influence layout, including an active oil lease, a 16-inch waterline easement with associated right of way, and a separate large diameter natural gas pipeline right of way. These items will require coordination and will limit where structures and certain improvements can be placed. These are manageable constraints that can be addressed through proper site design, access planning, and adherence to easement and operator requirements.

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

The I-1 zoning reflects the original economic development intent for the broader area. The remaining City owned tract has not developed as industrial, and the existing buffers and adjacent land use context support a residential transition. Rezoning to R-3 is consistent with the City's housing goals and supports residential development in an area where industrial demand has not materialized. Rezoning the Fire Station parcel to O-I is appropriate because it matches the existing public safety and institutional use, and it creates a more cohesive zoning pattern in the area.

5. Length of time property has remained vacant as zoned

The property has been vacant even before the City acquired it in 2009. This indicates that the existing industrial zoning has not resulted in redevelopment of the site, and that an alternative land use, such as residential development, is needed to activate the property.

6. Compatibility of the proposed district classification with nearby properties

The proposed R-3 zoning is compatible with the existing residential uses to the south. The transition from I-1 to R-3 supports compatibility with the surrounding mix of land uses and reduces the potential for land use conflicts adjacent to the R-1 neighborhood. The proposed O-I zoning for the fire station is compatible with nearby institutional and public uses and correctly classifies the existing facility.

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

Rezoning the larger tract to R-3 is not expected to have a detrimental impact on nearby properties. Residential development is generally more compatible with nearby residential and institutional uses than industrial uses permitted under I-1, and the change reduces the potential for industrial traffic and operational impacts adjacent to the R-1 neighborhood. Rezoning the fire station parcel is a corrective zoning action for an existing use and is not expected to create adverse impacts.

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

The requested zoning changes provide a clear public benefit by encouraging productive reuse of underutilized City owned property, supporting additional housing opportunities, reducing the likelihood of land use conflicts, and aligning zoning with existing and intended land use patterns. No disproportionate loss to nearby landowners has been identified relative to the public gain.

Staff Recommendation:

Based on the findings above, staff recommend approval of both zoning map amendments:

1. Recommend approval of Case No. 26-01-REZ to rezone 2600 W 6th Avenue from I-1 (Light Industrial District) to O-I (Office Institutional District).
2. Recommend approval of Case No. 26-02-REZ to rezone approximately 30 acres north of W 6th Avenue, west of Constant Creek, east of the Kansas Turnpike, and south of the Union Pacific Railroad from I-1 (Light Industrial District) to R-3 (Multiple Family Dwelling District).

Adoption of these amendments requires a majority vote of the Planning Commission members present and voting.

Suggested Motions:

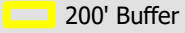


Motion 1

I move to recommend approval of Case No. 26-01-REZ to rezone 2600 W 6th Avenue from I-1 Light Industrial District to O-I Office Institutional District for reasons stated in the staff recommendation and heard at this public hearing.

Motion 2



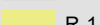


I move to recommend approval of Case No. 26-02-REZ to rezone approximately 30 acres north of W 6th Avenue, west of Constant Creek, east of the Kansas Turnpike, and south of the Union Pacific Railroad from I-1 Light Industrial District to R-3 Multiple Family Dwelling District for reasons stated in the staff recommendation and heard at this public hearing.

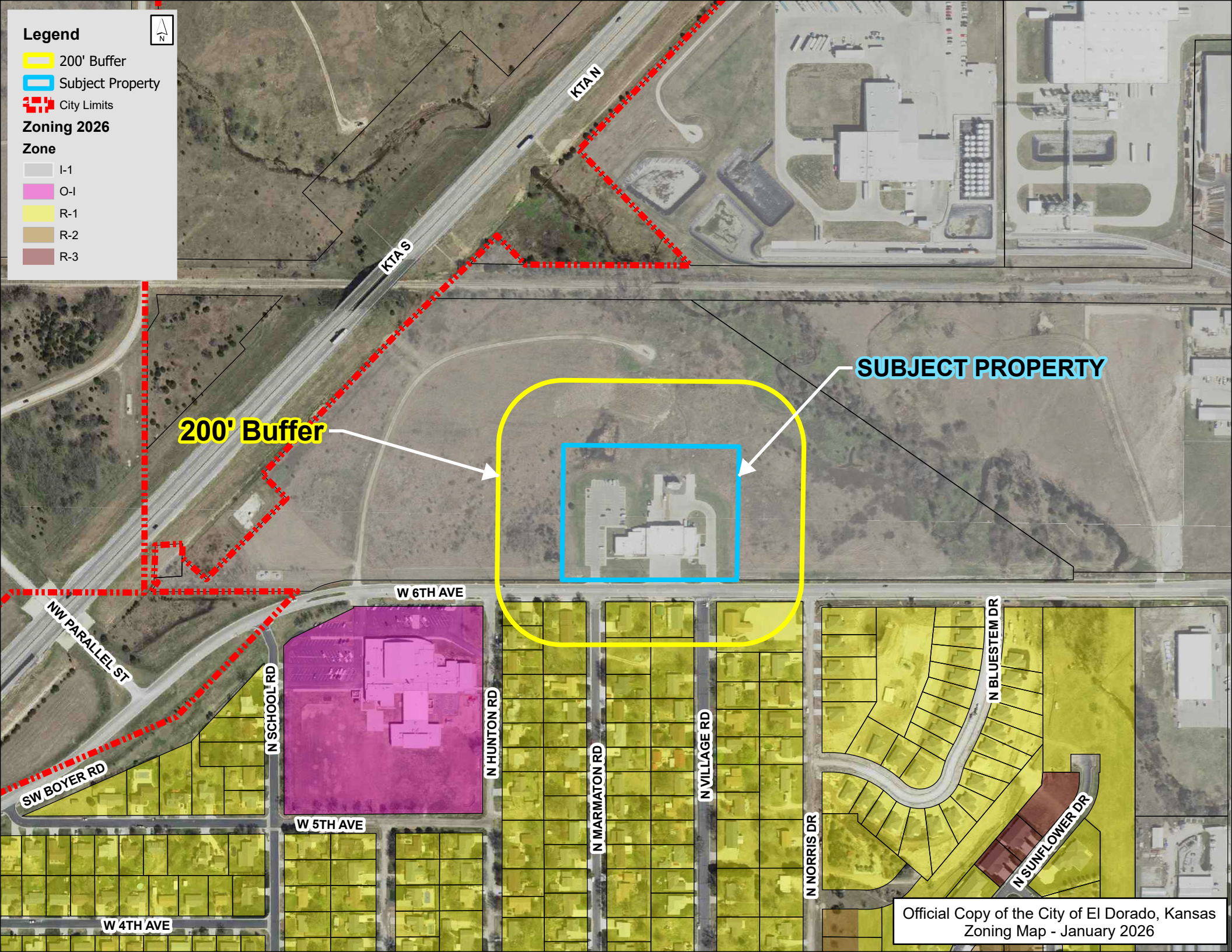
Legend

-  200' Buffer
-  Subject Property
-  City Limits

Zoning 2026

Zone

-  I-1
-  O-1
-  R-1
-  R-2
-  R-3



SUBJECT PROPERTY

200' Buffer

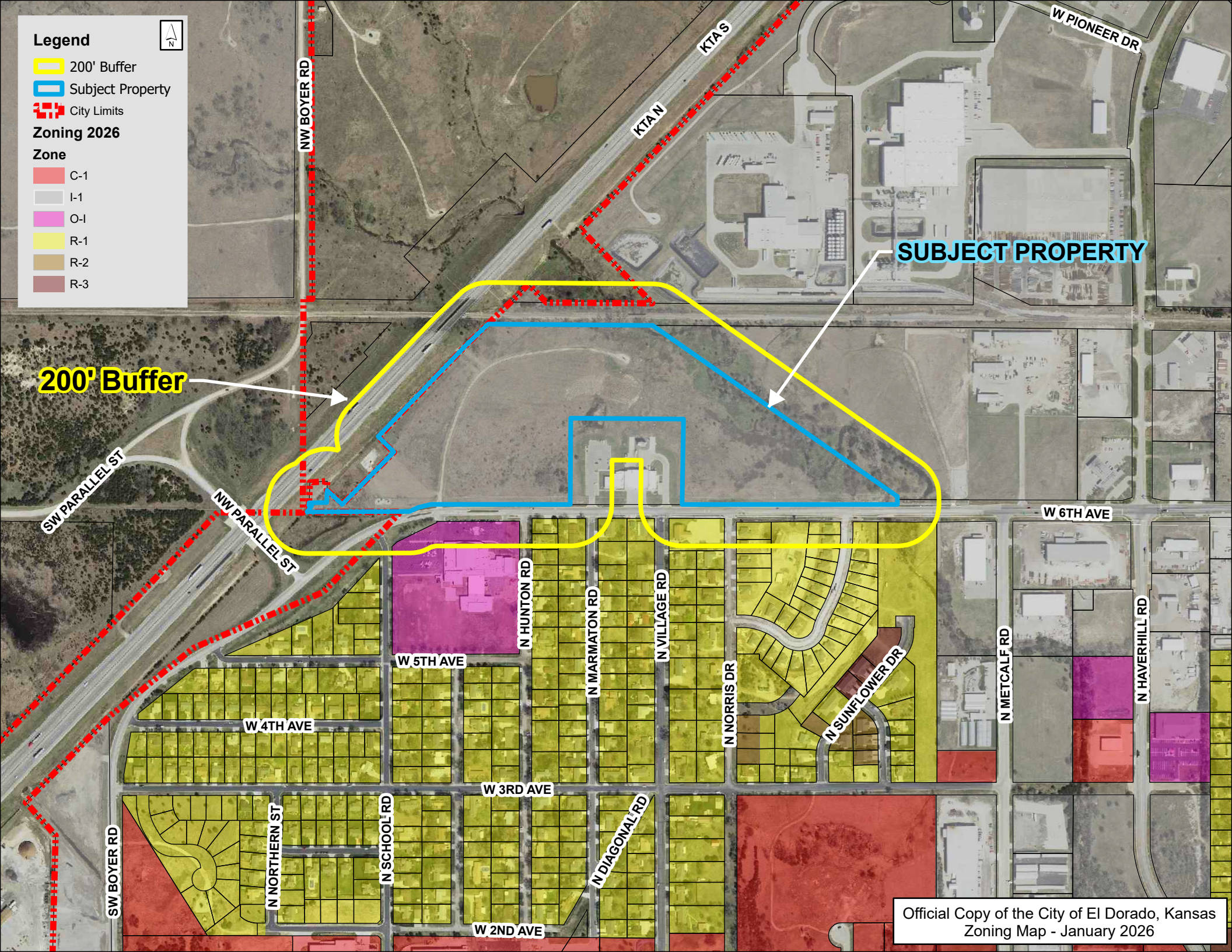
Legend



- 200' Buffer
 - Subject Property
 - City Limits
- Zoning 2026**
- Zone**
- C-1
 - I-1
 - O-1
 - R-1
 - R-2
 - R-3

200' Buffer

SUBJECT PROPERTY



PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
CC:
FROM: Scott Rickard
RE: Zoning Amendments

Staff is bringing forward a targeted package of zoning regulation amendments developed from Housing Committee feedback. The purpose of the amendments is to expand attainable housing options, reduce unnecessary barriers for small-scale residential projects, and improve predictability through objective standards that are easier to administer and explain to the public.

Housing Committee discussions and community feedback have consistently reflected the same themes. El Dorado needs more housing options across price points. There is interest in allowing modest housing types in a way that still protects neighborhood character, and current regulations can create unintended hurdles for smaller projects, especially on older lots. Staff's recommendations focus on clear standards that allow by right approval when the proposal meets objective tests, while preserving public input through the Special Use Permit process when it does not.

These amendments are also intended to serve as a near term improvement while the City continues longer range planning and code modernization work. A focused amendment package allows the City to address immediate housing barriers and process issues without waiting for a full rewrite.

Summary of code areas impacted

Staff's recommended package requires amendments to Article 3 (Definitions), Article 6 (Supplementary District Regulations), Article 7 (Off Street Parking), Article 14 (Administration), and Appendix A (Use Table). Article 12 (Board of Zoning Appeals) is not proposed to be substantively revised, but it remains the appeal authority for administrative decisions.

A. Accessory Dwelling Units, ADUs (Article 3, Article 6 Section 3 and Section 4, Article 7, and Appendix A)

What is being proposed

1. Update terminology so the zoning regulations use the term Accessory Dwelling Unit (ADU) consistently, replacing or cross referencing the current "Accessory Apartment" definition.
2. Allow one ADU by right in A-R, R-S, R-1, R-2, and R-3 when the ADU's exterior materials and general roof form are compatible with the principal dwelling. If the ADU is not compatible, require a Special Use Permit.
3. Cap ADU size at 800 square feet, require roof pitch within plus or minus 1/12 of the principal roof when gabled or hipped, and require the ADU to be on a lot with a principal single-family dwelling.
4. Require one off street parking space for an ADU, and allow alley access to satisfy placement where present.
5. Require an anti-severance restriction so the ADU and principal dwelling remain under single ownership, and cannot be subdivided, converted, or conveyed separately.
6. Treat ADUs used as short-term rentals, less than one week, as Special Use Permits.
7. Update Appendix A to show ADU as permitted with conditions in residential districts, with a footnote stating it is permitted only when the compatibility test is met, otherwise Special Use Permit.
8. Clarify how ADUs interact with accessory structure limitations so ADUs are not unintentionally blocked by existing accessory building count restrictions on lots under one acre.
9. ADUs shall meet accessory structure setbacks.

Why it was recommended

Accessory dwelling units are a practical, incremental way to add housing supply without changing the

underlying zoning pattern of established neighborhoods. They can serve multiple local needs, including a small rental unit, housing for aging parents, a unit for adult children, or a caretaker unit, and they can support homeowners by providing supplemental income while keeping the property in single ownership.

The recommended framework intentionally balances flexibility with neighborhood compatibility. The by right path is limited to ADUs that match the principal dwelling's exterior materials and general roof form, which is the most direct way to maintain neighborhood character. When that compatibility is not met, a Special Use Permit is required so neighbors can weigh in, and conditions can be applied if needed.

The size cap and roof pitch tolerance keep ADUs modest and reduce the likelihood of out of scale accessory buildings. The required parking standard addresses one of the most common concerns raised in housing discussions, on street parking impacts. The anti-severance restriction prevents a long term issue seen in other communities, where accessory units become functionally separate properties or are sold separately, creating enforcement and maintenance challenges. Finally, treating short term rentals as Special Use Permits recognizes that short term rentals can have a different impact profile than long term housing, and the City should have a public process for those cases.

B. Infill starter homes and block character (Article 6, Section 23, Residential Infill)

Existing code condition

Current regulations require residential construction on previously developed lots in established neighborhoods to be 75 percent to 125 percent of the average gross floor area of existing homes on the block face.

What is being proposed

1. Maintain the existing 75 percent to 125 percent block face average gross floor area standard as the primary by right pathway.
2. Add a second by right alternative when the size range cannot be met, using an objective compatibility check requiring:
 - a. Materials compatible with at least two predominant materials on the block face
 - b. Roof pitch within plus or minus 1/12 of the block median for gabled or hipped roofs
 - c. Roof peak height not more than 10 feet taller than other homes on the same side of the block
 - d. At least one common façade element such as a porch, stoop, or bay
3. If a proposal does not meet either by right pathway, a Special Use Permit will be required.

Why it was recommended

The existing block average size rule can unintentionally restrict smaller starter homes, even when the overall design would fit the block. In many neighborhoods, block averages can be skewed by a few larger homes, additions, or mixed era construction. This makes the standard harder to apply consistently and can limit attainable infill opportunities.

The recommended approach keeps the existing objective size test, but it adds a design-based alternative that focuses on visible character. People experience infill compatibility through rooflines, materials, and front façade rhythm. The proposed by right alternative uses measurable elements that a property owner can plan for and staff can verify. If a proposal does not meet that standard, the Special Use Permit process remains available, which preserves public input and allows the City to consider context and impose conditions when warranted.

C. Duplex by right in R-1 (Appendix A and new Article 6 standard)

Existing code condition

Duplexes, listed as "Dwelling, Two family," are currently not allowed in the R-1 district. R-1 relies on Appendix A for the specific list of permitted and special uses.

What is being proposed

1. Update Appendix A to allow “Dwelling, Two family” by right in R-1, subject to objective conditions.
2. Establish an objective infill style eligibility standard for duplexes in R-1:
Each dwelling unit within the duplex shall have a minimum gross floor area of at least 75 percent of the average gross floor area of existing residential structures located on the same side of the street between two intersecting streets.

Why it was recommended

Allowing duplex construction in R-1 provides a practical path to add modest housing options without requiring a rezoning, while still using objective standards to help maintain neighborhood scale.

D. Administrative Adjustments (New Article 14 section, appealable to BZA)

Existing code condition

The zoning regulations establish the Office of the Zoning Administrator.

The Board of Zoning Appeals hears appeals of Zoning Administrator decisions, and appeals must be filed within 60 days after a ruling.

What is being proposed

1. Create an Administrative Adjustments section allowing staff approval on existing lots of record, within defined relief limits:
 - a. Lot area or lot width up to 10 percent relief
 - b. Yards and setbacks up to 10 percent to any yard, and up to 10 percent to the front yard when aligning within 2 feet of the block’s average front setback
 - c. Lot coverage up to plus 5 percentage points for single family or ADU proposals
2. Require objective approval criteria, including:
 - a. Lawful lot of record
 - b. All non-adjusted standards are met
 - c. No encroachment into platted drainage or utility easements
 - d. No encroachment into sight triangles or floodway
 - e. Driveway depth at least 18 feet outside the right of way
 - f. Corner clear vision preserved
 - g. No increase to maximum height
 - h. On site drainage not worsened, with roof runoff managed on site
 - i. Minimum parking preserved unless adjusted under adopted parking provisions
3. Establish process requirements:
 - a. Administrative decision with written findings kept in the permit file
 - b. Appeal of the decision may be filed to the Board of Zoning Appeals, consistent with Article 12 procedures and timelines.

Why it was recommended

A frequent issue with older neighborhoods is that lots were platted under different standards, and small projects can run into minor dimensional constraints that do not meaningfully change neighborhood impacts. Today, those minor issues typically require more process than necessary, which creates delays for homeowners and added workload for staff.

Administrative adjustments provide limited flexibility with clear guardrails. The relief limits are modest, and the criteria focus on protecting the public interest, drainage, easements, corner visibility, floodway constraints, driveway safety, and parking minimums. The written findings requirement ensures transparency, and the appeal pathway preserves due process. This tool is intended to reduce friction for minor requests while maintaining consistent documentation and accountability.

E. Off street parking standards (Article 7, Section 5, Required Spaces)

Existing code condition

Current regulations generally require two off street parking spaces per dwelling unit for single family, two family, and multiple family.

What is being proposed

Replace the two spaces per dwelling default with square footage tiers, and apply consistently across housing types:

1. Single family: 1 space per unit for units up to and including 800 square feet, and 2 spaces per unit for units over 800 square feet.
2. Two family: per unit, 1 space up to and including 800 square feet, and 2 spaces over 800 square feet.
3. Multiple family: per unit with an average allowed across a project, 1 space up to and including 800 square feet, and 2 spaces over 800 square feet.
4. ADU: 1 space.

Why it was recommended

The two spaces per unit default can be disproportionate for smaller units. Parking demand is strongly tied to unit size, and smaller homes typically generate fewer vehicles than larger homes. Requiring the same parking space for a 700 square foot unit as a 1,600 square foot unit increases pavement, reduces yard space, and adds cost, which can discourage the types of housing the community is asking for.

A tiered approach right sizes of parking supports attainable housing and infill, and reduces unnecessary paving and driveway cuts. At the same time, it retains two spaces for larger units and maintains clear minimum expectations. The multiple family averaging provision recognizes that projects often include a mix of unit sizes and allow developers to design parking more efficiently while still meeting an overall standard.

Suggested Motion

I, _____, move to recommend approval of the proposed amendments based on the findings and rationale presented in the staff report and as heard at this public hearing.

APPENDIX A

Draft zoning regulation amendment language, housing updates package
Section 1. Article 3, Rules and Definitions

1. The following definition is added to Article 3, Section 1, Definitions, in alphabetical order.
Accessory Dwelling Unit (ADU). A self contained dwelling unit that is subordinate to, and located on the same lot as, a principal single-family dwelling. An ADU provides independent living facilities for one household, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU may be located within a detached accessory structure or within the principal dwelling, where permitted by these regulations.
2. The following definition is amended.
Accessory Apartment. Replace this term with Accessory Dwelling Unit (ADU). Any reference in these regulations to "Accessory Apartment" shall mean "Accessory Dwelling Unit (ADU)."
3. The following definition is added to Article 3, Section 1, Definitions, in alphabetical order.
Short Term Rental. The rental, lease, or occupancy of a dwelling unit, or any portion of a dwelling unit, for compensation for a period of less than seven consecutive days.

Section 2. Article 6, Supplementary District Regulations

1. Article 6, Section 4, Use Limitations of Accessory Structures, is amended as follows.
2. Use Limitations of Accessory Structures.
 - A. General. Accessory structures shall not be used for dwelling purposes.
 - B. Exception for Accessory Dwelling Units. An accessory structure may be used for dwelling purposes only as an Accessory Dwelling Unit (ADU), subject to the standards of this subsection.
 - C. Districts where allowed. An ADU may be established only on a lot located in the A-R, R-R, R-S, R-1, R-2, or R-3 zoning districts, and only on a lot that contains a principal single family dwelling.
 - D. Number of ADUs. One ADU shall be permitted per lot.
 - E. Size. The gross floor area of an ADU shall not exceed 800 square feet.
 - F. Exterior compatibility, administrative approval. An ADU shall be approved administratively when the following compatibility standards are met.
 - (1) The exterior wall cladding material on street facing elevations shall match, or be the same material type as, the principal dwelling's predominant exterior cladding.
 - (2) The primary roof form shall be consistent with the principal dwelling. If the principal dwelling roof form is gabled or hipped, the ADU roof pitch shall be within one over twelve of the principal dwelling roof pitch.
 - G. Setbacks.
 - (1) New detached ADU structures shall meet the accessory structure setback requirements applicable to the zoning district and lot.
 - (2) An ADU established within an existing legally constructed accessory structure may maintain the existing structure setbacks, provided the footprint is not expanded.
 - H. Parking. One additional off street parking space shall be provided on the same lot for the ADU, in addition to the off street parking required for the principal dwelling. The parking space may be provided in a driveway, parking pad, garage, or other legal off street configuration. Where alley access exists, parking may be served from the alley.
 - I. Ownership and separate conveyance are prohibited. The ADU and principal dwelling shall remain under common ownership. The ADU shall not be subdivided from the lot, conveyed separately, or otherwise converted to a separate principal dwelling or lot.
 - J. Short term rental restriction. An ADU shall not be used as a Short Term Rental, unless approved through a Special Use Permit.
 - K. Interaction with accessory structure count limits. An ADU that complies with this section shall be permitted even when the lot has reached the maximum number of accessory structures otherwise allowed, provided all other applicable standards are met.
 - L. Special Use Permit required when compatibility standards are not met. If the exterior compatibility standards in subsection F are not met, the ADU may be considered only through approval of a Special Use Permit in accordance with Article 10.

Section 3. Article 6, Section 23, Residential Infill, is amended to read as follows.

23. Residential Infill.
 - A. Applicability. This section applies to new residential construction on a previously developed lot, including reconstruction following demolition, in the R 1 zoning district, and to any new two family dwelling proposed in the R 1 zoning district.
 - B. Floor area compatibility standard, administrative approval. New residential construction shall be eligible for administrative approval when the gross floor area of the proposed structure is between seventy five percent and one hundred twenty five percent of the average gross floor area of existing residential structures on the same side of the street between two intersecting streets.

C. Alternative design compatibility standard, administrative approval. If a proposed structure does not meet subsection B, it may still be eligible for administrative approval when all of the following are met.

(1) Materials. The proposed exterior cladding includes at least two exterior materials that are predominant on the block face, based on existing homes on the same side of the street between two intersecting streets.

(2) Roof pitch. For gabled or hipped roofs, the proposed roof pitch is within one over twelve of the median roof pitch on the block face.

(3) Roof peak height. The proposed roof peak height is not more than ten feet taller than the tallest existing home on the same side of the street between two intersecting streets.

(4) Front façade element. The proposed structure includes at least one common front façade element found on the block face, such as a porch, stoop, covered entry, bay, or comparable articulated entry feature.

(5) Orientation. The primary entrance is oriented toward the street.

D. Two family dwelling standard in R 1. A two family dwelling in the R 1 zoning district shall meet subsection B or subsection C. In addition, each dwelling unit within a two family dwelling shall have a gross floor area of not less than seventy five percent of the average gross floor area of existing residential structures on the same side of the street between two intersecting streets.

E. Special Use Permit required. If a proposed structure does not meet subsection B or subsection C, or if a proposed two family dwelling does not meet subsection D, the proposal may be considered only through approval of a Special Use Permit in accordance with Article 10.

Section 4. Article 14, Administration, Office of the Zoning Administrator

Article 14, Section 2, Office of the Zoning Administrator, B. Duties, is amended by adding a new item (7) as follows.

(7) Administrative Adjustments.

A. Purpose. Administrative Adjustments are intended to provide limited, objective flexibility for lots of record and minor site constraints, while maintaining the intent of the zoning regulations and neighborhood compatibility.

B. Authority. The Zoning Administrator may approve Administrative Adjustments as part of zoning permit review, subject to the limits and criteria in this subsection. Administrative Adjustments are administrative decisions.

C. Eligible standards and limits. Administrative Adjustments may be granted only within the following limits.

(1) Minimum lot area. Up to ten percent reduction.

(2) Minimum lot width. Up to ten percent reduction.

(3) Minimum yards. Up to ten percent reduction in any required yard.

(4) Front yard alignment. Up to ten percent reduction in required front yard, when needed to align the front setback of a new principal structure within two feet of the average front setback on the same block face.

(5) Maximum lot coverage. Up to five percentage points above the maximum lot coverage limit, limited to single family dwellings and ADUs.

D. Required findings. The Zoning Administrator shall approve an Administrative Adjustment only upon written findings that all of the following are met.

(1) The lot is a lawful lot of record.

(2) All non adjusted standards are met.

(3) The request is the minimum necessary to address the specific constraint or condition.

(4) The adjustment does not encroach into platted drainage easements, utility easements, clear vision areas, or required sight triangles, and does not encroach into a floodway.

(5) Driveway depth provides at least eighteen feet of vehicle storage outside of the public right of

way.

(6) On site drainage is not worsened, and roof runoff is managed on site.

(7) The adjustment does not create a material adverse impact on adjacent properties based on building placement, scale, and site functionality.

(8) The adjustment remains consistent with the intent of the applicable zoning district and the general purpose of the regulation being adjusted.

E. Documentation and appeal. The Zoning Administrator shall document the approved adjustment and findings in the permit file. The decision may be appealed as an administrative appeal to the Board of Zoning Appeals in accordance with Article 12.

Section 5. Article 7, Parking and Loading Regulations

Article 7, Section 5, Required Spaces, A. Table 5A, is amended by replacing the residential lines as follows. All other lines in Table 5A remain unchanged.

Table 5A, Residential Uses, Required Spaces

Single family dwelling. One space per dwelling unit when the gross floor area of the dwelling unit is 800 square feet or less, and two spaces per dwelling unit when the gross floor area of the dwelling unit exceeds 800 square feet.

Two family dwelling. One space per dwelling unit when the gross floor area of the dwelling unit is 800 square feet or less, and two spaces per dwelling unit when the gross floor area of the dwelling unit exceeds 800 square feet.

Multiple family dwelling. One space per dwelling unit when the gross floor area of the dwelling unit is 800 square feet or less, and two spaces per dwelling unit when the gross floor area of the dwelling unit exceeds 800 square feet. For developments with a mix of unit sizes, required parking may be calculated based on the sum of required spaces by unit size, and the total required spaces may be rounded up to the next whole number.

Accessory Dwelling Unit (ADU). One additional space per ADU, in addition to the spaces required for the principal dwelling.

Section 6. Article 5, District Regulations, density bonus limitation terminology update

The following sections are amended by replacing "Accessory apartments" with "Accessory Dwelling Units (ADUs)."

A. Article 5, R-1 Residential Low Density District, item 8, Use Limitations.

B. Article 5, R-2 Residential Medium Density District, item 8, Use Limitations.

C. Article 5, R-3 Multiple Family Dwelling District, item 8, Use Limitations.

Section 7. Appendix A, Uses by Zoning District

The following rows in Appendix A are amended as shown below. These are the only Appendix A rows proposed to change as part of this housing updates package.

APPENDIX A, LISTING OF USES BY ZONING DISTRICT (AMENDED ROWS ONLY)

USE DESCRIPTION	A	R	R	R	R	R	P	C	C	O	I	I	SUPPLEMENTARY DISTRICT REGULATIONS
	R	R	S	1	2	3	C	1	2	I	1	2	
Accessory Dwelling Unit (ADU)	P*	P*	P*	P*	P*	P*	X	X	X	X	X	X	Article 6.4
Dwelling, Two family	X	X	X	P**	P	P	X	X	X	S	X	X	Article 6.23
Dwelling, Multiple family	X	X	X	X	P	P	X	X	X	X	X	X	

P = Permitted Use

S = Special Use Permit

X = Not Permitted or Not Applicable

- ADU is permitted only when the compatibility standards in Article 6.4 are met. If the compatibility standards are not met, the ADU may be considered only through Special Use Permit approval.
 - ** Dwelling, Two family in R-1 is permitted only when the standards in Article 6.23 are met. If those standards are not met, the use may be considered only through Special Use Permit approval.