

EL DORADO

K A N S A S

PLANNING COMMISSION AGENDA

March 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 - 2/26/26 MINUTES

3. NEW BUSINESS

ITEM NO. 1 - PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS

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

ITEM NO. 2 - CASE NO. 26-02BZA-PUBLIC HEARING TO REDUCE SETBACKS 121 W LOCUST AVE.

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

4. OLD BUSINESS

5. STAFF ITEMS

1 - NEXT MEETING 4/23/26

6. ADJOURNMENT

EL DORADO

K A N S A S

PLANNING COMMISSION MINUTES-DRAFT February 26, 2026 5:30 p.m.

1. CALL TO ORDER & ROLL CALL

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

Members Present

James Barnaby
Steve Fellers
Scott Leason
Brian Martin
Norm Wilks

Staff Present

Scott Rickard
Brandon Taylor

Others Present

Glenn Klocke, Network Real Estate

2. APPROVAL OF MINUTES 11/20/25

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 26-01-BZA: PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ISSUING A VARIANCE TO REDUCE THE REQUIRED SETBACKS FOR A COMMUNICATION TOWER AT 927 N OIL HILL RD.

A. Presentation of 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.

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.

Glenn Klocke with Network Real Estate representing AT&T noted the proposed location they are asking for relief from setbacks, the parcel is not large enough to meet the requirements for the tower they wish to construct. Mr. Klocke noted they have been searching for two years to find an acceptable parcel. Locations are very specific, filling in holes of coverage a 150 ft pole will cover 5-mile radius for 911, wireless, and data. Mr. Klocke noted the parcels in the area are industrial or commercial. Commissioner Leason inquired if the pole meets the requirements of engineers. Mr. Klocke noted monopoles are designed to collapse in themselves and he has never seen a tower fall and if required a letter can be obtained from an engineer. Mr. Rickard stated the reason for the required setback is if the tower fell it would prevent it from falling on a structure of a neighboring property. Commissioner Martin inquired if BG Products was contacted. Mr. Klocke stated he sends out letters and calls property owners, and they must be willing to participate in allowing a tower on their property. Commissioner Fellers asked if the towers were insured. Mr. Klocke stated that AT&T carries a 3-million-dollar policy for each tower. Commissioner Martin inquired if the adjoining properties would be affected by the tower placement from building on their land. Mr. Rickard noted it would not prevent others from building as long as the setbacks were met.

B. Public Hearing

Commissioner Leason opened the public hearing. No one was present to speak; the public hearing was closed.

C. Discussion by Planning Commission

Commissioner Fellers inquired if letters went out to the property owners in the 200-foot buffer. Commissioner Martin noted the owners would be BG Products and Butler County. Mr. Rickard stated the notices were sent and commented that a variance has five criteria that must be met to justify approval. Mr. Rickard noted that the uniqueness criteria is evaluated to verify if there is something unique about the property not allowing them to meet the 150-foot setback and if there isn't it doesn't make it unique. Mr. Rickard stated the adjacent property owners would not be restricted from building on their property, but if the tower fell, they could possibly be impacted. Mr. Rickard commented if the regulations are creating a hardship caused by the 150-foot setback. Also, we must verify that the variance doesn't adversely affect public health and safety morales and granting the variance wouldn't be opposed to the general spirit and intent of the code. Commissioner Wilks inquired if the applicant could show an engineering study. Mr.

Rickard stated yes, they could provide a study and noted the applicant has been looking for a couple of years to find a new location for a tower, their existing lease has expired, and the tower will be decommissioned. Commissioner Fellers inquired if the company has adequate insurance in case something happens. Mr. Rickard noted a claim would be between property owners not the city. Commissioner Wilks stated it would be private property owners at risk and not the City. Commissioner Martin inquired if the variance was approved would it be setting a precedent for other towers. Mr. Rickard noted other towers would be required to meet the variance conditions. Commissioner Leason inquired if any requirements of the variance were met. Mr. Rickard commented that in staffs' opinion they did not meet any conditions.

D. Motion

Denial

Commissioner Wilks moved 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, seconded by Commissioner Fellers.

ROLL CALL VOTE

Commissioner Barnaby	Y
Commissioner Fellers	Y
Commissioner Leason	Y
Commissioner Martin	Y
Commissioner Wilks	Y

Denial Motion passed 5-0

ITEM NO. 2 – CASE NO. 26-01-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 2600 W 6TH AVE FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO O-I (BUSINESS OFFICE INSTITUTIONAL DISTRICT) AND CASE NO. 26-02-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO 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

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.

Mr. Rickard stated there is active oil production on the property along with floodway and floodplain areas and some of the property won't present for development, but the City Commission is interested in pursuing development of the land.

Commissioner Fellers inquired if USD 375 was notified. Mr. Rickard stated they were and he has also discussed the rezoning directly with them. Commissioner Martin inquired what the school district's opinion is. Mr. Rickard noted the school district's comments were about what the potential of the land is and how many homes could be built. Commissioner Martin inquired if R-3 zoning allows apartments. Mr. Rickard confirmed it does and he feels the commission's thoughts would be single family, duplex or triplex, there is not a clear vision yet and just trying to get the zoning in place and start exploring options. Commissioner Martin commented that apartments would produce extra traffic and he inquired how much land is available to build on. Mr. Rickard stated approximately 8 acres are buildable does not include anything east of the fire station and Mr. Rickard noted there are possible future concerns with homes facing 6th Avenue and how to make the land productive. Commissioner Fellers inquired since the city owns; they have a say on how and what is built. Mr. Rickard stated yes but it depends on how the property is disposed of. Mr. Rickard stated staff would recommend a process where we evaluate the project and look at the return, this impacts bigger benefit than just selling land. Commissioner Wilks commented the location available for homes fits the area. Mr. Rickard noted the city has seen growth in the area with Flint Creek and Deer Run. Commissioner Fellers noted it will be a great spot if you are a commuter. Commissioner Martin commented it would be nice if 3rd and 4th are cleaned up, it is dangerous trying to get onto Boyer Road with the curve and trees in the right-of-way. Commissioner Wilks inquired if any of the land would be needed for a fire station expansion. Mr. Rickard stated they would not. Commissioner Martin noted the land is west of the fire department and the land east is in the floodplain and questioned what happens to the mineral rights lease. Mr. Rickard noted the lease would continue to operate as they do today and an R-3 zoning would not allow any new drills. Commissioner Martin inquired if the city has the right to stop new drilling. Mr. Rickard stated it is specified in the zoning regulations, and he is not sure if the regulation has ever been challenged. Commissioner Martin inquired if that is true for all residential zonings. Mr. Rickard stated it was and drilling is only allowed in industrial

zoned property. Commissioner Fellers inquired if there is only one pump jack. Mr. Rickard stated he believes so but there could be two. Commissioner Fellers inquired if it is active. Mr. Rickard natural gas line easement parallel to the turnpike and the city has a 12-inch water line easement, any developer would address.

B. Public Hearing

Commissioner Leason opened the public hearing. No one was present to speak; the public hearing was closed.

C. Discussion by Planning Commission

Commissioner Fellers stated he feels it is a great project and it meets the housing needs. Commissioner Martin inquired if the motion could state apartments cannot be built. Mr. Rickard confirmed it can be added as a recommendation and that you have a concern for apartments and the subdivision the Greens at Prairie Trails is zoned R-3 and that allows flexibility, but they definitely can be stated as part of the recommendation. Commissioner Fellers stated that R-3 fits. Commissioner Martin agreed but is concerned of additional traffic apartments would create and he has seen several accidents in the area. Commissioner Fellers sees what concerns are, but he believes the city could control entrance. Commissioner Martin stated it is traffic in general on Boyer. Mr. Rickard noted it will be looked at, and the city is currently implementing a street safety plan. Commissioner Wilks noted they will have to do something about the traffic regardless.

D. Motion

Motion 1

Commissioner Fellers moved 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, seconded by Commissioner Martin.

ROLL CALL VOTE

Commissioner Barnaby	Y
Commissioner Fellers	Y
Commissioner Leason	Y
Commissioner Martin	Y
Commissioner Wilks	Y

Motion passed 5-0

Motion 2

Commissioner Fellers moved 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, seconded by Commissioner Wilks.

ROLL CALL VOTE

Commissioner Barnaby	Y
Commissioner Fellers	Y

Commissioner Leason	Y
Commissioner Martin	Y
Commissioner Wilks	Y

Motion passed 5-0

ITEM NO. 3 – PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS.

A. Presentation of Request

Staff presented 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.

After reviewing the staff report the following topics were discussed:

Accessory Dwelling Unit - Commissioner Leason stated that there are not a lot of lots large enough for an ADU. Mr. Rickard stated that is correct and they would still need to meet setback requirements. Commissioner Fellers inquired who would determine if compatible building materials were being used. Mr. Rickard noted that staff would make that determination. Commissioner Fellers inquired if staff could deny the request. Mr. Rickard stated they could or suggest a special use permit.

Commissioner Martin inquired about garages with apartments above. Mr. Rickard stated they would need a special use permit. Commissioner Fellers inquired if the same water meter would be used for both structures. Mr. Rickard stated an ADU could never be severed from the principal structure. Commissioner Fellers confirmed that the ADU could not be separated from the lot to sell. Mr. Rickard stated that is correct. Commissioner Wilks inquired if they would be limited to one per lot. Mr. Rickard stated yes, that is correct. Commissioner Barnaby inquired if

larger lots could have more than one. Mr. Rickard stated that not as it is currently being presented.

Commissioner Martin inquired if the properties in the ETJ could plat or lot split for more than one ADU. Mr. Rickard noted that could occur; reviewed the zoning districts and commented that the intent of the zoning is to not over build. Commissioner Fellers inquired if house and ADU would be one tax bill. Mr. Rickard stated it should be one tax bill. Commissioner Fellers inquired if a property could have additional animals since there would be two homes. Mr. Rickard stated he is not sure if the ordinance is per address or per property. Commissioner Martin inquired if an ADU would be the same owner or if it could be a rental. Commissioner Fellers feels it is a great concept and he can support it. Mr. Rickard stated the way to look at or approach ideas when considering making a change that not everything will be perfect or address everything and any problems or issues that arise can be addressed at that time. Commissioner Wilks inquired if it was possible to change for new development and leave existing properties as is. Mr. Rickard noted the only thing changing is allowing an ADU by right but can still do special use permit as can today. Commissioner Fellers inquired if highly covenant community could build an ADU. Mr. Rickard noted it would be up to covenant, and the city doesn't regulate those restrictions. Commissioner Wilks inquired about short-term rentals. Mr. Rickard noted that he is not sure how to regulate those. Commissioner Wilks wondered how it would be enforced. Commissioner Fellers noted if it did become problematic then it could be addressed. Mr. Rickard stated his concern is more what is short term and how to define. Commissioner Martin inquired if the request is to change definition and name. Mr. Rickard confirmed that is correct and allowing them to be by right. Commissioner Wilks inquired if R-1 and R-2 are going to be combined and that will grant more flexibility to build. Mr. Rickard stated the only way to know is by complaints or they are rented out and special use would be required. Commissioner Wilks space relations are flexible enough for an ADU. Mr. Rickard stated they would be based on square footage. Commissioner Fellers inquired if a basement could be built under them. Mr. Rickard stated as long as they are designed correctly. Commissioner Martin inquired about what the 800SF includes. Mr. Rickard stated it is the main level living space. Commissioner Leason inquired if it would allow or prevent people from putting in tiny homes. Mr. Rickard noted they would need to be on a permanent foundation with footings. Commissioner Martin noted that footings are based off structural design. Mr. Rickard stated the building code would have to be met for a home. Commissioner Wilks verified they would be allowed by right. Mr. Rickard noted along with building permit plans and construction types. Commissioner Martin inquired into the parking requirements. Mr. Rickard stated yes one-off street per unit. Commissioner Martin inquired how is off-site parking considered. Mr. Rickard stated every dwelling unit 2 off street out of right-of-way behind sidewalk. Commissioner Fellers commented that he does not see a flood of people doing this, it just gives them options. Mr. Rickard stated they have been discussing. Commissioner Martin inquired if people have been asking for these regulations. Mr. Rickard stated no but has been seeing a lot of changes outside the city and more housing is a struggle even having the means tough to find.

Infill starter home-Mr. Rickard commented that a change to the zoning regulations a few years ago was implemented for existing neighborhoods where a new build must meet 75-125% of the gross floor area of the homes in that block. Concerns of tiny homes continue to pop up where they are not meeting the character of neighborhood or large homes look out of place. This change considers keeping those regulations in place and adds second by right items where they match homes on block, roof pitches, siding, a porch or bay and if it doesn't meet the percentage

thresholds or look requirements then they can apply for a special use permit. Commissioner Fellers noted that will make it easier. Mr. Rickard stated there is no path for a special use today and this allows really small or big fit in with the other homes.

Duplex by right-Mr. Rickard stated this would allow a duplex by right in a single-family zoning district. Commissioner Martin inquired if an empty lot in a subdivision could build a duplex and why is there a need for R-2. Mr. Rickard stated they could build a duplex and there is not a need for R-2 zoning district. Commissioner Wilks commented that size requirements would still need to be met. Mr. Rickard confirmed that is correct and it is providing more access to housing. Commissioner Leason noted there are duplexes in single family neighborhoods now and there are no hazards or issues with them. Mr. Rickard noted this change will make it easier to build a duplex without going before the board to rezone the property first. Commissioner Barnaby noted that the commission recently rezoned property on 6th Avenue for duplexes to be built. Commissioner Martin commented this change would take the meeting portion away but still meet all building & zoning regulations to build.

Admin adjustments-Mr. Rickard reviewed how adding an administrative adjustment to the regulations would allow staff to make adjustments or relief on items like lot area, setbacks, lot coverage with certain criteria that would be in effect to use from time to time when items arise that are not impactful, but staff can't allow by code. Staff would record why the adjustment was or was not justified. Commissioner Fellers noted he appreciates hearing that staff would have record why an adjustment was approved. Commissioner Wilks stated the criteria is set and documented. Commissioner Martin inquired if the adjustments would go through engineering or building departments. Mr. Rickard stated that is correct. Commissioner Fellers inquired if decisions would be part of the public record. Mr. Rickard stated yes, they would be by an open records request.

Off street parking-Mr. Rickard stated that now each dwelling unit requires two off street parking spaces and the amendment to consider would change single family to one space up to 800sf and anything over would require two spaces. Smaller homes or duplexes with 800sf per side would be one space, anything over 800sf would require two spaces and the ADU would require one-off-street parking space. Commissioner Leason inquired how this would affect people parking in their yard. Mr. Rickard stated they are grandfathered and non-conforming. Commissioner Barnaby inquired how it affects a home that does not currently have a driveway. Mr. Rickard stated it will continue to stay the same and would need to meet the new regulations only when changes are made to the property like demolition and rebuilding or adding ADU.

Mr. Rickard stated the suggestions reviewed are from the housing task force and the items can be tabled for further discussion or accepted. Commissioner Fellers inquired if all the items need to be voted on together or individually. Mr. Rickard noted that he would prefer everything the Planning Commission wishes to adopt to be approved at the same time.

Commissioner Fellers noted a lot of discussion occurred on the ADU amendment. Commissioner Leason stated his questions have been answered and these amendments will be helpful.

Commissioner Wilks commented the board has seen a lot of the issues addressed in the amendments they have seen in cases over the last year.

B. Public Hearing

Commissioner Leason opened the public hearing. No one was present to speak; the public hearing was closed.

C. Discussion by Planning Commission

No further discussion by the Planning Commission.

D. Motion

Commissioner Wilks moved 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, seconded by Commissioner Barnaby.

ROLL CALL VOTE

Commissioner Barnaby	Y
Commissioner Fellers	Y
Commissioner Leason	Y
Commissioner Martin	Y
Commissioner Wilks	Y

Motion passed 5-0

4. OLD BUSINESS

5. STAFF ITEMS- NEXT MEETING-March 26, 2026

Discussion Item-Emerging Industries Zoning Amendment
Variance 121 W Locust

6. ADJOURNMENT

The meeting was adjourned at 7:10pm.

PLANNING COMMISSION MEMORANDUM

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

This item was introduced to the Planning Commission as a staff discussion item at the February 26, 2026, Planning Commission meeting. The purpose of that initial discussion was to outline the need for clearer zoning treatment of newer industrial and infrastructure use types that are not expressly addressed, or not clearly addressed, in the current regulations. Staff's concern remains that when definitions and use classifications are unclear, it creates unnecessary uncertainty for applicants, staff, neighboring property owners, and decision makers, and makes it more difficult to consistently determine whether a proposed use belongs in the O-I, I-1, or I-2 districts, requires a Special Use Permit, or should not proceed without additional zoning action.

Since the February discussion, staff have continued refining the proposed text amendment package and related attachments. The Planning Commission is now scheduled to hold the required public hearing on March 26, 2026. Staff anticipate that after opening the public hearing, receiving public comments, and discussing the proposed amendments, the Planning Commission will likely table further discussion and formal action until the April 23, 2026, meeting. This additional time would allow the Commission to more fully review the draft language, the proposed Appendix A classifications, and the Article 6 standards before making a recommendation to the City Commission.

Staff's proposal remains a targeted text amendment intended to keep the current zoning framework intact while improving clarity and consistency. The proposal focuses on adding a limited set of new definitions, adding matching rows to Appendix A so each defined use has a clear allowance path, and adding short, enforceable standards in Article 6 for certain higher impact uses where expectations should be established in advance.

PROPOSED ZONING AMENDMENT

Staff continue to propose a three-part text amendment package.

Article 3, Definitions

Add clear definitions for emerging use types that are not well defined today. The purpose of this section is to reduce interpretation issues at the front end of the review process and create more consistent vocabulary for applicants, staff, the Planning Commission, and the City Commission.

Appendix A, Listing of Uses by Zoning District

Add new rows for the defined uses so there is a consistent and transparent path for determining whether a use is permitted, requires a Special Use Permit, or is not allowed in a district. Throughout the proposal, the shorthand remains P for permitted use, S for Special Use Permit required, and X for not permitted or not applicable.

Article 6, Supplementary District Regulations

Add short standards for higher impact emerging uses, focused on the issues that most often drive public concern and operational impacts, including noise and generator testing, screening and outdoor equipment placement, safety and emergency access, hazardous materials summaries, utility documentation, industrial wastewater review, stormwater and outdoor materials handling, decommissioning, and substantial change review after approval. These standards are intended to function as baseline expectations within the existing structure of Article 6. They are not intended to replace project specific review, and they are not intended to serve as a full rewrite of the zoning regulations.

SPECIAL USE PERMIT PROCESS OVERVIEW

The Special Use Permit process remains the City's primary tool for uses that may be appropriate in a district, but not in every location and not without additional public review. It creates a clear

discretionary review path and allows enforceable conditions to be applied where necessary to protect the public interest.

As outlined in the current zoning regulations, a Special Use Permit application must include an area map, a list of property owners within 200 feet, and a site plan. The Planning Commission is required to hold a public hearing with published notice and mailed notice to nearby property owners. Following the hearing, the Planning Commission forwards a recommendation to the Governing Body, supported by findings. The standards for review are intentionally broad and include adequacy of access, circulation, utilities, service capacity, buffering, screening, and compatibility with adjacent property and the general welfare of the community.

For the uses being discussed in this amendment package, the Special Use Permit process remains an important part of the overall framework because it provides a mechanism to address site specific concerns that general district regulations alone may not fully resolve. These concerns can include outdoor equipment placement, generator testing, lighting spillover, truck access, utility capacity confirmation, emergency access, setbacks from sensitive uses, hazardous materials management, wastewater characteristics, stormwater controls, and decommissioning requirements.

ZONING AMENDMENT PROCESS

Zoning text amendments are governed by the procedures set forth in the City's zoning regulations, and this proposal continues to follow that general process. The Planning Commission serves as the public hearing body and advisory body for text amendments, with the City Commission acting on any final adoption by ordinance.

For this amendment package, the process has moved from staff initiation and preliminary discussion into the public hearing stage. The March 26, 2026, meeting is intended to serve as the formal public hearing on the proposed text amendments. Staff anticipate that the Commission may wish to receive the hearing materials, take public comment, discuss key issues, and then table further consideration and recommendation until April 23, 2026. This would allow additional time for the Commission to evaluate whether the proposed definitions, Appendix A, use classifications, and targeted Article 6 standards are appropriately balanced before making a formal recommendation to the City Commission.

If the Planning Commission ultimately recommends approval, denial, or modification of the amendment package, that recommendation would then be forwarded to the City Commission for final consideration and possible adoption by ordinance.

PLANNING AND POLICY CONSIDERATIONS

The core planning and policy rationale for this proposal remains the same. The amendment is intended to provide clarity and consistency before a project is submitted, rather than relying on case-by-case interpretation after an application is already active. Clear definitions and Appendix A classifications improve predictability for applicants, improve consistency for staff and decision makers, and reduce avoidable confusion in the review process.

From a zoning administration standpoint, certain emerging industrial and infrastructure uses can create impacts that are not well addressed through general zoning language alone, especially when issues of noise, generator testing, outdoor equipment, lighting, utility demands, hazardous materials, industrial wastewater, stormwater management, and compatibility with nearby sensitive uses are involved. Placing baseline expectations in Article 6 gives the City a more consistent starting point, while still preserving the Special Use Permit process as the tool for addressing site specific conditions where additional scrutiny is warranted.

This package also helps the City front load issues that are often discovered too late in the review process. For example, data centers may involve substantial electric demand, backup generation, fuel storage, cooling systems, and water use. Hydrogen related facilities, battery energy storage, battery recycling, semiconductor manufacturing, carbon capture support facilities, and small modular reactor or microreactor proposals may involve more specialized utility, safety, emergency coordination, wastewater, or decommissioning considerations. Requiring these issues to be identified early improves transparency and supports more informed local decision making.

STAFF RECOMMENDATION

Staff recommend that the Planning Commission proceed with the March 26, 2026, public hearing on the proposed text amendment package and receive any public comment offered on the item.

Following the hearing and Commission discussion, staff anticipates that the Planning Commission will likely table further review and formal action until April 23, 2026, meeting to allow sufficient time for continued consideration of the proposed definitions, Appendix A use table additions, and targeted Article 6 standards.

The amendment package under consideration includes:

Article 3 definitions

Appendix A use table additions, including Data Center as a Special Use Permit in O-I and I-1 and a permitted use in I-2, along with classifications for related emerging industrial uses to create a clear and consistent review path

Targeted Article 6 standards for higher impact uses

A draft ordinance format for City Commission adoption following Planning Commission recommendation and subsequent City Commission consideration

ATTACHMENT B
PROPOSED ARTICLE 3 DEFINITIONS
(DRAFT, EMERGING USES)

Data Center: A building or group of buildings primarily used to house servers and related equipment for the storage, processing, and routing of digital data, including associated electrical and mechanical infrastructure such as cooling systems, switchgear, uninterruptible power supplies, battery systems, and emergency backup power generators. This term does not include server rooms or data closets that are accessory and incidental to an office, retail, institutional, or industrial use.

Battery Energy Storage System (BESS), Principal Use: A standalone facility, or portion of a facility, consisting of one or more stationary battery systems, inverters, controls, transformers, and safety systems that stores electrical energy for later use, and that functions as a principal use rather than accessory to an on-site business or building.

Research and Development Facility: A facility primarily used for research, testing, prototyping, and product or process development, including laboratories and limited pilot or pre-production activities that are incidental to the research function, and that do not constitute general manufacturing.

Controlled Environment Agriculture Facility: A commercial scale agricultural operation conducted within enclosed structures, including vertical farming, hydroponics, aquaponics, greenhouses, or similar systems, typically involving significant artificial lighting, climate control, and controlled water and nutrient systems.

Hydrogen Production Facility: A facility that produces hydrogen through electrolysis, reforming, or other industrial processes, including related purification, compression, storage, and supporting utility and safety infrastructure.

Hydrogen Storage and Distribution Facility: A facility used for the storage, compression, transfer, loading, and distribution of hydrogen, including safety systems, compressors, dispensing equipment, and associated support infrastructure.

Advanced Manufacturing Facility: Manufacturing characterized by high technology processes, automation, precision fabrication, clean production environments, specialized testing, or advanced materials, including electronics, medical devices, aerospace components, additive manufacturing, and similar production.

Semiconductor Fabrication Facility: A facility used for cleanroom manufacturing of semiconductor wafers or similar microelectronics, typically requiring ultra-pure water systems and specialized process equipment.

Semiconductor Packaging and Test Facility: A facility used for the assembly, packaging, and testing of semiconductor devices, typically requiring specialized equipment and process support systems.

Battery Cell Manufacturing Facility: A facility used for industrial production of battery cells, including electrode preparation, coating, assembly, and testing, with supporting process, utility, and safety systems.

Solar Panel Manufacturing Facility: A facility used for manufacturing solar photovoltaic components, including cells, modules, or panels, involving assembly, coating, cleaning, lamination, and testing operations.

Battery Recycling and Critical Minerals Processing Facility: A facility engaged in battery recycling or critical minerals processing, including battery disassembly, material recovery, black mass processing, refining, and production of cathode or anode materials or similar products.

Solar Energy Facility, Utility Scale: A principal use solar generating facility designed to produce electric power for off site use or sale, consisting of ground mounted photovoltaic arrays and related equipment such as inverters, transformers, access drives, fencing, and substations. This term does not include rooftop or accessory solar systems serving an on site principal use.

Carbon Capture, Compression, or CO₂ Support Facility: A facility that captures, compresses, processes, stores, or transfers carbon dioxide (CO₂) for industrial use, sequestration, or transportation, including associated piping, compressors, loading systems, and supporting infrastructure.

Small Modular Reactor or Microreactor Facility: A nuclear energy facility using a modular or factory built reactor design, including associated security, emergency, support, cooling, and utility systems. This definition is for zoning classification only and does not change any federal or state licensing, permitting, safety, or environmental requirements.

Sensitive Use: For purposes of Articles 6.25 through 6.31, a property used or zoned for single family, two family, multiple family, manufactured home park, day care, school, library, park, playground, hospital, nursing or convalescent home, place of worship, or a similar use involving regular occupancy by residents, children, patients, or the general public in a setting that warrants additional compatibility consideration.

ATTACHMENT C
APPENDIX A
LISTING OF USES BY ZONING DISTRICT
(PROPOSED INSERT ROWS, DRAFT)

P = Permitted Use
S = Special Use Permit
X = Not Permitted/Not Applicable

USE DESCRIPTION (in alphabetical order)	O-	I-	I-	SUPPLEMENTARY DISTRICT REGULATIONS
	I	1	2	
Advanced Manufacturing Facility	S	P	P	X
Battery Cell Manufacturing Facility	X	S	S	Article 6.25
Battery Energy Storage System (BESS), Principal Use	X	S	S	Article 6.25, Article 6.26
Battery Recycling and Critical Minerals Processing Facility	X	S	S	Article 6.25, Article 6.29
Carbon Capture, Compression, or CO2 Support Facility	X	S	S	Article 6.25, Article 6.31
Controlled Environment Agriculture Facility	S	S	S	Article 6.25
Data Center	S	S	P	Article 6.25, Article 6.27
Hydrogen Production Facility	X	S	S	Article 6.25, Article 6.28
Hydrogen Storage and Distribution Facility	X	S	S	Article 6.25, Article 6.28
Research and Development Facility	P	P	P	X
Semiconductor Fabrication Facility	X	S	S	Article 6.25
Semiconductor Packaging and Test Facility	S	S	S	Article 6.25
Small Modular Reactor or Microreactor Facility	X	S	S	Article 6.25, Article 6.30
Solar Energy Facility, Utility Scale	X	S	S	Article 6.25
Solar Panel Manufacturing Facility	S	S	S	Article 6.25

ATTACHMENT D
PROPOSED ARTICLE 6 STANDARDS
(EMERGING INDUSTRIAL USES)

Note: The section numbering below is draft. Final numbering will be adjusted to match the existing Article 6 sequence and format during codification.

25. Emerging Industrial Uses: Baseline Performance Standards

A. Applicability

These standards apply to development, expansion, or establishment of the following defined uses when permitted as a permitted use or approved by Special Use Permit:

1. Data Center
2. Battery Energy Storage System (BESS), Principal Use
3. Controlled Environment Agriculture Facility
4. Hydrogen Production Facility
5. Hydrogen Storage and Distribution Facility
6. Semiconductor Fabrication Facility
7. Semiconductor Packaging and Test Facility
8. Battery Cell Manufacturing Facility
9. Solar Panel Manufacturing Facility
10. Battery Recycling and Critical Minerals Processing Facility
11. Solar Energy Facility, Utility Scale
12. Carbon Capture, Compression, or CO2 Support Facility
13. Small Modular Reactor or Microreactor Facility

Where a conflict exists between these standards and another applicable provision of the zoning regulations, the more restrictive requirement shall apply. These standards supplement, and do not replace, site plan review, Special Use Permit review, subdivision requirements, adopted construction and fire codes, utility review, drainage review, and any other applicable local, state, or federal requirements.

B. Outdoor Equipment, Screening, and Setbacks

Outdoor equipment, including generators, fuel tanks, transformers, switchgear, battery containers, compressors, cooling equipment, transfer equipment, and similar equipment shall be:

1. Located and oriented to minimize visibility from public streets and from adjacent residential districts and sensitive uses.
2. Screened using a combination of opaque fencing, walls, berming, landscaping, or building placement.
3. Organized so that loading, service, and equipment yards are located to the maximum extent practical away from residential districts and sensitive uses.

When the subject site abuts a residential district or is located within 500 feet of a residential district boundary or sensitive use, outdoor mechanical equipment and emergency generators shall be placed to the maximum extent practical away from that boundary and shall incorporate enhanced screening and noise control measures.

Where outdoor equipment is proposed adjacent to a residential district or other sensitive use, the Planning Commission and Governing Body may require increased setbacks and enhanced buffering through the Special Use Permit process, including relocation of equipment, acoustic enclosures, or full enclosure within a building.

C. Noise, Vibration, and Operational Impacts

Uses with significant mechanical equipment shall be designed and operated to minimize off site noise and vibration impacts. The City may require an acoustic study prepared by a qualified professional to demonstrate anticipated sound levels and to identify mitigation measures. When required, the study shall address tonal and low frequency characteristics where applicable.

For uses with emergency generators or routine testing, the City may apply Special Use Permit conditions addressing:

1. Testing schedule, frequency, and duration, including limits on overnight or weekend testing, except during emergencies.
2. Maximum sound levels at the property line and, where applicable, evaluation methods that account for low frequency noise.
3. Equipment mufflers, acoustic enclosures, barriers, or building based screening.
4. A designated local contact for complaints and response coordination.

D. Lighting and Glare

Exterior lighting shall be designed to minimize spillover and glare, with fixtures directed downward and shielded where appropriate. Lighting shall not create a hazard to public streets or adjacent properties.

Security lighting shall be designed to provide safety while minimizing impacts to adjacent properties, including use of full cutoff fixtures and motion activation where appropriate.

E. Utilities and Infrastructure Documentation

Applicants shall provide documentation sufficient for staff and decision makers to understand utility demands and service feasibility, including:

1. Electric demand characteristics planned utility interconnections, and standby power configurations.
2. Water demand, if applicable, includes average day, peak day, process water, and fire flow needs.

3. Cooling type, if applicable, including air cooled, water cooled, evaporative, or other major cooling system description.
4. Wastewater discharge characteristics, if applicable, include expected discharge source, volume, and general pollutant characteristics.
5. Stormwater management and any containment needs for equipment yards, storage yards, loading areas, or process areas.
6. Phasing or staging of utility needs where development is proposed in phases.

For higher intensity uses, the City may require utility provider letters, system impact documentation, or phased service plans as a condition of approval.

F. Hazardous Materials Summary, Emergency Coordination, and Containment

Where a proposed use involves hazardous materials above ordinary commercial quantities, the applicant shall provide a hazardous materials summary sufficient for local review. The summary may be conditioned or expanded through the Special Use Permit process and shall include, as applicable:

1. General identification of chemical or material types and maximum on site quantities.
2. General description of storage method and location.
3. Confirmation that current safety data sheets will be maintained and made available to emergency responders as required by law.
4. Emergency contact information for the owner, operator, and facility manager.
5. General statement describing whether the facility anticipates state or federal hazardous chemical inventory reporting.
6. A spill prevention and containment narrative for fuels, oils, process chemicals, electrolytes, solvents, liquid reagents, or similar materials, including drainage controls, curbing, berming, or containment areas where applicable.

Nothing in this section requires public disclosure of proprietary formulas or trade secrets beyond what is reasonably necessary for zoning, life safety, and emergency coordination review.

G. Industrial Wastewater and Pretreatment Review

Where a proposed use involves process wastewater or has the potential to affect the public sewer system, the City may require an industrial wastewater narrative as part of site plan review or a Special Use Permit application. The narrative may include:

1. General description of process flows and wastewater sources.
2. Estimated flow volumes, including average and peak discharge where known.
3. General pollutant characteristics and whether pretreatment may be required.
4. Slug discharge or batch discharge risks, if applicable.
5. Proposed equalization, pretreatment, or containment measures.

6. Any anticipated need for separate agreements, permits, or wastewater review before connection or discharge.

H. Stormwater, Outdoor Materials Handling, and Housekeeping

Where outdoor storage, loading, staging, processing, or scrap handling is proposed, the City may require a stormwater and outdoor materials handling narrative that identifies:

1. Areas for outdoor storage, loading, unloading, or transfer.
2. Materials proposed to be stored or handled outdoors.
3. Housekeeping, containment, covering, drainage, and spill response measures.
4. Whether stormwater pollution prevention planning, industrial stormwater permitting, or other stormwater controls may be required before operation.
5. Measures to prevent discharge of dust, sediment, oils, chemicals, black mass, residues, or other pollutants to public drainage systems.

I. Fire Access, Emergency Response, and Safety Documentation

Projects shall be designed to support safe emergency access, including fire lanes, turning radii, hydrant spacing, and equipment clearances as applicable under adopted codes and Fire Department standards.

Where the use involves higher risk systems or hazardous materials, the City may require, through Special Use Permit conditions:

1. Emergency response coordination documentation and pre incident planning.
2. Hazard mitigation plans and spill or release prevention measures.
3. Operational contacts and on-site safety measures, including posted emergency shutdown information.
4. Identification of restricted access areas, security measures, and emergency entry procedures.
5. Staging areas for emergency apparatus where warranted by the scale of development.

J. Material Change After Approval

A substantial change to an approved emerging industrial use shall require review by the Zoning Administrator to determine whether an amended site plan, amended Special Use Permit, or both are required. Substantial change may include, but is not limited to:

1. Significant increase in generating capacity, battery capacity, hydrogen storage volume, compression pressure, or reactor size.
2. Change in battery chemistry or other technology that materially changes the hazard profile of the site.
3. Major increase in generator count, fuel storage, or testing regime.
4. Material increase in process water demand, wastewater discharge, or stormwater exposure risk.

5. Change in the location or scale of outdoor equipment, storage, transfer areas, or loading facilities.
6. Addition of carbon dioxide storage, compression, transfer, or pipeline interconnection not shown on the approved plan.
7. Any other change determined by the Zoning Administrator to materially affect compatibility, utility demand, public safety, or environmental review.

K. Decommissioning and Removal

For uses with significant fixed infrastructure, including BESS principal use sites, utility scale solar facilities, carbon dioxide support facilities, and other uses designated by the City through Special Use Permit approval, the City may require a decommissioning, removal, and site restoration plan.

The plan may address:

1. Trigger events for decommissioning, including end of useful life, abandonment, or cessation of operations for 12 consecutive months unless extended by the City for good cause shown.
2. Removal of equipment, foundations, pads, tanks, fencing, access drives, and other improvements not intended to remain.
3. Restoration of grades, surfacing, and drainage.
4. Management, recycling, or disposal of any regulated or hazardous materials.
5. Responsible parties and contact information.
6. Schedule for removal and restoration.
7. Financial surety where warranted by the Special Use Permit process. The City may require periodic review of the surety amount to account for inflation, technology changes, or revised removal costs.
8. Battery Energy Storage System (BESS), Principal Use: Additional Standards

A. The application shall identify battery chemistry, total rated energy capacity, total rated power, number and type of containers or enclosures, inverter and transformer layout, and the location of emergency access points.

B. The system shall be designed and installed in compliance with all adopted building and fire codes and applicable standards, including the International Fire Code and NFPA 855, as amended.

C. The City may impose conditions addressing:

1. Fire department access and staging areas.
2. Fencing and controlled access.
3. Signage and emergency shutdown information.
4. Remote monitoring, thermal detection, smoke detection, fire detection, or similar system information.

5. Thermal runaway mitigation documentation, if applicable.
6. Minimum setbacks, separation distances, or enclosure requirements where warranted by site conditions.
7. A decommissioning plan and financial surety.

D. Prior to final occupancy, the City may require confirmation that emergency response information has been provided to the Fire Department, including emergency contacts, shutoff information, and site access instructions.

27. Data Center: Additional Standards

A. Backup power systems, generator placement, fuel storage, and cooling equipment shall be designed to minimize noise, vibration, and visual impacts, particularly when near residential districts or other sensitive uses.

B. The application shall include a general inventory of stationary engines and turbines, if any, including unit count, estimated size, fuel type, and anticipated non emergency testing hours.

C. The application shall include a general water and cooling narrative, if applicable, identifying the cooling method, expected process or cooling water use, and any anticipated blowdown or chemical treatment discharge requiring wastewater review.

D. The City may impose conditions addressing:

1. Generator test hours, frequency, and duration.
2. Required acoustical analysis, including low frequency considerations, and identified mitigation measures.
3. Outdoor equipment screening, placement, and where warranted, minimum separation from sensitive uses.
4. Truck routing and delivery access, where applicable.
5. Fuel storage screening, containment, and emergency access.
6. A designated local contact for complaints and emergency coordination.

E. The City may require the applicant to identify whether additional air permitting, or related regulatory review is anticipated for backup generation or other stationary equipment before final permits are issued.

28. Hydrogen Production Facility and Hydrogen Storage and Distribution Facility: Additional Standards

A. Outdoor storage, compression equipment, transfer areas, and venting systems shall be designed with safety setbacks, emergency access, and controlled access appropriate to the use and consistent with adopted codes.

B. The application shall identify, at a general level, the type of hydrogen system proposed, major storage method, maximum storage volumes, compression systems, transfer points, and emergency shutoff or isolation features.

C. The City may impose conditions addressing:

1. Setbacks and buffering from sensitive uses.
2. Fencing, controlled access, and safety placarding.
3. On site safety measures, leak detection, monitoring, and emergency coordination.
4. Screening and visual impact mitigation.
5. Limits on outdoor transfer activities and operating hours, if warranted.
6. Truck routing and delivery controls for mobile transfer operations.

D. Prior to final occupancy, the City may require emergency response coordination information to be provided to the Fire Department, including emergency contacts, access procedures, and general shutoff information.

29. Battery Recycling and Critical Minerals Processing Facility: Additional Standards

A. Because the intensity and risk profile of these operations can vary widely, the City may apply heightened conditions addressing:

1. Truck routing, truck queuing, and access design.
2. Outdoor storage, containment, screening, and housekeeping.
3. Dust, odor, fire, and nuisance mitigation measures.
4. Utility, wastewater, and stormwater documentation.
5. Hazardous materials summaries and emergency response coordination.
6. Setbacks and buffering from sensitive uses.
7. Limits on outdoor dismantling, shredding, crushing, or processing, where warranted.

B. The City may require site plan or Special Use Permit materials to identify whether black mass, spent cells, recovered materials, reagents, or other process materials are proposed to be stored or handled outdoors, and what containment or stormwater protections will be used.

30. Small Modular Reactor or Microreactor Facility: Additional Standards

A. A Small Modular Reactor or Microreactor Facility shall require a Special Use Permit.

B. Any local zoning approval for a Small Modular Reactor or Microreactor Facility shall be limited to land use compatibility, site arrangement, access, utilities, buffering, emergency coordination, and similar local considerations to the extent permitted by law. Nothing in

these regulations shall be construed as replacing, limiting, or waiving any required federal or state licensing, permitting, safety, security, or environmental review.

C. The application shall identify, at a general level, the proposed reactor technology, major support systems, cooling method, anticipated water demand and discharge if applicable, site access, security perimeter concept, and decommissioning framework.

D. The City may require the applicant to provide documentation identifying the applicable federal and state licensing pathway and the status of any required approvals before local permits are issued.

E. The City may impose conditions addressing:

1. Site access and traffic routing.
2. Utility and infrastructure coordination.
3. Setbacks, buffering, and screening from sensitive uses where warranted by site conditions.
4. Coordination with local emergency responders regarding access, communications, and emergency management interfaces.
5. Decommissioning and site restoration planning.
6. Any other land use compatibility conditions reasonably related to local zoning authority.
7. Carbon Capture, Compression, or CO₂ Support Facility: Additional Standards

A. The application shall identify whether the proposed use includes carbon dioxide capture support equipment, compression, dehydration, liquefaction, bulk storage, truck or rail loading, pipeline interconnection, injection support facilities, or related transfer systems.

B. Where the proposal includes geologic sequestration support or Class VI well-related infrastructure, the applicant shall identify the general permitting pathway and project components anticipated to require separate state or federal approvals.

C. The City may impose conditions addressing:

1. Setbacks and buffering from sensitive uses.
2. Screening of compressors, tanks, loading areas, and transfer equipment.
3. Emergency response coordination, shutoff information, and release response procedures.
4. Truck routing and transfer activity limitations, where applicable.
5. Utility, water, wastewater, and drainage documentation.
6. Decommissioning and removal planning where significant fixed infrastructure is proposed.

D. Where pipeline, truck, or rail transfer facilities are proposed on site, the City may require a general operational narrative sufficient to understand the frequency, routing, and land use impacts of those activities.

DRAFT ORDINANCE

ORDINANCE NO. G-_____

AN ORDINANCE AMENDING THE CITY OF EL DORADO, KANSAS ZONING REGULATIONS

WHEREAS the El Dorado Planning Commission reviewed the existing Zoning Regulations of the City of El Dorado, Kansas, and determined a need to make amendments hereto to improve clarity and readiness for emerging industrial and infrastructure use types, and

WHEREAS the El Dorado Planning Commission did conduct a public hearing, following due and proper notice thereof, on _____, 2026, concerning said proposed amendments, and

WHEREAS the El Dorado Planning Commission, following the conclusion of said public hearing, recommended to the City Commission of the City of El Dorado, Kansas, that certain amendments to the Zoning Regulations of the City of El Dorado, Kansas should be made.

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

Section 1. Article 3, Definitions

Article 3 of the El Dorado Zoning Regulations is hereby amended to add the definitions set forth in Attachment B to this Ordinance.

Section 2. Appendix A, Listing of Uses by Zoning District

Appendix A of the El Dorado Zoning Regulations is hereby amended to add the use table rows set forth in Attachment C to this Ordinance.

Section 3. Article 6, Supplementary District Regulations

Article 6 of the El Dorado Zoning Regulations is hereby amended to add the supplementary standards set forth in Attachment D to this Ordinance. Numbering and cross references shall be codified to match the existing Article 6 format.

Section 4. Repealed

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Unchanged provisions

In all other respects, the Zoning Regulations of the City of El Dorado, Kansas, shall be and remain unchanged.

Section 6. Effective date

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

PASSED and approved by the Governing Body of the City of El Dorado, Kansas, this ____ day of _____, 2026.

Mayor

ATTEST:

City Clerk

PLANNING COMMISSION MEMORANDUM

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

Background:

Don's Heating & Air is requesting a variance to reduce the required setbacks to allow for the construction of a 30x40 addition to an existing building in an I-1 zoning district located at 121 W Locust Ave. The property is an industrial zoned tract located within an older developed mixed-use area near the Central Business District, where commercial, industrial, and residential uses are in relatively close proximity and development patterns are more compact than those typically found in newer industrial areas. The existing building is currently unoccupied, and the proposed addition would support reinvestment and reuse of the site.

Currently, the front yard faces Locust Ave., but with the proposed addition the front will functionally face to the south. The applicant is requesting relief to allow the addition to align at a 12-foot setback along Gordy St. due to the constrained lot size, the orientation of the existing building, and the established pattern of development in this portion of the community. As part of any approval, the applicant will still be required to remain out of the street setback and right of way areas associated with Gordy St. and Locust Ave.

A variance is a modification of the specific zoning regulations granted by the Board of Zoning Appeals when strict enforcement of the regulations would cause undue hardship owing to the unique circumstances of the property. In considering a variance request, the Board should evaluate whether the property has unique conditions, whether the request will adversely affect neighboring property, whether strict application of the code creates an unnecessary hardship, whether the request is consistent with the spirit and intent of the zoning regulations, and whether public health, safety, and general welfare will be protected.

Property Context:

The property at 121 W Locust Ave is zoned I-1, Light Industrial District. The zoning regulations state that the intent of the I-1 district is to permit industrial uses that are not obnoxious due to appearance, noise, emissions, or odor, that do not require intensive land coverage, and that can be compatibly developed with adjacent districts through site plan review. The property is not located in a large modern industrial park setting. Rather, it is within an older part of the City near the Central Business District where lot sizes are constrained and land uses intermingle.

This portion of the community includes a mixture of industrial, commercial, and residential zoning and land use patterns, including nearby C-2 and R-1 areas. It is also common in this area that industrial zoned properties have existing buildings with 0 foot setbacks or other nonconforming setback conditions that reflect the original platting pattern and historic development form. In that respect, the subject site functions more as an infill redevelopment property within a transitional downtown area than as a conventional industrial tract planned to modern dimensional standards.

The El Dorado Zoning Regulations are intended to promote the public health, safety, morals, comfort, and general welfare of the City, preserve and protect property values, and regulate the size and placement of structures. The Comprehensive Plan similarly emphasizes that land use decisions should support sound growth, efficient use of land and infrastructure, and compatibility within already developed portions of the community. In this case, the request appears tied to the practical realities of an older platted lot within the CBD area where current I-1 setback standards are difficult to achieve.

Setback Requirements for I-1 District:

- Front Yard: 35 feet
- Side Yard: The total of side yards shall be not less than 40 feet, except that no side yard shall be

less than 10 feet, and no less than 20 feet when abutting a street or residential district

- Rear Yard: 20 feet

Proposed Variance Request:

- A 12-foot setback along Gordy St. for the proposed addition

Justification for Variance:

1. Unique Property Constraints: The lot is located within an older mixed-use portion of the community near the Central Business District, where lot sizes and building arrangements are more constrained than in newer industrial areas. Because of the site layout, the orientation of the existing building, and the relationship to both Locust Ave. and Gordy St., strict compliance with the standard I-1 setbacks would limit the practical ability to expand and reuse the building.
2. Consistency with Surrounding Area: The surrounding area contains a mix of industrial, commercial, and residential uses. The development pattern in this area is more compact, and it is common for industrial zoned properties in the CBD area to contain existing buildings with 0 foot setbacks or other nonconforming setbacks. The proposed addition is therefore more consistent with the established built form of the area than the full I-1 setback requirements would be.
3. No Adverse Impact: The requested reduction is not anticipated to adversely affect surrounding properties, provided the addition remains outside the applicable street setback and right of way areas for Gordy St. and Locust Ave. The site is within a mixed-use area where buildings already exist in closer relation to one another than in more recently developed industrial districts.
4. Practical Difficulty: Strict application of the zoning regulations would create a practical difficulty by limiting the functional use and reinvestment potential of an existing unoccupied building on a constrained infill lot. The request would allow the property owner to improve and reuse the site in a manner that is more reflective of the existing development pattern in the area.
5. Consistency with the Spirit of the Regulations: The request appears consistent with the general spirit and intent of the zoning regulations and the Comprehensive Plan by allowing reinvestment in an existing developed area while considering the realities of site design in an older mixed-use setting. The variance would not appear to be contrary to public health, safety, or general welfare, particularly if conditioned so that the addition remains out of the setback and right of way areas associated with Gordy St. and Locust Ave.

Procedures and Steps:

- A public hearing must be held, with notice published at least 20 days prior to the hearing date
- The Board of Zoning Appeals may impose conditions and safeguards to minimize any potentially injurious effects of the variance

Recommendation:

Based on the mixed use character of the area, the property's location near the Central Business District, the constrained lot size, the surrounding pattern of development, and the practical difficulty in meeting the full I-1 setback standards on this site, it is recommended that the Board of Zoning Appeals approve the variance request to allow a 12-foot setback along Gordy St. for the property at 121 W Locust Ave., subject to the condition that the applicant remain out of the street setback and right of way areas associated with Gordy St. and Locust Ave.

Staff would also note that this request highlights a broader zoning issue within the Central Business District and surrounding transition areas. In the future, staff believe the next comprehensive rewrite of the zoning regulations should evaluate creation of a new zoning district, or similar regulatory framework, for industrial uses located within the CBD and older mixed-use core of the City, where traditional I-1 setback standards are often not reflective of the existing development pattern.

Motion:

Approval: I move to approve the setback variance request for 121 W Locust Ave. to allow a 12-foot setback along Gordy St., subject to the condition that the applicant remain out of the street setback


and right of way areas associated with Gordy St. and Locust Ave., for the reasons listed in the staff report and heard at the public hearing.

Denial: I move to deny the setback variance request for 121 W Locust Ave.; the request does not meet the variance criteria stated in the zoning regulations based on the findings entered into the record and evidence heard at this hearing.

Legend



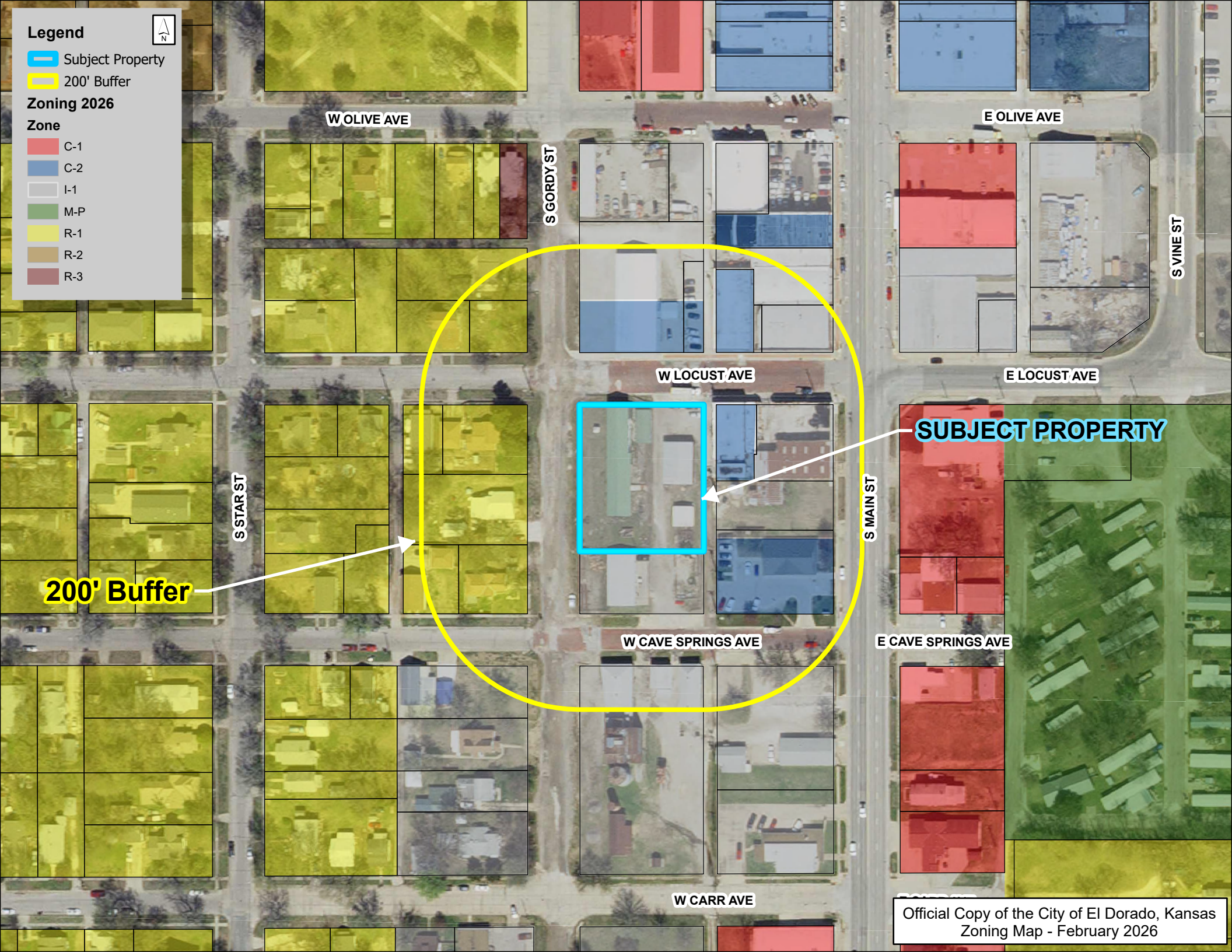
 Subject Property

 200' Buffer

Zoning 2026

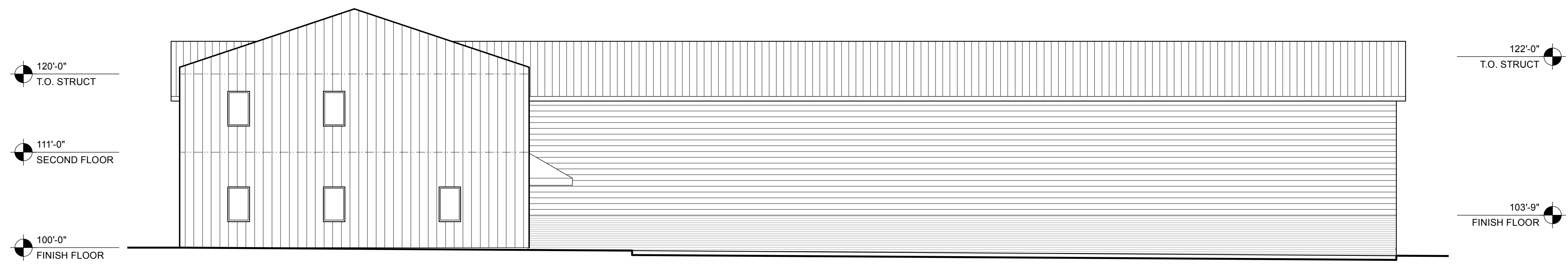
Zone

-  C-1
-  C-2
-  I-1
-  M-P
-  R-1
-  R-2
-  R-3

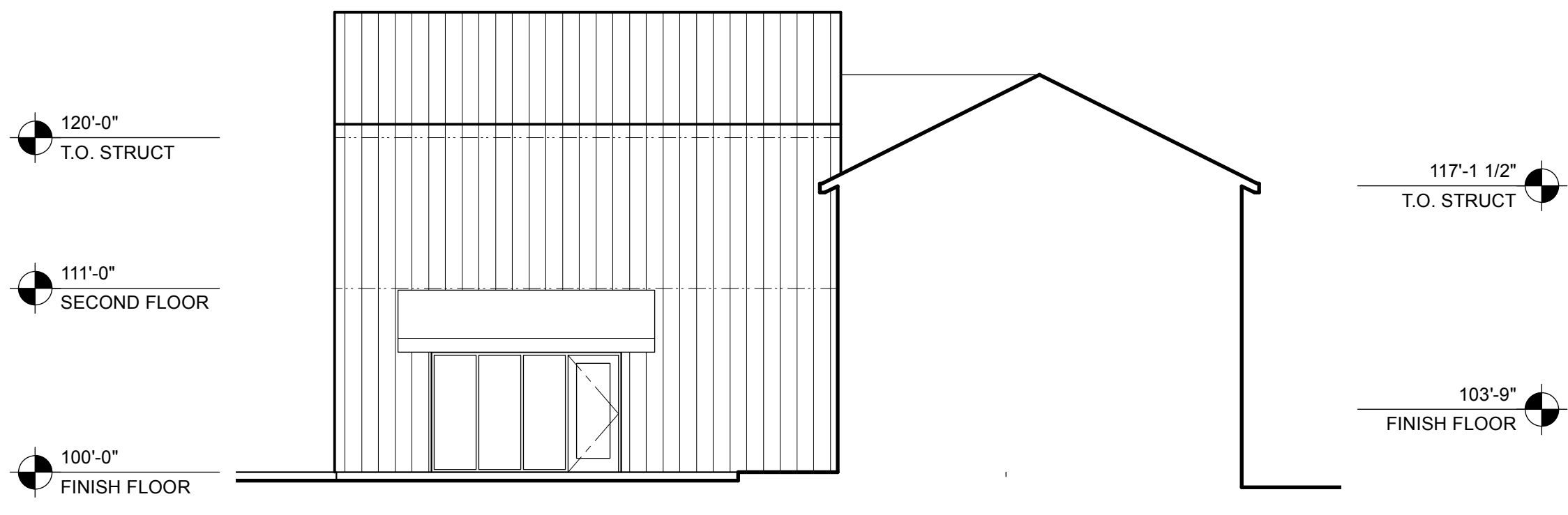


200' Buffer

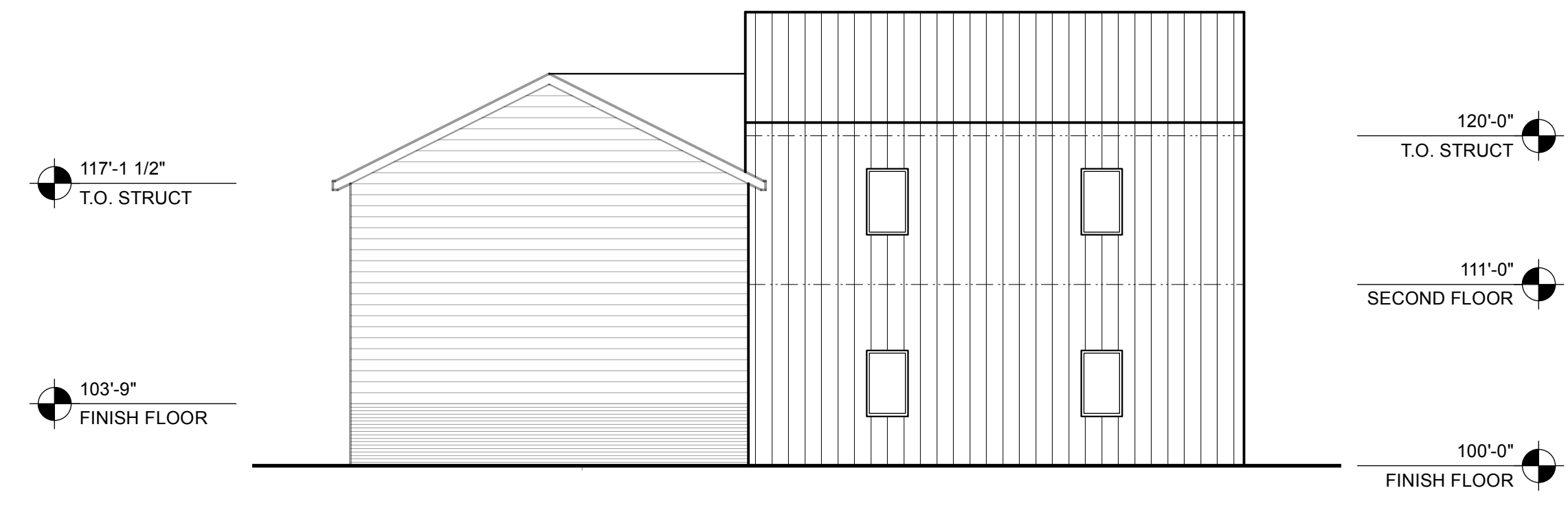
SUBJECT PROPERTY



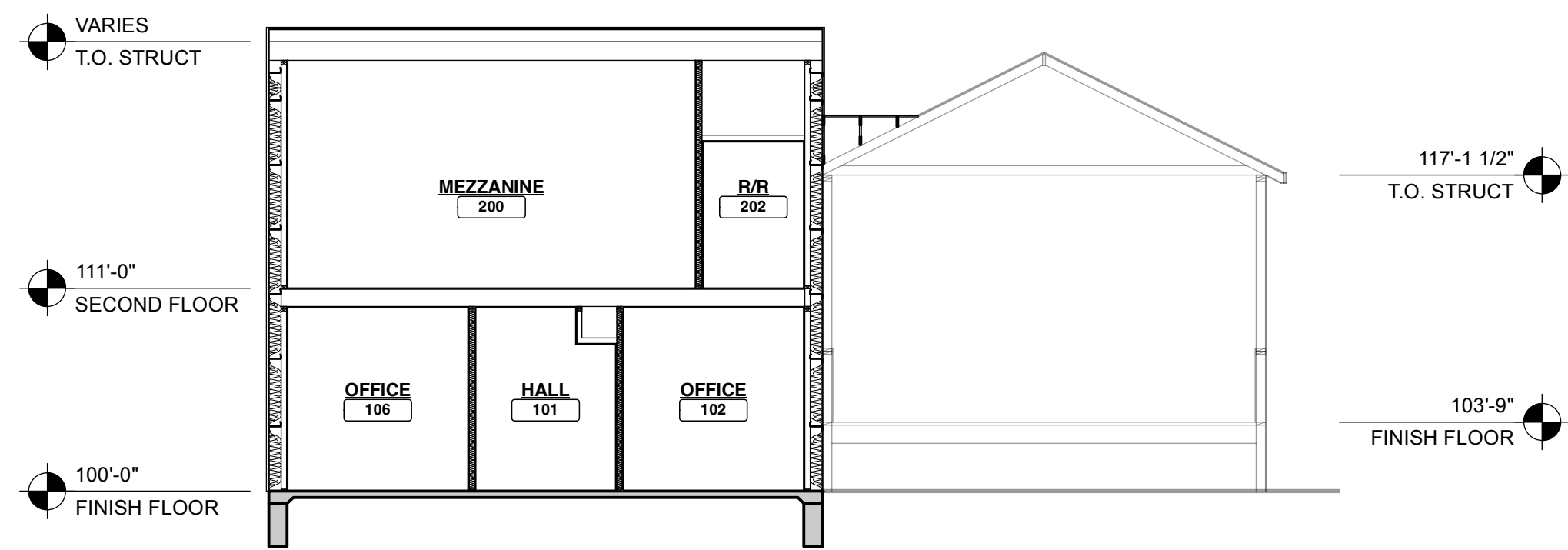
1 WEST ELEVATION
 A2.1 Scale: 1/8" = 1'-0"



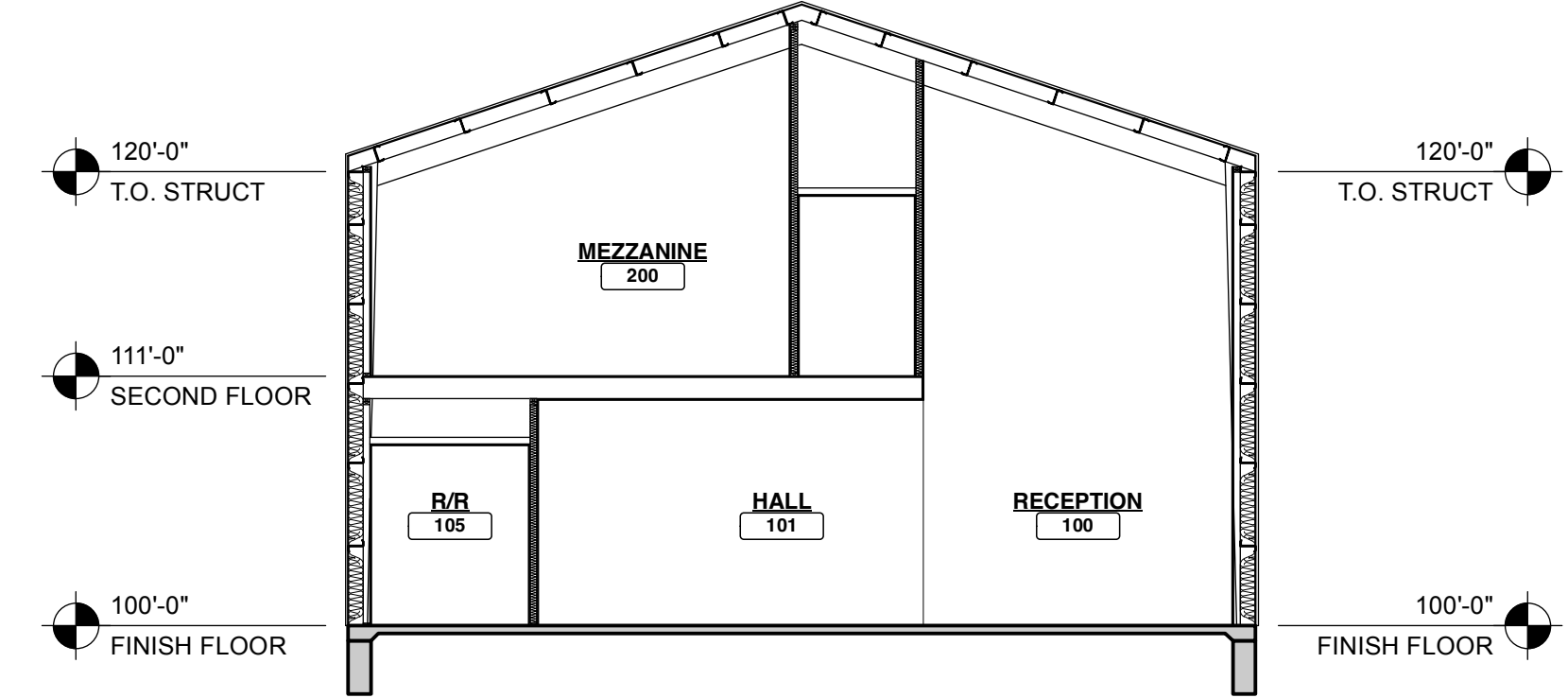
2 SOUTH ELEVATION
 A2.1 Scale: 1/8" = 1'-0"



3 NORTH ELEVATION
 A2.1 Scale: 1/8" = 1'-0"



A BUILDING SECTION
 A2.1 Scale: 1/8" = 1'-0"



B BUILDING SECTION
 A2.1 Scale: 1/8" = 1'-0"