



**EL DORADO CITY COMMISSION - WORK SESSION AGENDA
CITY HALL – 220 E. FIRST AVENUE
May 13, 2026 - 5:00 PM**

Work Session Discussion Items:

- a. Emerging Industries Text Amendment to Zoning Regulations
- b. Safe Streets for All (SS4A) Grant Application

Regular Agenda Preview:

- a. Items to be Placed on the Consent Agenda
 - i. Meeting Minutes
- b. Items to be Placed on the Regular Agenda
 - i. Consideration of Case No. 26-02-REZ Rezoning 118 & 122 N. Taylor from "C-1, General Business District" to "R-3, Multiple Family Dwelling District" and 126, 128, 134 N. Taylor and 423 W. 1st Avenue from "R-1, Residential Low-Density Dwelling District to "R-3, Multiple Family Dwelling District."
 - ii. Consideration of Case No. 23-03-REZ Rezoning 2825 N. Main Street from "A-R, Agricultural Residential District" to "R-S, Residential Suburban District."
 - iii. Consideration of Text Amendments to the Zoning Regulations of the City of El Dorado, Kansas

Reports:

- a. City Commission Reports
- b. City Manager Report

EL DORADO

KANSAS

TO: City Commission
FROM: Scott Rickard
SUBJ: Emerging Industries Text Amendment to Zoning Regulations
DATE: May 13, 2026

Background:

Staff is requesting City Commission consideration of the Planning Commission's recommendation to approve zoning text amendments related to emerging industries.

The proposed ordinance would amend three parts of the City's zoning regulations:

1. Article 3, Rules and Definitions, to add definitions for newer industrial, utility, energy, technology, and infrastructure related uses that are not clearly defined in the current regulations.
2. Appendix A, Listing of Uses by Zoning District, to identify whether each use is permitted by right, requires a Special Use Permit, or is not permitted in the O-I, I-1, and I-2 zoning districts.
3. Article 6, Supplementary District Regulations, to add common and use specific review standards addressing utility demand, water and wastewater, stormwater, noise, generator testing, screening, outdoor equipment, hazardous materials, emergency access, decommissioning, and substantial changes after approval.

This item is a zoning text amendment. It does not approve a specific project. It does not rezone any property. It does not approve a data center or any other emerging industry project. It does not grant an incentive. It does not commit City water, sewer, electric, street, drainage, emergency response, or other public infrastructure capacity to any future applicant.

Planning Commission Process:

This effort was intentional from the beginning. It was not prepared in response to a filed application or a specific development request. Staff began this process because there is increasing state level and regional interest in newer types of industrial and infrastructure development, including data centers, battery storage, hydrogen related facilities, semiconductor uses, advanced manufacturing, utility scale solar, research and development, and related uses.

The Planning Commission first received information and discussed this topic at its February 26, 2026, meeting. The purpose was to introduce the issue and begin reviewing how these uses should be defined, classified, and reviewed.

The Planning Commission then held a public hearing at its March 26, 2026, meeting. After receiving information and beginning the public hearing process, the Planning Commission intentionally tabled the item. That gave the Commission more time to review the language, allowed staff to refine the proposed standards, and allowed for another public hearing.

The Planning Commission held the continued public hearing at its April 23, 2026, meeting. The April hearing included public comment, staff responses, Planning Commission discussion, and consideration of revised language. Following that process, the Planning Commission voted 6 to 0 to

recommend approval to the City Commission of the proposed emerging industries zoning text amendments.

Jurisdiction:

The regulations recommended by the Planning Commission would apply only within the City of El Dorado and within the City's extraterritorial zoning jurisdiction. They would not apply across Butler County as a whole.

The City's extraterritorial jurisdiction is the area outside the City limits where El Dorado has zoning and land use authority through its adopted zoning framework and coordination with Butler County. In those areas, zoning and land use decisions fall under the City's jurisdiction, while Butler County retains authority over matters such as building permits, roads, and certain onsite utility provisions under the applicable interlocal arrangements.

A majority of the written comments submitted to the Planning Commission, and a number of the individuals who spoke at the public hearing, appear to have come from persons who live or own property outside the area where these recommended regulations would apply. Those comments were still received, heard, and included in the public record. However, the decision before the City Commission is whether these regulations are appropriate for the area where El Dorado has zoning authority.

Why the Amendment Is Being Proposed:

Staff's concern is that the City should not wait until a specific application is filed before deciding how these uses should be classified or reviewed. Once a project is filed, the applicant, neighboring property owners, staff, the Planning Commission, and the City Commission are all reacting to a specific proposal. That is not the best time to decide what the rules should be.

The better approach is to update the regulations first, define the uses, identify the review path, and establish the information the City may need before a project is placed on an agenda.

This is consistent with how zoning regulations are supposed to function. Zoning regulations should not remain frozen while land use, technology, housing needs, business operations, and community expectations change. Over the last five years, the City has made six updates to its zoning regulations, including amendments related to signs, housing, accessory structures, and other land use matters. That is part of good zoning practice. When the City sees a shift in the types of uses being discussed, proposed, or developed in the region, it should review its regulations and determine whether the code still provides clear definitions, appropriate review paths, and adequate local standards.

Staff's research indicates that the vast majority of the use categories listed in this amendment could fit within the City's desired economic development strategy if they are properly located, properly designed, properly reviewed, and conditioned where needed. That does not mean every opportunity should be accepted. It means the City should have a modern zoning framework that allows each opportunity to be evaluated carefully.

Staff does not recommend simply saying no to broad categories of uses before any actual project is presented. Many of these uses can vary significantly based on size, location, design, technology, utility demand, building configuration, outdoor equipment, operations, and surrounding land uses. A blanket prohibition may block projects that could fit the City's economic development strategy, provide jobs, add tax base, reuse industrial land, or make practical use of existing infrastructure. At the same time, allowing these uses by right may not provide enough public review. The Special Use Permit process provides a better middle ground.

Special Use Permit Review and Conditions:

One of the strongest reasons to use the Special Use Permit process for many of these emerging uses is that it allows the Planning Commission and City Commission to add conditions that are tied to the specific use and the specific site.

If a use is permitted by right, the City's review is generally limited to confirming that the use is allowed and that the site plan meets adopted standards. The City still has code authority, but there is less ability to evaluate broader compatibility issues through a public hearing process.

A Special Use Permit gives the City more insight and more control. It allows review of the proposed location, surrounding land uses, site layout, access, utility demand, water and wastewater needs, drainage, outdoor equipment, screening, lighting, noise, operating characteristics, emergency access, hazardous materials, decommissioning, and other site specific issues before the use is approved.

The Special Use Permit process also allows conditions to be placed on the approval. Depending on the facts of the application, conditions could address equipment placement, screening, buffering, generator testing, acoustic mitigation, post-construction sound testing, truck routes, emergency response coordination, utility phasing, stormwater controls, wastewater pre-treatment, fuel storage containment, local complaint contacts, decommissioning, site restoration, or other reasonable requirements.

That is why the Special Use Permit approach is stronger than trying to force every newer use into an older category or allowing these uses by right without a more detailed public review.

Current Regulatory Context:

The current zoning regulations already allow a number of significant industrial and operational uses today. In the I-1 and I-2 districts, the current regulations already contemplate light manufacturing, general manufacturing, processing, wholesaling, trucking, warehousing, public utility facilities, pipelines, motor freight terminals, recycling processing, refuse transfer, vehicle repair, vehicle storage, equipment storage, truck stops, gas and fuel storage, and similar industrial or service uses. Some are permitted by right. Others require a Special Use Permit.

The point is that the City's current zoning regulations already allow industrial and infrastructure uses that can involve truck traffic, outdoor storage, noise, lighting, heavy utility demand, fuel storage, wastewater, stormwater, or other operational impacts. In some cases, those existing uses may be just as intense, or more intense, than some of the emerging uses being defined in this amendment.

The proposed amendment does not open the door to industrial activity that does not already exist in some form under the zoning regulations. It adds clearer definitions and, for many of the newer uses, requires more review, more disclosure, and more ability to attach conditions. For example, data centers would require a Special Use Permit in any district where they are allowed. Battery energy storage, battery recycling, hydrogen production and storage, carbon capture support facilities, semiconductor fabrication, small modular reactor or microreactor facilities, and utility scale solar would also require Special Use Permit review in the industrial districts where they are listed.

Other Regulatory and Permitting Requirements:

Zoning is only one layer of review. A zoning approval, including a Special Use Permit, does not replace state or federal permitting, building code review, fire code review, utility review, environmental review, water and wastewater capacity review, stormwater permitting, air quality permitting, industrial pre-treatment requirements, Kansas Corporation Commission related utility processes, Kansas

Department of Health and Environment requirements, Kansas Intelligence Fusion Center review where applicable, or any other outside agency review that may apply to a specific project.

Some uses may also involve federal review, such as Nuclear Regulatory Commission review for nuclear-related facilities, Federal Energy Regulatory Commission or utility coordination for electric transmission matters, U.S. Army Corps of Engineers review for certain water or wetland impacts, or other regulatory approvals depending on the project.

The local zoning process does not waive those requirements. It creates the local land use framework within which those other technical and regulatory reviews can be considered.

Use of the Words “May” and “Shall”:

Several comments during the process focused on the use of the word “may” rather than “shall” in portions of the proposed Article 6 standards. Staff intentionally left “may” in certain places because not every project in a broad use category will create the same impact or need the same level of technical study.

In the City’s zoning regulations, “shall” is mandatory and “may” is permissive. A mandatory “shall” is appropriate when every applicant should provide a specific item or comply with a specific rule in every case. A discretionary “may” is appropriate when the City needs the ability to require additional information, studies, conditions, or mitigation based on the scale, location, operating characteristics, and potential impacts of a specific proposal.

Changing every “may” to “shall” could require studies that are not relevant to a smaller or lower impact proposal. It could also make the regulations more rigid than necessary and reduce the ability to tailor review to the actual facts of a project.

The draft uses mandatory language where baseline requirements should apply. For example, a data center would require a Special Use Permit in any zoning district where the use is allowed. A data center with outdoor cooling equipment, outdoor mechanical equipment, or stationary backup generation would be required to provide a noise mitigation plan and acoustic study.

The draft uses discretionary language where professional judgment and project-specific review are needed. Utility provider letters, system impact documentation, phased service plans, hazardous materials summaries, industrial wastewater narratives” is permissive. A mandatory “shall” is appropriate when every applicant should provide a specific item or comply with a specific rule in every case. A discretionary “may” is appropriate when the City needs the ability to require additional stormwater narratives, decommissioning plans, and financial surety may all be appropriate for some projects. They may not be necessary in the same form for every project.

Staff does not view the “may” language as weakening the regulations. In staff’s opinion, it makes the regulations more workable and more defensible. It allows the City to make requirements proportional, fact-based, and tied to the actual application.

Attachments:

1. Ordinance No. G-____, amending the City of El Dorado Zoning Regulations.
2. Attachment B, Article 3, Rules and Definitions.
3. Attachment C, Appendix A, Listing of Uses by Zoning District.
4. Attachment D, Article 6, Supplementary District Regulations.
5. Planning Commission staff memo, Emerging Industries Zoning Text Amendments.
6. Supplemental memorandum regarding data centers.

7. Supplemental memorandum regarding water.
8. Planning Commission presentation materials.
9. Planning Commission minutes from March 26, 2026, and April 23, 2026.
10. Planning Commission attendance record.

Strategic Priorities:

This item supports the City Commission's strategic priorities because it deals directly with how El Dorado positions itself for future investment while still protecting local control. The issue is not whether the City should accept every project. The issue is whether the City has the right zoning tools to evaluate serious opportunities when they arise.

Investment matters to El Dorado. Private investment helps grow the tax base, supports utility revenue, creates construction activity, supports permanent employment, improves the use of existing infrastructure, and strengthens the City's ability to provide services over time. Cities that are prepared for investment are in a stronger position than cities that are forced to react after an application is filed. This amendment is intended to put El Dorado in that stronger position.

At the same time, investment has to be reviewed carefully. Not every project is the right project. Not every site is the right site. Not every use belongs next to every neighborhood, roadway, utility system, or public facility. The proposed zoning amendments do not lower the City's standards. They give the City a clearer way to ask the right questions, require the right information, and make decisions based on the facts of the use and the site.

Economic Development:

The proposed amendments directly support the City's Economic Development priority. El Dorado has long marketed its industrial development, transportation access, rail access, utility capacity, and water supply as part of its economic development position. Those assets are part of what makes the community competitive for investment.

The types of uses addressed in this amendment are increasingly part of state, regional, and national economic development discussions. Data centers, advanced manufacturing, battery storage, hydrogen related facilities, semiconductor related facilities, research and development facilities, utility scale solar, and similar uses can involve large capital investment, specialized infrastructure, new technology, utility demand, and long-term tax base potential.

The amendment does not say these uses are automatically good. It says they are real uses that communities are seeing interest in, and the City should have a defined local process to evaluate them. That process should allow reasonable opportunities to be considered, while still giving the City the ability to require conditions or deny a project when the facts do not support approval.

Infrastructure:

The proposed amendments support the Infrastructure priority by requiring major utility and operational questions to be addressed earlier in the review process. Many of these uses can involve electric demand, cooling systems, water use, wastewater discharge, stormwater controls, emergency access, backup power, fuel storage, fire protection, or specialized utility coordination.

The amendments also help make clear that zoning approval is not the same thing as utility commitment, infrastructure approval, public financing, or capacity reservation. They give the City a

better basis to request information, require technical review, evaluate phasing, and consider conditions or separate agreements when needed.

This is important because El Dorado has valuable infrastructure assets, including water supply, treatment infrastructure, sewer infrastructure, street access, industrial land, and regional transportation connections. Those assets should support growth, but they should be used wisely and with a clear understanding of long-term impacts on existing customers, future customers, maintenance obligations, treatment capacity, and system resilience.

Housing:

The amendments support the Housing priority by helping manage the edge between higher intensity uses and residential areas. Economic development and housing are connected, but they have to be balanced. The City needs private investment and tax base growth, while also protecting neighborhoods from incompatible land uses.

This amendment helps with that balance by keeping higher intensity uses out of residential districts, focusing review within office, institutional, and industrial districts, and using the Special Use Permit process for many uses with higher potential impacts. It also gives the City tools to review setbacks, screening, buffering, lighting, noise, outdoor equipment placement, generator testing, emergency access, and other site-specific issues that can affect nearby homes or sensitive uses.

Downtown:

The proposed amendments are not primarily a Downtown item, but they still support the broader Downtown priority by helping preserve a clear land use pattern for the community. Higher intensity industrial and infrastructure uses should be directed to appropriate districts and reviewed under appropriate standards. That helps protect the role of Downtown as a civic, commercial, and community center.

A stronger tax base also supports the City's ability to maintain infrastructure, provide services, and reinvest in public improvements over time. This amendment does not fund a Downtown project directly, but it supports the kind of disciplined growth framework that helps the overall community remain stable and investable.

Local Control and Long Term Readiness:

Local control is an important part of this item. The City cannot control every state, federal, utility, or market force that may affect future development. What the City can control is its own zoning framework. It can decide how uses are defined, where they may be considered, whether they require a public hearing, and what local standards apply.

This amendment places El Dorado in a more prepared position. It gives residents, applicants, staff, the Planning Commission, and the City Commission a clearer process. It also helps ensure that if a project is proposed, the discussion can focus on the actual facts of the project rather than first debating whether the use fits into an outdated category.

This action should also be understood as a local jurisdictional action. The recommended regulations would apply to El Dorado and its extraterritorial zoning jurisdiction. They would not regulate the rest of Butler County.

In staff's opinion, that is the value of this amendment. It is not a project approval. It is not an incentive. It is not a commitment of infrastructure. It is a local control measure. It updates the City's zoning

regulations, so El Dorado can continue to grow in a way that is deliberate, reviewable, and tied to adopted community priorities.

Attachments:

1. Staff Memoranda Concerning Emerging Industries Text Amendment
2. Propsoed Text Amendment Ordinance

Advisory Board Recommendation:

At its April 23, 2026, meeting, following public hearing, public comment, staff presentation, and discussion, the Planning Commission voted 6 to 0 to recommend approval to the City Commission of the proposed emerging industries zoning text amendments, including amendments to Article 3, Appendix A, and Article 6, based on the findings discussed in the staff memorandum, the revisions discussed by the Planning Commission, and the record of the public hearing.

Policy Issue:

Should the City Commission adopt the recommendation of the Planning Commission and approve Ordinance No. G-____, amending the El Dorado Zoning Regulations to add definitions, use classifications, and supplementary standards for certain emerging industrial, energy, technology, utility, and infrastructure related uses?

Fiscal Impact:

Approval of the zoning text amendments does not create an immediate financial obligation for the City. The ordinance does not authorize a project, approve an incentive, commit utility capacity, award a contract, or require capital improvements.

The primary operational impact is administrative. Staff will use the updated definitions, use table, and supplementary standards when reviewing future inquiries or applications. For uses requiring a Special Use Permit, applicants would still be required to follow the City's established application, notice, public hearing, Planning Commission, and City Commission process.

Future applications involving these uses may require technical review beyond ordinary staff review. Depending on the scale, there are situations where third-party evaluation will be needed.

For complex or higher impact applications, those costs should be addressed on a project-specific basis through reimbursement agreements. The intent is that reasonable review costs caused by a private development proposal should generally be borne by the applicant, not absorbed by the general taxpayer or utility ratepayer.

Trade-Offs:

1. Approve the zoning amendments as recommended by the Planning Commission.

This is the most direct action. The City Commission may adopt the Planning Commission recommendation by ordinance. This would approve Ordinance No. G-_____ as presented and would adopt the amendments to Article 3, Appendix A, and Article 6.

2. Approve the zoning amendments with modifications.

The City Commission may choose to add language, remove language, or revise language. If the change is clerical, formatting related, or otherwise non-substantive, it may be included in the approval motion. If the change is substantive and modifies the Planning Commission recommendation, the motion should clearly identify the specific language being changed. Because that action would modify the Planning Commission recommendation rather than adopt it as submitted, it should be treated as requiring a two-thirds super majority vote of the full governing body.

3. Table the item and direct staff to return with revisions or additional clarification on selected provisions.

The City Commission may table the item and direct staff to return with additional information, revised language, or clarification on selected provisions. This option keeps the item before the City Commission and does not return it to the Planning Commission unless the Commission later chooses to do so. Direction to staff should identify the specific section, use, standard, or issue needing further work.

4. Return the item to the Planning Commission for additional review.

The City Commission may return the recommendation to the Planning Commission with a statement explaining the basis for not approving or disapproving the recommendation. This option should be used only if the City Commission identifies specific new information, a specific technical issue, or a clearly defined policy concern that warrants additional Planning Commission review.

This item has already gone through a deliberate multi-month process over three Planning Commission meetings, including initial discussion, two public hearings, tabling for additional review, revisions, and final Planning Commission action. If the item is returned, the motion should clearly identify the exact issue to be reconsidered, the reason additional Planning Commission review is necessary, and what specific task the Planning Commission is being asked to complete. The direction needs to be clear enough that the Planning Commission understands whether it is being asked to review a particular use, amend specific language, consider a specific standard, evaluate new information, or address a defined policy concern.

5. Deny the proposed zoning amendments by overriding the Planning Commission recommendation.

The City Commission may deny the proposed zoning amendments by overriding the Planning Commission recommendation. Because the Planning Commission recommended approval, denial would override that recommendation and would require a two-thirds majority vote of the full governing body.

Trade-Offs:

Approving the Planning Commission recommendation provides the City with a clearer and more modern zoning framework before a project application is filed. It improves predictability for staff, applicants, residents, the Planning Commission, and the City Commission. It also creates a stronger local review process for several uses that could otherwise be difficult to classify under older zoning language.

Approving the amendments does not eliminate controversy. Some residents may prefer that the City prohibit certain uses outright. Staff understands those concerns, particularly where uses involve large utility demand, industrial operations, energy infrastructure, backup generation, outdoor equipment, or new technology. However, a blanket prohibition is a blunt tool. It may stop bad projects, but it may also stop reasonable projects that could fit the City's economic development strategy if properly conditioned.

Leaving the regulations unchanged would maintain the current uncertainty. Staff would still need to interpret whether newer uses fit within existing categories such as manufacturing, processing, public utility, warehousing, pipelines, fuel storage, or other industrial classifications. That approach provides less clarity, not more.

Returning the item to the Planning Commission would allow additional review, but it should have a clearly defined purpose. Without specific new information, a technical issue, or a defined policy question, it would likely delay adoption of standards without giving the Planning Commission a clear task to complete.

Denying the amendments would leave the City without the updated definitions, use classifications, and supplementary standards proposed through this process. That would not prevent future inquiries or applications involving these types of uses. It would simply leave staff, applicants, the Planning Commission, and the City Commission to evaluate them under existing language that was not written with these newer uses in mind.

Staff Recommendation:

Staff recommends that the City Commission adopt the recommendation of the Planning Commission and approve Ordinance, amending Article 3, Appendix A, and Article 6 of the City of El Dorado Zoning Regulations regarding emerging industries.

Staff believes the proposed amendments are a reasonable and responsible step. The Special Use Permit process is an important part of that recommendation. For many of these uses, the proposed amendments would give the City more public review and more ability to attach site-specific conditions than the City would have if these uses were interpreted under broader existing categories or allowed by right. That is a more transparent and more protective approach.

If the City Commission is not prepared to adopt the Planning Commission recommendation, the item should be returned to the Planning Commission with a specific written statement identifying the exact sections or policy issues to be reviewed further.

Commission Action:

This item is for discussion purposes only. The item will be scheduled for consideration at a regular meeting pending direction to do so by the City Commission.

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission

FROM: Scott Rickard, City Engineer

RE: Discussion Item, Emerging Industries Zoning Update

DATE: 2/5/26

BACKGROUND

The City is seeing increased interest in newer industrial and infrastructure use types that are not clearly captured in the current zoning regulations. When definitions are unclear, it creates avoidable back and forth for applicants, staff, neighbors, and decision makers. It also makes it harder to confidently determine whether a proposal belongs in the I-1 district, requires a Special Use Permit (SUP), or should not be considered without further zoning action.

This discussion item is intended to confirm direction before a proposal is submitted. By doing the classification work in advance, the City will be better positioned to respond consistently and efficiently when opportunities arise, while still protecting surrounding areas through predictable standards and, where appropriate, SUP conditions.

Staff is proposing a targeted text amendment that keeps the current zoning structure intact. The concept is an update that adds a limited set of new definitions, adds matching rows to Appendix A so each defined use has a clear allowance path, and adds short, enforceable standards in Article 6 for higher impact uses where expectations should be set in advance.

PROPOSED ZONING AMENDMENT

Staff is proposing a three part text amendment package:

Article 3, Definitions

Add clear definitions for emerging use types that are not well defined today.

Throughout this memo the following shorthand is used when discussing Appendix A: P, permitted use, S, special use permit required, X, not permitted or not applicable.

Appendix A, Listing of Uses by Zoning District

Add new rows for the defined uses so staff, applicants, and decision makers have a consistent and transparent path for determining whether a use is permitted, requires an SUP, or is not allowed in a district.

Article 6, Supplementary District Regulations

Add short standards for higher impact emerging uses, focused on items that commonly drive public concerns and operational impacts, such as:

- Noise and generator testing
- Screening and outdoor equipment placement
- Safety and emergency access

- Utility documentation and capacity confirmation
- Decommissioning and removal plans for certain uses

These standards are intended to match the structure of Article 6 and function as baseline requirements. They are not a replacement for project specific review and they are not a rewrite of the zoning regulations.

SPECIAL USE PERMIT PROCESS OVERVIEW

The Special Use Permit process is the primary tool the City uses when a use may be appropriate in a district, but not in every location and not without added review at a public hearing. It creates a clear, discretionary decision path and allows enforceable conditions to be applied when necessary to protect the public interest.

Key points from the City's SUP process include:

Decision authority and required recommendation

- The Governing Body decides whether an SUP is granted, but only after receiving a recommendation from the Planning Commission.
- An SUP cannot be granted unless the use is authorized by the zoning regulations and the standards for approval are found to exist.

Application contents and notice

- The application is filed with the Zoning Administrator and must include an area map, a list of owners within 200 feet, and a site plan.
- A public hearing is held by the Planning Commission, with published notice at least 20 days prior, and mailed notice to owners within 200 feet.

Planning Commission findings and Governing Body action

- The Planning Commission makes a recommendation and must specify the grounds relied upon, supported by affirmative findings.
- The Governing Body considers the recommendation and must act within the timeline established in the regulations.

Standards and enforceable conditions

The SUP standards are broad by design and include the need to demonstrate adequacy of:

- Traffic access and internal circulation
- Utilities and service capacity, including water, sewer, drainage, gas, and electric
- Buffering or screening needs
- Compatibility with adjacent properties and the health, safety, comfort, and general welfare of the community

In granting an SUP, the City may impose conditions, safeguards, and restrictions to reduce or minimize injurious effects and to carry out the intent of the regulations. These conditions become enforceable requirements tied to the approval.

Examples of common SUP conditions that are especially relevant to emerging industrial uses include:

- Limits on outdoor equipment placement and required screening
- Noise limits and restrictions on generator testing times, frequency, and duration
- Setback increases from residential districts or sensitive uses
- Truck routing, access restrictions, and required driveway improvements
- Lighting standards to limit spillover and glare
- Fire department access, hydrant spacing, and emergency response planning documentation
- Limits on outdoor storage, outdoor processing, or operational hours
- Requirements for utility capacity letters and system impact documentation
- Decommissioning and removal plans, including surety where appropriate

Time limits and abandonment

The regulations include time limit provisions that can cause an SUP to expire if the use is not established within the required timeframe, or if it ceases or is abandoned for a defined period.

ZONING AMENDMENT PROCESS

Zoning text amendments are governed by the procedures set forth in the City's zoning regulations. For a text amendment package of this type, the typical process includes:

Initiation of amendment

Amendments may be initiated by the Planning Commission, City Commission, or staff. This memo is provided as a staff recommendation and discussion item to begin the drafting and direction process.

Public hearing

The Planning Commission holds a public hearing on the proposed text amendment, following required notice.

Planning Commission recommendation

After the hearing, the Planning Commission may recommend approval, denial, or modification, supported by findings related to public health, safety, and welfare.

City Commission action

The recommendation is forwarded to the City Commission for final adoption by ordinance. The amendment becomes effective upon publication of the adopting ordinance.

PLANNING AND POLICY CONSIDERATIONS

This proposal is intended to provide clarity and consistency before a project is submitted. Clear definitions and Appendix A classifications reduce the need for interpretation and help applicants understand expectations early. It also improves consistency for staff and decision makers when similar proposals come forward.

In addition, certain uses can create impacts that are not well addressed through general zoning language alone, especially around noise, outdoor equipment, generator testing, lighting, and utility documentation. Placing baseline expectations in Article 6 gives the City a consistent starting point, while still allowing the SUP process to address site specific conditions when needed.

Data centers and other infrastructure heavy uses can raise compatibility concerns when located too close to residential neighborhoods or other sensitive uses. Common concerns include continuous mechanical noise, low frequency vibration, visual scale, and routine generator testing. The recommended classifications and Article 6 standards are intended to steer higher impact facilities toward appropriate industrial locations, establish expectations for screening and equipment placement, and ensure the SUP process is available when proximity to sensitive uses warrants added conditions.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission provide direction to proceed with a formal text amendment package that includes:

Article 3 definitions (Attachment B)

Appendix A use table additions (Attachment C), including Data Center as a Special Use Permit in 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 (Attachment D)

A draft ordinance format for City Commission adoption after the Planning Commission public hearing (Attachment A)

TO: Planning Commission
FROM: Scott Rickard, City Engineer
RE: Public Hearing Follow Up, Emerging Industries Zoning Update
DATE: 3/26/26

BACKGROUND

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-1, 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

EL DORADO

K A N S A S

PLANNING COMMISSION MINUTES

March 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

Steve Fellers
Debbra LaForge
Scott Leason
Austin Letts
Brad Long
Brian Martin
Norm Wilks

Staff Present

Scott Rickard

Others Present

Vince Haines
Darren Jackson
Kye Lehr
Amanda McGee
Sarah Hoefgen
Robin Stevens
Becky Flurry
Ben Whiteside
Thomas Green
Rachel Harder
Bayley Allemand
Swain Boyce
Sarah Hinshaw
Roxie Hinshaw
Micah Bayless
Mr. Hart
Dan Miller

2. **APPROVAL OF MINUTES 2/26/26 with corrections.**
3. **NEW BUSINESS**

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

A. Presentation of Request

The City is seeing increased interest in newer industrial and infrastructure use types that are not clearly captured in the current zoning regulations. 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.

By doing the classification work in advance, the City will be better positioned to respond consistently and efficiently when opportunities arise, while still protecting surrounding areas through predictable standards and, where appropriate, SUP conditions.

Staff is proposing a targeted text amendment that keeps the current zoning structure intact. The concept is an update that adds a limited set of new definitions, adds matching rows to Appendix A so each defined use has a clear allowance path, and adds short, enforceable standards in Article 6 for higher impact uses where expectations should be set in advance.

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 to be prepared for 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.

Mr. Rickard commented that the public's input is important in shaping the zoning regulations. The public hearing will discuss conceptual definitions for the zoning districts O-I, I-1, I-2. El

Dorado is very proactive in marketing its assets of rail, transportation, water and land available which has seen interest from companies. Mr. Rickard noted that the goal is to define emerging industries and what districts they are allowed or prohibited in and most all uses will require a special use permit which protects the city and a special use requires public hearing & review. The supplementary regulations for the new defined uses where the Planning Commission may require noise study, screening, setbacks, noise vibration operation, how utilities & infrastructure will be impacted, hazardous material, containment and conditions can be added. Mr. Rickard stated the city does not want to be put in position with a project that is ready to go and not have the definitions and regulations in place.

Commissioner Fellers inquired if the amendments are new. Mr. Rickard stated the proposed text amendments would be additions to the existing zoning regulations and would be putting regulations in place before items are presented. Commissioner Letts noted that this is spelling out these types of facilities. Mr. Rickard confirmed they are being defined more clearly. Commissioner Letts inquired if these amendments hinder or open the door for these types of facilities. Mr. Rickard noted the amendments clearly lay out the expectation of the process so there is no debate. Mr. Rickard confirmed there is no pending application and amending the regulations has been discussed for some time.

Commissioner Fellers reminded the public that the Planning Commission is an advisory board, and they send their recommendations to the City Commission who makes the final determination.

B. Public Hearing

Commissioner Letts opened the public hearing.

Kye Lehr commented that he understands the city wants to define the uses, however he believes the sections on zoning use the descriptions should be sub-categorized, and he believes the standards in Attachment D lay out provisions to bring in the type of businesses that are being defined even though that is not what the intent is. Mr. Lehr also stated that he does not believe there is enough room inside city limits for one of the industries being discussed and there are many drawbacks to them. Commissioner Fellers inquired what Mr. Lehr's three main concerns were. Mr. Lehr commented that his concerns are noise, lights, water, energy and cooling ability requirements. The facilities in question use a lot of water and he has yet to see a good recycling option listed in the regulations. Commissioner Letts asked for Mr. Lehr's opinion on the environmental side of water usage and recycling. Mr. Lehr stated water rights are a big concern.

Swain Boyce noted his main concern for the community is water and he is afraid supplying these industries with water will leave no drinking water for the citizens. Mr. Rickard stated the proposed regulations lay out the requirements for utility demands.

Commissioner Martin reiterated that every industry being discussed would need to apply for a special use permit except in an I-2 zoning district. Mr. Rickard stated that is correct and only one property is zoned I-2, which is Union Tank Car and a property requesting a rezone would come before the Planning Commission. Commissioner Letts noted that currently there is no talk of any of the industries coming to town.

Mr. Rickard noted that the city and El Dorado Inc are constantly in talks with all kinds of industries to develop and grow the city and how protective of our water everyone is. Mr. Rickard noted that the goal is to define the regulations, as these items do not exist today and they should be in place before a request is presented. Part of the public hearing process is receiving input to help shape the regulations.

Commissioner Letts commented that data centers seem to be the number one focus and inquired if they could be further defined. Mr. Rickard read the proposed data center definition. Commissioner Letts noted additional standards also help enforce.

Rachel Harder stated her main concerns are EMF's (electromagnetic frequencies) that everyone would be exposed to. Mrs. Harder inquired if the benefits of these companies outweigh the danger to the people and how they benefit the community. She believes over time these projects are run by very few people, which is less of a benefit to the economy. The EMF & wildlife are her big concerns. Mr. Rickard commented that the current regulations only state shall not be obnoxious and the new regulations spell out what obnoxious is. Commissioner Letts confirmed the proposed definitions are being more defined. Mr. Rickard stated that is correct.

Mr. Hart commented that his main issue is with data centers and their rights in an I-2 district without restrictions. Mr. Hart also mentioned it is unsustainable for these companies to exist in the future and how they misrepresent what data or water usage they will need and how it is worrying that these volatile industries will have direct right to permit or be easy to come to town.

Commissioner Letts inquired if the size allowed for data centers is defined. Mr. Rickard noted there are setback requirements that would have to be met, and high-power users would need to meet Evergy and KCC regulations. Commissioner Letts stated these types of industries would be required to meet city, county, state, and federal regulations. Mr. Rickard confirmed all regulatory permitting requirements must be met. Commissioner Long inquired if the city is pursuing these industries. Mr. Rickard stated the city is proactively marketing the available land to what fits with the assets of El Dorado. Commissioner Fellers inquired if other communities are also marketing their land. Mr. Rickard stated yes, all communities are trying to increase their tax base to be able to maintain existing infrastructure. Commissioner Fellers noted that all tax base is very important. Mr. Rickard commented communities try to increase their tax base and include feedback with what fits best in the community and not just accept what is presented. In the 80's the city created the Industrial Park, and it was considered a win to build out the lots, and many lessons were learned with that approach. The City and El Dorado Inc have spent many hours with potential prospects while debating if their business would be good for El Dorado. Mr. Rickard also stated that regionally El Dorado has excess water, the great asset of the turnpike and highways that traverse in and out and are served by both class one railroad services, the focus is to find industries that need these assets and fit with El Dorado. Commissioner Wilks noted the process helps identify what is required and it is critical for the process to work.

Micah Bayless feels if these industries are allowed it will be more about weighing profitability over the wellbeing and health of families and he wants to make sure that the town, water, and air is preserved, and families are able to grow up healthy.

Amanda McGee commented on how she believes bringing in these industries is more about how to make a quick buck and not looking at how it will raise utilities, she also commented on where

the unrecycled water will go. Ms. McGee is also worried about how families will be affected, and the documented fact the facilities cause cancer and asthma. Ms. McGee urged the commission to look at the other communities that have data centers and how they no longer have water supply. She also noted that no one wants these industries and mentioned how tired everyone is of increased utilities and property taxes and wants the commission to think about the impact this will have on the future.

Commissioner Letts inquired about the proposed date for adopting the regulations. Mr. Rickard stated if it is recommended to move forward, they would be presented to the City Commission in May.

Vince Haines, president of El Dorado Inc, commented on the proactive work done by El Dorado Inc. that helps vet opportunities when the State of Kansas has projects available. El Dorado Inc's tasks and mission are to assess if business presented are good opportunities for El Dorado and they are actively marketing the excess water we have available. Mr. Haines stated the industries today are technology and this process will better define these industries. El Dorado Inc looks to create opportunities of readiness of our community and to build up base that allows our youth to stay in the community.

Sarah Hinshaw stated that actual events from data center or battery storage fires show evacuation radius of 23 miles which would be the entire town plus. Mrs. Hinshaw also commented on how rapidly technology changes and how long after being built they will last. She also inquired who would clean up the mess the expenses if the taxpayers or the company would be responsible. She stated these industries would not provide long-term employment since there would be no employees. Mrs. Hinshaw urged the commissioners to consider the stresses a fire would put on emergency response, she believes the fire would just have to burn itself out due to air being too toxic to send in personnel and what would seep into the ground water.

Roxie Hinshaw commented that a fire would be terrifying, well water would be destroyed, and she wants the commission to think about the livestock and the people and to consider asking the farmers.

Mr. Rickard stated that any of these industries could come today and there are no protections in place. What the city is attempting to do is to define the potential uses and protections and regulations. Having the commission prepare a checklist to ensure making it a public process and that they are thinking critically about the environment and the impact on the community. Mr. Rickard stated that the city does not want to be in a position where an application is received without having any protections or oversight in place.

Recording did not pick up name and address for citizen who remarked for the board to think of the environmental impact and vandalism as well if there was a malfunction and toxic chemicals and pollutants would be emitted, and to think of the future and these industries are not a good fit.

Bayley Allemand commented that industries in community are bookending the town and the population of El Dorado hasn't changed much over 100 years even with more industry and it seems the people move outside of the town and just work inside city limits at these industries.

Kye Lehr noted that the definitions are a foot hole for way out for proposal and the city should not use the word may but should use the word shall in the guidelines.

Thomas Green read a Facebook post from Robin Stevens which stated the negative impacts a data center would have on El Dorado as well as lawsuits and a massive strain on the water supply and would deplete the aquaphors, wells, have massive electricity use and higher rates and demands. Mr. Green stated El Dorado is a nice community, is close to the lake with good schools and great hospitality from the people.

Sarah Hoefgen, director of El Dorado Inc. stated the city is wanting to protect the community and add regulations as of now there are no safeguards in place. Mrs. Hoefgen also noted that these types of projects are happening all over the nation and the earlier ones had no protections. Kansas is one of the last states to see these developments and there is a state law in place that electric rates can't go up, and these industries are not allowed to receive any electric discounts and these projects must go through a rigorous review with the State of Kansas Attorney General. El Dorado is being thoughtful and proactive on addressing through ongoing conversation it is important to understand adding guidelines to the zoning regulations doesn't get rid of the tool that a special use protect help protects.

Dan Miller noted he's not a resident of El Dorado, but his son lives here and he commented how friendly El Dorado is and he is not for or against the industries and he understands the positive and negative impacts. He also questions how it would impact the community and thinks things can be done responsibly.

C. Discussion by Planning Commission

Commissioner Fellers noted he believes that the claims made during the public hearing need to be reviewed and validated. Commissioner Letts stated during public hearings all sides of the issues are heard. Commissioner Wilks commented on the large amount of space these industries require and how it will work with the ETJ that is shared with the county. Mr. Rickard reviewed how the city has zoning influence outside of the city in the county and these industries would require municipal services and could not be in the county. The city's subdivision and zoning regulations provides a future land use map which is reviewed during cases and the county land located in the ETJ is heavy on agriculture and preserving it as well.

Commissioner Fellers commented that taxes continue to rise on homes, and he wonders what could be done to increase the tax base, increase services and what can be brought to town that is good for the town in a safe manner and to increase the tax base.

D. Motion

Commissioner Leason moved to table the discussion until April 23rd, seconded by Commissioner Wilks.

Motion unanimously approved.

ITEM NO. 2 – CASE NO. 26-02-BZA: PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ISSUING A VARIANCE TO REDUCE THE REQUIRED SETBACKS AT 121 W LOCUST AVE.

A. Presentation of Request

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.

B. Public Hearing

Commissioner Letts opened the public hearing. No one was present to speak; the public hearing was closed. Mr. Rickard noted that staff received a comment from Ty Resser located at 535 S Main and his preference would be for the addition to be built within the required setbacks.

C. Discussion by Planning Commission

Commissioner Fellers commented that he does not see an issue with the request. Commissioner Long also stated he does not have an issue. Commissioner Martin inquired if the request would change the setback for the entire property. Mr. Rickard stated the variance is for the front yard facing Gordy Street. Commissioner Martin inquired if Gordy St. has an 80 foot right of way. Mr. Rickard stated Gordy has a wide right of way. Commissioner Long inquired if the business will move into the existing depot building. Mr. Rickard noted he was not sure of the use and had only seen plans for the addition. Commissioner Long inquired about the increase in traffic and where parking would be located. Mr. Rickard stated it is a big lot and there should be plenty of parking space.

D. Motion

Commissioner Leason, moved 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, seconded by Commissioner Wilks.

ROLL CALL VOTE

Commissioner Fellers	Y
Commissioner LaForge	Y

Commissioner Leason	Y
Chairman Letts	Y
Commissioner Long	Y
Commissioner Martin	Y
Commissioner Wilks	Y

Motion passed 7-0

4. **OLD BUSINESS**

5. **STAFF ITEMS- NEXT MEETING-April 23, 2026**

R-3 Rezone-N Taylor

R-S Rezone-N Main

Possible Rezone/SUP Transitional Housing

Continuation of zoning amendments for emerging industries

6. **ADJOURNMENT**

The meeting was adjourned at 7:19 pm.

TO: Planning Commission
FROM: Scott Rickard, City Engineer
RE: Public Hearing and Consideration of Emerging Industries Zoning Text Amendments
DATE:

BACKGROUND

This item has been before the Planning Commission in prior staff discussions and public hearing review because the City is seeing increased interest in newer industrial and infrastructure use types in Kansas that are not clearly captured in the current zoning regulations. When definitions and use classifications are unclear, it creates unnecessary uncertainty for staff, applicants, neighboring property owners, the Planning Commission, and the City Commission. It also makes it more difficult to consistently determine whether a proposed use belongs in the O-I, I-1, or I-2 districts, whether it should require a Special Use Permit, and what kind of compatibility standards should apply.

The package remains a targeted text amendment intended to keep the current zoning structure intact while improving clarity, and local control before a specific project is submitted. The proposed package is structured in three parts. First, Article 3 would add definitions for emerging use types that are not well defined today. Second, Appendix A would add corresponding use table rows so each defined use has a clear path showing whether it is permitted, requires a Special Use Permit, or is not allowed in a district. Third, Article 6 would add supplementary standards aimed at the issues that most often drive public concern and operational impacts, including noise, generator testing, screening, equipment placement, emergency access, hazardous materials summaries, utility documentation, industrial wastewater review, stormwater and outdoor materials handling, decommissioning, and substantial changes after approval. The intent is to establish baseline expectations in advance, not to rewrite the zoning regulations from the ground up.

ROLE OF THE PLANNING COMMISSION

Under the City's framework, the Planning Commission serves as the chief advisory body to the City Commission on planning and zoning matters. In that role, the Commission is responsible for holding the required public hearing on proposed text amendments, receiving public comment, evaluating the proposal under the City's adopted planning and zoning framework, and forwarding a recommendation to the City Commission.

This is an important distinction. The Planning Commission is not deciding whether a specific project will be built. Rather, it is deciding whether the City's zoning regulations should be updated so that future potential projects can be reviewed under clearer and more consistent local standards. This is a policy decision about how the City should define certain uses, where those uses may be considered, and what standards should apply if they are proposed.

The Commission should also keep in mind that the current zoning regulations already provide the City with key review tools, including district intent statements, site plan review, landscaping and buffering requirements, and the Special Use Permit process. The purpose of this amendment

package is not to replace those tools. It is to strengthen them by reducing ambiguity and by stating more clearly what the City expects for certain higher impact uses.

COMPREHENSIVE PLAN CONTEXT

The 2030 Comprehensive Plan remains the City's primary development policy document. It states that planned growth improves land use efficiency, decreases infrastructure and service costs, improves the business climate, sustains a strong tax base, and improves quality of life. It also makes clear that what is best for the community as a whole must be the basis upon which land use decisions are made.

That policy direction fits this amendment package. The proposed changes are intended to support orderly and sensible growth, protect the public interest, and give the City a clearer framework for evaluating modern industrial and heavy infrastructure uses. The Comprehensive Plan specifically identifies Land Use, Infrastructure and Growth as a major goal area and calls for development patterns that maximize public benefit while encouraging orderly growth. It also calls for sufficient public utilities for the long term growth needs of El Dorado and for infrastructure policies that consider feasibility while minimizing costs to the general public utility customer.

The Comprehensive Plan also contains a clear economic development direction. It calls for responsibly growing the local economy, continuing successful economic development policies, attracting high paying jobs, and ensuring that economic development efforts support the City's long term goals. This amendment is consistent with that approach because it does not guarantee approval of any project, but it does help ensure that the City has a more workable and better informed process when opportunities are presented.

WHY THE CITY IS ADDRESSING THIS NOW

Staff believes the City is better served by addressing these questions before a formal project application is in front of the community. When the code does not clearly define a use or show where it belongs, the City is forced into a reactive posture. Threshold questions that should already be answered by the zoning regulations become points of conflict after an applicant has already invested time and money and after the public has already formed opinions about a specific proposal.

That is not the best time to determine what the rules should be. The City is in a stronger position when it adopts its policy direction first, and then applies those rules consistently when a project is actually proposed. This amendment package is intended to put the City in that position.

WHY GROWTH AND INVESTMENT MATTER TO EL DORADO

This discussion should also be viewed in the larger context of El Dorado's long term priorities. For many years, economic development and industrial growth have remained central Commission priorities because growth is not simply about adding new buildings. Growth supports the tax base, makes more efficient use of public infrastructure, helps support local

employers, creates additional opportunities for residents, and strengthens the City's ability to maintain streets, utilities, public facilities, and services over time.

The City has spent years working to position itself for growth. That does not mean every project is appropriate, and it does not mean the City should relax its standards. It does mean the City should have regulations in place that allow it to evaluate serious opportunities in a structured, informed, and locally defensible manner.

EL DORADO'S COMMUNITY ASSETS

El Dorado has a number of assets that make it appropriate for the City to think proactively about long term industrial and economic growth. As recognized in the Comprehensive Plan, El Dorado benefits from its location in south central Kansas within the Wichita region and from direct access to the Kansas Turnpike, US 54, US 77, K 177, K 254, and K 196. The community also has existing industrial areas, available land for expansion, utility infrastructure in place or capable of extension, rail access, and an airport that supports business and industrial activity. These are meaningful physical and logistical assets for a city of El Dorado's size and are part of the reason the City should have a modern zoning framework in place before major projects are proposed.

Water is one of El Dorado's most important long term development assets. The Comprehensive Plan identifies El Dorado Lake as a major community asset and specifically recognizes the importance of leveraging it as a development tool. Today, the City has approximately 22 MGD of firm yield in El Dorado Lake, with about 9 MGD currently being used, and only about 25 percent of that 9 MGD is used within the City itself. The balance serves other municipalities, rural water districts, and industrial users outside the city limits. In practical terms, that means El Dorado still has substantial available water capacity, including about 13 MGD of drought resilient supply that can support future municipal and industrial growth. That is a significant advantage and one the City should acknowledge as it plans for future investment.

El Dorado also has other strengths that support growth, including its existing industrial base, regional workforce access, utility service, community facilities, and overall quality of life. Those assets do not mean every project is appropriate, but they do mean the City should have clear regulations in place so it can evaluate serious opportunities in a structured, informed, and locally defensible way.

CURRENT REGULATORY CONTEXT

The current zoning regulations already establish differences between the O-I, I-1, and I-2 districts. The O-I district is intended to accommodate a broad range of office and institutional uses, along with a narrower range of related activities. The I-1 district is intended for industrial uses that are not obnoxious due to appearance, noise, emissions, or odor and that can be compatibly developed with adjacent districts through site plan review. The I-2 district is intended to permit a broader range of industrial uses, including uses that may have greater potential for noise, emissions, odor, or intensive land coverage.

Those district intents remain relevant. The issue is that newer industrial and infrastructure uses do not always fit neatly into older land use categories. Some of these uses may have low employment counts and limited daily traffic, but still involve substantial electric demand, large equipment yards, generator arrays, cooling systems, specialized utility needs, or hazardous materials. The proposed amendment is intended to provide a clearer regulatory framework for those situations while still respecting the current district structure.

OVERVIEW OF THE PROPOSED AMENDMENT

As developed through prior staff discussion and hearing materials, the amendment package has three main parts.

First, Article 3 would add definitions for newer industrial and infrastructure use types that are not clearly defined in the current regulations.

Second, Appendix A would be amended to add corresponding rows so that each new use has a clear classification path in the relevant zoning districts.

Third, Article 6 would be amended to add supplementary standards for common issues and for use specific issues. These standards are focused on matters such as screening, outdoor equipment placement, setbacks from sensitive uses, lighting, noise, generator testing, utilities documentation, hazardous materials summaries, industrial wastewater review, stormwater and outdoor materials handling, emergency coordination, material changes after approval, and decommissioning.

The overall intent is to separate three different questions that often get mixed together. The first question is what the use is. The second is where the use may be considered. The third is how the use must be reviewed and what information should be provided. By keeping those questions distinct, the City is in a better position to evaluate future proposals consistently.

SPECIAL USE PERMIT PROCESS

A key part of the amendment package is the Special Use Permit process for uses that may be appropriate in a district, but not in every location and not without additional public review. The Special Use Permit process remains one of the City's most important tools because it allows the Planning Commission and City Commission to evaluate site specific impacts and impose conditions when needed to protect the public interest.

That is especially important for uses that may involve significant utility demand, specialized safety issues, external equipment, generator testing, or compatibility concerns with nearby properties. The amendment package is designed to work with that process by identifying in advance the kinds of technical information and compatibility standards that may be expected for certain higher impact uses.

KEY PLANNING CONSIDERATIONS AND TRADEOFFS

There are real tradeoffs in this discussion, and they should be acknowledged clearly.

On one hand, clearer zoning language can make the City more transparent and better prepared. It can reduce uncertainty for applicants, improve consistency in staff review, and allow decision makers to evaluate proposals against defined standards instead of broad analogies to older land use categories.

On the other hand, if the City is too permissive or too vague, it risks creating approval pathways for uses that may not be compatible with surrounding land uses or that may create demands the community is not prepared to accommodate. Staff believes the amendment package strikes a reasonable balance by improving clarity while preserving discretion where it is still needed, especially through the Special Use Permit process and targeted Article 6 standards.

There is also a practical tradeoff between acting now and waiting for a future broader planning effort. While the Comprehensive Plan does not contain detailed policy language for every modern emerging industrial use, it does provide strong direction on orderly growth, infrastructure planning, economic development, public benefit, and leveraging community assets. Staff believes it is better to adopt a focused zoning update now, within that existing policy framework, rather than leave the City without clear standards while waiting on a larger future plan update.

STAFF ANALYSIS

Staff's view is that the proposed text amendments are consistent with the City's current regulations and long term policy direction. The current zoning code is intended to protect health, safety, and welfare, preserve property values, divide the City into districts, and regulate land uses within those districts. The Comprehensive Plan calls for orderly growth, adequate public utilities, sensible infrastructure financing, and responsible economic development. The City's long term strategic direction has continued to emphasize economic development and industrial growth.

El Dorado has meaningful assets that support future growth, especially location, transportation access, industrial land, utility systems, and water. For those reasons, it is appropriate for the City to have a more precise framework for evaluating newer industrial and infrastructure uses.

The amendment package does not commit the City to approve any project. Instead, it improves the City's ability to decide. It gives the Planning Commission and City Commission better definitions, clearer district placement, and better baseline review standards. It also allows the City to continue using Special Use Permits, site plan review, buffers, and other existing tools where project specific conditions are warranted. Staff believes that is the right approach for a community that wants growth, but wants it on terms that are understandable, locally defensible, and tied to real infrastructure and compatibility considerations.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission find the proposed emerging industries zoning text amendments to be a reasonable and needed update to the City's zoning regulations. Staff

further recommends that the Planning Commission forward a recommendation of approval to the City Commission, together with any modifications the Planning Commission wishes to make based on public comment and Commission discussion.

SUGGESTED MOTION

I move that the Planning Commission recommend approval to the City Commission of the proposed emerging industries zoning text amendments, including amendments to Article 3, Appendix A, and Article 6, based on the findings discussed in the staff memorandum and the record of the public hearing.

TO: Planning Commission
FROM: Scott Rickard, City Engineer
RE: Supplemental Information Regarding Data Centers, State Actions, and Proposed Local Standards
DATE: 4/13/26



I wanted to include this supplemental memo because I understand much of the discussion at the public hearing will likely center on data centers, and I wanted to provide context on that issue for the Planning Commission and the public record. No specific data center project is being approved through the current text amendment. The question before the Planning Commission is whether the City should put clearer definitions, review criteria, and supplementary standards in place before a proposal is submitted.


Public concern on this issue is understandable. Data centers can raise legitimate questions about noise, backup generators, electric demand, water demand, appearance, and overall community fit. At the same time, they are being discussed across Kansas as an economic development issue because they involve major capital investment, utility demand, and potential tax base impacts. The issue before the Planning Commission is not whether a specific project should be approved. The issue is whether the City should have better standards in place if one is proposed.

Kansas has already taken several steps at the state level. SB 98 created a framework for qualified data center incentives. To qualify, a firm must commit at least \$250,000,000 in eligible investment, create at least 20 new full time Kansas jobs, enter into a 10 year electricity purchase commitment, and undertake water conservation, reuse, and replacement practices. SB 98 also requires approval through the Kansas Intelligence Fusion Center Oversight Board before public financial assistance or benefits may be awarded, and it bars discounted economic development electric rates for qualifying data centers.

Kansas has also addressed electric cost shifting. On November 6, 2025, the Kansas Corporation Commission approved the Large Load Power Service rate plan for customers at 75 megawatts or more. The KCC stated that the plan is intended to protect other ratepayers from unfair incremental costs. It requires a minimum 12 year contract, a minimum monthly bill based on 80 percent of contract demand, collateral equal to two years of minimum monthly bills, and an exit fee for early termination. The KCC also stated that the rates are designed to cover the utility's incremental cost to serve these customers so existing customers are not subsidizing them.

The proposed local regulations in the packet would add another layer of review. A data center would require a Special Use Permit. The draft standards would require project specific information on water and cooling, utility demand, backup generation, and related review status. The draft would also require a noise study for facilities with outdoor cooling equipment or backup generation, limit routine generator testing to daytime hours, and require separation or equivalent protection for major outdoor equipment and fuel storage near residential districts and sensitive uses.

In my view, the practical question for the Planning Commission is whether El Dorado should have clearer local standards and more project specific disclosure in place before a data center or similar use is proposed. Given the level of public concern, and given that Kansas has already acted on incentives, security review, water conservation expectations, and large load electric service, I believe that is a reasonable planning step.

TO: Planning Commission
FROM: Scott Rickard, City Engineer 
RE: Supplemental Information Regarding El Dorado Lake, Water Supply Capacity, Available Yield, and Current Utilization
DATE: 4/10/26

El Dorado Lake is a major long term public asset for the City of El Dorado. The City holds contract storage through the U.S. Army Corps of Engineers, and that storage is the foundation of the current water supply discussion. At conservation pool, the lake covers about 8,000 acres and stores more than 50 billion gallons. The City's contract storage is commonly described as about 142,800 acre feet, or roughly 46 billion gallons of usable storage after 100 years of sedimentation to deleiver a firm yield of 22.2 million gallons a day (MGD). This is a real and secured supply source that the community spent decades planning for and obtaining.

The development of El Dorado Lake was the result of long term water supply planning. Before El Dorado Lake, the community had already relied on earlier reservoir sources, including the original Lake El Dorado and Lake Bluestem. The present reservoir was first proposed in 1944, Congress approved it in 1964, the City entered into the storage contract in 1972, and the dam was completed and closed in 1981. The lake exists because the community responded to past drought experience and made a long term investment in a larger and more dependable water supply.

Firm yield is one of the most important terms in this discussion, and it should be clearly understood. Firm yield is not the same as the total volume of water stored in the lake. It is not a measure of how much water is present on a normal day. Firm yield is the dependable amount of water the reservoir can sustain through a severe drought under assumed operating conditions. In plain terms, it is a drought planning measure. It is used to estimate what the lake can reliably support during very difficult conditions, not what it can provide during average years.

The technical work on El Dorado Lake has been consistent. Kansas Water Office modeling placed the lake's firm yield at about 22.2 MGD. Consultant work used by the City over the years carried that conclusion forward and placed the yield at about 23.2 MGD. That is the dependable, drought resilient supply range that has been used in the City's water planning. These evaluations also commonly modeled current El Dorado demand at about 9 MGD on a continuous basis, even though actual demand varies seasonally and winter demand is lower. That means the planning basis was conservative.

The lake has also been tested under very conservative drought assumptions. Additional studies confirmed the reservoir could withstand back to back droughts of record and still supply the firm yield through consecutive 1950s style drought conditions. That is a stringent way to evaluate a supply source. Those results support the conclusion that El Dorado's current level of use remains below what the reservoir has been shown capable of sustaining under severe drought conditions.

Separate work also evaluated surplus operating scenarios in addition to firm yield. In the Western Water Supply Study, Black and Veatch modeled existing customer average demand at 9 MGD and limited future customer withdrawals to periods when the lake remained above elevation 1334, which is 5 feet below normal pool. Under that operating approach, the study concluded the lake could provide an additional 30 MGD to future customers about 78 percent of the time while continuing to meet El Dorado's needs. That is not the same as saying firm yield is 39 MGD. It is a separate operating scenario tied to a protective lake level trigger. Even so, it supports the same general conclusion. El Dorado has substantial water supply available beyond present day use.

Current utilization is central to this discussion. Based on 2025 totals, total water use was about 3.2 billion gallons for the year, which is roughly 8.8 MGD on an annual average basis. Of that total, about 1.5 billion gallons went to HF Sinclair as raw water and about 0.3 billion gallons went to Augusta as raw water. Raw water use therefore totaled about 1.8 billion gallons, or roughly 4.9 MGD. Treated water totaled about 1.3 billion gallons, or about 3.6 MGD, with about 0.73 billion gallons, or roughly 2.0 MGD, used inside the city and about 0.60 billion gallons, or roughly 1.6 MGD, used outside the city. In practical terms, about half of the roughly 9 MGD planning level tied to current demand is associated with raw water users, mainly HF Sinclair and Augusta, and the balance is treated water split between customers inside and outside the city.

When current use is compared to the 23.2 MGD firm yield range, the City is operating with meaningful remaining capacity. That comparison is important because much of the public discussion starts from concern that El Dorado is nearing a supply limit. The available technical work does not support that conclusion. The lake's dependable drought supply, as evaluated in multiple studies, remains well above current actual use.

Water marketing is also not a new concept in El Dorado. The City already provides treated and untreated water to other communities and industrial users, and has done so for decades. In that sense, El Dorado has long functioned as a regional provider. For years El Dorado has marketed our resources. The policy issue is not whether the City should ever market water. The City already does. The policy issue is how to manage excess capacity in a way that protects El Dorado first and creates value from a public asset the community has secured and continues to support.

The financial side of the resource should also be recognized. The lake is a major asset, but it is not a free asset. If excess water is not sold in the future, interest continues to accumulate on remaining lake debt associated with the firm yield of 22.2 MGD until storage is activated and payments begin. Surplus water revenues can help support Corps related costs and reinvestment in the lake, the water system, and infrastructure. That is a practical consideration for the community. The City has excess capacity beyond current needs, and it is reasonable to evaluate how that capacity can help support the long term cost of the system while protecting El Dorado's own customers first.

The record also shows the City has planned around lake protection, not just supply use. Recreation, conservation, and stewardship have long been part of the discussion. Surplus supply

scenarios were built around protective drawdown thresholds intended to protect El Dorado's own customers and lake conditions first. The lake has remained full, or within a few feet of full, much of the time since completion, and significant quantities of water have historically passed through the spillway beyond current municipal and industrial use. That record is consistent with managed and conservative use of the resource.

This discussion should also be viewed in the context of the proposed zoning amendments now before the Planning Commission. Nothing in the pending text amendments guarantees approval of any future project. The proposed standards are intended to require better information up front so the City can review actual impacts instead of assumptions. The proposed Article 6 standards require applicants to provide utility and infrastructure documentation, including water demand, peak day demand, cooling type, wastewater characteristics, stormwater considerations, and phasing. For data centers specifically, the proposed standards require a Special Use Permit and require a general water and cooling narrative, utility and energy information, and related impact review. Future proposals would still be reviewed on a case by case basis using project specific information presented to the Planning Commission and City Commission.

El Dorado Lake provides the City with a substantial and drought resilient water supply resource. The lake has real contract backed storage, a proven firm yield, and available capacity beyond what the City is using today. Multiple studies have evaluated that supply under conservative assumptions, including severe drought conditions, and they point in the same general direction. El Dorado has meaningful remaining supply and a valid public interest in managing that asset responsibly. Project specific review remains necessary, but the water discussion should begin with the actual strength of the resource and the actual level of current utilization.

EL DORADO

K A N S A S

PLANNING COMMISSION MINUTES

April 23, 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

Austin Letts

Brad Long

Brian Martin

Norm Wilks

Staff Present

Scott Rickard

Elizabeth Blakely

Others Present

Please see attached

2. APPROVAL OF MINUTES 3/26/26

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 26-02-REZ: PUBLIC HEARING TO CONSIDER REZONING 118 & 122 N TAYLOR FROM C-1 GENERAL BUSINESS DISTRICT TO R-3 MULTIPLE FAMILY DWELLING DISTRICT AND 126, 128, 134 N TAYLOR AND 423 W 1ST FROM R-1 RESIDENTIAL LOW-DENSITY DWELLING DISTRICT TO R-3 MULTIPLE FAMILY DWELLING DISTRICT.

A. Presentation of Request

Wade Wilkinson has submitted a rezoning application for 118 and 122 N Taylor Street from C-1 General Business District to R-3 Multiple Family Dwelling District, and 126, 128, 134 N Taylor Street and 423 W 1st Avenue from R-1 Residential Low-Density Dwelling District to R-3 Multiple Family Dwelling District.

The request is intended to establish one consistent zoning classification across the assembled property to allow redevelopment of the site with two (2) eight-unit apartment buildings. The

conceptual layout shows parking generally located on the west side of the proposed buildings. A final drainage plan is expected to be completed as part of the redevelopment process once the existing dental office is demolished. The use mixes well with the character of the neighborhood, current zoning and the future land use map.

B. Public Hearing

Commissioner Letts opened the public hearing. Rodger Decker, representing the First Presbyterian Church stated they have no objection with the project.

C. Discussion by Planning Commission

Commissioner Fellers inquired if there would be garages. Mr. Rickard stated the items presented are just a concept and not a detailed site plan. Commissioner Barnaby inquired into the parking requirements. Mr. Rickard stated parking would be addressed during the site plan review and in an R-3 district, parking will be calculated per square foot per unit. Commissioner Martin noted parking requirement would be at least one space per unit. Mr. Rickard confirmed.

Commissioner Long lives adjacent to the east and made a statement regarding the project. Mr. Long and his wife personally met with Mr. Wilkinson and although he hates seeing the vacant lot go, he understands progress and the citizens and taxpayers will benefit from the development and he plans to support project.

Commissioner Leason questioned how long the lots have been vacant. Mr. Rickard remembers homes being on the property that were relocated after a land swap with the school district and hospital occurring over 20 years ago. The properties zoned C-1 still have the old dentist office building on site.

Commissioner Fellers noted he appreciates Commissioner Long and his wife talking about the project even though they do not want a thirty-foot building behind them, they support it for the community's benefit. Commissioner Long commented that they were concerned with lighting in the alley, Mr. Wilkison will be using the west side for parking and entrance ways and not using the alley, the lighting will be minimal in their back yard. Mr. Long stated they haven't talked about the site plan and water drainage and he trusts Wade; believes it will be a good complex with senior living on the bottom floors and small families living on the second floors.

Commissioner Fellers commented that Mr. Wilkinson has shown himself to be a great builder, he has built in several infill lots with quality beautiful homes. Commissioner Martin inquired if any comments were received from the school district. Mr. Rickard stated no comments were received and if it is the commission's desire they can table the item until Mr. Wilkinson is available to speak before them. Commissioner Long noted he doesn't believe it's necessary to table and the project will take about nine months. Commissioner Leason commented he agrees. Commissioner Wilks inquired if staff would recommend approval. Mr. Rickard confirmed approval is recommended and R-3 zoning requires a defined checklist for site plan review.

D. Motion

Commissioner Leason moved to recommend approval of Case No. 25-02-REZ, to rezone 118, 122, 126, 128, 134 N Taylor and 423 W 1st 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 Letts	Y
Commissioner Long	Y
Commissioner Martin	Y
Commissioner Wilks	Y

Motion passed 7-0

ITEM NO. 2 – CASE NO. 26-03-REZ: PUBLIC HEARING TO CONSIDER REZONING 2825 N MAIN FROM A-R AGRICULTURAL RESIDENTIAL DISTRICT TO R-S RESIDENTIAL SUBURBAN DISTRICT.

A. Presentation of Request

Susan Erikson has submitted a request to rezone approximately 5 acres at 2825 N Main St. from A-R Agricultural Residential District to R-S Residential Suburban District. The request is intended to allow the applicant to split off approximately 5 acres that will include the existing single-family residence on the property. The property in question is being separated from a larger approximately 120-acre parent tract, and the rezoning request is being made so that the resulting residential parcel will not become nonconforming under the current A-R district standards.

The current A-R zoning district is intended for agricultural and very low-density residential areas and generally contemplates much larger tracts. The requested R-S zoning district is intended to accommodate large-lot residential development in areas that remain suburban or rural in character. In this case, the request does not involve a more intense urban style development pattern, but rather a zoning designation that better fits the existing residence and proposed tract size. The property is 80 to 85 percent in the floodway or flood zone.

This property is located outside the City limits, but within the Extraterritorial Jurisdiction of El Dorado. As such, zoning and land use decisions fall under the City’s jurisdiction, while Butler County retains authority over building permits, road matters, and on-site utility provisions in accordance with the applicable interlocal arrangements. Butler County has reviewed and approved the rezone and lot split.

B. Public Hearing

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

C. Discussion by Planning Commission

Commissioner Martin confirmed Butler County has approved the request. Mr. Rickard stated they had. Commissioner Long inquired on A-R zoning requires 40 acres to the proposed R-S allows 5 acre lots and whether the applicant is intending to build a structure. Mr. Rickard stated the request is for 5 acres where the home is located and the other portion of the parcel will not change. The applicant could build one ADU in the future or other accessory buildings as allowed. Commissioner Fellers commented that the commission has seen this type of rezoning before, it also encompasses property rights and he plans to vote for the rezone.

D. Motion

Commissioner Fellers moved to recommend approval of Case No. 25-03-REZ, an application by Susan Erikson to rezone approximately 5 acres at 2825 N Main St. from A-R Agricultural Residential District to R-S Residential Suburban District, for reasons stated in the staff recommendation and heard at this public hearing, seconded by Commissioner Leason.

ROLL CALL VOTE

Commissioner Barnaby	Y
Commissioner Fellers	Y
Commissioner Leason	Y
Commissioner Letts	Y
Commissioner Long	Y
Commissioner Martin	Y
Commissioner Wilks	Y

Motion passed 7-0

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

A. Presentation of Request

This item has been before the Planning Commission in prior staff discussions and public hearing review because the City is seeing increased interest in newer industrial and infrastructure use types in Kansas that are not clearly captured in the current zoning regulations. When definitions and use classifications are unclear, it creates unnecessary uncertainty for staff, applicants, neighboring property owners, the Planning Commission, and the City Commission. It also makes it more difficult to consistently determine whether a proposed use belongs in the O-I, I-1, or I-2 districts, whether it should require a Special Use Permit, and what kind of compatibility standards should apply.

The package remains a targeted text amendment intended to keep the current zoning structure intact while improving clarity, and local control before a specific project is submitted. The proposed package is structured in three parts. First, Article 3 would add definitions for emerging use types that are not well defined today. Second, Appendix A would add corresponding use table rows so each defined use has a clear path showing whether it is permitted, requires a Special Use Permit, or is not allowed in a district. Third, Article 6 would add supplementary standards aimed at the issues that most often drive public concern and operational impacts, including noise, generator testing, screening, equipment placement, emergency access, hazardous materials summaries, utility documentation, industrial wastewater review, stormwater and outdoor materials handling, decommissioning, and substantial changes after approval. The intent is to establish baseline expectations in advance, not to rewrite the zoning regulations from the ground up.

Mr. Rickard presented a power point reviewing the proposed text amendments.

Chairman Letts gave a statement on how the public hearing would be held for the proposed zoning text amendments and how it is not intended to be a question & answer session.

B. Public Hearing

Commissioner Letts opened the public hearing.

Ray Connell, 318 W Central, stated that most of his practice has been dealt with zoning. He noted he would like the regulations adopted and they are very well written and they address the issues of concern. He believes one of these industries would be a great opportunity, provide additional tax funding, he recommends the approval of the text amendments, and he provided a letter of support.

Vince Haines, 300 N Star, thanked the commission for their time and work on the amendments. Mr. Haines commented that the board will hear a lot of emotion and opposition with some that are valid and some or not. In his professional experience they all have mitigation and he believes the special use requirement is a great solution. He reminded the commission to stay focused on the zoning updates, and they are not hearing a specific case. Mr. Haines stated that El Dorado has the appropriate assets for large industrial investment and puts them in good position for future discussions. Mr. Haines stated the task at hand is to update the regulation amendments and their definitions place the projects being discussed in well-defined zoning districts and provides additional regulations and transparency. Mr. Haines believes the regulations help set the stage for a very transparent process and they give the city leverage and flexibility for working in this new industrial market.

Kye Lehr, 511 W Central, believes the changes made to the regulations are pretty good, the data center now specifically spelled out a special use permit and will be much better. Mr. Lehr believes 500 feet is not very far from the property depending on the level of noise for item K-noise requirement to be 500' from a district boundary of a residential property. On item L a "may" instead of shall was left in the description and the max sound near property line he recommends more research and to put a decibel amount in the regulations, need defensible amendments for the City and that would help on how much noise is allowed. Mr. Lehr wanted to point out Kansas zoning regulations Article 6, are local laws created by municipal government local law and not one has the word may is not easily defensible and ambiguous.

Patrick Emery, 1302 S High, has concerns that the changes are inviting a data center to the area and that scares him. He believes the informational website is more of a sales pitch and is not providing real issues that come with data centers. Mr. Emery said sound is a main concern and that the regulations need to be set in stone, so they are managed and controlled well. Data centers create forever chemicals that are very hard to get rid of and they will need to go somewhere, he noted filtering will prevent the chemicals from going into the water system if that system never fails, and they will go somewhere like a landfill or bleed into the land. Mr. Emery stated the regions around data centers the temperatures increase multiple degrees and can affect the climate of the region, water issues will use closed loop system but they are not fully closed loop some water still escapes. He noted that any info found on data center research comes from data centers themselves and he does not trust big companies to give factual information and more research is needed. Data centers will only create a few jobs, and if we want a big project we need more than 10 jobs, something long term to benefit and invite more people here.

Charles Leidig, 313 N Orchard, commented that Mr. Lehr is on the right track for the extended regulations and he suggests that if one of these industries applies to come to the area that we need to hear from the people that actually live around the existing sites to hear their experiences to factor in making informed decisions.

Amanda McGee, 4582 SE Munson Hill Rd, stated a moratorium on battery storage, data centers, power plants, nuclear facilities must remain in effect until comprehensive current environmental and hydrological studies of the lake, the Aquaphor, all adjoining rivers and streams have been completed, thorough impact assessments on farmland and cattle operations must be conducted all studies and surveys fully transparent and made publicly available and thoroughly funded by the developers and conducted by qualified independent third party experts and a detailed evaluation of the potential impact on the local wells must be included. After these steps have been reviewed and shared with the public then a final decision should be made by the people. Ms. McGee also stated if one of these industries does come and then leave, she believes the developers should be responsible in removing the structure not the citizens and that the land should be returned to the people.

Terri Radebaugh, 762 SW 50th, stated her concern with the emerging technologies today will be obsolete very soon. Technology and AI all have short life spans and there needs to be a plan and enforcement for them to be removed along with all contamination and for the land to be returned. Data centers have a 15–20-year life span they are not a job creator, and her biggest concern is this emerging technology that is rapidly obsolete and we will be left with a scar on the city.

Kim Brumfield, 1609 E 1st St. Douglas, Butler County taxes are high and she adamantly opposed to a data center oppose, built to take peoples jobs with AI why would we participate in taking away peoples land and purpose in life, impact on environment and humanity is detrimental Data centers use extreme amounts of water and electricity, use up our resources, inflate cost of utilities, pollute the environment, cause possible power outages and wells to go dry. Decisions will impact our lives and generations to come she wants to preserve and care for the natural resources. Any short-term gain for Butler County will have long term loss. What are the data centers being built for, who is paying for them, how will it affect our utilities, taxes and what is the environmental impact and how will our livelihood now & in the future be affected. Our jobs and resources are not for sale.

Jordan Buxton, 2811 W 3rd, thanked the commission for their time. Economic development in the Midwest has a lot of land and resources that makes it attractive to industry, not just data centers. Th challenge in El Dorado and Butler County is we do not own the land and the task presented is a mechanism to help be part of the conversation. Landowners are meeting privately with the developers and the only way the city can position themselves to be a part of the process and discussion and not be reactive but active is to set the zoning regulations.

Amy Gardner, 7246 NW Kiowa Rd, this is a very contentious cultural issue sweeping across the nation all are very aware that the beginning of emerging industries start at the zoning level would trust your expertise. Mrs. Gardner suggested a bigger room in the future so everyone can be accommodated and heard. The amendments provided should have been made clear and shown what has changed. Limitations on zoning for the emerging industries at federal level by two senators co-authoring a letter demanding federal wide surveys on how data centers are affecting

the electrical grid. She mentioned electrical magnetic field, decibel levels and a letter RFK presented on the risks of EMFs and they are horrendous. Mrs. Gardner inquired how a zoning committee would know how to write in boundaries that are new to everyone. She hopes the special use permit will give an even playing field if a project is brought forward and hopes we can talk specifically about how far pollution will reach, the emf, and noise. No one is against progress but are against progress if an industry that we are bringing in is more disruptive than helpful.

Rachel Harder, 2757 NE Grant Rd, thanked Mr. Rickard for amending the regulations from the last presentation and they have been tighten up. She has two different family members offered from Beltline for property in Butler County. Her concerns are not only are her family members getting offers so are their neighbors. She is worried about people with health issues if a data center moved in next door as well as the land values would decrease. Mrs. Harder requested for the regulations to be tightened even more before pushing them out and she said she is not against progress but wants to make sure it is done the right way to protect the community.

Natalie Conway, 1302 S High, stated she is against AI and she is concerned about how these industries will impact the agricultural properties and how these certain industries could affect land, farmers and future generations.

Carrie Shearburn, 324 N Orchard, the property sales from 6th street to the refinery area have been selling for \$1,500 to \$2,500 per acre. If they are rezoned under these new regulations the land becomes industrial zoning and that increases \$1 per SF and those people will make millions. Need to look at property tax records and see who has been buying these properties. She believes some of the people that spoke at the meeting have invested interest in passing the zoning laws. Ms. Shearburn stated people can't afford more property taxes and breaks will go to the corporations and she commented that this is giving away our children's futures.

Debra Hill, 711 E Cloud, Andover, Approaches thing in a big picture perspective and ethical perspective and she has a lot of questions. Emerging industry's ability to do these industries and the national trend is a huge boom which might bust sooner than companies realize. What is the long-term viability when weighing it against the exploitation of the community is an ethical concern. The amendments open the door for these industries, and she recommends waiting 3-5 years and is there a way to restrict in the zoning data centers. Recommendation close for 3 years do not allow them and that will give time to get regulations in place, and would know they are not causing issues, protecting long term livelihood, make them pay more later.

Matt Hermreck, 323 N Summit, loves small town feel, strongly support the community but does not support data centers. He wants his family to have a future; he doesn't want to see lights and hear noise. He doesn't believe the lake can support the water usage. These companies do not care if they take our water or pollute our air. You cannot eat money, cannot drink money, it may not affect power they will have generators, but the citizens will not.

Nami Nickleson, 2598 SW 50th, Is thankful to the openness for the public to comment. Mr. Nickleson presented a prayer. Many concerns water, electricity, health affects of data centers they are all valuable and important to consider a different angel and he read a quote. Bringing tax base is valuable but does not compare to serving the people of community, AI explosion of data

center is that acceptable use of our community is it something we can morally support. Two more quotes were read.

Jacob Means, NW River Valley Rd, Towanda, the argument for or against data center what can we stand to lose and what can we stand to gain. He is afraid of constant droning noise, electric bills skyrocket, water poisoned, what we gain doesn't justify what we stand to lose and what takes away from natural resources. Not healthy we can stand to gain tax breaks but that doesn't go to people in the end ask yourself why we are compensated for them.

Rodney Clements, 4538 NW Shumway Rd, stated these are big things and the citizens need to be made aware of all safety concerns and what are the long-term effects and everyone in the city and county should have a voice and be able to vote before moving forward.

Emily Stone, Wichita, commented on the small modular or micro-reactive facility not enough guidelines for reactors can cause more damage to water and soil. Need to reconsider and add more scientific educated requirements or disallow altogether.

C. Discussion by Planning Commission

Commissioner Leason commented that we should take out any "may" wording and add "shall".

Mr. Rickard noted where in the zoning book the definitions of shall & may are listed and in the special use process, some shalls may not be linked to a project.

Commissioner Fellers asked the audience to please refrain from speaking out any yea's, boo's or clapping that can give undue focus and let the commission have their discussion.

Commissioner Letts noted section K- radius minimum 500' could a special use permit require additional distance.

Mr. Rickard stated there are more regulations like landscaping, berms, separations for residential. Other communities are looking at 200feet and we increased to 500 feet. The zoning regulations already have transition areas listed. Mr. Rickard noted that it is difficult to define things without a specific project in mind.

Commissioner Letts asked Mr. Rickard to explain how the regulations were created.

Mr. Rickard stated they are a mixture from the Land Development Institute, American Planning Association, WSU white paper and what Sedgwick County is looking at. Word for word and the repetitiveness is intentional due to how El Dorados regs look, also from other communities, professional associations & institutes that help write regulations.

Commissioner Wilks noted that he thinks they are trying to help the process by defining what we expect, realizing they are all new and the special use process is the safest way to examine and we need to be prepared to set parameters on what is expected in the city.

Commissioner Fellers does hear concerns and expects them.

The meeting went into recess at 7:20p.m. due to a tornado warning.

At 7:49 the meeting was reconvened.

Mr. Rickard noted Commissioner Barnaby left the meeting, but they still have a quorum to proceed.

Commissioner Letts commented it is good that we have guidelines and definitions in place.

Commissioner Long noted that the guidelines would continue to be improved and the state is also involved. Senate Bill 98 states that electric rates can't be raised. Commissioner Long believes the city is on the right track and could make a lot of money and with the safeguards in place by the state and the city he is not fearful at all of one of these industries coming in. Commissioner Long also noted that just because one of these industries applies doesn't mean they will get approved. If a manufacturer comes to the board, they must be ready to say yes or no and that is what they are doing with this discussion.

Commissioner Leason commented he doesn't want things pushed through like in Sharon Springs and the locals are mad.

Commissioner Fellers stated they are not approving a data center, they are approving a process to make things clear. This is a process not a project for guidelines to be in place.

Commissioner Long commented they are being proactive and he believes cleanup should be addressed and we can write safeguards however we want to.

Commissioner Wilks noted that we have used the SUP process to fit the needs of the use going in and they are not all the same and that is the nature of the SUP process, the city has been creative and varied in their approach of the needs of each of development.

Commissioner Fellers noted that the public can provide testimony again if an application is received and he agrees that cleanup can be added and they are looking for a process to provide guidelines so people will know what to expect if they come and how the City will address them.

Commissioner Letts commented on the amendments D & E presented by Commissioner Wilks.

Commissioner Wilks stated his concern on item E after paragraph 6 there is wording for higher intensity uses that creates question on what they are and how they are defined could create potential controversy on what is or isn't high intensity use and he recommends striking that and include the City may require utility company letters, system impact documentation or phase service plans during the site plan review or special use process.

Commissioner Letts inquired if the word may could be changed to shall and strike higher intensity use.

Mr. Rickard noted they could.

Commissioner Wilks noted in paragraph F with the verbiage hazardous material, summary & emergency conditions in the second sentence is another term above ordinary commercial quantities and wonders if there would be argument what is the above ordinary since we don't know what above the ordinary is and he would like to strike above ordinary commercial quantities and add the city may require applicant to provide these things. He wants issue to be over the project not what is done as measuring above or below the ordinary commercial uses. Paragraph J talks about material change after approval, the last sentence states substantial change may include but not limited to, he believes substantial change needs to be defined and he recommends adding as determined by the zoning administrator, so it is a process controlled by the professionals. On last letter K provides decommissioning and removal and his concern is what we list best principal use sites that most all of these emerging industries are unique in construction in what they have and it is part of the SUP process should include most all those require decommission & removal plan.

Commissioner Fellers agrees and likes the changes, and the Federal Government wouldn't provide funding to remove.

Commissioner Wilks noted that the buildings are varying and may have a good use to a different industry listed or may benefit the community for another purpose. The variety of industries are emerging and changing where their life cycle may be 15-20 years and then something replaces

them. For the City's protection we need to include in the SUP a decommissioning portion of that process.

Commissioner Long agrees and he stated we don't need to be left with an unusable building.

Commissioner Wilks noted that city staff spent a lot of time and thought and looked into what others were doing to make this process better.

Commissioner Long commented that these data centers are going somewhere.

Commissioner Wilks stated to be realistic, if we have data center that is mega center with a lot of people, we don't have city support to build housing, roads, jobs, but one that brings 10-20 employees would be a benefit to the community.

Commissioner Long agreed and noted it is not a negative.

Commissioner Leason commented if they receive tax breaks and bring employees, then what will it do to the city if they don't equal out.

Commissioner Wilks noted that what he has seen and heard is that the cash flow from these industries is high enough that they don't need tax rebates or abatements and we don't have to give up property tax for them to come here and we shouldn't automatically do it.

Commissioner Long stated that tax abatements are given by the state not the city.

Mr. Rickard noted they receive sales tax exemption and it's very common with industrial revenue bonds.

Commissioner Long inquired about the time frame requirements for the exemptions.

Mr. Rickard noted that every benefit package is spelled out in a development agreement and the city has law counsel and financial advisors.

Commissioner Wilks stated that the economies today can come to community is an economic advantage for industries to come here and we don't have to give up property taxes to get them here.

Commissioner Fellers confirmed that tax abatements are not part of the discussion today, but he does agree if they come to town, he will advocate that they pay their own way.

Mr. Rickard noted all those types of agreements would be presented with the City Commission and would be part of the record that citizens can review and understand.

Commissioner Fellers noted that the board is not voting if emerging technologies are good or bad they are voting if the city has a process to evaluate these emerging technologies properly and he believes the modifications and help from the public does do exactly that.

Commissioner Wilks confirmed that they are recommending to the City Commission that they adopt the ordinance and attachments.

Mr. Rickard commented on moratoriums that other communities are putting in place and how those places have an application waiting to be reviewed. He noted that is not being done here because there has not been an application presented.

Commissioner Martin noted this item is to help the city get a plan in place.

Commissioner Wilks commented it is better to have a plan in place beforehand.

Commissioner Letts agreed and that staff did amazing job with the plan.

D. Motion

Commissioner Leason , moved that the Planning Commission recommend approval to the City Commission of the proposed emerging industries zoning text amendments, including amendments to Article 3, Appendix A, and Article 6, based on the findings discussed in the staff memorandum and the revisions by Commissioner Wilks and the record of the public hearing, seconded by Commissioner Fellers.

ROLL CALL VOTE

Commissioner Barnaby
Commissioner Fellers
Commissioner Leason
Commissioner Letts
Commissioner Long
Commissioner Martin
Commissioner Wilks

Y
Y
Y
Y
Y
Y

Motion passed 6-0

4. **OLD BUSINESS**

5. **STAFF ITEMS**-Planning Commission member appointment to Excess Sales Tax Committee
Fellers nominated Letts, Letts accepted.

Next Meeting - 5/28/26

Variance to reduce setbacks-single family home
SUP 1,800SF Accessory Building
Appointment of Chair & Vice Chair

6. **ADJOURNMENT**

The meeting was adjourned at 8:16 pm.

Name - Please Print

Organization (if applicable) + ADDRESS

Jacob MEANS

Wendy Smith

~~Kathleen Mack~~

Sarah Hoefgen

Ry Connell

~~Ran Yursten~~

~~TEEN FURNASTER~~

Anjie Johnston

Jordan Bruxton

~~Justin Hays~~

Jenny Uhrmacher

A. Glusker

C. Bowman

Kyle Lehr

VINCE HAINES.

Brian Lora

Dana Jordan

Frank Lemke

Art Christ

Rw Proctor

Chloe McCarthy

Miguel Faj

Eldo INC

EID

EL DORADO

he
Rev. Deborah Hill

The Episcopal Church

Julie Anderson

Jan Rush

LISA RUSH

Date: 4/23/26

Name - Please Print

Organization (if applicable)

Gale + Doug Cation

EIDO

Matt + Brandi Stineman

Amy Gardner

Rachel Harder

Wanell Seymour

~~clayton~~

Amanda Micee

~~Ed~~

Kim Brumfield

Terry Hadebaugh

But Blakeman

Chris Carmichael

Emily Stone

Congressional Campaign

Nehemiah Nicholson

Natalee Conway

USD 490 Tech

Hannah Means

Olivia Barrier

Patrick Emery

Carol Blakeman

Nathaniel + Blake Blakeman

S. Blakeman

Freelance News Photography

Rodger Redden

FPG El Dorado

Sue Erikson

2825 N. Main Eldorado

Charles Hanson

349 SE Bluestem EIDO

Micah Blakeman

3491 SW HWY 77

Andrew Cross

Janean Dennis BCC

Bill Damm 515 W. 13TH Ave.

Drew Meyers 150 W. Market 6720~~00~~2.

ORDINANCE NO. G-_____

AN ORDINANCE AMENDING ARTICLE 3, APPENDIX A, AND ARTICLE 6 OF THE ZONING REGULATIONS OF THE CITY OF EL DORADO, KANSAS, TO ADD DEFINITIONS, USE CLASSIFICATIONS, AND SUPPLEMENTARY REGULATIONS FOR CERTAIN EMERGING INDUSTRIAL AND INFRASTRUCTURE USES.

WHEREAS, the City of El Dorado, Kansas, has adopted zoning regulations pursuant to the laws of the State of Kansas, including K.S.A. 12-741 et seq., and amendments thereto; and

WHEREAS, the City has determined that amendments to its Zoning Regulations are needed to improve clarity, consistency, and local readiness for certain emerging industrial and infrastructure use types that are not clearly addressed in the current regulations; and

WHEREAS, the proposed amendments are intended to preserve the City's existing zoning framework while adding definitions, use classifications, and supplementary standards to better guide future review of such uses; and

WHEREAS, the proposed amendments include revisions to Article 3, Rules and Definitions, Appendix A, Listing of Uses by Zoning District, and Article 6, Supplementary District Regulations; and

WHEREAS, after due notice as required by law, the Planning Commission of the City of El Dorado, Kansas, conducted a public hearing on the proposed amendments on _____, 2026; and

WHEREAS, following the public hearing and consideration of the proposed text amendments, the Planning Commission recommended approval of said amendments to the City Commission of the City of El Dorado, Kansas; and

WHEREAS, the City Commission finds that adoption is consistent with the City's authority to regulate land use and development within its jurisdiction.

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

Section 1. Amendment to Article 3, Rules and Definitions.

Article 3 of the Zoning Regulations of the City of El Dorado, Kansas, is hereby amended to add the definitions set forth in Attachment B, attached hereto and incorporated herein by reference as though fully set forth herein. Said definitions shall be inserted alphabetically within Article 3.

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

Appendix A of the Zoning Regulations of the City of El Dorado, Kansas, is hereby amended to add the use classifications and supplementary regulation references set forth in Attachment C, attached hereto and incorporated herein by reference as though fully set forth herein.

Section 3. Amendment to Article 6, Supplementary District Regulations.

Article 6 of the Zoning Regulations of the City of El Dorado, Kansas, is hereby amended by adding Sections 25 through 39, as set forth in Attachment D, attached hereto and incorporated herein by reference as though fully set forth herein.

Section 4. Purpose and Effect.

The purpose of this Ordinance is to clarify the City's zoning regulations as they relate to certain emerging industrial and infrastructure uses, to establish corresponding use classifications within the zoning districts of the City, and to provide supplementary standards for the review and regulation of such uses. Nothing in this Ordinance shall be construed to waive, limit, or replace any other applicable local, state, or federal review, permit, licensing, safety, utility, environmental, subdivision, site plan, building code, fire code, or other regulatory requirement.

Section 5. Attachments Incorporated.

Attachment B, Attachment C, and Attachment D are hereby adopted as part of this Ordinance and shall be maintained with the official copy of this Ordinance on file with the City Clerk.

Section 6. Repealer.

All ordinances, resolutions, regulations, or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Severability.

If any section, subsection, sentence, clause, phrase, provision, or application of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and the City Commission hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, phrase, and provision hereof, irrespective of the fact that any one or more portions may be declared invalid or unconstitutional.

Section 8. Unchanged Provisions.

Except as expressly amended by this Ordinance, all other provisions of the Zoning Regulations of the City of El Dorado, Kansas, shall remain in full force and effect.

Section 9. Effective Date.

This Ordinance shall take effect and be in full force from and after its publication once in the official newspaper of the City of El Dorado, Kansas.

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

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

DRAFT

ATTACHMENT B
ARTICLE 3
RULES AND DEFINITIONS

The following definitions shall be added to Article 3 and inserted alphabetically:

Advanced Manufacturing Facility: An establishment engaged in advanced or technology-intensive manufacturing processes involving a high degree of automation, precision equipment, robotics, sensors, digital controls, specialized materials, or similar production systems, and including ancillary offices, testing areas, storage, utilities, and support facilities.

Battery Cell Manufacturing Facility: An establishment engaged in the manufacture, assembly, formation, or finishing of rechargeable or nonrechargeable battery cells, modules, or similar electrochemical energy storage components, including associated mixing, coating, drying, calendaring, electrolyte filling, testing, storage, and support areas.

Battery Energy Storage System (BESS), Principal Use: One or more devices, assemblies, containers, or buildings capable of storing energy in order to supply electrical energy at a future time, where the system is the principal use of the site and includes associated batteries, inverters, transformers, switchgear, control systems, thermal management equipment, fire suppression equipment, and accessory structures. This term does not include a battery system that is clearly accessory to another principal use.

Battery Recycling and Critical Minerals Processing Facility: An establishment engaged in the disassembly, sorting, shredding, crushing, recycling, processing, refining, recovery, or transfer of spent batteries, battery materials, black mass, critical minerals, or similar materials, including associated storage, loading, testing, utilities, and support facilities.

Black Mass: Shredded, crushed, separated, or otherwise processed battery material containing a mixture of recoverable metals, minerals, graphite, electrolyte residue, or similar constituents generated through battery recycling or material recovery operations.

Carbon Capture, Compression, or CO2 Support Facility: An establishment or support facility engaged in capturing, compressing, dehydrating, liquefying, storing, transferring, or otherwise handling carbon dioxide or related support streams, including associated compression equipment, storage vessels, loading areas, pipelines, utility equipment, or similar support infrastructure.

Controlled Environment Agriculture Facility: An establishment engaged in crop production within enclosed or partially enclosed structures using controlled lighting, temperature, humidity, nutrients, carbon dioxide, irrigation, or similar environmental controls, including greenhouses, vertical farms, hydroponic, aeroponic, or aquaponic systems, and associated packaging, storage, and support areas.

Data Center: A facility, or portion of a facility, whose principal use is the storage, processing, management, or transmission of digital data using servers, network equipment, and related infrastructure. This use includes associated office areas, security features, cooling systems, switchgear, substations, backup power equipment, fuel storage, battery systems, and other accessory improvements necessary to support digital data operations. This term does not include a customary accessory server room or similar equipment area located within and subordinate to another principal use.

Hydrogen Production Facility: An establishment engaged in producing hydrogen through electrolysis, reforming, cracking, or similar industrial processes, including associated compression, storage, cooling, utility, control, and support equipment.

Hydrogen Storage and Distribution Facility: An establishment engaged in storing, compressing, transferring, blending, distributing, or dispensing hydrogen, including associated tanks, compressors, vaporizers, piping, fueling or loading areas, utility equipment, and support facilities.

Research and Development Facility: An establishment primarily engaged in research, design, testing, analysis, prototyping, pilot-scale development, or similar scientific, engineering, or technical activities conducted within laboratories, offices, testing areas, or pilot facilities. This term may include limited fabrication, assembly, or testing that is incidental to research and development activities, but does not include full-scale general manufacturing or processing unless otherwise expressly allowed.

Semiconductor Fabrication Facility: An establishment engaged in the manufacture of semiconductor wafers, chips, or similar devices through fabrication processes such as deposition, etching, lithography, cleaning, doping, chemical treatment, or similar operations, including associated clean rooms, ultra-pure water systems, chemical storage, utilities, testing, and support areas.

Semiconductor Packaging and Test Facility: An establishment engaged in assembling, packaging, burn-in, testing, reliability testing, thermal testing, or finishing semiconductor devices or components, including associated clean rooms, utilities, storage, and support areas.

Sensitive Use: A residence, residential district, school, day care center, hospital, nursing or convalescent home, assisted living facility, public park, trail, library, house of worship, or similar use where occupants may be more sensitive to noise, vibration, glare, emissions, or emergency events.

Small Modular Reactor or Microreactor Facility: An establishment or site containing a nuclear fission reactor designed for modular deployment or small-scale generation,

together with associated support buildings, security areas, cooling systems, utility systems, storage areas, access controls, and other related infrastructure.

Solar Energy Facility, Utility Scale: A principal use facility designed to generate electricity from solar energy for sale, transfer, or distribution to the electric grid or to off-site users, including solar panels, racking, inverters, transformers, substations, access drives, battery storage when accessory, and other related support facilities.

Solar Panel Manufacturing Facility: An establishment engaged in the manufacture, assembly, lamination, coating, treatment, or finishing of solar cells, solar modules, or solar panel components, including associated storage, utilities, testing, and support areas.

ATTACHMENT C

APPENDIX A

LISTING OF USES BY ZONING DISTRICT

P = Permitted Use

S = Special Use Permit

X = Not Permitted/Not Applicable

Use Description (in alphabetical order)	O-I	I-1	I-2	Supplementary District Regulations
Advanced Manufacturing Facility	S	P	P	Article 6.25, Article 6.32
Battery Cell Manufacturing Facility	X	S	S	Article 6.25, Article 6.33
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 6.30
Controlled Environment Agriculture Facility	S	S	S	Article 6.25, Article 6.34
Data Center	S	S	S	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	Article 6.25, Article 6.35
Semiconductor Fabrication Facility	X	S	S	Article 6.25, Article 6.36
Semiconductor Packaging and Test Facility	S	S	S	Article 6.25, Article 6.39
Small Modular Reactor or Microreactor Facility	X	S	S	Article 6.25, Article 6.31
Solar Energy Facility, Utility Scale	X	S	S	Article 6.25, Article 6.37
Solar Panel Manufacturing Facility	S	S	S	Article 6.25, Article 6.38

**ATTACHMENT D
PROPOSED ARTICLE 6 STANDARDS
(EMERGING INDUSTRIAL USES)**

25. Emerging Industrial Uses: Common Supplementary Regulations

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

Where a conflict exists between these standards and another applicable provision of these 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, tanks, process support 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 City may require, through site plan review or the Special Use Permit process, increased setbacks and enhanced buffering, 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 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 require, through site plan review or the Special Use Permit process:

- (1) A testing schedule, 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 the 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, including 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 descriptions.
- (4) Wastewater discharge characteristics, if applicable, including 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.

The City may require utility provider letters, system impact documentation, or phased service plans as part of site plan review or the Special Use Permit process.

F. Hazardous Materials Summary, Emergency Coordination, and Containment:

Where a proposed use involves hazardous materials the City may require the applicant to provide a hazardous materials summary sufficient for local review. The summary may be conditioned or expanded through site plan review or 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) A 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, gases, slurries, 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, nutrients, 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 site plan review or the Special Use Permit process, documentation addressing:

- (1) Emergency response coordination 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, an amended Special Use Permit, or both are required. Substantial change as determined by the Zoning Administrator, may include, but is not limited to:

- (1) A significant increase in generating capacity, battery capacity, hydrogen storage volume, compression pressure, or reactor size.
- (2) A change in battery chemistry or other technology that materially changes the hazard profile of the site.
- (3) A major increase in generator count, fuel storage, or testing regime.
- (4) A material increase in process water demand, wastewater discharge, or stormwater exposure risk.
- (5) A change in the location or scale of outdoor equipment, storage, transfer areas, or loading facilities.

(6) The 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, data centers, battery cell manufacturing facility, battery recycling and critical minerals processing facility, hydrogen production facility, hydrogen storage and distribution facility, small modular reactor or microreactor facility, solar energy facility, utility scale, solar panel manufacturing facility, 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 through 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.

26. Battery Energy Storage System (BESS), Principal Use: Specific Supplementary Regulations

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 require, through site plan review or the Special Use Permit process:

(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.
- (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: Specific Supplementary Regulations

A. A Data Center shall require a Special Use Permit in any zoning district where the use is allowed.

B. Backup power systems, generator placement, fuel storage, substations, switchgear, and cooling equipment shall be designed and arranged to minimize noise, vibration, visual impacts, and operational impacts on adjacent property, particularly when near residential districts or other sensitive uses.

C. The application shall include a general inventory of stationary engines and turbines, if any, including unit count, estimated size, fuel type, anticipated non-emergency testing hours, and whether the equipment is intended solely for emergency backup, peak shaving, demand response, or any other operational purpose.

D. The application shall include a general water and cooling narrative, if applicable, identifying the cooling method, expected process or cooling water use, estimated average day and peak day demand, any anticipated blowdown or chemical treatment discharge requiring wastewater review, and whether non-potable, reclaimed, or reused water sources are proposed.

E. The application shall include a general utility and energy narrative identifying estimated peak electric demand in megawatts, planned utility interconnections, proposed phasing, any on-site generation or energy storage, and any known need for substation, transmission, or major distribution improvements.

F. The application shall include information identifying whether the project has completed, initiated, or will be required to complete the screening process through the Kansas Intelligence Fusion Center and, if so, the status of the review and any non-confidential results available at the time of application.

G. The application shall identify whether the applicant has engaged, completed, or enrolled in Evergy's Path to Power process, if applicable, or any successor large-load interconnection, delivery point, or service-feasibility review required by the serving electric utility, and shall provide any non-confidential correspondence or results available at the time of application.

H. The application shall identify whether additional air permitting, emissions review, or other regulatory review is anticipated for backup generation, turbines, boilers, or other stationary equipment before final permits are issued.

I. A noise mitigation plan, including an acoustic study prepared by a qualified professional, shall be required for any data center with outdoor cooling equipment, outdoor mechanical equipment, or stationary backup generation. The study shall address normal operations, routine testing, tonal and low-frequency characteristics, and recommended mitigation measures.

J. Non-emergency generator testing shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday, unless otherwise approved through the Special Use Permit process. No routine generator testing shall occur on Sundays or City-observed holidays, except during emergencies or when required to address an imminent reliability or safety issue.

K. Where a data center site abuts a residential district or is within 500 feet of a residential district boundary or other sensitive use, outdoor generator yards, cooling yards, substations, and bulk fuel storage shall be located at least 500 feet from that district boundary or sensitive use, unless the Planning Commission and Governing Body find that an alternative arrangement, together with buffering, screening, enclosure, and noise mitigation, will provide equivalent or greater protection.

L. The City may require, through the Special Use Permit process:

- (1) Generator test hours, frequency, and duration beyond the baseline requirements of this section.
- (2) Maximum sound levels at the property line and post-construction verification testing.
- (3) Outdoor equipment screening, placement, and enclosure.
- (4) Truck routing and delivery access, where applicable.
- (5) Fuel storage screening, secondary containment, and emergency access.
- (6) A designated local contact for complaints and emergency coordination.
- (7) Decommissioning, removal, and restoration requirements for outdoor equipment, fuel storage, or dedicated utility infrastructure not intended to remain.

28. Hydrogen Production Facility and Hydrogen Storage and Distribution Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, the principal hydrogen-related processes proposed, including production, storage, compression, transfer, filling, blending, or distribution functions, and shall identify the location of storage vessels, compressors, transfer areas, fueling or loading areas, and safety setbacks.

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

C. The application shall include a general utility and operations narrative identifying estimated electric demand, water demand, if applicable, wastewater characteristics, if applicable, major process or storage volumes, and any anticipated air permitting or other regulatory review before operation.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Fire department access and emergency response coordination.
- (2) Fencing, controlled access, and security measures.
- (3) Signage and emergency shutdown information.
- (4) Separation distances, setbacks, and buffering from residential districts or sensitive uses.
- (5) Truck access, loading, unloading, or fueling operations.
- (6) Screening and placement of tanks, compressors, vaporizers, and related equipment.
- (7) Hazard mitigation and spill, release, or venting documentation where warranted.

29. Battery Recycling and Critical Minerals Processing Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, the principal recycling, dismantling, shredding, sorting, leaching, refining, separation, or recovery processes proposed on site and shall identify the location of outdoor storage, indoor storage, processing areas, transfer points, and waste handling areas.

B. The application shall include a general utilities and environmental narrative identifying electric demand, water demand, wastewater characteristics, stormwater exposure risks, and whether air permitting, industrial pretreatment, or other environmental review is anticipated before operation.

C. Outdoor storage of batteries, black mass, recovered materials, scrap, waste, or similar materials shall not occur except as shown on an approved site plan and subject to screening, containment, and stormwater protection measures.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Fire prevention and emergency response coordination.
- (2) Hazardous materials summaries and emergency contacts.
- (3) Wastewater and pretreatment review.
- (4) Outdoor storage, screening, and housekeeping.
- (5) Dust, odor, fumes, and nuisance mitigation.
- (6) Truck routing, truck queuing, and loading area design.
- (7) Setbacks and buffering from residential districts or sensitive uses.
- (8) Limits on outdoor dismantling, shredding, crushing, or similar activities.

30. Carbon Capture, Compression, or CO2 Support Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, the principal carbon capture, compression, dehydration, storage, transfer, pipeline interconnection, or related support functions proposed on site and shall identify major equipment, tanks, compression areas, transfer areas, and pipeline connection points.

B. The application shall include a general utility and operations narrative identifying estimated electric demand, water demand, if applicable, wastewater characteristics, if applicable, process support needs, and any anticipated regulatory review before operation.

C. Where carbon dioxide storage, compression, transfer, or pipeline support infrastructure is proposed, the application shall identify emergency access, controlled access, venting or pressure relief areas, where applicable, and general separation concepts from adjacent uses.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Screening and placement of compressors, tanks, pipe racks, and related equipment.
- (2) Emergency coordination and operational contacts.
- (3) Setbacks and buffering from residential districts or sensitive uses.
- (4) Truck access, transfer operations, and loading design, where applicable.
- (5) Decommissioning, removal, and restoration of support facilities not intended to remain.
- (6) Hazard mitigation and release response documentation where warranted.

31. Small Modular Reactor or Microreactor Facility: Specific Supplementary Regulations

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

B. The application shall identify, at a general level, the proposed reactor technology, generating capacity, support facilities, cooling approach, security features, emergency planning framework, and the location of all major facilities and restricted areas proposed on site.

C. Nothing in this section shall be interpreted to waive, replace, or supersede any applicable federal or state licensing, siting, safety, security, environmental, or emergency planning requirements.

D. The City may require, through the Special Use Permit process, narratives or documentation sufficient to understand:

- (1) Site access and security.
- (2) Emergency coordination and public safety planning.
- (3) Utility, water, wastewater, and cooling implications.
- (4) Decommissioning concepts and long-term site restoration assumptions.
- (5) Hazard mitigation and restricted access procedures.

E. The City may require, through the Special Use Permit process:

- (1) Setbacks and buffering from residential districts, public facilities, or other sensitive uses.
- (2) Access control, perimeter security, and screening of support facilities.
- (3) Emergency coordination with local responders.
- (4) Utility and infrastructure phasing.
- (5) Decommissioning and removal of non-reactor support facilities to the extent permitted by law.

32. Advanced Manufacturing Facility: Specific Supplementary Regulations

A. The application shall include a general description of the principal manufacturing processes proposed on site, the major raw materials and finished products, and the location of production areas, loading areas, storage areas, and major mechanical or utility equipment.

B. Where the use involves significant utility demand, process water, process wastewater, bulk material storage, or outdoor equipment, the application shall include utility and operations information sufficient to understand electric demand, water demand, wastewater characteristics, stormwater exposure risks, and major service needs.

C. Outdoor storage, staging, loading, and service areas shall be shown on the site plan and shall be screened and arranged to minimize visibility from public streets and from adjacent residential districts and sensitive uses.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Truck routing, truck queuing, and delivery access.

- (2) Screening and placement of outdoor equipment, tanks, loading areas, and service yards.
- (3) Utility, wastewater, and stormwater documentation.
- (4) Dust, odor, glare, vibration, or nuisance mitigation where warranted by the proposed operations.
- (5) Setbacks and buffering from residential districts or sensitive uses.
- (6) Limits on outdoor processing, outdoor storage, or hours of operation where warranted by site conditions.

33. Battery Cell Manufacturing Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, the battery chemistries proposed, major production processes, major solvent or electrolyte systems, dry room or controlled-atmosphere areas, if applicable, and the location of major production, storage, loading, and waste handling areas.

B. The application shall include a general utilities and environmental narrative identifying estimated electric demand, water demand, wastewater characteristics, stormwater exposure risks, and whether air permitting, industrial pretreatment, or other environmental review is anticipated before operation.

C. Outdoor storage of raw materials, off-spec products, waste materials, or chemical containers shall not occur except as shown on an approved site plan and subject to screening, containment, and stormwater protection measures.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Hazardous materials summaries and emergency coordination.
- (2) Wastewater and pretreatment review.
- (3) Outdoor storage, screening, and housekeeping.
- (4) Dust, odor, fumes, or nuisance mitigation measures.
- (5) Truck routing, truck queuing, and loading area design.
- (6) Setbacks and buffering from residential districts or sensitive uses.
- (7) Limits on outdoor dismantling, staging, or waste handling activities.

34. Controlled Environment Agriculture Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, the principal production type proposed, including greenhouse cultivation, vertical farming, hydroponic, aeroponic, aquaponic, or similar controlled-environment systems, and shall identify any accessory processing, packaging, storage, or retail components proposed on site.

B. The application shall include a general utility and operations narrative identifying estimated electric demand, water demand, wastewater or nutrient discharge

characteristics, if applicable, proposed backup power systems, hours of operation, and the location of major mechanical equipment.

C. Where supplemental lighting is proposed, site and building design shall minimize off-site glare and light spillover through shielding, screening, orientation, fixture selection, or building design.

D. Where the use is located within 500 feet of a residential district or sensitive use, the City may require a lighting plan identifying expected light levels and proposed mitigation measures.

E. Where carbon dioxide enrichment, fertilizer storage, nutrient mixing, pesticides, or similar materials are proposed above ordinary commercial quantities, the applicant shall provide a general hazardous materials and storage narrative consistent with Section 25.

F. The City may require, through site plan review or the Special Use Permit process:

- (1) Screening and placement of greenhouses, mechanical yards, tanks, pumps, chillers, and backup generators.
- (2) Lighting hours, shielding, and glare mitigation.
- (3) Odor, humidity, and ventilation controls where warranted by site conditions.
- (4) Wastewater, nutrient solution, or process discharge documentation and pretreatment review.
- (5) Loading, delivery access, and truck routing.
- (6) Setbacks and buffering from residential districts or sensitive uses.

35. Research and Development Facility: Specific Supplementary Regulations

A. This section is intended to address principal research and development campuses, laboratories, prototype facilities, and pilot-scale operations, and is not intended to regulate customary accessory laboratory or testing areas subordinate to another principal use.

B. The application shall identify, at a general level, the principal research, testing, prototype, pilot production, or laboratory activities proposed and whether the project includes outdoor testing areas, prototype yards, pilot-scale manufacturing, or major utility or mechanical equipment.

C. Where the proposed use involves hazardous materials above ordinary commercial quantities, process wastewater, outdoor testing, or pilot-scale production, the applicant shall provide narratives consistent with Section 25 regarding hazardous materials, wastewater, stormwater, and emergency coordination.

D. Outdoor testing areas, prototype yards, bulk storage areas, and major equipment yards shall be shown on the site plan and screened or buffered where necessary to protect adjacent property.

E. The City may require, through site plan review:

- (1) Screening and placement of outdoor testing, prototype, or service areas.
- (2) Noise, glare, vibration, or nuisance mitigation where warranted by site conditions.
- (3) Utility, wastewater, and hazardous materials documentation.
- (4) Limits on outdoor testing, demonstration activities, or hours of operation where warranted.
- (5) Setbacks and buffering from residential districts or sensitive uses.

36. Semiconductor Fabrication Facility: Specific Supplementary Regulations

A. The application shall include a general process narrative identifying whether the proposal involves wafer fabrication, etching, deposition, cleaning, lithography, chemical treatment, or other principal semiconductor manufacturing functions, and shall identify any clean room, ultra-pure water, chemical storage, gas storage, bulk chemical delivery, or process exhaust systems proposed.

B. The application shall include a general utilities narrative identifying estimated electric demand, water demand, anticipated ultra-pure water or process water needs, wastewater discharge characteristics, and any anticipated need for industrial pretreatment, air permitting, or other regulatory approvals before operation.

C. The application shall include a general hazardous materials narrative identifying, at a general level, the types of acids, solvents, gases, reagents, slurries, dopants, or other process materials proposed to be stored or used on site, together with general storage and containment methods.

D. The City may require utility provider letters, industrial wastewater review materials, or phased service plans where the scale of the facility warrants additional confirmation of service feasibility.

E. The City may require, through site plan review or the Special Use Permit process:

- (1) Industrial wastewater and pretreatment review.
- (2) Screening and placement of tanks, gas cabinets, scrubbers, exhaust systems, cooling equipment, transformers, and loading areas.
- (3) Hazardous materials management and emergency coordination.
- (4) Truck routing, delivery windows, and access design.
- (5) Setbacks and buffering from residential districts or sensitive uses.

(6) Limits on outdoor storage or outdoor transfer of chemicals, gases, or production materials.

(7) Air emissions, exhaust, or stack location information sufficient to support local compatibility review.

37. Solar Energy Facility, Utility Scale: Specific Supplementary Regulations

A. The application shall include a site plan identifying panel fields, inverter and transformer locations, substations, access drives, perimeter fencing, stormwater features, maintenance access, and any accessory battery storage or related equipment proposed on site.

B. Any Battery Energy Storage System proposed as part of a Utility Scale Solar Energy Facility shall comply with Section 26 in addition to this section.

C. The application shall identify whether the facility will interconnect to an existing or new substation, whether off-site utility improvements are anticipated, and whether a decommissioning or restoration plan is proposed as part of the project.

D. When the site abuts a residential district or sensitive use, the City may require enhanced setbacks, fencing, berming, landscaping, or other screening measures for inverter pads, substations, transformers, or maintenance yards.

E. The City may require, through site plan review or the Special Use Permit process:

(1) Screening and placement of substations, transformers, inverters, and maintenance yards.

(2) Setbacks and buffering from residential districts, public roads, or sensitive uses.

(3) Stormwater management, erosion control, and site stabilization.

(4) Vegetation management, groundcover, and weed control.

(5) Glare or reflectivity information where warranted by site location.

(6) Decommissioning, removal, site restoration, and financial surety.

38. Solar Panel Manufacturing Facility: Specific Supplementary Regulations

A. The application shall include a general manufacturing narrative identifying whether the operation includes glass handling, cell production, lamination, coating, chemical treatment, assembly, packaging, or other major process elements, and shall identify the location of production, storage, loading, and waste handling areas.

B. The application shall include a general utilities and environmental narrative identifying estimated electric demand, water demand, wastewater characteristics, stormwater exposure risks, and whether air permitting, industrial pretreatment, or other environmental review is anticipated before operation.

C. Outdoor storage of raw materials, waste materials, scrap, packaging materials, or chemical containers shall not occur except as shown on an approved site plan and subject to screening, containment, and stormwater protection measures.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Hazardous materials summaries and emergency coordination.
- (2) Wastewater and pretreatment review.
- (3) Outdoor storage, screening, and housekeeping.
- (4) Dust, odor, fumes, glare, or nuisance mitigation where warranted.
- (5) Truck routing, truck queuing, and loading area design.
- (6) Setbacks and buffering from residential districts or sensitive uses.
- (7) Limits on outdoor staging, storage, or waste handling activities.

39. Semiconductor Packaging and Test Facility: Specific Supplementary Regulations

A. The application shall identify, at a general level, whether the proposal involves semiconductor packaging, assembly, burn-in, reliability testing, thermal testing, or other related activities, and shall identify any clean room, controlled environment, process utilities, loading areas, or outdoor equipment proposed.

B. The application shall include a general utilities and operations narrative identifying electric demand, water demand, if applicable, wastewater characteristics, if applicable, and whether hazardous materials above ordinary commercial quantities are proposed.

C. Where the applicant demonstrates that the proposed facility will not involve wet-process fabrication, significant process wastewater, or substantial hazardous material inventories, the City may determine that a reduced level of application detail is sufficient.

D. The City may require, through site plan review or the Special Use Permit process:

- (1) Screening and placement of major mechanical equipment, tanks, loading areas, and service yards.
- (2) Utility, wastewater, and hazardous materials documentation where warranted.
- (3) Truck routing and loading area design.
- (4) Setbacks and buffering from residential districts or sensitive uses.
- (5) Limits on outdoor storage, testing, or transfer activities where warranted by site conditions.

EL DORADO

KANSAS

TO: City Commission
FROM: Scott Rickard, David Dillner, City Manager
SUBJ: Safe Streets for All (SS4A) Grant Application
DATE: May 13, 2026

Background:

The City recently completed the El Dorado Safe Streets 4 All (SS4A) Safety Action Plan. The plan was developed to identify transportation safety needs, evaluate crash patterns, document public input, and give the City a practical framework for future safety improvements. The plan is intended to move the City from reacting to individual safety concerns toward a more intentional program of projects, policies, and improvements. The timing of the FY 2026 SS4A Notice of Funding Opportunity (NOFO) has created a short decision window. The NOFO was released as the City was wrapping up the Safety Action Plan, and applications are due May 26, 2026. City staff will need direction from the City Commission to prepare a grant application and allow time for official action at the May 18 regular City Commission meeting.

FY 2026 also appears to be the final year SS4A funding will be authorized unless Congress reauthorizes the program. The Build Kansas Fund may also not be available in the future, and the City will be required to submit a Build Kansas application simultaneously with the federal grant deadline if the City desires to pursue state grant funding to supplement its application.

The purpose of this work session is not to approve a final design, commit to a specific lane layout, approve a final roundabout configuration, or authorize construction. The purpose is to decide which concept the Commission wants staff to pursue through the grant application.

Project Options:

Option 1: Main Street Corridor Safety Improvements (Locust Avenue to 3rd Avenue)

The Main Street corridor option addresses a broader downtown and central corridor safety need. The SS4A Safety Action Plan identifies Main Street from Locust Avenue to 3rd Avenue in the City's implementation project list. The plan describes this area as the transition from a wider, higher speed corridor into the downtown street environment, where speed carryover and pedestrian comfort are key concerns.

This project would focus on changing how Main Street functions and how drivers perceive the corridor as they enter downtown. Today, Main Street carries regional traffic, local traffic, downtown traffic, pedestrians, business access, parking movements, delivery activity, and turning movements in a relatively constrained corridor. The safety issue is not just one intersection. It is the way the corridor transitions into downtown and the way vehicles, pedestrians, and parking interact along that stretch. Potential improvements could include lane reductions, conversion to a three-lane section, bulb outs, streetscape improvements, pedestrian safety improvements, changes to on-street parking, gateway treatments, vertical treatments, medians or other visual narrowing features, signal improvements, enhanced crossings, ADA improvements, pavement markings, lighting, and other corridor safety work.

The intent would be to slow traffic, shorten pedestrian crossing distances, improve visibility, better define parking, reinforce downtown as a lower speed environment, and make Main Street function more like a downtown street instead of simply a highway passing through the core of the community. Potential crossing improvements could also be evaluated at locations such as 2nd and Vine, 2nd and Gordy, Central and Topeka, and Central and Arthur, depending on engineering review, pedestrian demand, crash history, signal warrants, KDOT coordination, funding eligibility, and final project scope.

The Main Street corridor option is the larger and more visible project. It has the strongest direct connection to downtown, pedestrian safety, speed management, corridor appearance, and reinvestment in the core of the community. It is also better aligned with the expected scale of an SS4A Implementation Grant. The concern is readiness. This project does not currently have even a 10% design. Nearly all final details would be developed later. That includes the final lane configuration, parking changes, curb extensions, medians, vertical treatments, pedestrian crossing treatments, signal modifications, drainage impacts, utility conflicts, emergency response access, delivery and business access, snow operations, and construction phasing.

There will also need to be a significant public engagement process. Any meaningful change to Main Street will generate questions from businesses, property owners, downtown users, emergency responders, school traffic, delivery vehicles, drivers, and pedestrians. If the Commission selects this option, it should do so with the understanding that the grant application would establish the project purpose and general safety scope. It would not approve a final engineered layout.

Staff has already made initial contact with the State Historic Preservation Office on the downtown Main Street concept. That early contact is appropriate because of the downtown setting, but it should only be viewed as early coordination. It is not project clearance or final approval.

Option 2: Main Street and McCollum Road Roundabout

The Main Street and McCollum Road option addresses a specific intersection and school area safety need. This project would focus on the Main Street, US 77, and McCollum Road intersection. This area serves school traffic, residential traffic, and future growth in the northwest portion of the City. El Dorado High School, El Dorado Middle School, and Grandview Elementary are all in the broader area. That makes vehicle circulation, turning movements, pedestrian movement, school traffic, and speed management important considerations.

Staff also sees traffic patterns where drivers use alternative routes through nearby streets to avoid difficult turning movements onto southbound Main Street. That creates an operational issue at the intersection and can push traffic into nearby residential and school area streets. A roundabout could reduce severe conflict points, calm speeds, improve the organization of traffic movements, and provide a safer intersection form at a location that will remain important as the northwest part of El Dorado continues to develop.

The roundabout option is more defined than the Main Street downtown corridor option. A conceptual layout exists, JEO has prepared a cost opinion, and the project is easier to explain as a specific safety improvement at a specific location. The roundabout option still has design questions. These include truck turning movements, school buses, emergency response access, pedestrian crossings at the intersection, right of way, driveway access, drainage, utility conflicts, construction phasing, lighting, approach speeds, and whether the final design should remain as shown conceptually or be refined through design. Direction to apply for funding would not approve the final roundabout layout.

Attachments:

1. CostEstimate_MainStreet-McCollumRoad_Roundabout
2. CostEstimate_MainStreet_Locust-3rd

Advisory Board Recommendation:

Not applicable.

Policy Issue:

Should the City pursue a Safe Streets for All (SS4A) Implementation Grant? The City recently completed the planning phase of the SS4A grant cycle. Federal and state funds are available for local governments to pursue a grant to assist with the implementation of recommendations included in the planning document. The City has a short timeline to identify a project and prepare a grant application as the grant application closes in mid-May. The SS4A plan was developed with public input, although the City did not receive a significant amount of public participation. In addition, the City has not had an opportunity to engage the community with respect to the projects under consideration.

The Main and McCollum Project provides a reasonable solution to safety concerns raised by community stakeholders. A traffic signal does not meet acceptable traffic warrants and would largely be ineffective at that location since peak traffic volumes occur only twice per day during the school year. Outside these peak times, there is little to no value for a traffic signal at that location. The Main Street Corridor will be significantly impacted if this project is selected and awarded funding. Given the recent disruption on Central Avenue due to the BASE grant project, it may not be advisable to proceed with another project that creates significant disruption within the downtown corridor. The City, however, may not have another opportunity to secure federal and state funds in the amount available through the SS4A and Build Kansas programs.

Fiscal Impact:

There is no immediate financial impact from discussion at the work session. If the Commission directs staff to proceed, City staff will work with JEO to complete the SS4A application and Build Kansas Fund application and prepare a resolution for consideration at the May 18, 2026 regular meeting. The City would need to accept the grant, complete required agreements, complete an environmental review, develop final design, address right-of-way and utility issues, and return to the Commission for future approvals if an application is submitted and awarded. The cost estimates for the projects are prepared at conceptual opinions of cost and include contingencies and project delivery allowances. They should be used to compare the relative scale, local exposure, and readiness of the two options, not as final construction budgets. Better cost estimates will be prepared during the design phase of the project.

Main Street Corridor Project

For the Main Street corridor safety project, the project cost is currently estimated at slightly more than \$9.2 million. The City included \$850,000 for water main replacement and \$350,000 for storm sewer replacement as non-participating, supplemental infrastructure costs. Much of the water main infrastructure along this Main Street is older than a century. The City would want to proactively replace that infrastructure rather than construct improvements over aging utilities. The Main Street corridor would include approximately \$6.4 million in federal (SS4A) funding, \$1.2 million in state (Build Kansas) funding, and \$400,000 in local match. The City's total local cost (assuming federal and state funds) is estimated at \$1.6 million. This figure includes the \$1.2 million in non-participating infrastructure. The City's local cost for the Main Street corridor would be approximately \$2.8 million without state assistance.

Main and McCollum Project

The participating project cost for the Main Street and McCollum Road roundabout is currently estimated at \$2.6 million. The project includes approximately \$2.1 million in federal (SS4A) funding, about \$400,000 in state (Build Kansas) funding, and \$135,000 in local matching funds. The City's local cost for the project is estimated at \$530,000 without state assistance.

For both projects, the final cost, participating eligibility, Build Kansas participation, local match, and City funding responsibility could change as the selected project moves through survey, design, public input, environmental review, right-of-way review, utility coordination, and final project scoping.

Trade-Offs:

This project involves several trade-offs that should be considered first before deciding to proceed with a project. First, selecting one project over another makes a policy decision with respect to allocating public funds to achieve some purpose. Choosing one project means not selecting another. This seems rather straightforward, but is an important consideration that elected officials must make when deciding on how to allocate public funds. Said differently, is the desired project the **best use of public funds to achieve the community's goals and desired outcomes?** It is important to weigh the costs and benefits of each project against desired community outcomes before deciding on a project.

Second, federal and state funds may be available to assist with the cost of implementing the selected project. Even so, the City must decide whether the project reflects the best use of limited local dollars. The Downtown Corridor Project includes \$1.6 million in local match, while the Main and McCollum Project includes approximately \$530,000 in local funds. The City has many infrastructure needs throughout the community, so the City Commission must decide whether this is the best use of these local funds or if other uses would produce a better desired outcome for the community.

Finally, both projects seek to address safety concerns identified by the public and staff through the SS4A planning process. The Downtown option addresses broader downtown and corridor safety needs. It has the greatest potential to improve pedestrian safety, speed management, downtown character, and long-term corridor function. It also has the potential for a higher score for the expected SS4A Implementation Grant funding scale. The project scope, however, is less developed, will require more public involvement, includes larger non-participating costs, and carries more construction uncertainty. The Main Street and McCollum Road roundabout option addresses a specific intersection, school area, traffic operations, and growth-related safety needs. It is more

defined, easier to explain, and better positioned for a short turnaround application. The trade-off is that it has a narrow scope and has a lower grant request.

Not applying for an SS4A grant avoids making a decision under a compressed timeline and without much public engagement. This funding opportunity, however, may be the last opportunity under the authorized SS4A funding cycle. The state will also likely discontinue funding the Build Kansas Fund. The City may lose the opportunity to secure federal SS4A funds with Build Kansas funds to reduce our local matching requirement.


Staff Recommendation:

Staff is not recommending a project at this time. The two concepts address different concerns and have different costs and benefits that must be weighed. It is difficult to prepare a recommendation given the fact that limited public input was received during the planning phase, and additional public engagement has not been sought on the specific project concepts. The short turnaround and lack of information about each concept has also limited the opportunity for a thorough discussion by the Executive Leadership Team.

Commission Action:

This item is for discussion purposes only. The item will be scheduled for consideration at a regular meeting pending direction to do so by the City Commission.

Staff requests direction from the City Commission on which project to pursue for this funding cycle. Staff will work with JEO to prepare the grant application for consideration at the May 18 regular meeting agenda for Commission consideration based on direction provided by the governing body.

Conceptual Opinion of Cost	 Date Prepared: April 29, 2026
Main Street and McCollum Road Roundabout	
City of El Dorado, Kansas	
JEO Project No. 231088.00	

ESTIMATE OF QUANTITIES

Item	Description	Unit	Quantity	Unit Price	Total
Main Street and McCollum Road Roundabout					
1	Mobilization	Lump Sum	1	\$50,000.00	\$50,000.00
2	Construction Staking	Lump Sum	1	\$8,000.00	\$8,000.00
3	Site Clearing and Restoration	Lump Sum	1	\$25,000.00	\$25,000.00
4	Removal of Existing Structures	Lump Sum	1	\$6,000.00	\$6,000.00
5	Field Office and Laboratory	Each	1	\$15,000.00	\$15,000.00
6	Unclassified Excavation	Cu. Yd.	1,700	\$15.00	\$25,500.00
7	Embankment	Cu. Yd.	2,400	\$5.00	\$12,000.00
8	Pavement Removal	Sq. Yd.	5,433	\$20.00	\$108,660.00
9	Concrete Curb & Gutter Removal	Lin. Ft.	1,516	\$25.00	\$37,900.00
10	10" Asphalt Pavement	Ton	4,209	\$85.00	\$357,765.00
11	Cement (<i>Pavement Subgrade</i>)	Ton	1,152	\$170.00	\$195,857.00
12	Manipulation for Treated Subgrade (Cement)	SY	6,896	\$3.00	\$20,688.00
13	6" Concrete (<i>Median Legs</i>)	Sq. Yd.	922	\$90.00	\$82,980.00
14	10" Concrete (<i>Roundabout Center</i>)	Sq. Yd.	529	\$140.00	\$74,060.00
15	3" Aggregate Base (<i>Roundabout Center</i>)	Sq. Yd.	529	\$10.00	\$5,290.00
16	12" Aggregate Base (<i>Median Legs</i>)	Sq. Yd.	922	\$30.00	\$27,660.00
17	Concrete Curb & Gutter	Lin. Ft.	4,101	\$40.00	\$164,040.00
18	4" Concrete Sidewalk	Sq. Yd.	685	\$50.00	\$34,250.00
19	ADA Sidewalk Ramp	Each	8	\$2,000.00	\$16,000.00
20	Storm Sewer	Lump Sum	1	\$140,000.00	\$140,000.00
21	Erosion Control	Lump Sum	1	\$30,000.00	\$30,000.00
22	SWPPP Inspection	Lump Sum	1	\$9,000.00	\$9,000.00
23	Signing	Lump Sum	1	\$6,000.00	\$6,000.00
24	Pavement Marking	Lump Sum	1	\$8,000.00	\$8,000.00
25	Seed and Sod	Lump Sum	1	\$35,000.00	\$35,000.00
26	Traffic Control	Lump Sum	1	\$20,000.00	\$20,000.00
Subtotal Construction					\$1,514,650.00
Contingency				25.0%	\$378,662.50
Total Construction					\$1,893,312.50
Preliminary Engineering (PE)				15.0%	\$283,996.88
Right-of-Way				2.5%	\$47,332.81
Utility Coordination				2.5%	\$47,332.81
City Financing / Legal / Administration				7.5%	\$141,998.44
Construction Engineering (CE)				12.5%	\$236,664.06
Total Estimated Project Cost					\$2,650,637.50

JEO Consulting Group Inc.'s (JEO) Opinions of Probable Cost provided for herein are to be made on the basis of JEO's experience and qualifications and represent JEO's best judgment. However, since JEO has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, JEO cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from Opinions of Probable Cost prepared by JEO.

Conceptual Opinion of Cost
Main Street (Locust Avenue to 3rd Avenue)
City of El Dorado, Kansas
JEO Project No. 231088.00

Date Prepared:
May 5, 2026



ESTIMATE OF QUANTITIES

Item	Description	Unit	Quantity	Unit Price	Total
Main Street (Locust Avenue to 3rd Avenue)					
1	Mobilization	Lump Sum	1	\$360,000.00	\$360,000.00
2	Construction Staking	Lump Sum	1	\$30,000.00	\$30,000.00
3	Site Clearing and Restoration	Lump Sum	1	\$50,000.00	\$50,000.00
4	Removal of Existing Structures	Lump Sum	1	\$50,000.00	\$50,000.00
5	Unclassified Excavation	Cu. Yd.	1,500	\$35.00	\$52,500.00
6	Compaction of Earthwork	Cu. Yd.	3,900	\$5.00	\$19,500.00
7	Pavement Removal	Sq. Yd.	17,271	\$20.00	\$345,420.00
8	Sidewalk Removal	Sq. Yd.	4,764	\$25.00	\$119,100.00
9	Concrete Curb & Gutter Removal	Lin. Ft.	5,360	\$25.00	\$134,000.00
10	12" Asphalt Pavement	Ton	12,649	\$85.00	\$1,075,165.00
11	6" Aggregate Base	Sq. Yd.	17,271	\$20.00	\$345,420.00
12	Concrete Curb & Gutter	Lin. Ft.	5,360	\$40.00	\$214,400.00
13	4" Concrete Sidewalk	Sq. Yd.	4,764	\$50.00	\$238,200.00
14	ADA Sidewalk Ramp	Each	32	\$2,000.00	\$64,000.00
15	Signing	Lump Sum	1	\$50,000.00	\$50,000.00
16	Pavement Marking	Lump Sum	1	\$80,000.00	\$80,000.00
17	Electric Lighting System	Lump Sum	1	\$200,000.00	\$200,000.00
18	Traffic Signal Improvements (per Intersection)	Each	2	\$450,000.00	\$900,000.00
19	Gateway Feature	Lump Sum	1	\$150,000.00	\$150,000.00
20	Traffic Control	Lump Sum	1	\$110,000.00	\$110,000.00
Subtotal Construction					\$4,587,705.00
Contingency				25.0%	\$1,146,926.25
Total Construction					\$5,734,631.25
Preliminary Engineering (PE)				15.0%	\$860,194.69
Right-of-Way				2.5%	\$143,365.78
Utility Coordination				2.5%	\$143,365.78
City Financing / Legal / Administration				7.5%	\$430,097.34
Construction Engineering (CE)				12.5%	\$716,828.91
Total Estimated Project Cost					\$8,028,483.75

JEO Consulting Group Inc.'s (JEO) Opinions of Probable Cost provided for herein are to be made on the basis of JEO's experience and qualifications and represent JEO's best judgment. However, since JEO has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, JEO cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from Opinions of Probable Cost prepared by JEO.