

# EL DORADO

K A N S A S

## PLANNING COMMISSION AGENDA

May 28, 2026

5:30 PM

[IGNORE\_INDENT]

### 1. CALL TO ORDER & ROLL CALL

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

### 2. APPROVAL OF MINUTES

#### 1 - 4/23/26 MINUTES

### 3. NEW BUSINESS

#### ITEM NO. 1 - CASE NO. 26-03-BZA: PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ISSUING A VARIANCE TO REDUCE THE REQUIRED SETBACKS AT 502 N WASHINGTON.

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

#### ITEM NO. 2 - CASE NO. 25-01-SUP: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW AN ACCESSORY STRUCTURE AT 720 OAK STREET.

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

D. Motion

4. **OLD BUSINESS**

5. **STAFF ITEMS**

1-

**CHAIRMAN AND VICE CHAIRMAN ELECTION**

**NEXT MEETING - 6/25/26-SUP-CELL TOWER 1590 SW BOYER RD**

6. **ADJOURNMENT**

# 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 1<sup>ST</sup> 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 40acres 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 50<sup>th</sup>, 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 1<sup>st</sup> 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 3<sup>rd</sup>, 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 6<sup>th</sup> 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 50<sup>th</sup>, 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 Cornell

~~Ran Yursten~~

~~Tom Sumaster~~

Anjie Johnston

Golden Buxton

~~Kimley-Horn~~

Jenny Uhrmacher

A. Glusker

C. Bowman

Kyle Lehr

VINCE HAINES.

Brian Lora

Dana Jordan

Frank Lemke

~~Art Christ~~

Rw Proctor

Chloe McCarthy

Miguel Fajal

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

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 Dean 515 W. 13<sup>TH</sup> Ave.

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

## PLANNING COMMISSION MEMORANDUM

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

---

### Background:

Danica Dickson is requesting a variance to reduce the required setbacks to allow for the construction of a 16x46 single family home with a 12x36 attached carport at 502 N Washington. The property is zoned R-1 Residential Low-Density District. As part of any approval, the applicant will still be required to remain out of the street setback, public right of way, sight triangle, utility easement, drainage easement, and any other restricted areas associated with Washington Street.

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

The R-1 district is intended to provide for low density residential development, including uses that reinforce residential neighborhoods. The proposed use is a single-family dwelling, which is consistent with the residential zoning of the property.

### Setback Requirements for 502 N Washington:

- Front Yard: 15 feet
- Side Yard: 5 feet
- Rear Yard: 25 feet

### Proposed Variance Request:

- Front Yard: 10 feet
- Side Yard: 4.5 feet
- Rear Yard: 13 feet

### Justification for Variance:

#### 1. Uniqueness:

### Applicant Case:

The applicant states that the property is an unusually shallow residential lot, measuring approximately 69 feet in depth and 37 feet in width. When the required setbacks are applied, the remaining buildable area is significantly reduced. The applicant indicates that the resulting building envelope is not typical of a standard residential lot and limits the ability to construct a modest single-family home with a functional layout.

The applicant also states that the hardship is not caused by the owner but instead results from the existing dimensions of the lot.

### Staff Case:

Staff find that the lot is constrained by its shallow depth and narrow width. The property is in an older residential area where some lots and existing development patterns may not match current dimensional standards. The request is tied to the physical characteristics of the property, not a proposed use that is inconsistent with the R-1 district.

Because the proposed use remains a single-family residential use, the Board may find that the property has unique physical conditions that support consideration of dimensional relief.

## 2. Consistency with Surrounding Area:

### Applicant Case:

The applicant states that the proposed home and attached carport would be consistent with the established neighborhood and would reduce unused or unusable open space on the lot. The applicant also notes that nearby homes and structures appear to sit closer to property lines than would typically be allowed under current standards, including development near the east property line.

The applicant further states that the former home on the lot was also located close to the east property line, and that the proposed layout would not be out of character with the surrounding area.

### Staff Case:

Staff find that the proposed structure would maintain the residential character of the property and surrounding neighborhood. The request does not introduce a new or more intense land use. It allows the lot to be used for a single-family home, which is consistent with the R-1 district.

Based on the information submitted, the variance does not appear to create a development pattern that would be incompatible with the surrounding residential area, provided that the final structure location is verified during building permit review.

## 3. Hardship:

### Applicant Case:

The applicant states that strict enforcement of the setback requirements creates practical difficulty in making reasonable residential use of the property. The applicant indicates that the remaining buildable depth under the current setbacks would be approximately 29 feet, which limits the ability to construct even a modest single-family residence with a functional layout.

The applicant also states that without relief, a substantial portion of the lot would remain unused or unusable, which would limit the reasonable residential use of the property.

### Staff Case:

Staff find that strict application of the setbacks would significantly limit the ability to construct a practical single-family home on the property. The hardship appears to be related to the size and configuration of the existing lot, not a self-created condition resulting from the proposed project. The requested relief appears to be dimensional in nature and intended to allow reasonable use of an existing residential lot. The Board should consider whether the requested setback reductions are the minimum relief necessary to allow reasonable residential use while still protecting neighboring properties and public interests.

## 4. Public Interest:

### Applicant Case:

The applicant states that the requested variance will not negatively affect adjacent properties or public safety. The applicant indicates that adequate spacing between structures will be maintained and that no interference with drainage, utilities, or access is anticipated.

The applicant also notes that there is no alley behind the lot, no known drainage or utility easements in the requested rear setback area, and no easements between the property and neighboring properties based on the information submitted.

### Staff Case:

Staff finds that the request does not appear to adversely affect the public interest, provided the structure remains outside of public right of way, sight triangles, drainage easements, utility easements, and any other restricted areas.

Any approval should be conditioned on final building permit review, including verification of the final site layout, setbacks, right of way, utilities, drainage, and applicable building code requirements.

## 5. Consistency with the Spirit of the Regulations:

### Applicant Case:

The applicant states that granting the variance would uphold the intent of the zoning regulations while allowing reasonable residential development of a constrained lot. The request would allow a modest single-family home on an existing residential property and would not change the residential nature of the site.

### Staff Case:

Staff find that the request is generally consistent with the spirit and intent of the zoning regulations because the proposed use remains a single-family residential use in an R-1 district. The variance would not permit a use that is otherwise prohibited. It would only provide limited dimensional relief from the setback standards.

With appropriate conditions, the variance would allow reasonable use of the property while still protecting public health, safety, and general welfare.

### Procedures and Steps:

- A public hearing must be held, with notice published at least 20 days prior to the hearing date.
- Notice must be provided to the required parties of interest, property owners within the required notice area, and Planning Commission members as required by the zoning regulations.
- The Board of Zoning Appeals must make a determination on each of the variance criteria and enter those findings into the record.
- The Board of Zoning Appeals may impose conditions, safeguards, and restrictions to minimize any potentially injurious effects of the variance.
- Approval of the variance requires the vote of a majority of the entire body.

### Recommendation:

Staff recommend approval of the requested setback variance, subject to the following conditions:

1. The variance shall be limited to the construction of a single-family home and attached carport substantially consistent with the site plan submitted with the application.
2. The approved minimum setbacks shall be as follows:
  - Front Yard: 10 feet
  - Side Yard: 4.5 feet
  - Rear Yard: 13 feet
3. The structure shall not encroach into public right of way, any required sight triangle, utility easement, drainage easement, or other restricted area.
4. Final placement of the structure shall be verified as part of the building permit review process before construction begins.
5. All other applicable zoning, building code, utility, drainage, and permitting requirements shall remain in effect.

Approval of the variance requires the vote of a majority of the entire body.

### Motion:

### Approval:

I move to approve the setback variance request for 502 N Washington to allow construction of a 16x46 single family home with a 12x36 attached carport, with a minimum front yard setback of 10 feet, minimum side yard setback of 4.5 feet, and minimum rear yard setback of 13 feet, subject to the conditions listed in the staff report, for the reasons listed in the staff report and heard at the public hearing.

### Denial:


I move to deny the setback variance request for 502 N Washington. The request does not meet the

variance criteria stated in the zoning regulations based on the findings entered into the record and evidence heard at this hearing.

**Legend**



 Subject Property

 200' Buffer

N TAYLOR ST

W 5TH AVE

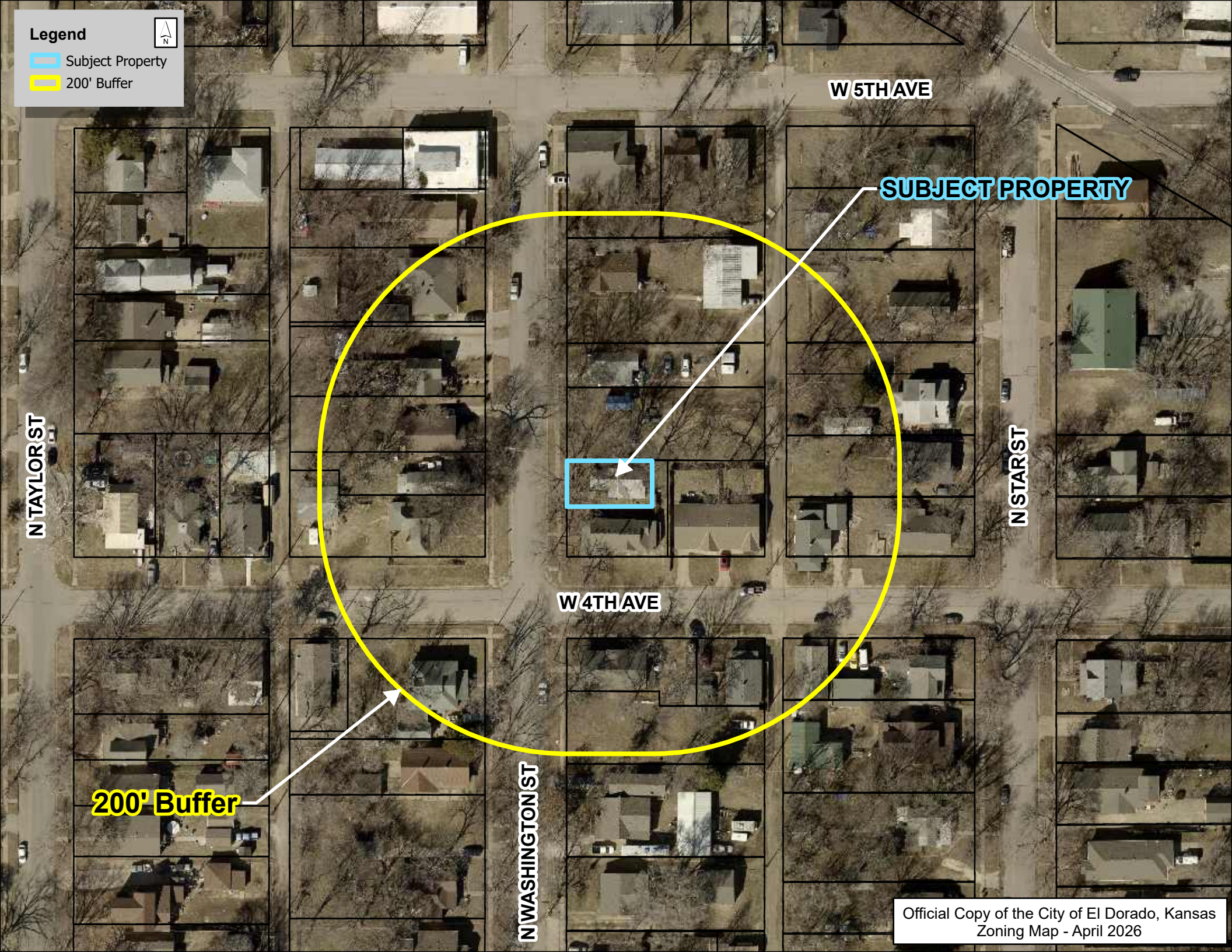
SUBJECT PROPERTY

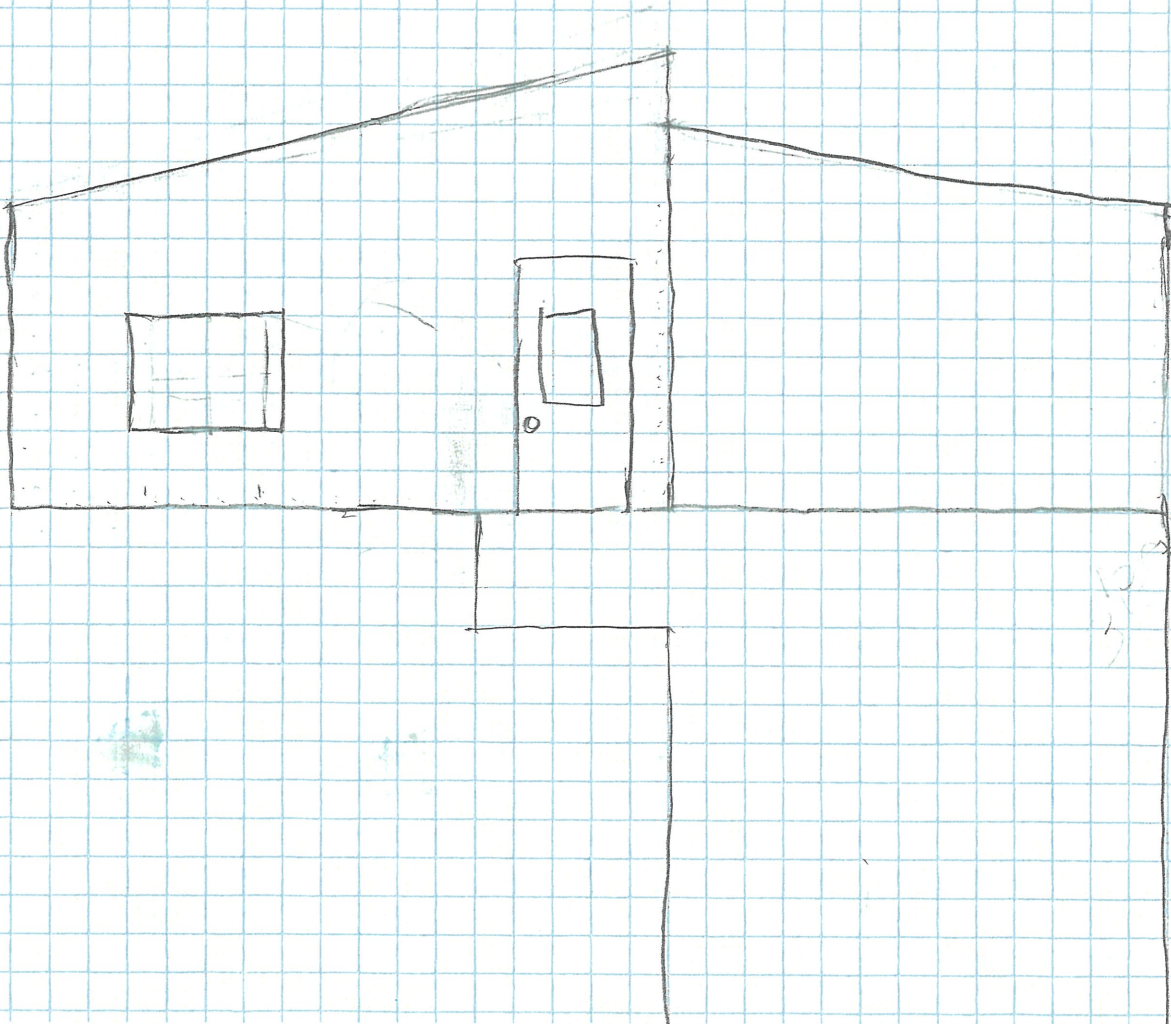
N STAR ST

W 4TH AVE

200' Buffer

N WASHINGTON ST

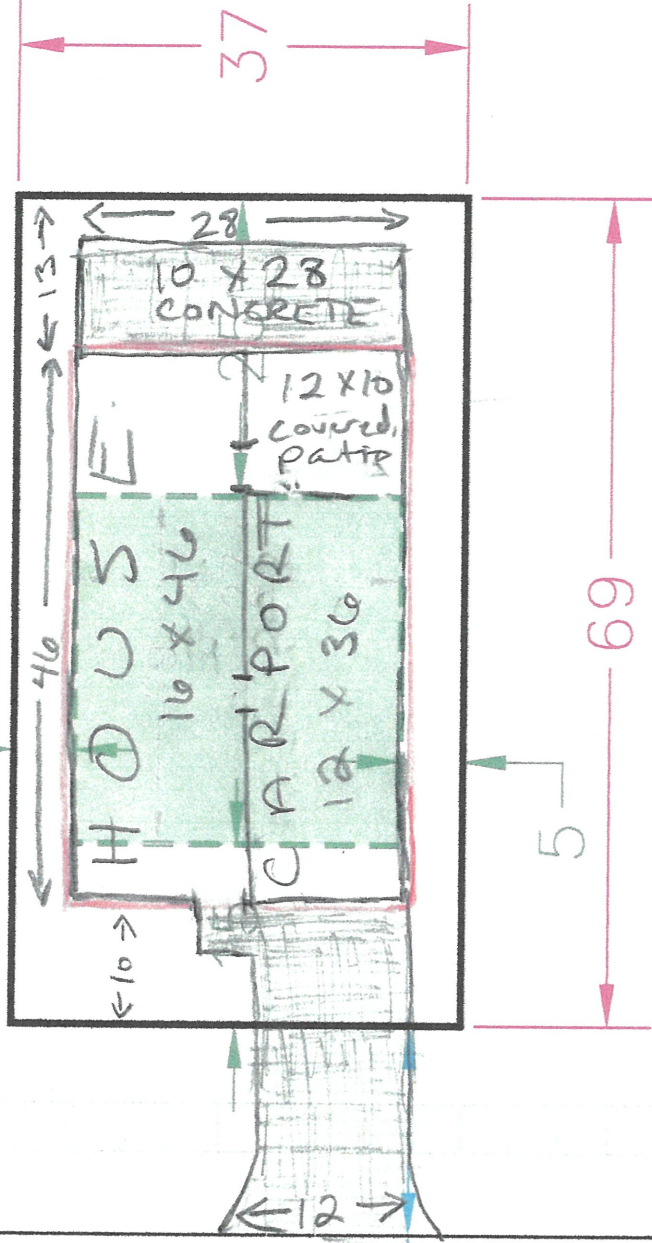






N Washington

17.5  
ROW

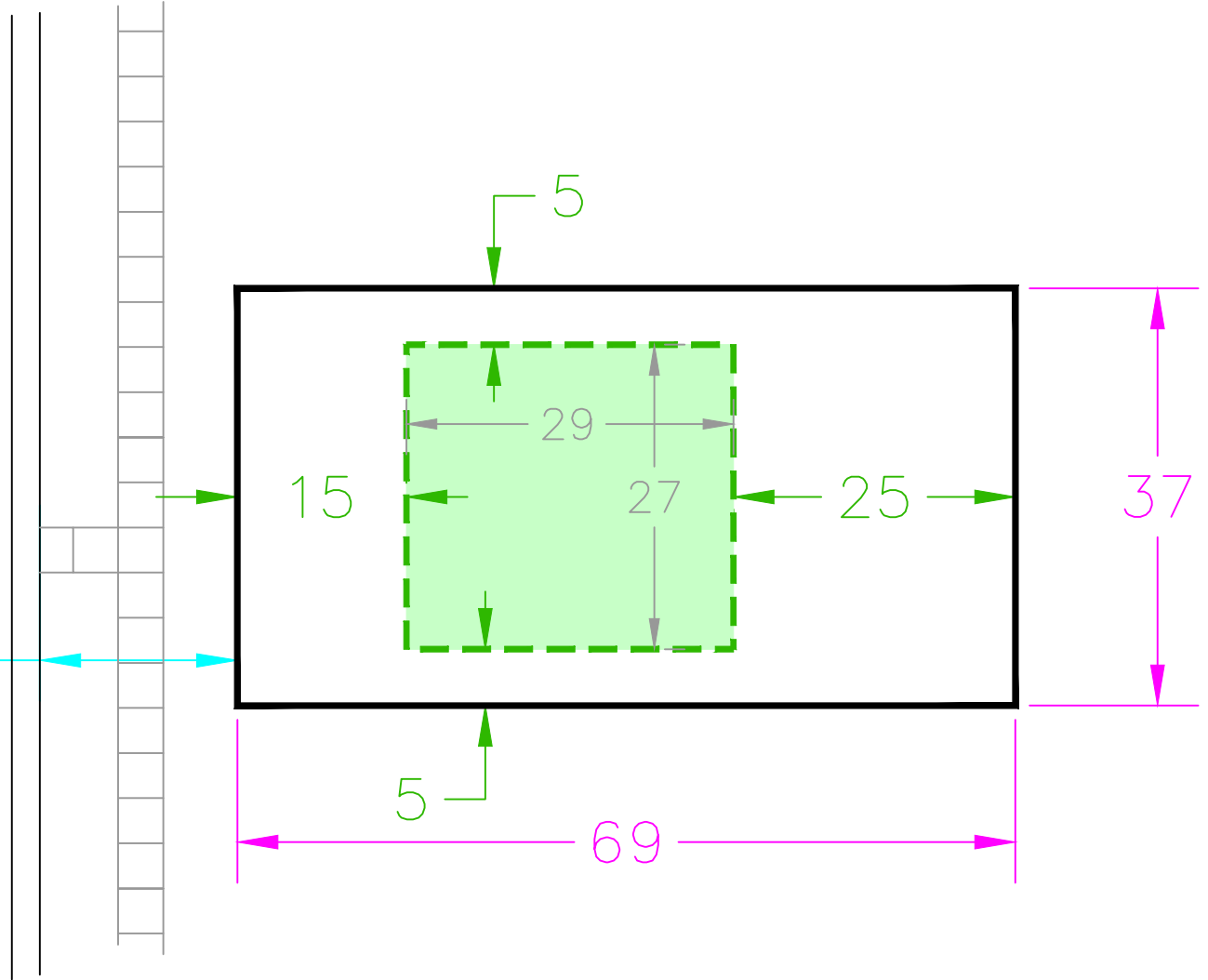


502 N Washington



N Washington

17.5  
ROW



502 N Washington

## PLANNING COMMISSION MEMORANDUM

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

---

### REQUEST SUMMARY

Gary Taylor has requested a Special Use Permit to construct a 1,800 square foot detached accessory structure at 720 Oak Street. The property is located at the southeast corner of Oak Street and East 6th Avenue and is zoned R 2 Residential, Medium Density. The applicant intends to use the structure for personal vehicle storage and hobby related activities.

The proposed structure is larger than what may be approved administratively under the accessory structure standards. The structure is also proposed as a metal building, which does not fully match the architectural materials of the primary residence. For those reasons, the request requires review through the Special Use Permit process.

### PROPERTY AND STRUCTURE DETAILS

The property measures approximately 200 feet along Oak Street and approximately 150 feet along East 6th Avenue, totaling approximately 30,000 square feet. The existing residence was built in 1997 and is a one story ranch style home with approximately 1,150 square feet of main floor living area and a full basement. The home includes an attached garage and has hardboard siding with a composition shingle roof.

The proposed accessory structure is a 30 foot by 60 foot metal building, totaling 1,800 square feet. The submitted building images show a gray and dark colored metal building with overhead doors. The applicant previously stated that the building would use a dark gray and black color scheme similar to the colors of the house.

The structure is proposed near the southeast portion of the lot and is oriented toward East 6th Avenue. The submitted site plan shows a 15 foot setback from East 6th Avenue, an 8 foot setback from the east property line, and a 7 foot setback from the north buildable line. The site plan also shows the structure located behind the front line of the existing home along Oak Street.

Existing mature trees along portions of Oak Street and East 6th Avenue provide natural screening that may reduce the visibility of the structure from the street, cemetery, and surrounding area.

### PRIOR APPLICATION AND CITY COMMISSION ACTION

The applicant previously filed a Special Use Permit request in 2025 for a 1,800 square foot detached accessory structure at this same property. At the April 24, 2025 Planning Commission meeting, the Planning Commission voted 3 to 2 to recommend denial of Case No. 25 02 SUP.

The item then proceeded to the City Commission. At the May 19, 2025 City Commission meeting, the City Commission voted 4 to 1 to affirm the Planning Commission's recommendation to deny the Special Use Permit.

Because both the Planning Commission and City Commission acted on the prior request, the current application should be reviewed with that prior action in mind. The main question for the Planning Commission is whether the current request is materially different from the prior application, and whether any change is substantial enough to address the concerns raised during the 2025 review.

Staff's review is that the current proposal is substantially the same as the 2025 request. The applicant is still requesting approval of a 30 foot by 60 foot, 1,800 square foot detached accessory structure on the same property, in generally the same location, for the same stated personal vehicle storage and hobby related use. The structure is still proposed as a metal building, and it remains larger than what can be approved administratively under the accessory structure standards.

The current submittal does not appear to include a substantial change in building size, use, location, or general appearance from the prior application. The site drawing and building concept are generally the same as those previously considered. Therefore, the Planning Commission should consider whether the same concerns from the 2025 hearing remain, including the size of the structure, the appearance of the building, the amount of tree screening, visibility from the cemetery and surrounding area, and whether any approval conditions would adequately address impacts both now and under future ownership.

## ZONING COMPLIANCE

Accessory structures in residential districts are regulated under Article 6 of the El Dorado Zoning Regulations. The regulations allow detached garages and other accessory structures, but they limit size, placement, height, and relationship to the principal structure. Accessory structures may be allowed up to 1,200 square feet under the baseline standard, and up to 1,500 square feet when additional placement and material requirements are met. Larger accessory structures may be allowed by Special Use Permit.

In this case, the proposed structure:

- Exceeds the 1,200 square foot baseline allowance.
- Exceeds the 1,500 square foot conditional allowance.
- Is proposed as a metal building.
- Requires review through the Special Use Permit process.

The submitted site plan appears to meet the applicable setback requirements for the proposed location. Final setback compliance will still need to be confirmed as part of the building permit review.

## SPECIAL USE PERMIT REVIEW

The following review addresses the applicable Special Use Permit standards.

### A. Location and Size of Proposed Use in Relation to the Site and Adjacent Properties

The proposed 1,800 square foot accessory structure is larger than a typical residential accessory building. However, the subject property is also larger than a typical residential lot. The proposed structure would be located in the southeast portion of the property, behind the front line of the home along Oak Street.

The size of the building remains the primary issue. A 1,200 square foot structure could be permitted administratively if it met the applicable code requirements. The request before the Planning Commission is for an additional 600 square feet beyond that baseline allowance.

## B. Accessibility to Municipal Services, Traffic Flow, and Parking

The property is located within an established residential area and is accessible to police, fire, refuse collection, and other municipal services. The proposed accessory structure is intended for personal residential use and is not expected to generate additional traffic beyond normal residential activity.

Access is proposed from East 6th Avenue. Any driveway, approach, curb cut, or access modification would be reviewed through the normal City permit process.

## C. Utility and Service Availability

The lot is already served by municipal and private utilities typical of residential development. The proposed accessory structure is not expected to require major utility extensions or public infrastructure improvements.

## D. Structure Design, Height, and Relation to Adjoining Properties

The proposed building is a one story metal accessory structure with 12 foot side walls. The building does not match the hardboard siding and composition roof of the primary residence, although the applicant has indicated the building colors would be similar to the colors of the home.

The material and appearance of the building remain part of the Planning Commission's review. The structure is located on a large corner lot and is proposed behind the front line of the home, but it is also near the cemetery area and would rely in part on existing tree cover to reduce visibility.

## E. Yard and Open Space Requirements

The submitted site plan shows the proposed structure meeting the applicable yard requirements, including the 15 foot setback from East 6th Avenue, the 8 foot setback from the east property line, and the 7 foot setback from the north buildable line.

The lot will retain substantial open space after construction of the accessory building.

## F. Compatibility with Adjacent Properties and Community Welfare

The proposed use is residential in nature and is intended for personal vehicle storage and hobby related activity. It does not introduce a commercial, industrial, or multi family use onto the property.

The Planning Commission should consider whether the structure's size, material, location, and reliance on existing tree screening are compatible with the surrounding area. The Commission should also consider whether the current application provides any substantial change from the prior request that was recommended for denial by the Planning Commission and affirmed for denial by the City Commission.

## POSSIBLE CONDITIONS FOR CONSIDERATION

If the Planning Commission recommends approval, staff recommends that the following conditions be considered:

1. The Special Use Permit shall be limited to one detached accessory structure, 30 feet by 60 feet, totaling 1,800 square feet, substantially consistent with the submitted site plan and building images.
2. The structure shall be used only for personal residential accessory use. No commercial, industrial, rental, or separate dwelling use shall be permitted.

3. The structure shall maintain the setbacks shown on the submitted site plan, subject to final verification during building permit review.
4. The building exterior shall use neutral colors generally consistent with the submitted building images and the colors of the primary residence. Existing tree cover along Oak Street and East 6th Avenue shall be retained where practical to help screen the structure.

The Planning Commission may also consider any additional conditions offered by the applicant or discussed during the public hearing that would address compatibility, screening, tree preservation, visibility from the cemetery, driveway location, building appearance, or future use of the structure.

## STAFF RECOMMENDATION

Staff recognizes that the current request is substantially the same as the 2025 request previously considered by the Planning Commission and City Commission. The size, use, location, and general building concept do not appear to have materially changed. The prior Planning Commission discussion remains relevant, particularly the concerns related to the size of the structure, building appearance, tree screening, visibility from the cemetery and surrounding area, and future ownership. The City Commission later voted 4 to 1 at the May 19, 2025 meeting to affirm the Planning Commission's recommendation to deny the prior request.

At the same time, the Special Use Permit process allows the Planning Commission to consider site specific information, public input, and possible conditions of approval. Staff hopes the applicant can bring additional information to the public hearing that directly addresses the concerns raised during the previous review. This could include additional information on building materials and colors, tree preservation, screening from the cemetery and surrounding properties, driveway location, visibility of the structure, and any proposed conditions that would limit or reduce potential impacts.

If the Planning Commission finds that the applicant has provided new or additional information sufficient to address the prior concerns, the Commission may recommend approval with conditions. If the Planning Commission finds that the current application remains substantially the same as the prior request and that the previous concerns have not been adequately addressed, staff recommends denial of Case No. 26 01 SUP.

## MOTION OPTIONS

### Approval Motion:


I move to recommend approval of Case No. 26 01 SUP, Gary Taylor's request for a Special Use Permit to allow a 1,800 square foot detached accessory structure at 720 Oak Street, subject to the conditions listed in the staff report and any additional conditions stated into the record, and for the reasons stated in the staff report and heard at this public hearing.


### Denial Motion:

I move to recommend denial of Case No. 26 01 SUP, Gary Taylor's request for a Special Use Permit to allow a 1,800 square foot detached accessory structure at 720 Oak Street, finding that the current application is not substantially different from the prior request that was recommended for denial by the Planning Commission and affirmed for denial by the City Commission, and for the reasons stated in the staff report and heard at this public hearing.

**Legend**



 Subject Property


 200' Buffer

 Parcels

**Zoning 2024**

**Zone**

 I-1

 R-1

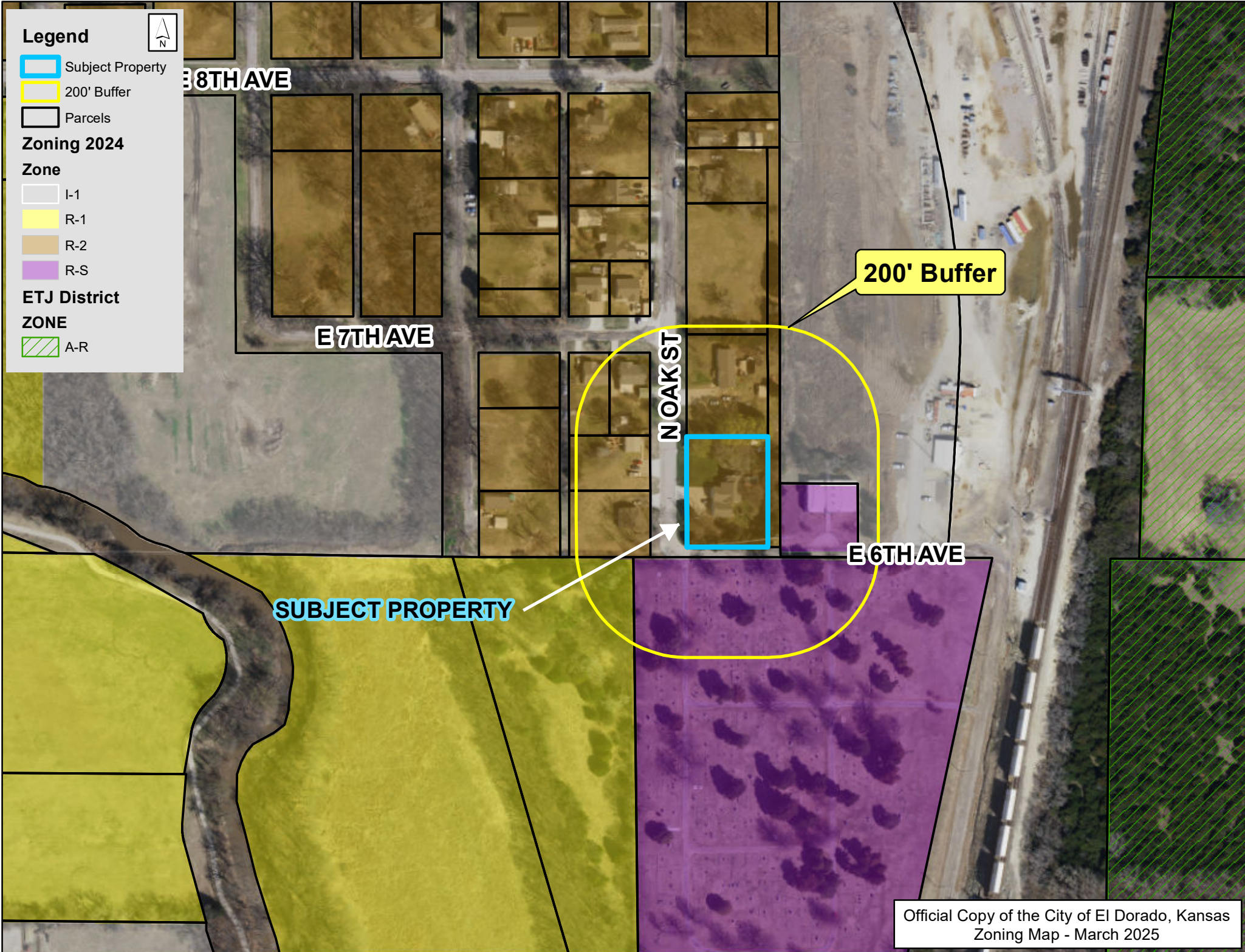
 R-2

 R-S

**ETJ District**

**ZONE**

 A-R



E 8TH AVE

E 7TH AVE

NOAK ST

200' Buffer

E 6TH AVE

SUBJECT PROPERTY

720 Oak St

Lot Zoned R-2  
Platted Prior to 1951

Property Line

Match Front House

Oak St

Buildable Area

30x60

200

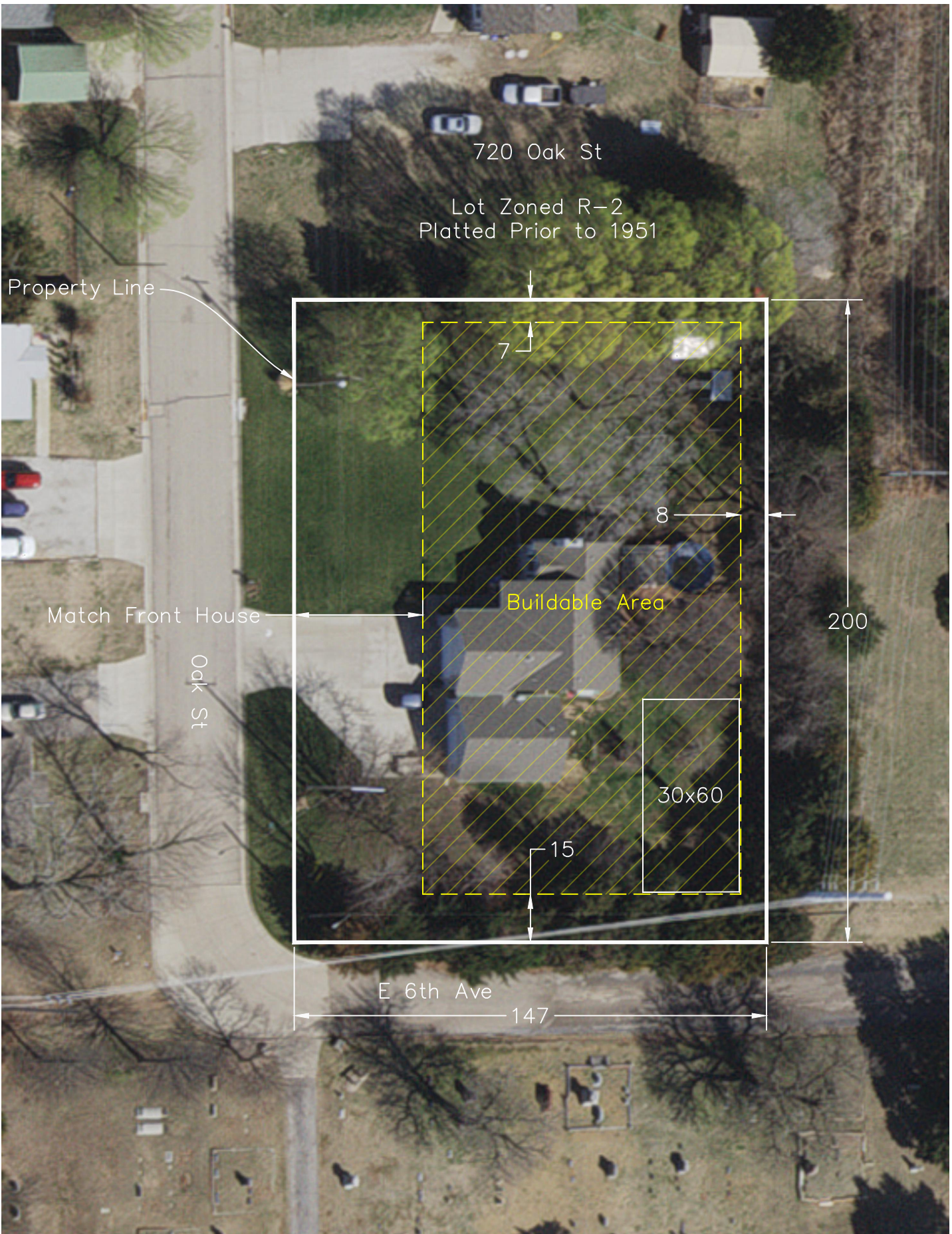
E 6th Ave

147

7

8

15





Perspective View



Front



Left Side



Right Side



Back