



**Emporia**  
Kansas

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**EMPORIA PLANNING COMMISSION / BOARD OF ZONING APPEALS**  
**TUESDAY, JUNE 17, 2025 AT 6:00 PM**  
**CITY COMMISSION / MUNICIPAL COURT ROOM**  
**518 MECHANIC, EMPORIA, KS**

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**ORDER OF BUSINESS**

**CALL MEETING TO ORDER** Chair Raymond Rogers

**MEMBERS PRESENT**

Vice Chair Tammi Ogle | Larry Bucklinger | Kenton Thomas | Stan Fowler | Lilian Lingenfelter | Joe Reed

**NEW BUSINESS**

- 1. Board of Zoning Appeals: Consider the Minutes of the May 20, 2025 Board of Zoning Appeals Meeting.**  
*Presented by: Justin Givens, Planning & Zoning Administrator*  
**Recommended Action:** Approve Minutes
- 2. Board of Zoning Appeals: Consider BZA VAR 2025-03 – A Request for a Variance from the Building Setback Requirements of the Emporia Zoning Regulations.**  
*Presented by: Justin Givens, Planning & Zoning Administrator*  
**Recommended Action:** Conduct Public Hearing | Grant / Deny Variance Request
- 3. Planning Commission: Consider the Minutes of the May 20, 2025 Planning Commission Meeting.**  
*Presented by: Justin Givens, Planning & Zoning Administrator*  
**Recommended Action:** Approve Minutes
- 4. Planning Commission: Consider PC 2025-08 – A Request for Rezoning of Property Located at 600 & 626 W HWY 50 – City Initiated**  
*Presented by: Justin Givens, Planning & Zoning Administrator*  
**Recommended Action:** Conduct the Public Hearing | Make Recommendation to Governing Body

**ADJOURNMENT**



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**EMPORIA-LYON COUNTY METROPOLITAN AREA  
PLANNING COMMISSION / BOARD OF ZONING APPEALS  
MINUTES OF MAY 20, 2025  
REGULAR MEETING**

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The Board of Zoning Appeals met in a regular session on Tuesday, May 20, 2025, with Chair Rogers presiding. Commissioners Bucklinger, Thomas, Fowler, Ogle, Lingenfelter, and Reed were present.

City staff: Justin Givens, Planning & Zoning Administrator, was present.

**Chair Rogers** called the meeting to order.

**1. Consider BZA VAR 2025-02 – A Request for a Variance from the Building Setback Requirements of the Emporia Zoning Regulations.**

**Chair Rogers** asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper for the original public hearing date.

**Chair Rogers** asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

**Givens** provided the Staff Report.

**STAFF REPORT**

**Application #:** BZA 2025-02

**Applicants:** T&P Enterprises, LLC

**Requested Action:** Approval of a Variance for Reduced Front Yard Setback

**Purpose:** Applicant desires to construct an addition to an existing building

**Address:** 3112 Melrose PL.

**Legal description:** A PART OF LOT EIGHT (8) IN BLAYLOCK ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING ON THE WEST LINE OF MELROSE PLACE, AT A POINT 60 WEST OF THE SOUTHEAST CORNER OF LOT FOUR IN SAID ADDITION; THENCE S.00°11'19"E. (BASIS OF BEARINGS) ON SAID WEST LINE OF MELROSE PLACE FOR 330.00 FEET;  
THENCE N.89°49'16"W. FOR 220.00 FEET; THENCE N.00°11'19"W. PARALLEL WITH SAID WEST LINE OF MELROSE PLACE FOR 330.22 FEET TO THE SOUTH LINE OF LOT FOUR IN SAID BLAYLOCK ADDITION, AT A POINT 40 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT FOUR; THENCE S.89°45'52"E. ON THE SOUTH LINE OF SAID LOT FOUR FOR 220.00 FEET TO THE POINT OF BEGINNING.

**Lot Size:** 1.70 acres

**Existing Zoning:** Heavy Industrial (HI)

**Future Zoning in ELC Comp. Plan:** Heavy Industrial (HI)

**Surrounding Zoning:**

**North:** Heavy Industrial  
**East:** Heavy Industrial  
**South:** Heavy Industrial  
**West:** Heavy Industrial

**Surrounding Actual Uses:**

**North:** Automotive Repair & Storage  
**East:** Automotive Repair & Storage / Construction Company  
**South:** Auto Salvage / Industrial Yards  
**West:** Auto Salvage

**Applicable Regulations:**

Section 3.3.2 Heavy Industrial Building Standards

**Analysis:** The applicant is proposing to construct an addition to an existing building to expand their business operations. Based on existing site conditions, including a loading dock, electrical and gas services lines, and interior work flow processes, a request has been made to expand to the east towards the street.

When the applicant purchased the property, the loading dock was already existing on the west side of the property, and the interior shop and office areas had been built. Utilities on the south and garage bays on the north side of the building make expansion in either direction burdensome for the property owner.

A metal fence sits along the east side of the road and would still provide a buffer from the building to the road. The proposed addition would sit approximately 9 feet off the fence. If treated as a side yard, the proposed expansion would be required to meet a 15 foot minimum setback.

Staff supports the variance request as the pre-existing conditions on the property make an expansion burdensome, the volume of traffic on the adjacent road is very minimal, the expansion would be inside the fence and away from the road to not infringe upon any right of way or utility easements.

**Recommendation: Staff recommends approval of the variance based on the following;**

- 1) **The variance requested arises from a condition which is unique to the property in question, and which is not ordinarily found in the same zone or district; and is not created by action of the property owner or applicant.** As previously stated, the pre-existing conditions on the property and inside the building were in place when the applicant purchased the property. The applicant's business has grown, and it appears there is enough space on the west and south to expand, staff feels that the existing conditions create a barrier to development, that would justify the variance request.
- 2) **The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.** The expansion will be within a fully screened area and there is

sufficient roadway width and right of way that it would not infringe upon any of the neighboring property owners or interfere with traffic movement.

- 3) **The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.** Requiring the addition to be built to the north, south or west would be burdensome and costly for the applicant to relocate existing utilities, redesign and relocate the loading area or front entrance. Allowing the expansion in the proposed location would make for a logical location and remove the unnecessary hardship of meeting the required setback.
- 4) **The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.** As previously stated, staff does not feel that the granting of the variance would not have an adverse impact on any neighboring property owner, or the general welfare of the public. The building will be screened and the low volume of traffic on the road will not be impeded.
- 5) **The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.** If granted the building will maintain a setback from the street that will not interfere with any site lines, will be screened from the road, and in general will not be against the spirit or intent of the regulations.

**Neighborhood Communications:** Staff has received no inquiries about this project.

**Recommendation:** Staff recommends approval of the variances.

**Attachments:** Aerial Map | Current Zoning Map | Proposed Site Plan | Existing Conditions Photos

**The Public Hearing was opened.**

**Jamey Pettigrew (applicant)** spoke on behalf of the application. **Pettigrew** stated that based on necessity for business expansion and the existing layout of the building it was necessary to encroach into the minimum setback.

**Commissioner Bucklinger** asked about future expansion. **Pettigrew** stated at this time they do not have any additional expansion plans, but any new expansion would require a second building.

No Person spoke against the rezoning.

**The Public Hearing was closed.**

**Commissioner Bucklinger** made a motion to approve the Variance Request increasing the required build to line to nine (9) feet based on staff recommendations. **Commissioner Ogle** seconded the motion. The motion carried 7-0.

**Adjournment:** With no further discussion, the meeting was adjourned.

Respectfully Submitted,

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Justin Givens, Secretary



**Emporia**  
Kansas

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**EMPORIA-LYON COUNTY METROPOLITAN AREA  
PLANNING COMMISSION / BOARD OF ZONING APPEALS  
TUESDAY, JUNE 17, 2025, 6:00 PM  
CITY MUNICIPAL COURT ROOM**

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**STAFF REPORT**

**Application #:** BZA 2025-03

**Applicants:** Brenna & Tim Mercer (property owners)

**Requested Action:** Approval of a Variance for Reduced Rear Yard Setback

**Purpose:** Applicant desires to construct an addition to an existing building

**Address:** 2018 Fanestil Dr.

**Legal description:** LOT 3 IN COUNTRY CLUB TERRACE ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF. ALSO PART OF LOT 2 IN COUNTRY CLUB TERRACE ADDITION TO THE CITY OF EMPORIA, ACCORDING TO THE RECORDED PLAT THEREOF, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHERLY CORNER OF SAID LOT 3; THENCE SOUTHWESTERLY 60 FEET, BEING A MID-POINT ON THE EASTELRY BOUNDARY OF SAID LOT 2; THENCE IN A NORTHWESTERLY DIRECTION TO THE WESTERLY BOUNDARY OF SAID LOT 2, AT A POINT 57.5 FEET SOUTHWESTERLY FROM THE NORTHERLY CORNER OF SAID LOT 2; THENCE NORTHEASTERLY TO THE NORTHERLY CORNER OF SAID LOT 2; THENCE SOUTHEASTERLY ALONG THE NORTHERLY BOUNDARY 181.8 FEET TO THE PLACE OF BEGINNING.

**Lot Size:** 31,400 sq. ft.

**Existing Zoning:** Single-Family Detached (SF-D)

**Future Zoning in ELC Comp. Plan:** Single-Family Detached (SF-D)

**Surrounding Zoning:**

**North:** Single-Family Detached

**East:** Single-Family Detached

**South:** Single-Family Detached

**West:** Single-Family Detached

**Surrounding Actual Uses:**

**North:** Single-Family Residential

**East:** Single-Family Residential

**South:** Single-Family Residential

**West:** Single-Family Residential

### **Applicable Regulations:**

Section 3.3.2 Single-Family Detached Building Standards – 20 ft. Required Rear Yard Setback

**Analysis:** The applicants are proposing to construct an addition to an existing home. This unique property has a drainage area in the front yard, which restricts the amount of buildable space on the property. The applicants worked with staff on an addition that would have been built to the south of the structure, but a natural gas main was discovered on the property which removed the option of building to the south.

The applicants have proposed a 20' x 25' addition to the east portion of the home, which would go four (4) feet into the required 20 foot rear yard setback.

Based on the location of the gas main and unique terrain of the property that limits the buildable area for the owners, staff is supportive of the variance request.

**Recommendation:** Staff recommends approval of the variance based on the following;

- 1) **The variance requested arises from a condition which is unique to the property in question, and which is not ordinarily found in the same zone or district; and is not created by action of the property owner or applicant.** The subject property has a very limited building envelope due to the terrain and existing gas main bisecting the property. The drainage area in the front yard has forced the home to be built further back on the lot than a typical home, and the gas main limits any expansion to the south.
- 2) **The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.** The subject property shares a common property line with the property to the east. The applicants are requesting to infringe 4 feet into the required rear yard setback. Staff does not feel that allowing the variance would infringe on the rights of the neighboring property owner. There is existing adequate screening along the common property line that would limit the visual impact of the addition.
- 3) **The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.** The applicants would not be able to effectively add space to their home if the variance was not granted. The applicants initially tried to build the addition to the south, but the discovery of a gas main limited them to adding on to the home to the east only.
- 4) **The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.** Staff feels there would be no adverse effect to the public health, safety, morals or general welfare. Adequate screening is in place to limit the visual impact to the one property that would be effected by the addition.
- 5) **The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.** Staff maintains that based on the existing site conditions, the limited infringement and the location of surrounding properties, adequate space exists to provide separation from neighboring properties and would not be in opposition of the general spirit of the zoning regulations.

**Neighborhood Communications:** Staff has received several inquiries about this project, but no objections have been stated.

**Recommendation:** Staff recommends approval of the variance.

**Attachments:** Aerial Map | Current Zoning Map | Proposed Site Plan | Existing Conditions Photos





Galaxy S22+





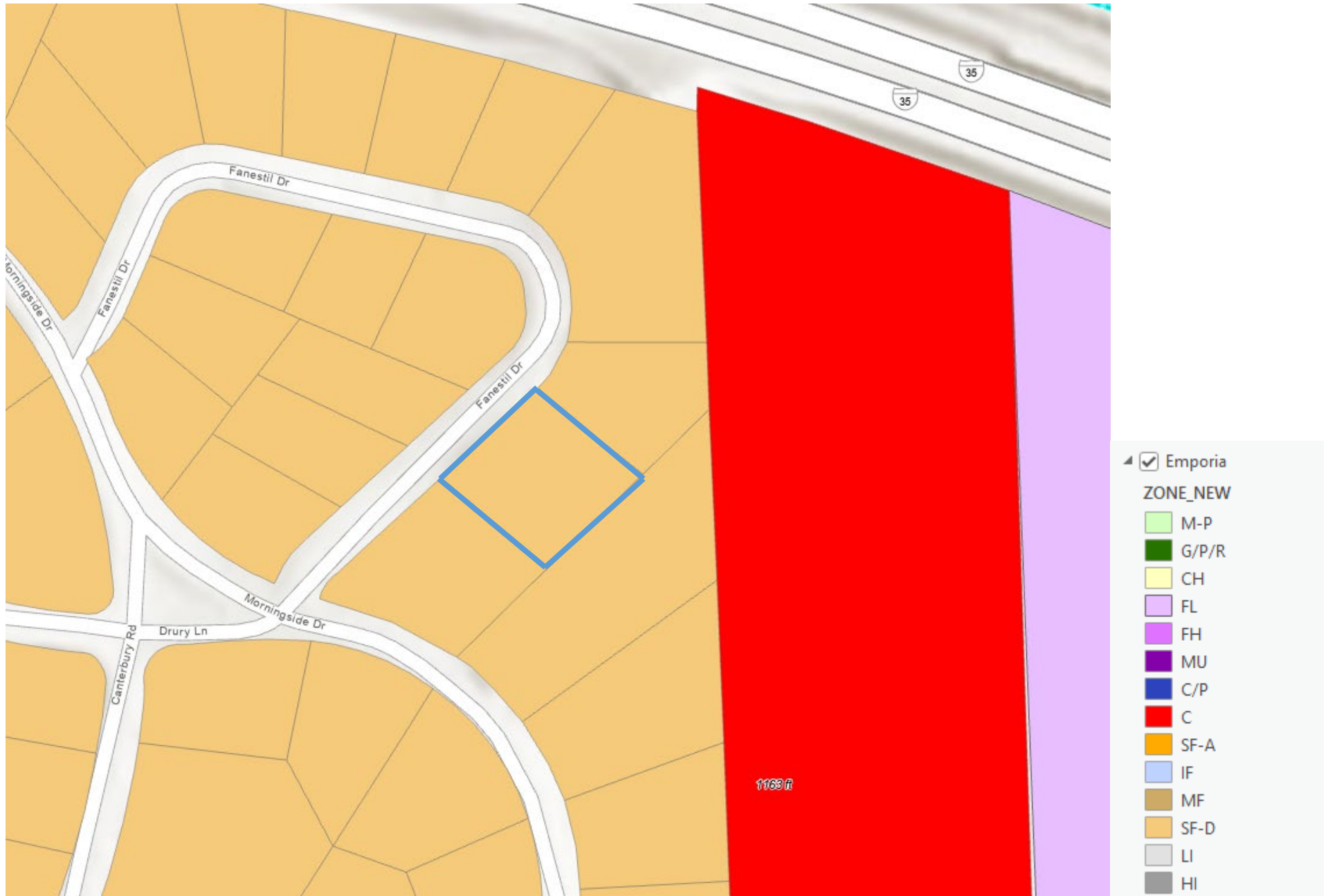
Galaxy S22+



MERCER 2018 FANESTIL DR  
REAR YARD SETBACK VARIANCE REQUEST  
AERIAL PHOTO



MERCER 2018 FANESTIL DR  
REAR YARD SETBACK VARIANCE REQUEST  
ZONING MAP





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**EMPORIA-LYON COUNTY METROPOLITAN AREA  
PLANNING COMMISSION / BOARD OF ZONING APPEALS  
MINUTES OF MAY 20, 2025  
REGULAR MEETING**

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The Planning Commission met in a regular session on Tuesday, May 20, 2025, with Chair Rogers presiding. Commissioners Bucklinger, Thomas, Fowler, Ogle, Lingenfelter, and Reed were present.

City staff: Justin Givens, Planning & Zoning Administrator, was present.

**Chair Rogers** called the meeting to order.

**1. Consider The Minutes of the March 18, 2025 Regular Meeting Of The Planning Commission.**

**Givens** presented the commission with the minutes from the March 18, 2025 meeting.

**Commissioner Thomas** made a motion to approve the minutes as presented. **Commissioner Fowler** seconded the motion. The motion carried 7-0.

**2. Consider PC 2025-06 – A Request for a Final Plat for Property Located at 1700 Road G.**

**Chair Rogers** asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper for the original public hearing date.

**Chair Rogers** asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

**Givens** provided the Staff Report.

**STAFF REPORT**

**Application #:** PC 2025-06

**Applicants:** Stormont-Vail Regional Health Systems

**Owners:** Stormont-Vail Regional Health Systems

**Requested Action:** Review a Final Plat

**Purpose:** To facilitate future development of the property.

**Address:** 1700 Road G

**Legal description:** A part of the Northwest Quarter of Section 7, Township 19 South, Range 11 East of the 6<sup>th</sup> P.M., Lyon County, Kansas, written by Travis L Haizlip, PS 1724 on May 02, 2024 and more particularly described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 7; thence on a NAD 83, Kansas Regional Coordinate System, Zone 9 bearing of North 89 degrees 00 minutes 04 seconds East on the North line of said Northwest Quarter a distance of 958.46 feet to the West line of an excepted tract described as Tract 2 in Document No. 2024-00630 at the Office of the Lyon County Register of Deeds; thence South 00 degrees 59 minutes 56 seconds East on said West line a distance of 898.84 feet; thence South 89 degrees 00 minutes 04 seconds West a distance of 980.11 feet to the West line of said Northwest Quarter; thence North 00 degrees 22 minutes 50 seconds East on said West line a distance of 899.10 feet to the point of beginning. Containing 20.00 acres of land more or less. Emporia, Lyon County, Kansas

**Lot Size:** 17.64 acres +/-

**Existing Zoning:** Commercial

**Future Zoning in ELC Comp. Plan:** Commercial

**Surrounding Zoning:**

<b>North</b>	Flex Use Low   Civic/Public   County Agriculture
<b>East</b>	Flex Use Low
<b>South</b>	County Agriculture
<b>West</b>	Flex Use Low   County Flex Use Low

**Surrounding Actual Uses:**

<b>North</b>	Frontier Farm Credit   Lighthouse Baptist Church
<b>East</b>	DeBauge Soccer Complex
<b>South</b>	Vacant Agricultural Land
<b>West</b>	Evergy   Schaefer Equipment Co.   Agricultural Land

**Analysis:** The applicant is proposing a single lot plat to provide for future development of the property. The property was previously annexed into the city and all utilities (public and private) are located adjacent to the property. The property was previously in the Metropolitan Growth Area and is considered an area of commercial development in the comprehensive plan.

The existing west entrance for the DeBauge Soccer Complex is actually on the subject property and the applicant has provided dedicated right of way for a new public street that would provide access to DeBauge Soccer Complex and to the property to the south.

The property has been rezoned to a city zoning parcel type, and all conditions of the Preliminary Plat approval have been met.

**Plat Name:** The proposed name of the development is Stormont-Vail Health Emporia Subdivision which meets requirements.

**Legal Description:** The legal description shown on the preliminary plat meets requirements and has been reviewed by the County Surveyor.

**Lots:** The preliminary plat proposes one lot, which is appropriately labeled.

**Blocks:** A single block is shown, while not necessary for this plat, it is acceptable.

**Building Lines:** The applicant is proposing a front building setback line of 50 feet. Staff finds this acceptable as it clears all drainage areas, provides better visibility in the area and allows for possible future right of way needs.

**Easements:** Existing easements along Road G and 18<sup>th</sup> Ave. will be retained. All utility service lines will be located within existing easements or the public right of way. The Utility Advisory Board has reviewed the plat and individual private utilities have not asked for additional easements at this time.

**Reserves:** No reserves are shown on the plat, which is acceptable for this development. The drainage area to the west of the property will be within the right of way.

**Drainage:** A final drainage plan has been reviewed and approved by the City Engineer.

**Public & Private Improvements:**

- **Streets:**

- Access will be allowed from both Road G and 18<sup>th</sup> Ave. Future improvements will be necessary on 18<sup>th</sup> Ave. with the developer paying a yet to be determined portion of those improvements.
- A new public street will be provided along the east side of the property. This road will provide access to the property to the south, as no access will be granted from US HWY 50. The new street will also provide access to the DeBauge Soccer Complex. A 60 foot right of way has been dedicated for this purpose.

- **Sidewalks:** A sidewalk is currently in place along Road G and a portion of 18<sup>th</sup> Ave. This sidewalk will be extended to the east thru the property line as part of 18<sup>th</sup> Ave. road improvements or during any future development of the site.
- **Sanitary Sewer:** The applicant will utilize the sanitary sewer main that is located on the west side of Road G. Sanitary Sewer will be located within the 18<sup>th</sup> Ave. right of way and will be sized to accommodate future development.
- **Water:** A water main of sufficient size is located on the east side of Road G adjacent to the property. No new water main will need to be extended to the site.
- **Fire Protection:** Hydrants have been provided along Road G and any additional fire lines and hydrants necessary to serve any future development will be reviewed during site plan review. Any new line will be the responsibility of the property owner to install during the development process.
- **Private Utilities:** Private utilities have existing lines within the right of way and no new easements have been requested.

**Miscellaneous:**

- Prior to the final plat being approved by the City Commission, a Developer's Agreement (which is currently under review) will need to be approved by the City Commission.
- The applicant will need to revise signature titles for the Lyon County Clerk, Emporia Planning Commission Secretary prior to the final plat being submitted to the City Commission.

**Neighborhood Communications:** No property owners have contacted staff for this portion of the development process of the property. No neighboring property owners have expressed any opposition to the proposed plat or rezoning of the property for previous Planning Commission or City Commission actions.

**Recommendation:** Staff recommends the Planning Commission make a motion to recommend approval of the Final Plat to the City Commission based on the following;

- 1) The request is consistent with the Comprehensive Plan;
- 2) The request conforms to the intent of the Subdivision Regulations;

**Attachments:** Final Plat | Aerial Map | Current Zoning Map | Concept Site Development Plan

**Commissioner Fowler** asked about the drainage on the property. **Givens** stated that the City Engineer would ensure that the property meet the requirements of the City's Stormwater Ordinance and that there was ample space on the property to accommodate any drainage concerns.

The Public Hearing was opened.

**Tim Shultz, Stormont-Vail Regional Health**, spoke on behalf of the applicants. Mr. Shultz stated that the plat would allow Stormont to build a clinic for the doctors currently working in Emporia.

**Jerry Campbell, 1201 Presby Drive**, spoke raising concerns about what the definition of a medical clinic and what services would be allowed at the facility. He raised concerns about the duplication of services in rural hospitals. Campbell stated that the duplication of services would have a negative impact on the current hospital.

The Public Hearing was closed.

**Chair Rogers** restated the question before the Commission was that, does this plat meet the Subdivision Regulations and requirements that the City set forth. **Givens** answered that yes, the plat met the requirements and regulations.

**Commissioner Thomas made a motion to recommend approval of the final plat subject to staff comment and finding that the request is consistent with the Comprehensive Plan and conforms with the intent of the Subdivision Regulations. Commissioner Reed seconded the motion. The motion carried 6-1 (Bucklinger).**

### **3. Planning Commission: Consider PC 2025-07 – A Request to Vacate a Utility Easement Within the Vacated Cottonwood Street Right of Way Between East 1<sup>st</sup> Avenue and East 2<sup>nd</sup> Avenue.**

**Chair Rogers** asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper for the original public hearing date.

**Chair Rogers** asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

**Givens** provided the Staff Report.

#### **STAFF REPORT**

**Application #:** PC 2025-07

**Applicants:** The Roman Catholic Archdiocese of Kansas City

**Requested Action:** Vacate a Utility Easement within a previously vacated Right of Way

**Purpose:** Applicants desire to vacate a 20 ft. Utility Easement

**Address:** 102 Exchange St.

**Legal description:** The Utility Easement between East 1<sup>st</sup> Ave. and East 2<sup>nd</sup> Ave. along the previously Vacated Cottonwood St. Emporia Original Township, Emporia, Lyon County, Kansas

**Lot Size:** N/A

**Existing Zoning:** N/A

**Future Zoning in ELC Comp. Plan:** N/A

**Analysis:** The applicants have requested the vacation of the existing utility easement that was retained when Cottonwood Street was previously vacated. The applicants are in the process of developing plans to expand buildings on the campus that would extend across the utility easement.

The applicants and City Staff have worked on an agreement that will be presented to the City Commission for approval that centers on the cost share for relocating the existing water line that runs north and south within the previously vacated Cottonwood Street Right of Way. The relocation of the water line will be a part of the Southeast Transmission Line project. The associated costs of the relocation will be borne by the applicant.

Staff is recommending that the vacation be contingent upon the agreement for relocation being approved by the City Commission.

**Considerations:**

The Utility Advisory Board members received notices of the vacation request. There were no objections to the request noted.

**Neighborhood Communications:** The only property owner affected by the relocation is the applicant. Public Notice was placed in the official newspaper and no comments or objections have been received.

**Recommendation:** Staff recommends the Planning Commission forward a recommendation to approve the vacation to the Governing Body contingent upon an agreement with the City on costs associated with the relocation of the water line being approved, and based upon a finding that;

1. Due and Legal Notice has been given – the applicant’s property abuts both sides of the easement and is the only party affected by the vacation. A notice was also provided in the official newspaper as prescribed by law.
2. No private rights will be injured or endangered – the vacation will allow for the church to expand and develop within the existing area.
3. The public will suffer no loss or inconvenience – The applicants will enter into an agreement to share in the costs to relocate the water line within the easement. The public water supply line, will actually be enhanced with the relocation.

**The Public Hearing was opened.**

No Person spoke during the Public Hearing.

**The Public Hearing was closed.**

**Commissioners** held a brief discussion following the Public Hearing. **Givens** stated that the vacation would be subject to the City Commission approving the agreement with the Church for the cost of the relocation.

**Commissioner Bucklinger made a motion to approve the Vacation subject to City Commission approval of the agreement, finding that Due and Legal Notice had been given, No private rights would be injured or endangered, and the Public would suffer no loss or inconvenience. Commissioner Fowler seconded the motion. The motion carried 7-0.**

**Adjournment:** With no further discussion, the meeting was adjourned.

Respectfully Submitted,

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Justin Givens, Secretary



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**EMPORIA-LYON COUNTY METROPOLITAN AREA  
PLANNING COMMISSION / BOARD OF ZONING APPEALS  
TUESDAY, JUNE 17, 2025, 6:00 PM  
CITY MUNICIPAL COURT ROOM**

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**STAFF REPORT**

**Application #:** PC 2025-08

**Applicants:** City of Emporia

**Owners:** Emporia Enterprises INC.

**Requested Action:** Rezoning property from Lyon County parcel type to City of Emporia parcel type.

**Purpose:** The City is initiating the rezoning of this property following annexation in 2024. Since parcels retain their county designation, staff felt compelled to initiate the rezoning of this property to a City parcel type to assist in streamlining and eliminating additional hurdles for any future development of the property. The property is currently assigned an Industrial Flex parcel type under county zoning regulations and would keep the same parcel type only under City regulations.

**Address:** 600 & 626 W HWY 50, Emporia KS

**Legal description:** Lots 1, 2, and 3 of Park IV Subdivision, Emporia, Lyon County, Kansas

**Lot Size:** 147 acres +/-

**Existing Zoning:** Lyon County Industrial Flex (IF)

**Future Zoning in ELC Comp. Plan:** Industrial Flex (IF)

**Surrounding Zoning:**

<b>North</b>	County Single-Family Detached   County Agriculture
<b>East</b>	County Agricultural   County Commercial
<b>South</b>	City Commercial   County Industrial
<b>West</b>	Agricultural

**Surrounding Actual Uses:**

<b>North</b>	Large Lot Residential   Ag Land
<b>East</b>	Ag Land   Fanestil Meats
<b>South</b>	US HWY 50   Prairie Land Partners
<b>West</b>	Large Lot Residential   Ag Land

**Analysis:** This property was annexed in 2024 and following subsequent annexations, it was determined by staff, that properties retain their county zoning designation until they are rezoned to City parcel types. Often times, when site selectors are looking for possible sites for projects, a common question asked is “is this property properly zoned for development”. One such situation occurred recently and it prompted staff to initiate the rezoning process, so one less hurdle for development can be removed.

This is not to say that a future development could not request more intense Industrial parcel types or Conditional Use Permits, but this action does allow for developers to use the City zoning regulations as a base for determining if a property is suitable and matches their needs.

Staff would reiterate that there is no development looming for this property, but this action is a proactive step to help make the property as marketable as possible.

**Considerations: 9.8.3.a.8. Factors to be Considered for a Rezoning:**

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in Bold**

1. Whether the change or approval would be consistent with these regulations; **Removing the County designation and assigning a City zoning designation is consistent with the zoning regulations and required for properties to be developed within the City.**
2. The character and condition of the neighborhood and its effect on the proposed change; **Rezoning this property to a City Commercial Parcel Type would have no negative effect on the neighboring properties. The property is currently designated with a county parcel type of Industrial Flex. This action merely changes the underlying zoning from a county parcel type to a City parcel type.**
3. The zoning and uses of properties nearby; **The property is currently zoned as a county Industrial Flex parcel type and was anticipated in the Regulating Plan to be Industrial Flex property. Changing the zoning from county to City Industrial Flex would have no detrimental effect on any neighboring properties.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property has, to the extent of staff’s knowledge been zoned as an Industrial type property since it was purchased by Emporia Enterprises. This property is suited to be Industrial in nature and removing county regulations and allowing City regulations would streamline the development process.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Removing the county Parcel Type designation and reclassifying it as a City Industrial Flex Parcel Type will have no detrimental impact on nearby properties. The property has been zoned and anticipated to be an industrial development and is listed as such in the comprehensive plan.**

6. The length of time the subject property has remained vacant as zoned; **The length of time this property has been vacant is not necessarily applicable to this rezoning request. This property has been contemplated as industrial in nature.**
7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use; **Again, this property has been contemplated as an Industrial type property and this action is limited to transitioning from county regulations to City regulations. The delay of reclassifying this property could be seen as a barrier to development as it would be an additional step to see a project come to fruition on the property.**
8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the rezoning.**
9. The conformance of the requested change to Plan ELC; **Plan ELC's Regulating Plan identifies this tract of land as an Industrial Parcel Type and is within the City Limits and as such, should have City Zoning Regulations applied to it.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

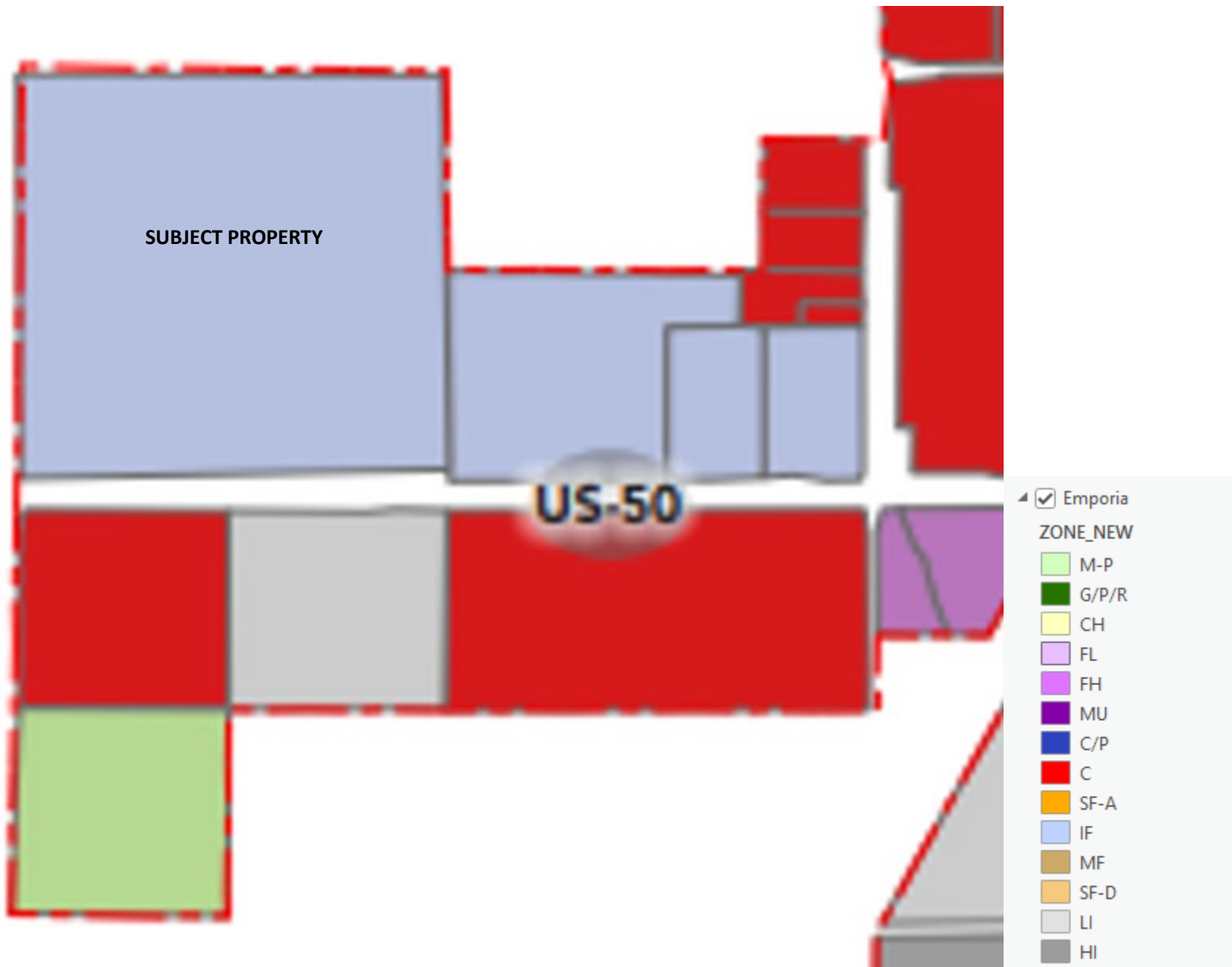
**Neighborhood Communications:** Staff has received one call on the rezoning and no objections.

**Recommendation:** Staff recommends the Planning Commission make a motion of approval for the Rezoning to the Governing Body based on the following;

- 1) The request is consistent with the Comprehensive Plan;
- 2) The request conforms to the intent of the Zoning Regulations
- 3) There would not be a negative impact on the existing neighborhood

**Attachments:** Aerial & Current Zoning Map | Plan ELC Regulating Plan Map

INDUSTRIAL PARK IV  
REGULATING PLAN MAP  
REZONING



INDUSTRIAL PARK IV  
COUNTY ZONING MAP  
REZONING

