



Emporia
Kansas

EMPORIA PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, APRIL 14, 2026 AT 6:00 PM
CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS

ORDER OF BUSINESS

CALL MEETING TO ORDER

Kenton Thomas, Chair

MEMBERS PRESENT

Stan Fowler
Lilian Lingenfelter
Joe Reed
Aaron Larson
Denise Gilligan
Kevin Johnson

NEW BUSINESS

- 1. Board of Zoning Appeals: Consider the Minutes of the February 17, 2026 Board of Zoning Appeals Meeting.**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Approve Minutes
- 2. Board of Zoning Appeals: Consider BZA 2026-04, a Request for a Variance from the Front and Side Yard Building Line at 2803 Eaglecrest Drive.**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Conduct the Public Hearing | Grant/Deny Variance Request
- 3. Planning Commission: Consider the Minutes of the February 17, 2026 Planning Commission Meeting**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Approve Minutes
- 4. Planning Commission: Consider PC 2026—03, a Request for Rezoning of Property Located at 615 Overlander Rd. from Lyon County Light Industrial to City of Emporia Light Industrial.**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Conduct the Public Hearing | Make a Recommendation to the Governing Body
- 5. Planning Commission: Consider PC 2026—04, a Request for a Conditional Use Permit for a Technical College Located at 615 Overlander Rd.**
Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Conduct the Public Hearing | Make a Recommendation to the Governing Body

6. **Planning Commission: Consider PC 2026—02, a Request for a Conditional Use Permit for Outdoor Storage of Recreational Vehicles Located at 2606 W HWY 50.**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Conduct the Public Hearing | Make a Recommendation to the Governing Body

ADJOURNMENT



**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
MINUTES OF FEBRUARY 17, 2026
REGULAR MEETING**

The Board of Zoning Appeals met in a regular session on Tuesday, February 17, 2026, with Commissioner Thomas presiding. Commissioners Fowler, Reed, Larson, Gilligan, Johnson, and Lingenfelter were present.

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

Commissioner Thomas called the meeting to order.

1. Consider the Minutes of the January 20, 2026, Board of Zoning Appeals Meeting.

Givens presented the commission with the minutes from the January 20, 2026 meeting.

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

2. Consider BZA VAR 2026-03 – A Request for a Variance from the Maximum Height of a Sign at Lot 2, Block 1, Brownstone Addition.

Commissioner Thomas asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper for the public hearing date and mailed to neighboring property owners.

Commissioner Thomas asked if any Commissioners needed to recuse themselves or report any ex-parte communications. **Commissioner Larson** recused himself from consideration as he works for a competing financial advisement firm. No other ex-parte communications or conflicts of interest were disclosed.

Givens provided the Staff Report.

STAFF REPORT

Application #: BZA 2026-03

Applicants: 2953 W 50, LLC (Owner)

Agents: Miracle Signs (Agent)

Requested Action: Approval of a Variance for Maximum Height of a Sign and Number of Allowed Signs

Purpose: Applicant desires to construct a new monument sign and new building signage, and is requesting a variance from the maximum height of a sign as well as the number of allowed signs on a property.

Address: 2923 W HWY 50

Legal Description: A TRACT OF LAND IN THE NE1/4 OF THE SW1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M. IN THE CITY OF EMPORIA, LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF GRAHAM STREET AND THE NORTH RIGHT OF WAY OF 9TH AVENUE, THENCE EASTERLY ON THE NORTH RIGHT OF WAY OF 9TH AVENUE ON AN ASSUMED BEARING OF N89°35'48"E FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; THENCE NORTHERLY ON A BEARING OF N00°02'14"W FOR A DISTANCE OF 442.78 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF U.S. 50 HIGHWAY; THENCE SOUTHEASTERLY ON SAID SOUTHERLY RIGHT OF WAY ON A CURVE TO THE RIGHT FOR A DISTANCE OF 65.35 FEET; THENCE CONTINUING SOUTHEASTERLY ON SAID U.S. 50 RIGHT OF WAY ON A BEARING OF S60°23'00"E FOR A DISTANCE OF 89.74 FEET; THENCE SOUTHERLY ON A BEARING OF S00°02'14"E FOR A DISTANCE OF 94.45 FEET; THENCE SOUTHWESTERLY ON A BEARING OF S29°45'37"W FOR A DISTANCE OF 41.89 FEET; THENCE SOUTHEASTERLY ON A BEARING OF S60°08'19"E FOR A DISTANCE OF 24.01 FEET; THENCE SOUTHERLY ON A BEARING OF S00°02'14"E FOR A DISTANCE OF 58.79 FEET; THENCE EASTERLY ON A BEARING OF N89°35'48"E FOR A DISTANCE OF 15.00 FEET; THENCE SOUTHERLY ON A BEARING OF S00°02'14"E FOR A DISTANCE OF 164.03 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF 9TH AVENUE; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY ON A BEARING OF S89°35'48"W FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

Lot Size: 1.30 acres

Existing Zoning: Commercial

Future Zoning in ELC Comp. Plan: Commercial

Surrounding Zoning:

North: Commercial
East: Commercial
South: Light Industrial
West: Commercial

Surrounding Actual Uses:

North: Commercial Strip Development
East: Warehouse – Tenant Occupied Automotive and Landscaping Business
South: Automobile Service & Repair
West: Pool Maintenance / Radio Station / Warehouse / Welding Supply

Applicable Regulations:

Section 7.16.14 Sign Regulations Table – Maximum Size / Maximum Number Allowed

Analysis: The applicant has proposed to replace an existing pole sign with a new LED monument sign

and two additional building signs. Current sign regulations would allow for a maximum of two signs on this property and cap the sign height at 10 feet. The proposed monument sign is approximately 17 feet tall, with an 8-foot LED display panel. The existing pole sign to be replaced is 24 feet, thus the monument sign would reduce the overall height of signage on the property and enclose with supports which is generally considered more aesthetically pleasing. There is currently no building signage, but the orientation of the building does lend itself to having a sign on the north elevation as well as the east elevation.

Considerations & Conditions: The Board of Zoning Appeals shall consider the following conditions in determining if a variance should be granted. (Staff commentary is provided after each condition.)

- 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 change in zoning regulations in 2023, created situations for property owners that are wanting to remove and replace existing signs, upgrading the overall signage of properties at a disadvantage to other locations. The applicant correctly states that they could reuse the existing framework for the sign, but in doing so, would in staff's opinion provide an inferior product and reduce the overall aesthetic that the proposed new signage would provide.
- 2) **The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.** The granting of this variance would not have an adverse effect on any neighboring property owners or residents. The applicant will actually reduce the height of signage on the property, and provide an enclosed sign that promotes an overall aesthetic that is generally more desirable.
- 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 strict application of the zoning regulations would allow the owner to continue to use the existing pole sign, which has a higher degree of non-conformity than what is being proposed. A 10 ft. sign along this corridor is not consistent with other signage in the area, thus creating a hardship for the owner.
- 4) **The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.** The requested variance will not have an adverse effect on the public health, safety, or general welfare. The larger sign will allow for more visible lettering and numbering allowing for the location to be identified easier, while traveling at higher speeds. The signage will also provide increased design details that promote an overall aesthetic along the W HWY 50 corridor.
- 5) **The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.** The general spirit of the sign regulations was to promote an overall aesthetic and limit the amount of signage in the city. The total square footage of all signs is still within allowed parameters and based on the building orientation, the multiple building signs and new monument sign do not undermine the intent of the zoning regulations.

Neighborhood Communications: Staff has received one phone call about this request; the caller stated no objection or support.

Recommendation: Staff recommends approval of the variances with a maximum height of the monument sign at 17 feet.

Attachments: Aerial Map | Current Zoning Map | Signage Package | Applicant Information

The Public Hearing was opened.

Richard Miller (Applicant) spoke in favor of the request stating that he was wanting to install a sign that would look good and be visible from HWY 50.

No person spoke against the variance request.

The Public Hearing was closed.

Following a brief discussion Commissioner Fowler made a motion to approve the Variance Request and Allow the Sign height to be increased to 17 feet and allow an additional building sign, based on staff recommendations. Commissioner Gilligan seconded the motion. The motion carried 6-0-1 (Larson recused).

Staff was directed to bring to a future meeting sign regulations for consideration as several properties have requested and received variances since the zoning regulations were adopted.

3. Election of Officers:

Kenton Thomas was elected as Chair 6-1 (Thomas)

Stan Fowler was elected as Vice-Chair 6-1 (Fowler)

Justin Givens was appointed as the Secretary (7-0)

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

Respectfully Submitted,

Justin Givens, Secretary



**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, APRIL 14, 2026, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: BZA 2026-03

Applicants: Tallgrass Holdings II, LLC

Requested Action: Approval of a Variance from the Required Front and Side Build to Lines.

Purpose: Applicant desires to construct a new drive-thru coffee store.

Address: 2807 Eaglecrest Drive

Legal description: The North 200 feet, as determined from the Northeast Corner thereof, of Lot 1 in Block 3 of Eaglecrest Fourth Subdivision, a Replat of Eaglecrest Third Subdivision to the City of Emporia, Lyon County, Kansas, according to the recorded plat thereof.

Lot Size: 39,204 sq. ft. total lot size – 17,000 sq. ft. +/- for 7Brew Coffee.

Existing Zoning: Flex-Use Low (FL)

Future Zoning in ELC Comp. Plan: Flex-Use Low (FL)

Surrounding Zoning:

North: Flex-Use Low (FL)

East: Flex-Use Low (FL)

South: Flex-Use Low (FL)

West: Flex-Use Low (FL)

Surrounding Actual Uses:

North: McDonalds

East: Industrial Rd. Short Stop / Dunkin Doughnuts

South: Taco Bell / Applebee's

West: IHOP

Applicable Regulations: Section 3 Building Standards – Front Build to Line – 20 ft. minimum setback.

Analysis: 7Brew, a national coffee drive-thru chain, has proposed a new facility to be located on the existing Taco Bell site at 2803 Eaglecrest Drive. The location is the approximate location of an existing freestanding ATM, that would be removed if the variance is granted and the new facility is built.

Due to an existing water line easement on the property, to locate the facility on the site, the designers are required to infringe on the maximum build to line by 5 feet. This includes the building and trash enclosure.

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.** Typically, water lines are located on the edges of properties to avoid limiting the amount of buildable space on a property. For this lot, the water line bisects the property, limiting the location of additional buildings, or where the original building could be built.
- 2) **The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.** No adjacent property owners' rights will be adversely affected by granting this variance. The existing Taco Bell will continue to have parking and access within the lot.
- 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.** A strict application of the build to line, would limit the ability to place a new business within an area that is mostly developed.
- 4) **The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.** The building will not infringe on the site triangle, will provide screening in terms of landscaping, and create additional commercial opportunities within the area.
- 5) **The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.** The zoning regulations' goal was to move projects closer to a property line and encourage the maximum use of each parcel. By allowing the variance, the board would help to achieve this goal. The facility will still have ample capacity for the drive-thru nature of the business. Staff does not anticipate cross traffic issues with each business nor parking issues as this building is drive thru oriented.

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

Recommendation: Staff recommends approval of the variances.

Attachments: Aerial Map | Current Zoning Map | Site Plan

LEGEND

	EXISTING 1' CONTOUR		EXISTING 5' CONTOUR
	PROPOSED 1' CONTOUR		PROPOSED 5' CONTOUR
	BOUNDARY LINE		RIGHT OF WAY LINE
	EASEMENT LINE		EXISTING CURB AND GUTTER
	PROPOSED CURB AND GUTTER		PROPOSED FIRE LANE STRIPING
	OVERHEAD ELECTRIC LINE		UNDERGROUND ELECTRIC LINE
	GAS LINE		UNDERGROUND TELEPHONE LINE
	UNDERGROUND FIBER OPTIC LINE		SANITARY SEWER LINE
	WATERLINE		RETAINING WALL
	SCREEN WALL		WIRE FENCE
	CHAIN LINK FENCE		BENCHMARK
	PROP. FIRE HYDRANT		PROP. WHEEL STOP
	PROP. WATER VALVE		PROP. FIRE STOP
	PROP. WATER METER		PROP. HC RAMP
	PROP. ELECT. METER		PROP. POWER POLE
	PROP. LIGHT POLE		PROP. SS MANHOLE
	PROP. BOLLARD		PROP. GAS METER
	PROP. TRANSFORMER		PROP. SIGN
	PROP. PARKING COUNT		PROP. FIRE ROUTE SIGN
	PROP. INLETS (SEE GRADING PLAN FOR TYPE)		
	VERTICAL SEPARATION REQUIREMENT		

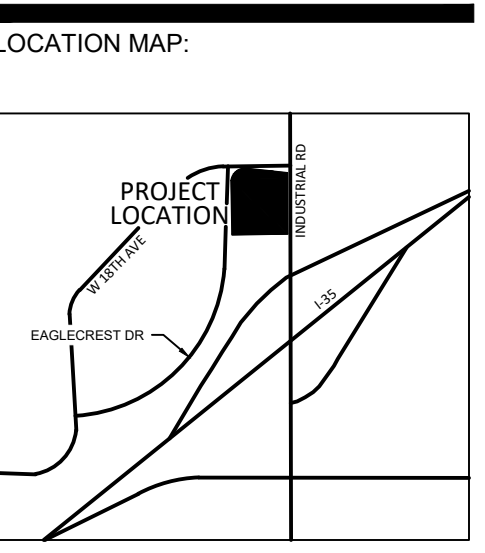
*NOTE: REFER TO SURVEYING LEGEND FOR EXISTING STRUCTURES IDENTIFICATION

NOTE: CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL PROPOSED WORK MEETS ADA REQUIREMENTS. REFER TO www.access-board.gov/ada-aba/ada-standards-dofj.cfm

NOTE: CONTRACTOR SHALL CONSTRUCT AND INSTALL WHEEL STOPS, SIGNS, AND ADA RAMPS AT ALL HANDICAP SPACES.

SITE NOTES

- CONTRACTOR SHALL REFER TO THE CONSTRUCTION DOCUMENTS INCLUDING BUT NOT LIMITED TO THE WRITTEN SPECIFICATIONS, CONSTRUCTION DRAWINGS, STORM WATER POLLUTION PLAN, AND GEOTECHNICAL REPORT.
- ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE OWNERS DESIGN GUIDELINES AND SPECIFICATIONS, AND WHERE APPLICABLE SHALL MEET THE REQUIREMENTS OF THE GOVERNING/PERMITTING AUTHORITY HAVING JURISDICTION.
- CONTRACTOR IS RESPONSIBLE FOR THEIR OWN HORIZONTAL AND VERTICAL CONTROL, REFERENCE POINTS AND CONSTRUCTION STAKING AS INCIDENTAL TO THE PROJECT.
- THE CONTRACTOR SHALL FIELD VERIFY EXISTING ELEVATIONS/PROPERTY LINES/UTILITIES/DRAINAGE PRIOR TO CONSTRUCTION START.
- ALL WORK NOT CLASSIFIED AS A CONTRACT PAY ITEM SHALL BE CONSIDERED AS INCIDENTAL AND THE COST THEREOF SHALL BE INCLUDED IN THE UNIT PRICE BID FOR ITEMS WHICH ARE CLASSIFIED FOR PAYMENT.
- CONTRACTOR SHALL REFER TO THE ARCHITECTURAL AND MEP PLANS AND SPECIFICATIONS BEING A PART OF THE CONSTRUCTION DOCUMENTS FOR THE EXACT LOCATIONS AND DIMENSIONS OF ENTRY, EXIT PORCHES, PRECISE BUILDING DIMENSIONS, EXACT BUILDING UTILITY ENTRANCE, AND DOWNSPOUT LOCATIONS/SPECIFICATIONS/DETAILS.
- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB (FC) UNLESS OTHERWISE NOTED.
- PARKING LOT STRIPING SHALL BE 4" WIDE AND WHITE IN COLOR. HANDICAP PARKING STALLS STRIPING AND SIGNAGE SHALL BE IN STRICT ACCORDANCE WITH FEDERAL, STATE, AND LOCAL REQUIREMENTS.
- UNLESS OTHERWISE NOTED ALL RADII SHALL BE 3'.
- BUILDING DIMENSIONS ARE TO OUTSIDE OF MASONRY, UNLESS OTHERWISE SHOWN.
- CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS AND SPECIFICATIONS FOR ACTUAL LOCATION AND DETAILS OF ALL UTILITY ENTRANCES. CONTRACTOR SHALL COORDINATE INSTALLATION OF UTILITIES IN SUCH A MANNER AS TO AVOID CONFLICTS AND ASSURE PROPER DEPTHS ARE ACHIEVED, AS WELL AS COORDINATED WITH ANY UTILITY COMPANIES FOR APPROVED LOCATIONS AND SCHEDULING OF TIE-INS/CONNECTIONS TO THEIR FACILITIES.
- REFER TO ARCHITECTURE PLANS FOR SITE LIGHTING AND ELECTRICAL CONDUIT PLANS. POLE LOCATIONS ARE SHOWN ON THIS SHEET FOR REFERENCE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO IDENTIFY AND ADJUST ANY CONSTRUCTED CONFLICTS WITH UNDERGROUND UTILITIES, SIDEWALKS, ETC.
- CHECK ARCHITECTURAL PLANS FOR EXACT DOWNSPOUT LOCATIONS.
- CONTRACTOR SHALL REFER TO LANDSCAPE AND IRRIGATION PLAN FOR LOCATION AND CONSTRUCTION DETAILS OF LANDSCAPING AND IRRIGATION.



NOT TO SCALE

PROJECT:

7BREW

EMPORIA, KANSAS

PROJECT NUMBER: 25168
 DRAWING DATE: 02.18.26
 ISSUE DATE: 02.18.26

SEAL:

For Review
 02/23/2026 8:31:49 AM

SUBMITTAL:

REVIEW

REVISIONS:

MARK DATE DESCRIPTION

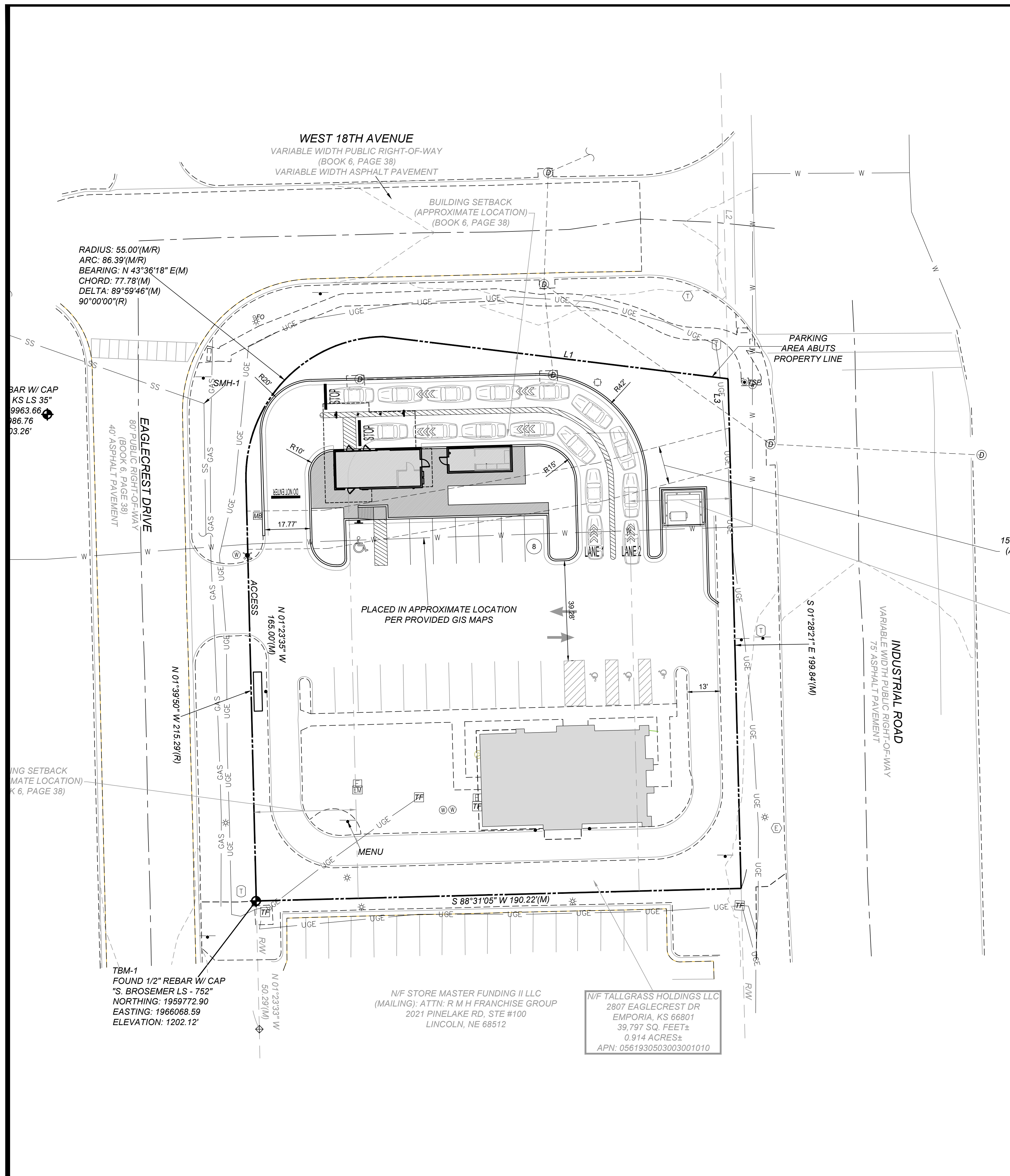
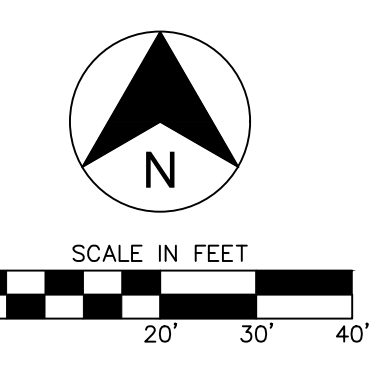
THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION AND CONSENT OF CEDAR CREEK CONSULTING INC. THIS SHEET IS NOT TO BE USED FOR CONSTRUCTION UNLESS THE ISSUE DATE IN THE TITLE BLOCK COINCIDES WITH OR POST DATES THE DRAWING DATE. ANY CHANGES MADE FROM THESE PLANS WITHOUT CONSENT OF CEDAR CREEK CONSULTING INC. ARE UNAUTHORIZED AND SHALL RELIEVE CEDAR CREEK CONSULTING OF RESPONSIBILITY FOR ALL CONSEQUENCES ARISING OUT OF SUCH CHANGES.

DRAWING TITLE:

SITE PLAN

SHEET:

C2.00



RADIUS: 55.00'(M/R)
 ARC: 86.39'(M/R)
 BEARING: N 43°36'18" E(M)
 CHORD: 77.78'(M)
 DELTA: 89°59'46"(M)
 90°00'00"(R)

BAR W/ CAP
 KS LS 35"
 9963.66'
 986.76'
 03.26'

EAGLECREST DRIVE
 80' PUBLIC RIGHT-OF-WAY
 (BOOK 6, PAGE 38)
 40' ASPHALT PAVEMENT

PARKING AREA ABUTS PROPERTY LINE

15.0' W/
 (APPR
 (B)

PLACED IN APPROXIMATE LOCATION PER PROVIDED GIS MAPS

INDUSTRIAL ROAD
 VARIABLE WIDTH PUBLIC RIGHT-OF-WAY
 75' ASPHALT PAVEMENT

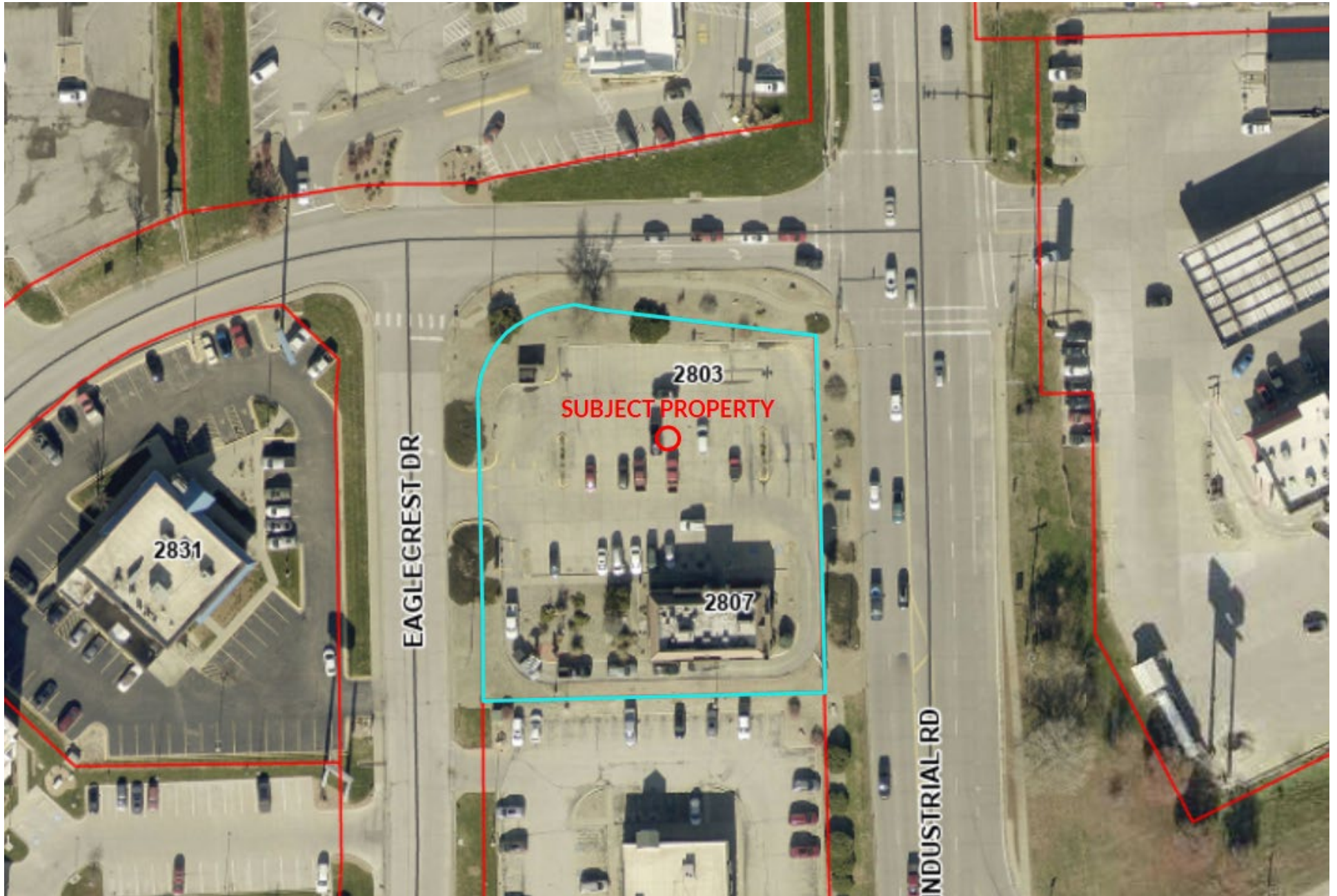
ING SETBACK (MATE LOCATION) (K 6, PAGE 38)

TBM-1
 FOUND 1/2" REBAR W/ CAP
 "S. BROSEMER LS - 752"
 NORTHING: 1959772.90
 EASTING: 1966068.59
 ELEVATION: 1202.12'

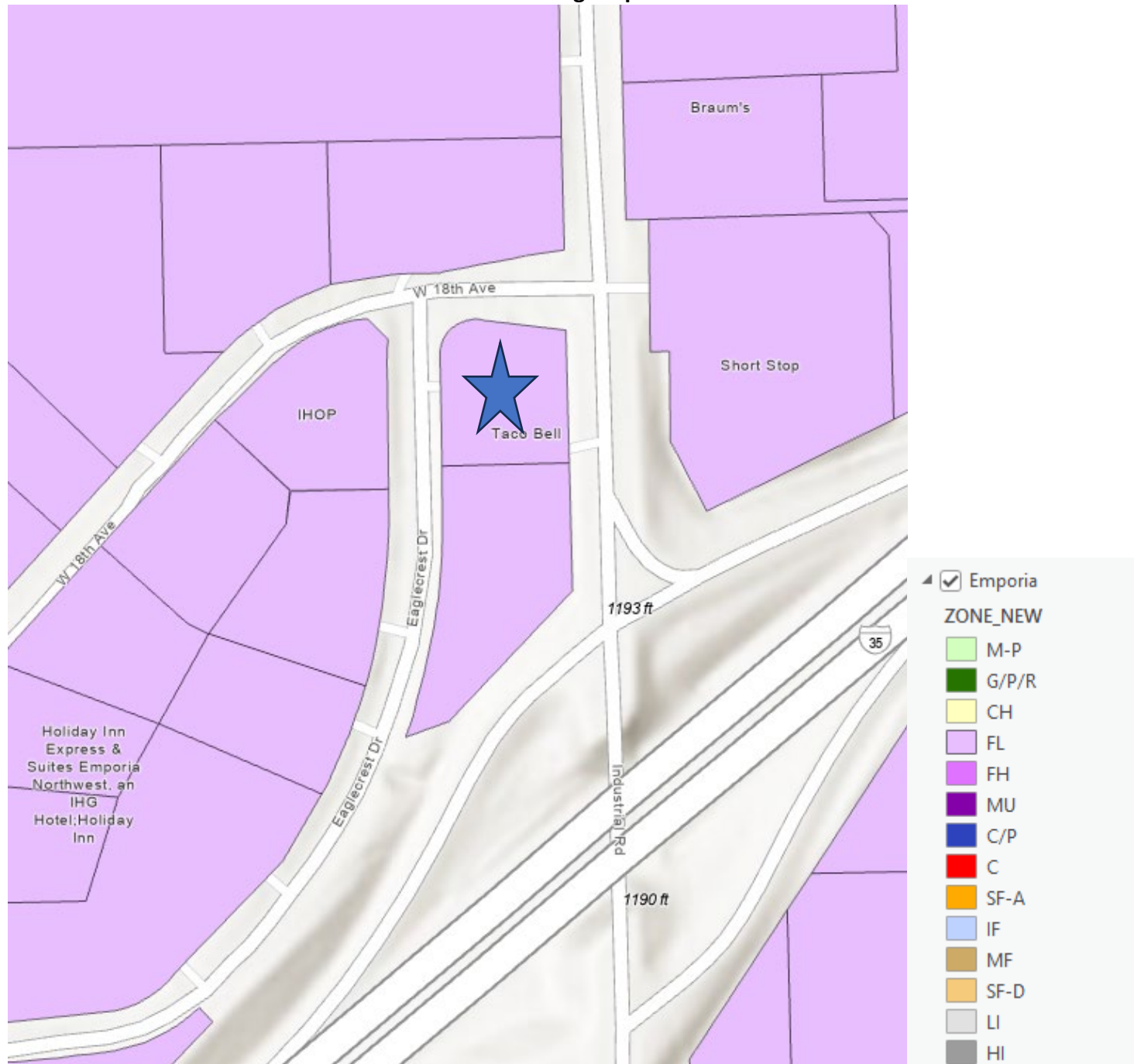
N/F STORE MASTER FUNDING II LLC
 (MAILING): ATTN: R M H FRANCHISE GROUP
 2021 PINELAKE RD, STE #100
 LINCOLN, NE 68512

N/F TALLGRASS HOLDINGS LLC
 2807 EAGLECREST DR
 EMPORIA, KS 66801
 39,797 SQ. FEET±
 0.914 ACRES±
 APN: 0561930503003001010

2803 Eaglecrest
Aerial Location Map



2803 Eaglecrest Zoning Map





**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION
MINUTES OF FEBRUARY 17, 2026
REGULAR MEETING**

The Planning Commission met in a regular session on Tuesday, February 17, 2026, with Commissioner Kenton Thomas presiding. Commissioners Lingenfelter, Fowler, Reed, Gilligan, Larson, and Johnson were present.

City staff: Justin Givens, Interim Director, Building & Neighborhood Development, was present.

Thomas called the meeting to order.

1. Consider The Minutes of the November 18, 2025, Planning Commission Meeting.

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

Commissioner Lingenfelter made a motion to approve the minutes as presented. Commissioner Reed seconded the motion. The motion carried 7-0.

2. Planning Commission: Consider PC 2026—01, a Request for Rezoning of Property Located at 1028 Whittier St. from Commercial to Flex-Use Low.

Thomas asked if proper notice had been given. **Givens** confirmed that proper notice was provided.

Thomas 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 2026-01

Applicants: Merak Development, LLC

Requested Action: Consider a request to rezone property from Commercial (C) to Flex-Use Low (FL)

Purpose: Applicant desires the rezoning to facilitate the construction of new multi-family units and food pantry.

Address: 1028 Whittier St., Emporia, KS

Legal Description: BEGINNING 664 FEET NORTH OF A STONE 656 FEET WEST OF THE SOUTHEAST CORNER OF THE NE1/4 OF THE SW1/4 OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, THENCE NORTH AD AT RIGHT ANGLES WITH THE SOUTH LINE OF THE N1/2 OF SAID SW1/4 OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11, 325 FEET TO THE SOUTHWEST CORNER OF A TRACET OF LAND SOLD TO R.M. GAMMELL, THENCE EAST AND PARALLEL WITH TH ENROTH LINE OF SAID SW1/4 OF SECTION 11, AND UPON THE SOUTH LINE OF SAID GAMMELL'S TRACT 656 FEET TO THE EAST LINE OF SIAIDE SW1/4 OF SECTION 11, THENCE SOUTH ON SAID EAST LINE 325 FEET, THENCE AT RIGHT ANGLES WITH THE LAST DESCRIBED EAST LINE, 656 FEET TO PLACE OF BEGINNIG. LESS THE EAST 322 FEET OF THE DESCRIBED TRACT.

Lot Size: 2.3 acres (100,425)

Existing Zoning: Commercial

Future Zoning in ELC Comp. Plan: Commercial

Surrounding Zoning:

North – Commercial

East – Multi-Family

South – Multi-Family

West – Single-Family Detached

Surrounding Actual Uses:

North – Automotive Repair | Convenience Store | Fast Food Restaurant

East – Whittier Place Apartments

South – Whitter Place Apartments

West – Single-Family Detached Houses

Analysis: The applicant is proposing to extend the current Whittier Place Apartment Complex by adding two 24-unit apartment homes that would be located on what is currently Abundant Harvest property. The applicants have secured the property, and while the existing building will need to be razed for the proposed new addition, a separate food pantry building will be constructed on site. The additional 48 new units will compliment the existing and currently under construction 132 units.

Considerations: Factors to be Considered for a Rezoning (Section 9.8.3.a.8. of the Zoning Regulations)

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; **Extending the area that multi-family units could be built, would be consistent with the zoning regulations. The area has already been contemplated for multi-family and adding this area would not be inconsistent with the regulations. Flex-Use is being proposed for this particular**

portion as it would allow for the added element of the food pantry, which would be considered a commercial use.

2. The character and condition of the neighborhood and its effect on the proposed change; **Extending the number of multi-family units in the area would not change or harm the character or condition of the neighborhood. The proposed development would be an extension of the current multi-family area.**
3. The zoning and uses of properties nearby; **Most of the adjacent property consists of the Whittier Place Apartments and other commercial uses. The single-family detached property to the west will be separated by a street, retention area and parking that will limit the intrusion of the project.**
4. The suitability of the subject property for the uses to which it has been restricted; **Staff would contend that the existing zoning of Commercial would have a greater impact on the existing neighborhood if the property was to fully develop under Commercial regulations. The Flex-Use zoning would limit the allowed commercial uses and regulate the built environment better so that the proposed future uses are more compatible with the general area.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Property values for the single-family detached homes that abut the existing multi-family units have steadily increased in a manner that is consistent with other properties in the city. Staff does not see that the additional units would bring a detrimental impact to the nearby properties.**
6. The length of time the subject property has remained vacant as zoned; **While the property has not been vacant, the property has been underutilized with the Abundant Harvest building actually only occupying a small portion of the property. The removal of the current building would allow for a better use of the entire property, while also maintaining the social service aspect of the former Abundant Harvest program.**
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; **Extending the multi-family units in this area is a logical progression for the area. Adequate public services exist in the area and the additional units would not create an undue hardship on those services. Phase III and this phase also have worked to reduce the impact of the development on the drainage concerns in the area. Stormwater retention/detention has been a priority for staff since issued arose with Phase I.**
8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the request.**
9. The conformance of the requested change to Plan ELC; **Plan ELC promotes the adaptive use of infill lots such as this project, and additional units will help to meet the housing demand in the community.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: Staff has received several phone and email inquiries about the proposed rezoning and has provided written correspondence as part of the agenda report.

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

The Public Hearing was opened.

Givens submitted a written statement from the applicant in support of the rezoning.

No Person Spoke Against the Rezoning.

The Public Hearing was closed.

Commissioner Reed asked about potential traffic concerns for the community food pantry. **Givens** stated that based on the location of the building, the circular driveway, and parking areas, the applicant had planned for high volume traffic as well as possible. After a brief discussion among the Planning Commissioners concerning the proposed project and the need and good that it would provide;

Commissioner Johnson made a motion to recommend approval of the rezoning to the Governing Body. Commissioner Gilligan seconded the motion. The motion carried 7-0.

3. Election of Officers

Kenton Thomas was elected as Chair 6-1 (Thomas)

Stan Fowler was elected as Vice-Chair 6-1 (Fowler)

Justin Givens was appointed as the Secretary (7-0)

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

Respectfully Submitted,

Justin Givens, Secretary



**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, APRIL 14, 2026, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2026-03

Applicants: Flint Hills Technical College

Owners: Flint Hills Technical College

Requested Action: Consider a request to rezone property from Lyon County Light Industrial Parcel Type to City of Emporia Light Industrial (LI) Parcel Type.

Purpose: The applicant has requested the zoning change to allow future development under the City of Emporia Zoning Regulations.

Address: 615 Overlander Rd.

Legal description: BEGINNING 30 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION SEVEN (7), TOWNSHIP NINETEEN (19) SOUTH, RANGE ELEVEN (11) EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, THENCE WEST 660 FEET; THENCE NORTH 660 FEET; THENCE EAST 660 FEET; THENCE SOUTH 660 FEET TO THE PLACE OF BEGINNING.

LESS THE FOLLOWING DESCRIBED TRACT:

A TRACT IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AS SURVEYED AND DESCRIBED BY AARON C. DAVIS, PS 1368, ON JULY 8, 2025, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 7;

THENCE N.00°41'24"W. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SE1/4 FOR 660.00 FEET; THENCE S87°53'50"W. FOR 30.00 FEET A POINT ON THE WEST RIGHT OF WAY LINE OF OVERLANDER ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1 IN OVERLANDER ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, AND THE POINT OF BEGINNING;

THENCE CONTINUING S87°53'50"W. ON THE SOUTH LINE OF SAID LOT 1 FOR 330.00 FEET; THENCE S.00°41'24"E. PARALLEL WITH SAID EAST LINE FOR 170.00 FEET; THENCE N.87°53'50"E. FOR 330 FEET TO THE WEST RIGHT OF WAY LINE OF OVERLANDER ROAD; THENCE N.00°41'24"W. ON SAID WEST RIGHT OF WAY LINE FOR 170.00 FEET TO THE POINT OF BEGINNING.

Lot Size: 8.00 acres

Existing Zoning: Lyon County Light Industrial

Future Zoning in ELC Comp. Plan: Light Industrial

Surrounding Zoning:

North:	City Light Industrial / Commercial
East:	City Light Industrial
South:	County Heavy Industrial
West:	City & County Light Industrial

Surrounding Actual Uses:

North:	Oil and Gas Drilling Operator
East:	Bradford Seed and Feed / Truck & Trailer Storage
South:	Vacant Farm Ground / Eagle Creek Cement Plant
West:	Vacant Farm Ground / Cellular Communications Tower

Analysis: The applicant has requested that this property be rezoned to a city zoning designation to facilitate future development. They are also concurrently seeking a Conditional Use Permit under City of Emporia Zoning Regulations. The property, while annexed into the city, retains its Lyon County zoning designation until such time as it is rezoned.

The absence of extraterritorial zoning, has created additional steps such as rezoning from a county designation to a city designation. The rezoning to a city designation, allows the property owners to have a clearer understanding of allowed uses with the particular Parcel Type that is assigned and design parameters for future development.

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 Light Industrial Parcel Type would have no negative effect on the neighboring properties. Properties in the adjacent area are either zoned City of Emporia Light Industrial or Lyon County Light Industrial.**
3. The zoning and uses of properties nearby; **Transitioning from County to City Light Industrial would not restrict, and would be in conformance with neighboring properties. The majority of properties and uses within this area are zone Light Industrial and have uses which are allowed within Light Industrial Parcel Types.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property is currently being used by an oil and gas operator. It has not been vacant.**

5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Removing the County Parcel Type and reclassifying it as a City Commercial Parcel Type will have no detrimental impact on nearby properties. The property has been used as industrial in nature for some time, and is listed as such in the comprehensive plan.**
6. The length of time the subject property has remained vacant as zoned; **The property is within the natural growth area of the City and has been zoned and used as an industrial type property for some time. The change in zoning is from a County zoning designation to a City zoning designation and therefore the length of time the subject property has remained vacant should be of minimal influence in the decision making process.**
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; **This property is well suited for the agricultural technical programs that Flint Hills intends on using the property for. There would be no harm to the general public welfare or safety in granting the rezoning. All infrastructure is in place, and there is a current road improvement project occurring on Overlander that would help to accommodate any additional traffic that the new educational programs would bring.**
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 a Light Industrial Parcel Type, and the area is within the natural growth area of the city. Existing infrastructure is in place, as encouraged by Plan ELC. The subject property is within the natural growth area of the city.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

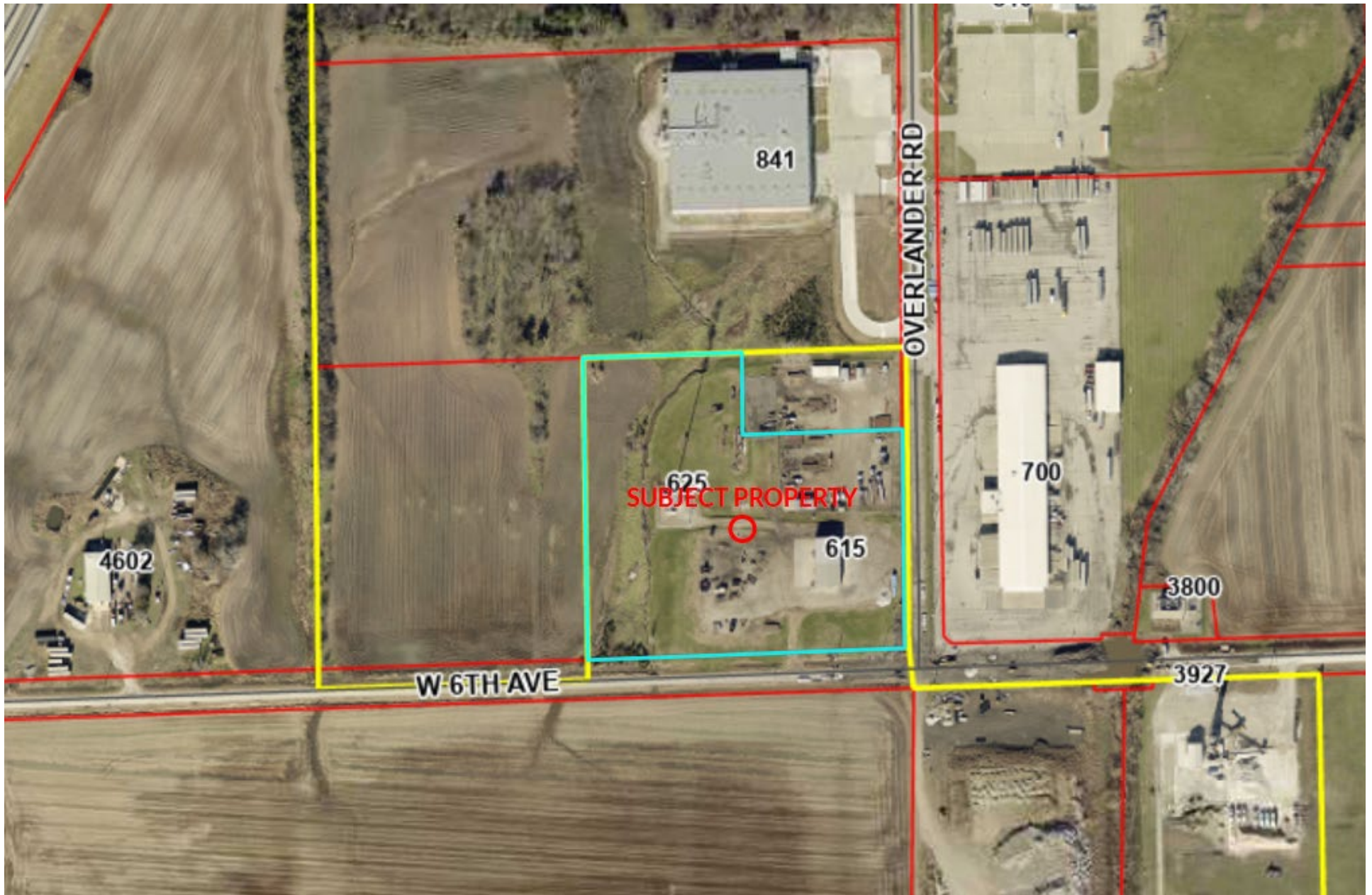
Neighborhood Communications:

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

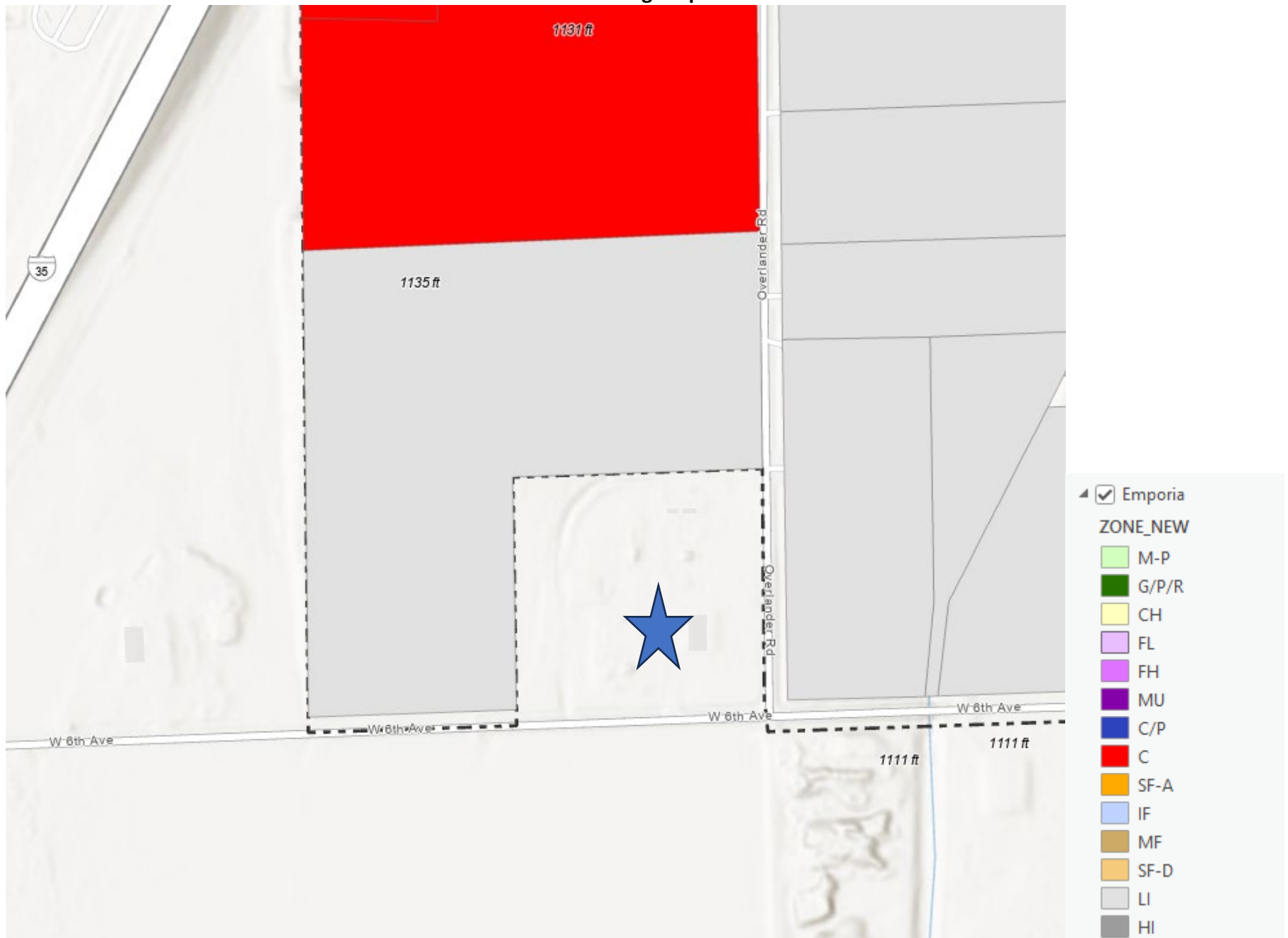
- 1) The request is consistent with the Comprehensive Plan;
- 2) The request conforms to the intent of the Zoning Regulations
- 3) There would not be a negative impact on the existing neighborhood

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

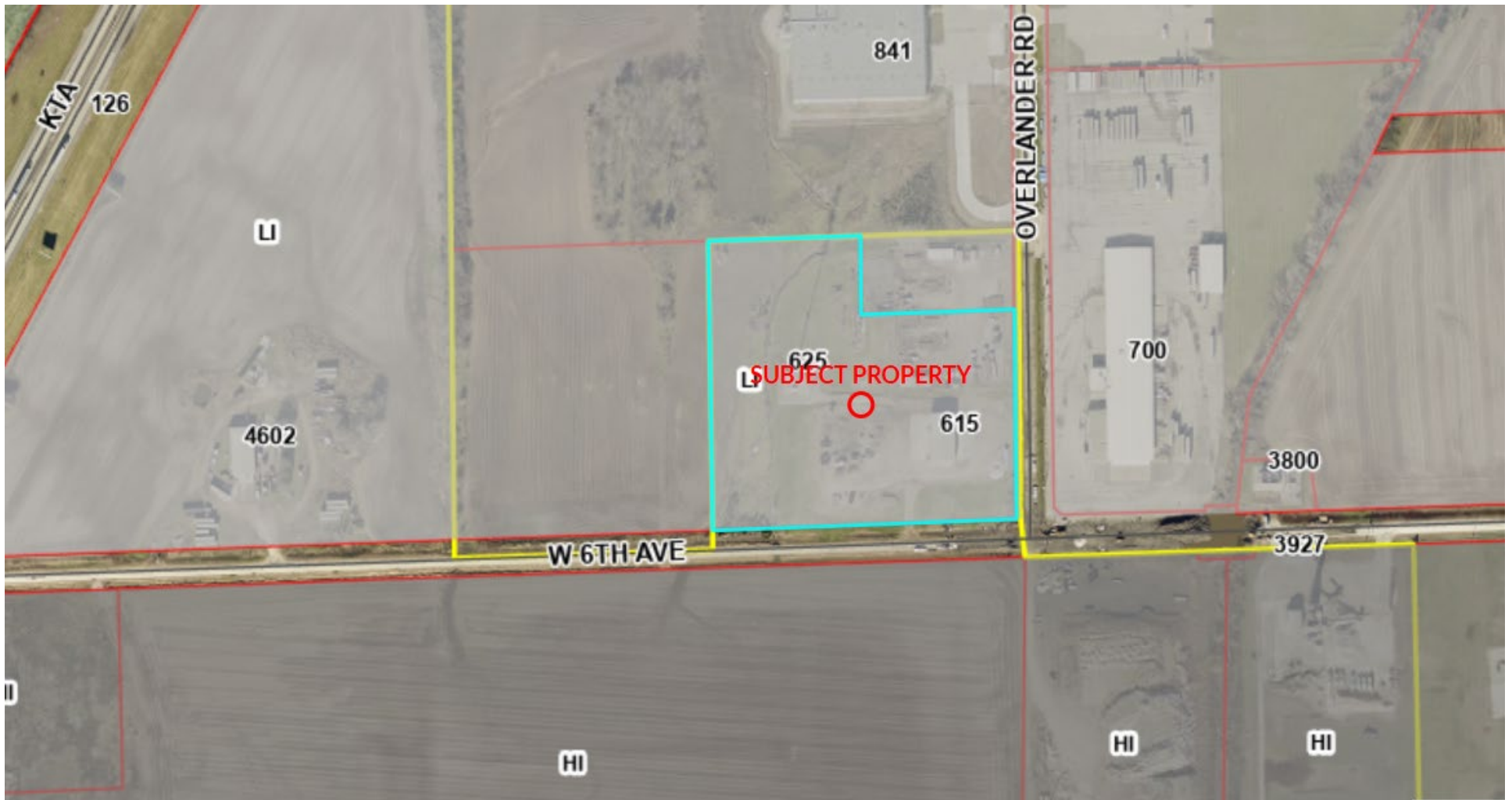
615 OVERLANDER ST
Aerial Location Map



FHTC Rezoning & CUP Zoning Map



615 OVERLANDER ST
Zoning Map





**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, APRIL 14, 2026, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2026-04

Applicants: Flint Hills Technical College

Requested Action: Approval of a Conditional Use Permit for a Technical School

Purpose: The applicant is requesting the Conditional Use Permit to create expanded Agricultural Technical offerings.

Address: 615 Overlander Rd.

Legal description: BEGINNING 30 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION SEVEN (7), TOWNSHIP NINETEEN (19) SOUTH, RANGE ELEVEN (11) EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, THENCE WEST 660 FEET; THENCE NORTH 660 FEET; THENCE EAST 660 FEET; THENCE SOUTH 660 FEET TO THE PLACE OF BEGINNING.

LESS THE FOLLOWING DESCRIBED TRACT:

A TRACT IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AS SURVEYED AND DESCRIBED BY AARON C. DAVIS, PS 1368, ON JULY 8, 2025, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 7;

THENCE N.00°41'24"W. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SE1/4 FOR 660.00 FEET; THENCE S87°53'50"W. FOR 30.00 FEET A POINT ON THE WEST RIGHT OF WAY LINE OF OVERLANDER ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1 IN OVERLANDER ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, AND THE POINT OF BEGINNING;

THENCE CONTINUING S87°53'50"W. ON THE SOUTH LINE OF SAID LOT 1 FOR 330.00 FEET; THENCE S.00°41'24"E. PARALLEL WITH SAID EAST LINE FOR 170.00 FEET; THENCE N.87°53'50"E. FOR 330 FEET TO THE WEST RIGHT OF WAY LINE OF OVERLANDER ROAD; THENCE N.00°41'24"W. ON SAID WEST RIGHT OF WAY LINE FOR 170.00 FEET TO THE POINT OF BEGINNING.

Lot Size: 8.00 acres (352,687 sq. ft.)

Existing Zoning: County Light Industrial – A concurrent rezoning application is being considered for City Light Industrial Zoning

Future Zoning in ELC Comp. Plan: City Light Industrial (LI)

Surrounding Zoning:

North:	City Light Industrial / Commercial
East:	City Light Industrial
South:	County Heavy Industrial
West:	City & County Light Industrial

Surrounding Actual Uses:

North:	Oil and Gas Drilling Operator
East:	Bradford Seed and Feed / Truck & Trailer Storage
South:	Vacant Farm Ground / Eagle Creek Cement Plant
West:	Vacant Farm Ground / Cellular Communications Tower

Analysis: The applicant is proposing to create an expanded Agricultural Technical Program on the site. Technical Colleges are required to receive Conditional Use Permits prior to occupancy of a property. FHTC is proposing to occupy an existing building for use. The building is well suited for the proposed use, as it has previously been used as an oil and gas operator's facility. The location is in an area that is already zoned Light Industrial, so the new use would be compatible with existing uses.

Additional analysis has been provided in the factors for consideration.

Considerations: 26-109. Factors to be Considered for a Conditional Use Permit:

Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are permitted as conditional uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a conditional use, the minimum requirements set out in these regulations for the underlying district must be met unless otherwise reduced by specific reference in the approval of the Governing Body. The requirements may be made more stringent if there are potentially injurious effects which may be anticipated upon other property or the neighborhood or which may be contrary to public health, safety or welfare.

The Planning Commission may recommend approval of a Conditional Use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such Conditional Use, using the following factors as guidelines: **Staff Commentary in Bold**

1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations; **The use would be consistent with the intent and purpose of the zoning ordinance. Agricultural sales and service of equipment are allowed uses in Light Industrial Zoning. The reuse of the property is an example of adaptive reuse of buildings that is encouraged within the zoning regulations and comprehensive plan.**

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **As previously stated, the use is compatible with existing land uses in the surrounding neighborhood.**

3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided; **Overlander Road is currently being upgraded to handle additional traffic, and any increase in traffic by FHTC occupying this property would be negligible. Other public utilities**

are available for the property, and the addition of this use would not overwhelm the existing infrastructure.

4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected; **The overall need for training of advanced agricultural is driving the necessity to expand the program. There is limited space at the existing campus, which is also currently seeing an expansion. Overall, technical colleges are seeing a rise in enrollment as the cost of higher education continues to rise. Allowing the CUP for the Agricultural Training Program would be a positive for the community.**

5. The length of time the subject property has remained vacant or undeveloped as zoned; (the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped); **N/A**

6. Whether the applicant's property is suitable for the proposed conditional use; **As previously stated, this property is well suited for the proposed conditional use and would be beneficial to the community and the overall area. The property is currently used in an industrial manner, and allowing FHTC to operate on the property would not be detrimental to any existing property or business in the area.**

7. The recommendations of professional staff; **Staff is supportive of the Conditional Use Permit.**

8. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **There are several elements of the Comprehensive Plan that conform to the proposed project. The adaptive reuse of property, developing a better trained and skilled workforce, and siting projects in areas that have access to public infrastructure versus expanding to new areas for development.**

9. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use; **Allowing the applicant to expand the agricultural program and offerings in this community would be a beneficial use for the community and would provide far greater dividends than continuing to restrict the properties use.**

10. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected; **It is staff's opinion that the use, if approved, would not adversely affect the rights of neighboring properties.**

11. For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Lyon County, and amendments thereto; **N/A**

12. Such other factors as may be relevant from the facts and evidence presented in the application.

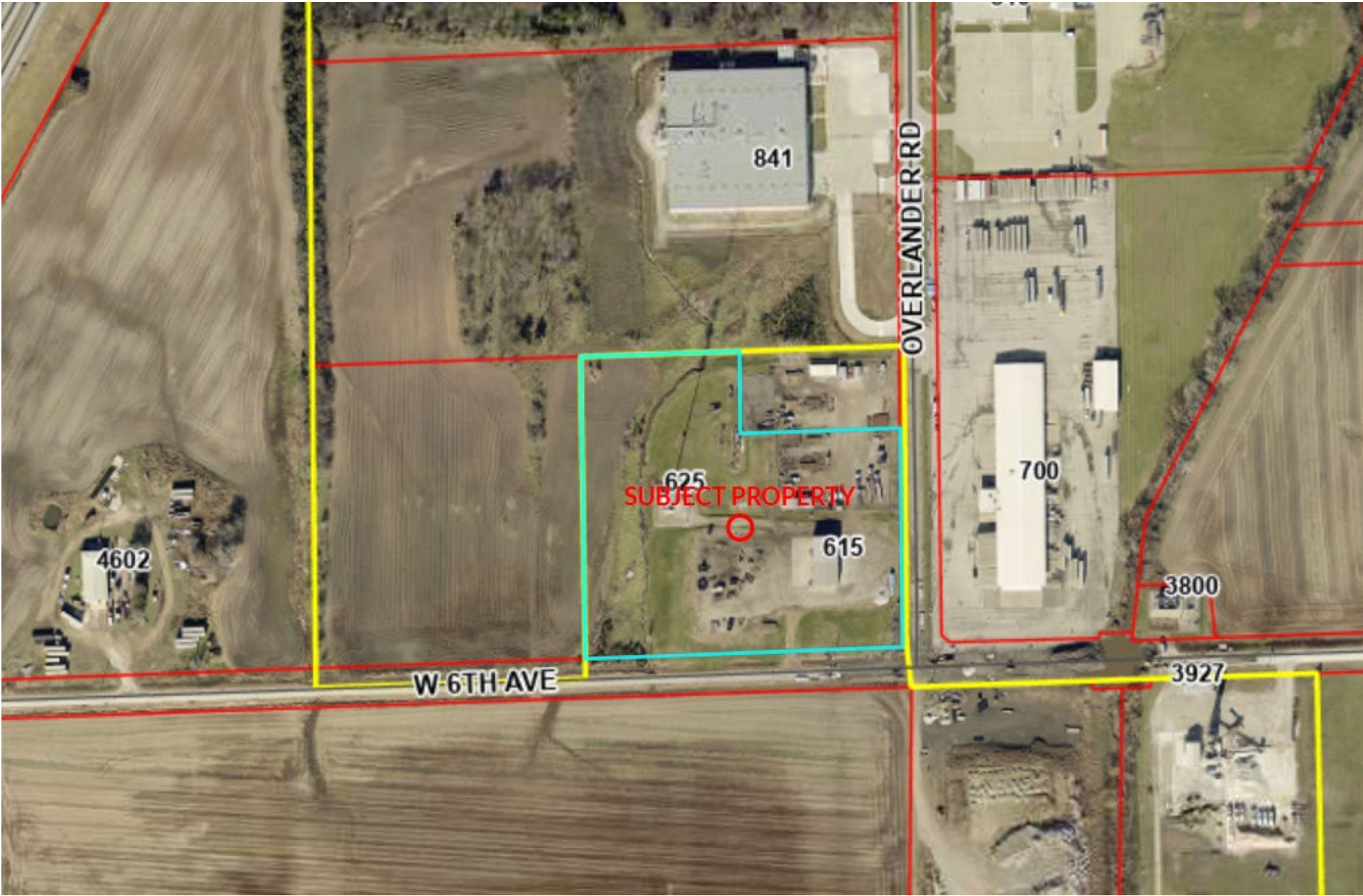
Neighborhood Communications:

Recommendation: If the Planning Commission finds that the project is advisable, it may forward a recommendation to approve the Conditional Use Permit to the Governing Body based on the findings that the project is consistent with the intent and purpose of the zoning regulations, will not have an adverse impact on the surrounding area and the use is consistent with neighboring uses subject to the following conditions;

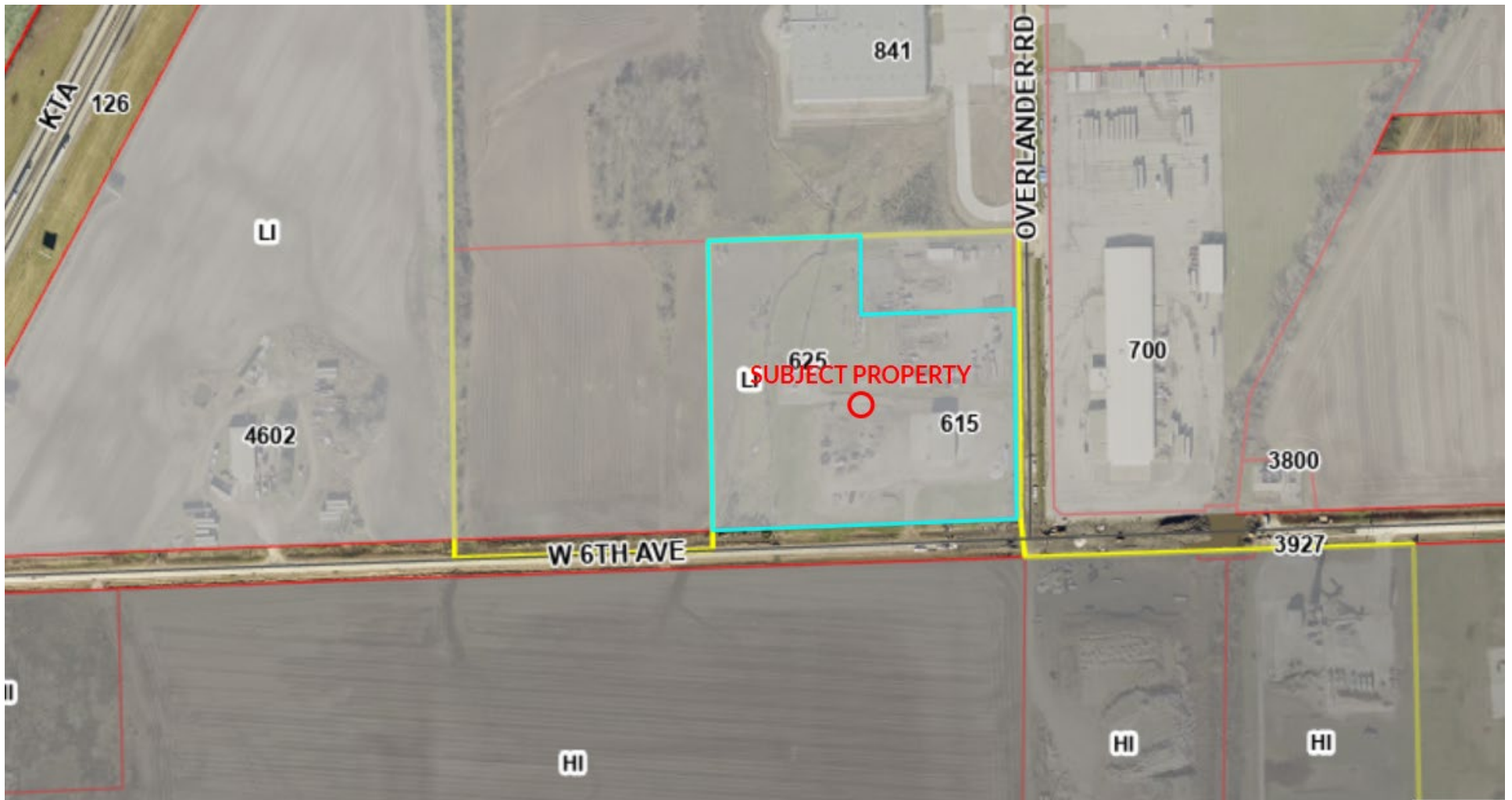
- 1) The project meets all applicable zoning, building, fire, and other applicable code regulations.
- 2) Any additional conditions the Planning Commission or City Commission deem necessary to protect the public health, safety, and general welfare.

Attachments: Aerial Map / Current Zoning Map

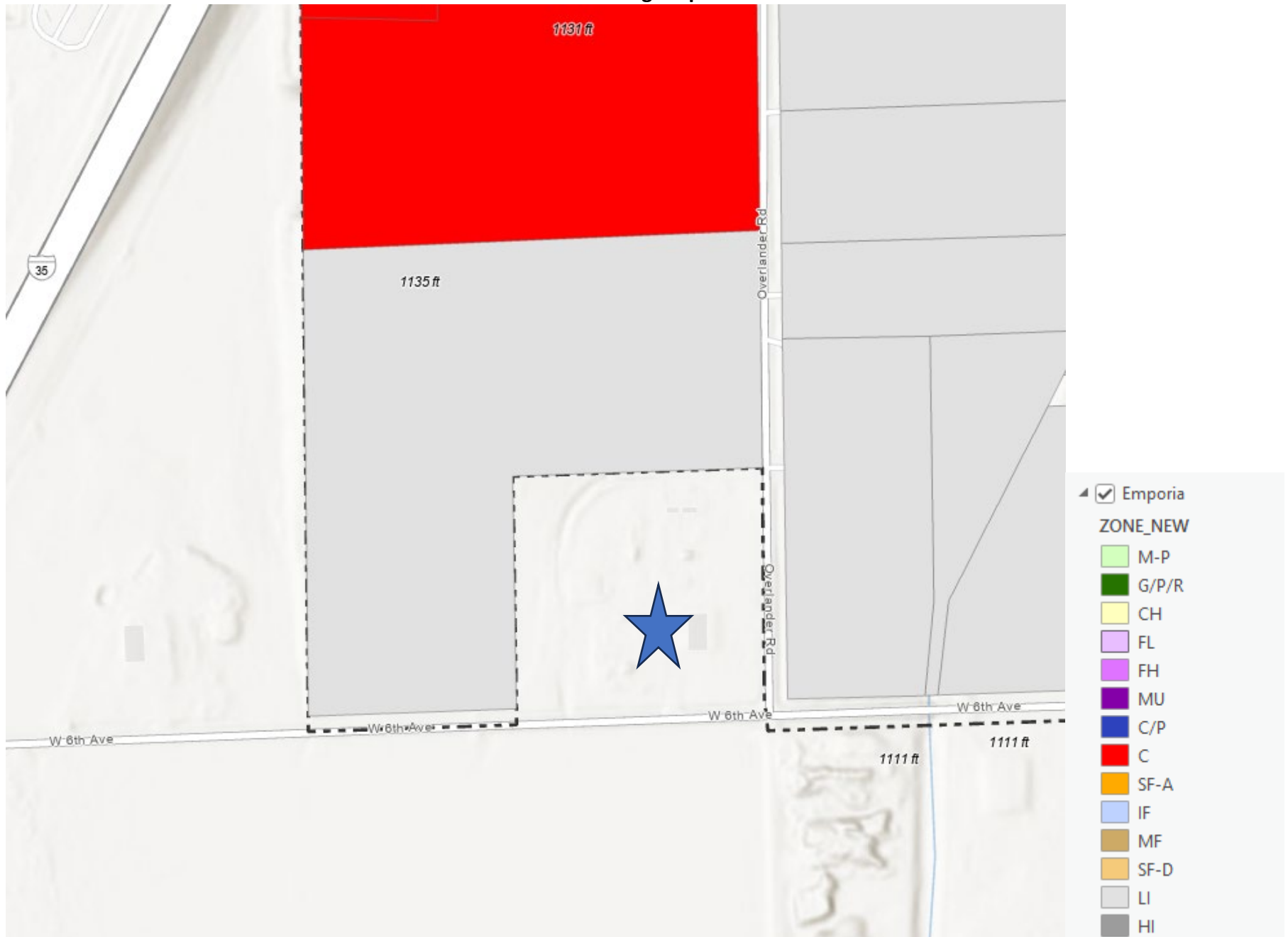
615 OVERLANDER ST
Aerial Location Map



615 OVERLANDER ST
Zoning Map



FHTC Rezoning & CUP Zoning Map





**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, APRIL 14, 2026, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2026-02

Applicants: S & S Mini Storage LLC

Requested Action: Approval of a Conditional Use Permit for Recreational Vehicle Storage

Purpose: The storage of recreational vehicles within an existing storage facility.

Address: 2606 W HWY 50

Legal description: LOT 2 IN S&S ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.
AND

A PART OF LOT 3 OF S&S ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS; AS SURVEYED AND DESCRIBED BY STEVEN S. BROSEMER ON OCTOBER 21, 2020; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 3 AND BEING ALSO THE NE CORNER OF SAID ADDITION; THENCE S.00°42'20"E. (GRID BEARINGS) ON THE WEST LINE OF ANDERSON STREET FOR 143.00 FEET; THENCE S.89°14'30"W. PARALLEL WITH THE NORTH LINE OF SAID ADDITION FOR 111.56 FEET TO THE EAST LINE OF LOT 2 OF SAID ADDITION; THENCE N.00°42'20"W. ON THE EAST LINE OF SAID LOT 2 FOR 113.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE S.89°14'30"W. ON THE NORTH LINE OF SAID LOT 2 FOR 133.75 FEET; THENCE N.00°42'20"W. FOR 30 FEET TO THE NORTH LINE OF SAID ADDITION; THENCE N.89°14'30"E. ON SAID NORTH LINE FOR 245.31 FEET TO THE POINT OF BEGINNING.

Lot Size: 3.30 acres (147,875 sq. ft.)

Existing Zoning: Flex-Use High (FH)

Future Zoning in ELC Comp. Plan: Flex-Use High (FH)

Surrounding Zoning:

North: Flex-Use High
East: Light Industrial / Commercial
South: Flex-Use High
West: Flex-Use High

Surrounding Actual Uses:

North: Lyon County Fair Grounds
East: Veterinary Clinic / Commercial Office Space
South: Bluestem Farm and Ranch
West: MFA Propane

Analysis: The applicants have recently purchased a storage facility that was granted a conditional use permit in 2021. The original owners had requested that storage buildings be allowed to cover a majority of the property. At that time, the Planning Commission and City Commission limited the coverage of storage facilities to only a portion of the property. The reason behind this decision was to protect the frontage of the property as future commercial development versus storage buildings. The current owner is requesting that the storage of recreational vehicles be allowed in a portion of the area that was originally excluded from storage in the initial application.

The storage of recreational vehicles would allow the property to be easily developed if a time comes when development pressure would dictate that the space had greater value as commercially built property versus storage of recreational vehicles.

Additional analysis has been provided in the factors for consideration.

Considerations: 9.5.4. Factors to be Considered for a Conditional Use Permit:

Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are permitted as conditional uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a conditional use, the minimum requirements set out in these regulations for the underlying district must be met unless otherwise reduced by specific reference in the approval of the Governing Body. The requirements may be made more stringent if there are potentially injurious effects which may be anticipated upon other property or the neighborhood or which may be contrary to public health, safety or welfare.

The Planning Commission may recommend approval of a Conditional Use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such Conditional Use, using the following factors as guidelines: **Staff Commentary in Bold**

1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations; **Self-Service Storage facilities are not listed as approved uses within the use table, and therefore require review from the Planning Commission and City Commission. Similar uses, such as Recreational Vehicle Sales are allowed outright in Flex-Use High areas. Allowing the storage of recreational vehicles after review would be consistent with the intent and purpose of the zoning regulations.**

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **Multiple properties within the area have outdoor storage of goods and materials for sale including Bluestem across the street, and MFA directly to the west of this property. Allowing the storage of recreational vehicles would be compatible with adjacent properties.**

3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided; **There would be no undue burden on existing public services in the area. The road system is designed to handle high volume traffic as major commercial corridor. Additional services demands would be negligible for a project such as this.**

4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected; **N/A**

5. The length of time the subject property has remained vacant or undeveloped as zoned; (the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped); **The applicant is proposing a use that would maximize space, while retaining the potential for future commercial development on the property. The total of the property was vacant for some time before the initial storage facility development.**

6. Whether the applicant's property is suitable for the proposed conditional use; **The property has ample space to allow for the storage of recreational vehicles and fenced screening, while being setback at a distance that would not hinder traffic flow along HWY 50. The property is adjacent to other properties that have outdoor storage including propane tanks, farm equipment, and both new and used cars.**

7. The recommendations of professional staff; **Staff supports the Conditional Use request provided the applicant adheres to the conditions levied in the original request and any new conditions that would be required for approval.**

8. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **The proposed development increases the use of existing property which is encouraged in the comprehensive plan, and it retains area that could be developed with new buildings for commercial ventures. Also, a secondary aspect is that this project would provide for additional space for residents to store recreational vehicles outside of residential parcel types, which generally helps improve the aesthetic of our neighborhoods.**

9. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use; **The is no real gain for the public health, safety, or welfare, but limiting the use of the property when similar uses such as recreational vehicle sales would be allowed does create a hardship on the applicant.**

10. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected; **Staff does not feel that based on the location and nature of the request would not have a detrimental impact on neighboring properties.**

11. For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Lyon County, and amendments thereto; **N/A**

12. Such other factors as may be relevant from the facts and evidence presented in the application.

Neighborhood Communications: Staff has not had any contact on this proposal.

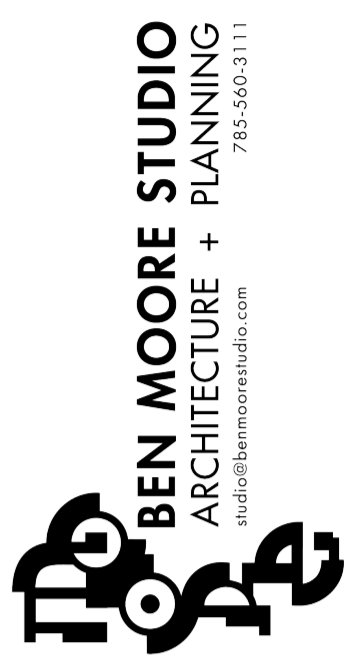
Recommendation: If the Planning Commission finds that the project is advisable, it may forward a recommendation to approve the Conditional Use Permit to the Governing Body based on the findings that the project is consistent with the intent and purpose of the zoning regulations, will not have an adverse impact on the surrounding area and the use is consistent with neighboring uses subject to the following conditons;

- 1) The project meets all applicable zoning, building, fire, and other applicable code regulations and an approved site plan is submitted and the property is developed in accordance with the site plan.
- 2) The applicant complies with the items not completed with the original development including hard surfacing of the drives within the existing storage facility.
- 3) Any additional conditions the Planning Commission or City Commission deem necessary to protect the public health, safety, and general welfare.

Attachments: Aerial Map / Current Zoning Map / Site Plan



Kansas State Certificate of Authorization - RA-992



BEN MOORE STUDIO
ARCHITECTURE + PLANNING
ben@benmoorestudio.com
785.685.3131

STORAGE UNIT
2602 W. HWY 50
EMPORIA, KS 66801

CONTRACTOR SHALL CHECK & VERIFY ALL DIMENSIONS & CONDITIONS AT THE JOB SITE

DATE 3-01-26

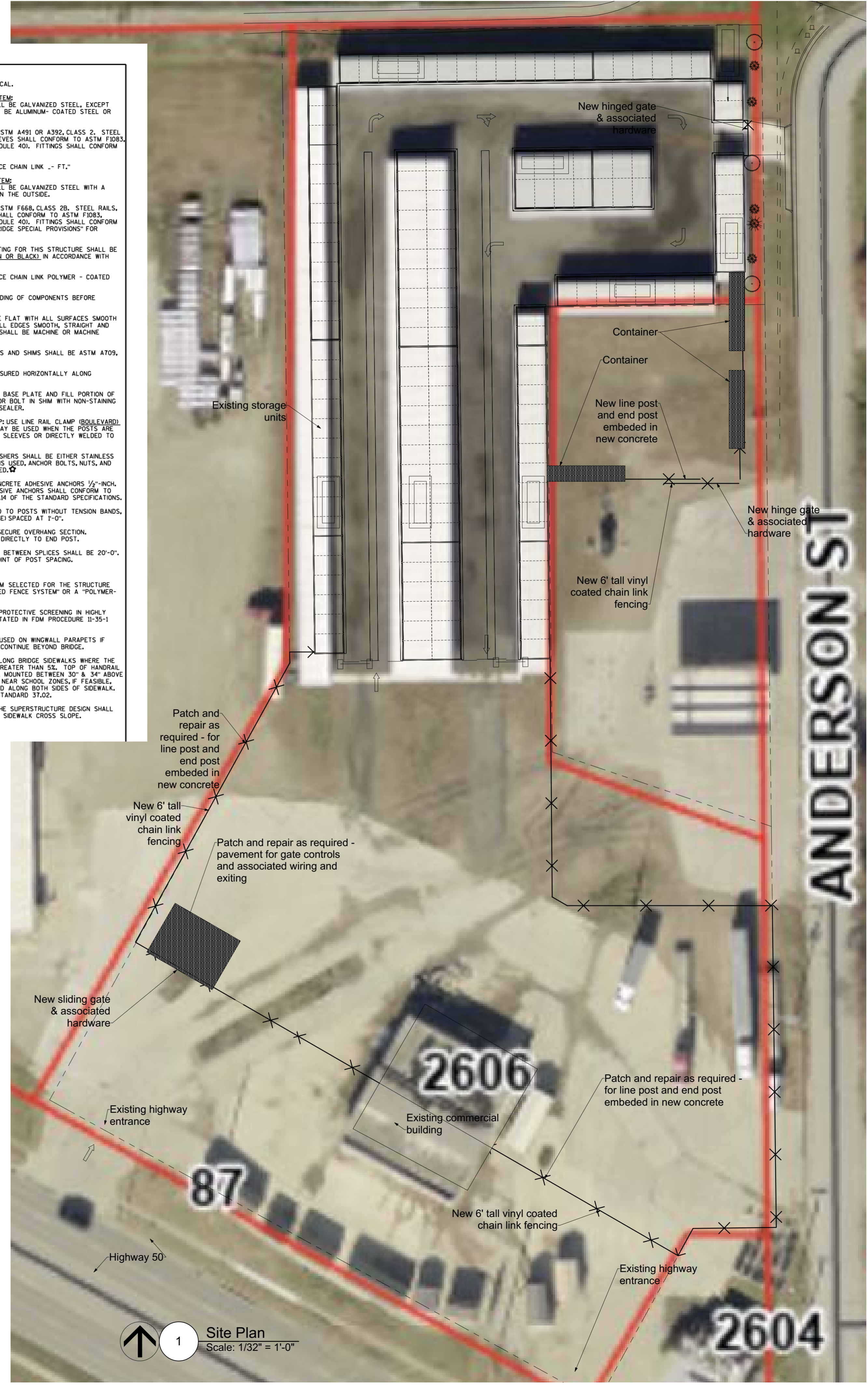
REVISION:

TITLE: SITE PLAN

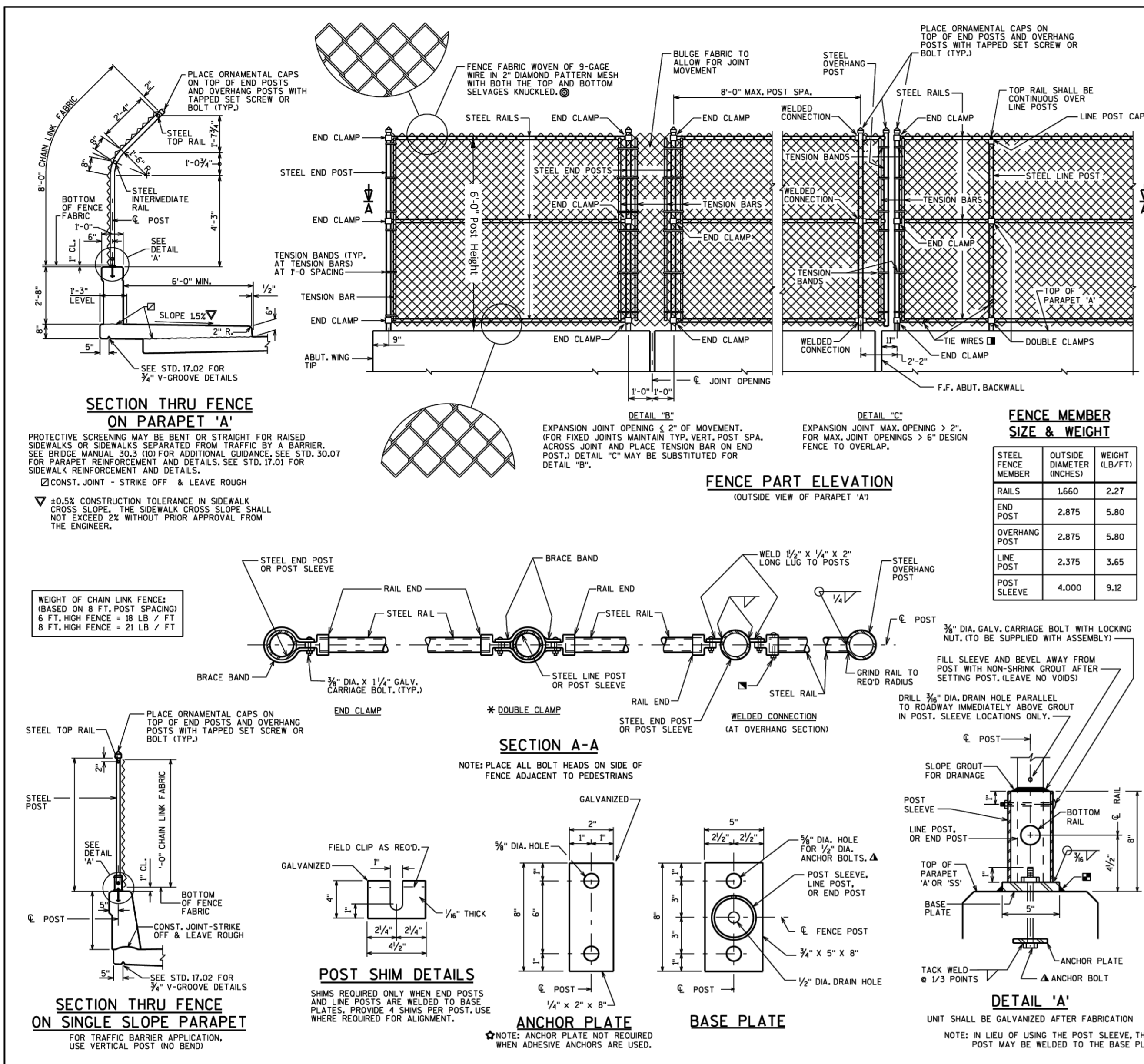
SHEET

A1.0

PROJECT 25-31



1 Site Plan
Scale: 1/32" = 1'-0"



NOTES
POSTS ARE TO BE SET VERTICAL.
METALLIC-COATED FENCE SYSTEM:
ALL FENCE COMPONENTS SHALL BE GALVANIZED STEEL, EXCEPT THE FENCE FABRIC WHICH MAY BE ALUMINUM-COATED STEEL OR GALVANIZED STEEL.
FABRIC SHALL CONFORM TO ASTM A491 OR A392, CLASS 2. STEEL RAILS, POSTS AND POST SLEEVES SHALL CONFORM TO ASTM F1083, STANDARD HEIGHT PIPE (SCHEDULE 40). FITTINGS SHALL CONFORM TO ASTM F626.
THE BID ITEM SHALL BE "FENCE CHAIN LINK - 6' - FT."
POLYMER-COATED FENCE SYSTEM:
ALL FENCE COMPONENTS SHALL BE GALVANIZED STEEL WITH A COLORED POLYMER-COATING ON THE OUTSIDE.
FABRIC SHALL CONFORM TO ASTM F668, CLASS 2B. STEEL RAILS, POSTS AND POST SLEEVES SHALL CONFORM TO ASTM F1083, STANDARD HEIGHT PIPE (SCHEDULE 40). FITTINGS SHALL CONFORM TO ASTM F626. SEE THE "BRIDGE SPECIAL PROVISIONS" FOR ADDITIONAL DETAILS.
THE COLOR OF POLYMER-COATING FOR THIS STRUCTURE SHALL BE (SPECIFY: DARK GREEN, BROWN OR BLACK) IN ACCORDANCE WITH ASTM F934.
THE BID ITEM SHALL BE "FENCE CHAIN LINK POLYMER-COATED - 6' - FT. B. - FT."
COMPLETE ANY REQUIRED WELDING OF COMPONENTS BEFORE GALVANIZING.
POST BASE PLATES SHALL BE FLAT WITH ALL SURFACES SMOOTH AND FREE FROM WARP AND ALL EDGES SMOOTH, STRAIGHT AND VERTICAL. ALL PLATE CUTS SHALL BE MACHINE OR MACHINE FLAME CUT.
BASE PLATES, ANCHOR PLATES AND SHIMS SHALL BE ASTM A307, GRADE 36.
ALL POST SPACINGS ARE MEASURED HORIZONTALLY ALONG THE C/L OF THE POST.
CAULK AROUND PERIMETER OF BASE PLATE AND FILL PORTION OF SLOTTED HOLE AROUND ANCHOR BOLT IN SHIM WITH NON-STAINING GRAY NON-BITUMINOUS JOINT SEALER.
ALTERNATE TO DOUBLE CLAMP: USE LINE RAIL CLAMP (BOULEVARD) OR 180° BRACE BAND, WHICH MAY BE USED WHEN THE POSTS ARE EITHER BOLTED TO THE POST SLEEVES OR DIRECTLY WELDED TO THE BASE PLATE.
ANCHOR BOLTS, NUTS AND WASHERS SHALL BE EITHER STAINLESS STEEL OR ASTM 307, IF 307 IS USED, ANCHOR BOLTS, NUTS, AND WASHERS SHALL BE GALVANIZED.
ALTERNATIVE ANCHORAGE: CONCRETE ADHESIVE ANCHORS 1/2" - INCH, EMBEDDED 7" IN CONCRETE. ADHESIVE ANCHORS SHALL CONFORM TO SECTIONS 502.2.12 AND 502.3.14 OF THE STANDARD SPECIFICATIONS.
ATTACH FABRIC TO RAILS, AND TO POSTS WITHOUT TENSION BANDS, WITH THE WIRES (ROUND, 9-GAGE) SPACED AT 1'-0".
BOLT RAIL TO RAIL END TO SECURE OVERHANG SECTION. ALTERNATE IS TO WELD RAIL DIRECTLY TO END POST.
MINIMUM LENGTH OF TOP RAIL BETWEEN SPLICES SHALL BE 20'-0". LOCATE SPLICES NEAR 1/4 POINT OF POST SPACING.
DESIGNER NOTES
THE CHAIN LINK FENCE SYSTEM SELECTED FOR THE STRUCTURE SHALL BE A "METALLIC-COATED FENCE SYSTEM" OR A "POLYMER-COATED FENCE SYSTEM".
A 1" MESH MAY BE USED ON PROTECTIVE SCREENING IN HIGHLY VULNERABLE AREAS, OR AS STATED IN FDM PROCEDURE 11-35-1 FOR PROTECTIVE SCREENING.
PEDESTRIAN RAILING MAY BE USED ON WINDWALL PARAPETS IF CHAIN LINK FENCE DOES NOT CONTINUE BEYOND BRIDGE.
HANDRAILS SHALL BE USED ALONG BRIDGE SIDEWALKS WHERE THE SLOPE OF THE SIDEWALK IS GREATER THAN 5%. TOP OF HANDRAIL GRIPPING SURFACES SHALL BE MOUNTED BETWEEN 30" & 34" ABOVE SIDEWALK SURFACE. USE 30" NEAR SCHOOL ZONES, IF FEASIBLE. HANDRAILS SHALL BE PROVIDED ALONG BOTH SIDES OF SIDEWALK. FOR HANDRAIL DETAILS SEE STANDARD 31400.
FOR DEAD LOAD PURPOSES, THE SUPERSTRUCTURE DESIGN SHALL ACCOUNT FOR A MAXIMUM 2% SIDEWALK CROSS SLOPE.

PROTECTIVE SCREENING MAY BE BENT OR STRAIGHT FOR RAISED SIDEWALKS OR SIDEWALKS SEPARATED FROM TRAFFIC BY A BARRIER. SEE BRIDGE MANUAL 50.3.103 FOR ADDITIONAL GUIDANCE. SEE STD. 30.07 FOR PARAPET REINFORCEMENT AND DETAILS. SEE STD. 17.01 FOR SIDEWALK REINFORCEMENT AND DETAILS.
CONST. JOINT - STRIKE OFF & LEAVE ROUGH
+0.5% CONSTRUCTION TOLERANCE IN SIDEWALK CROSS SLOPE. THE SIDEWALK CROSS SLOPE SHALL NOT EXCEED 2% WITHOUT PRIOR APPROVAL FROM THE ENGINEER.

WEIGHT OF CHAIN LINK FENCE:
(BASED ON 8 FT. POST SPACING)
6 FT. HIGH FENCE = 18 LB / FT
8 FT. HIGH FENCE = 21 LB / FT

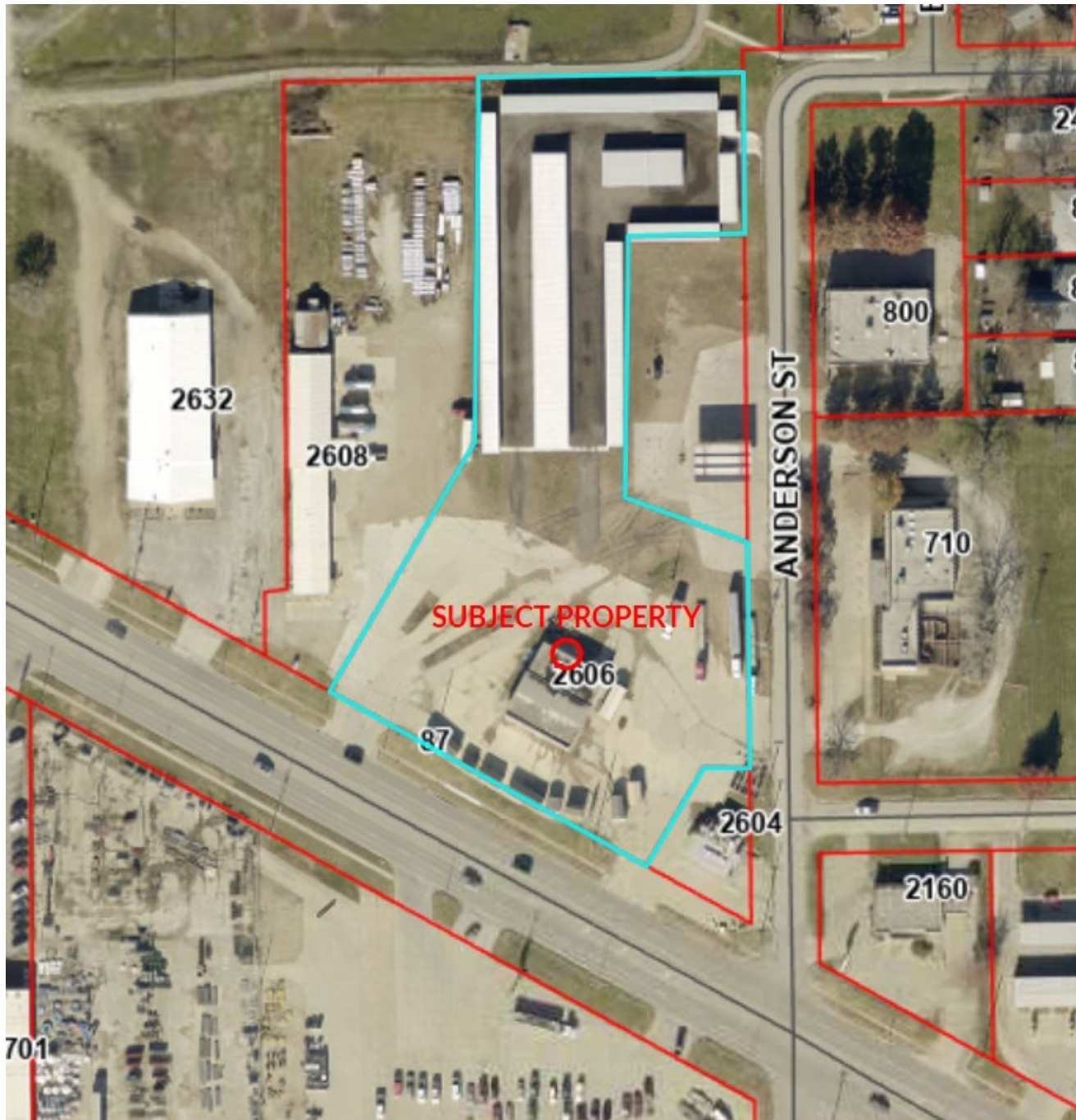
FOR TRAFFIC BARRIER APPLICATION, USE VERTICAL POST (NO BEND)

NOTE: PLACE ALL BOLT HEADS ON SIDE OF FENCE ADJACENT TO PEDESTRIANS

NOTE: ANCHOR PLATE NOT REQUIRED WHEN ADHESIVE ANCHORS ARE USED.

UNIT SHALL BE GALVANIZED AFTER FABRICATION
NOTE: IN LIEU OF USING THE POST SLEEVE, THE POST MAY BE WELDED TO THE BASE PLATE

2606 W HWY 50
Aerial Location Map



S and S Storage Zoning Map

1/14/20

