



Emporia
Kansas

**EMPORIA PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JUNE 9, 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

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

NEW BUSINESS

- 1. Board of Zoning Appeals: Consider the Minutes of the April 14, 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. Tabled from April 14, 2026.**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Grant / Deny Variance Request
- 3. Planning Commission: Consider the Minutes of the April 14, 2026, Planning Commission Meeting**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Approve Minutes
- 4. Planning Commission: Consider PC 2026-09, a Request from the Emporia City Commission to Review and Make Recommendations on Medical Related Terminology and Uses.**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Receive & File Information

ADJOURNMENT



**CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
MINUTES OF APRIL 14, 2026
REGULAR MEETING**

The Board of Zoning Appeals met in a regular session on Tuesday, April 14, 2026, with Chair Thomas presiding. Commissioners Fowler, Reed, Larson, Gilligan, and Johnson were present. Commissioner Lingenfelter was absent.

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

Chair Thomas called the meeting to order.

1. Consider the Minutes of the February 17, 2026, Board of Zoning Appeals Meeting.

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

Commissioner Reed made a motion to approve the minutes as presented. Commissioner Larson seconded the motion. The motion carried 6-0.

2. Consider BZA VAR 2026-04 – A Request for a Variance from the Front and Side Yard Building Line at 2803 Eaglecrest Drive.

Chair 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.

Chair Thomas asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications were reported.

Givens provided the Staff Report.

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

The Public Hearing was opened.

No person spoke in favor of the request.

No person spoke against the variance request.

The Public Hearing was closed.

Following a brief discussion centered around the Boards concerns on traffic circulation within the site, as well as spilling into Eaglecrest, Commissioner Gilligan made a motion to table the any action until more information from the applicant can be provided. Commissioner Reed seconded the motion. The motion carried 6-0.

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

Respectfully Submitted,

Justin Givens, Secretary



**CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JUNE 9, 2026, 6:00 PM
CITY MUNICIPAL COURT ROOM**

UPDATED 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.

Update: Staff anticipates the applicant's engineers being present at the meeting to address the concerns the Board had on the circulation within the site and concerns about potential impact on traffic along Eaglecrest. Information will be provided at the meeting.

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.

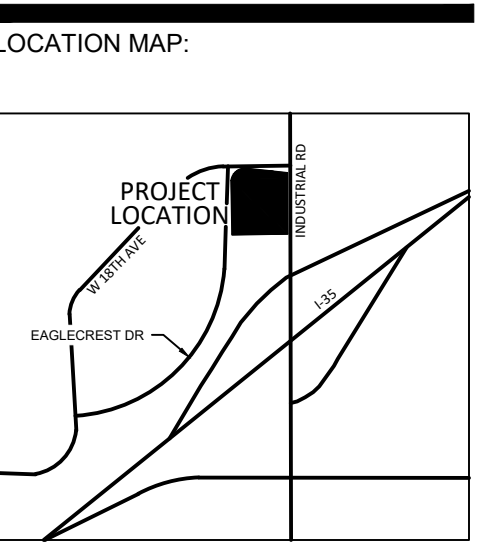
Attachments: Aerial Map | Current Zoning Map | Site Plan

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		

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

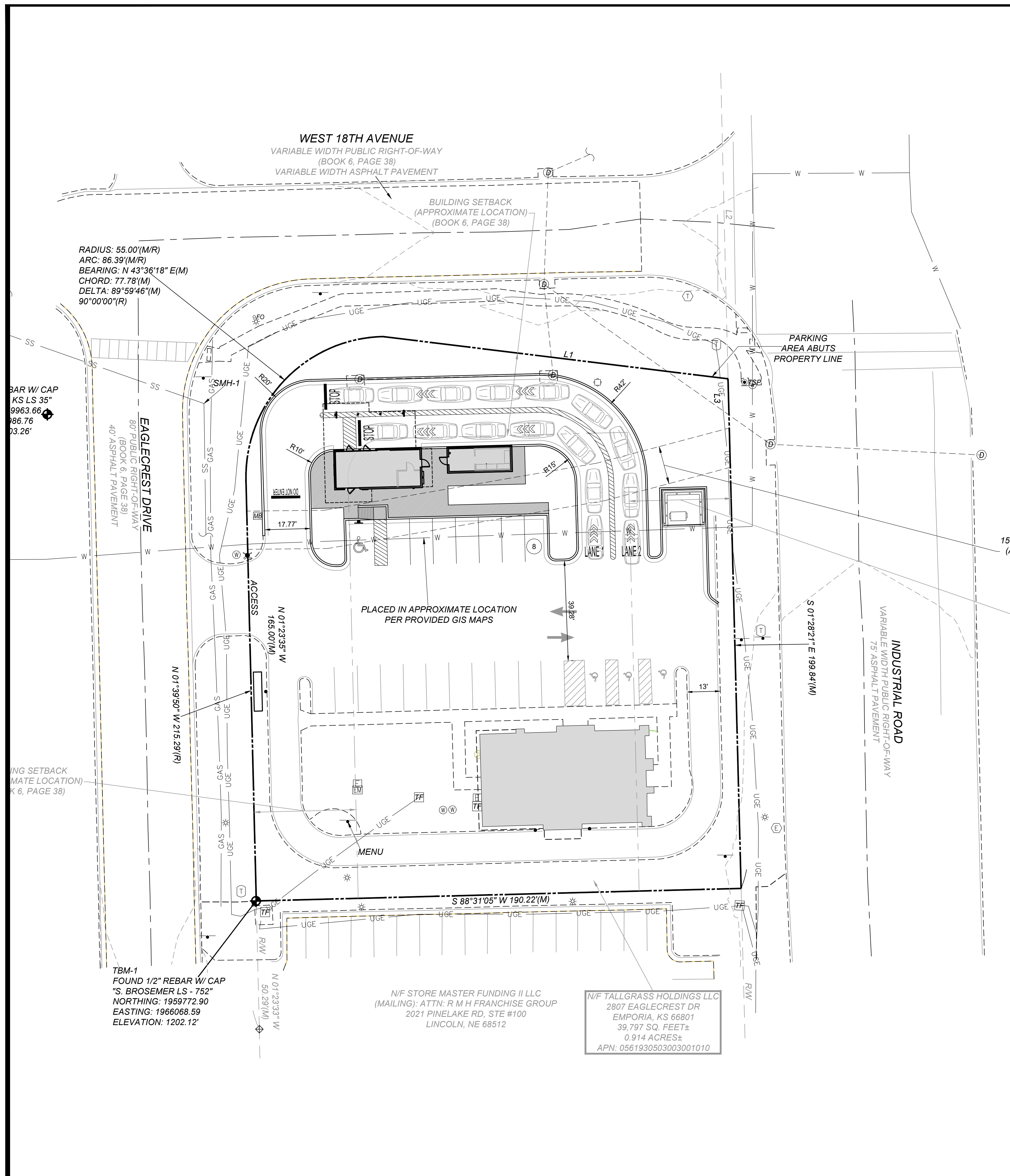
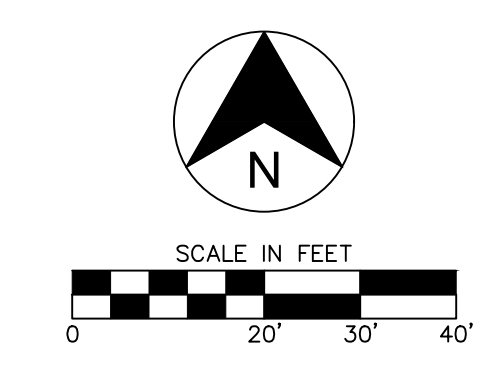
THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION AND CONSENT OF CEDAR CREEK CONSULTING INC. THIS SHEET IS NOT TO BE USED FOR CONSTRUCTION UNLESS THE ISSUE DATE IN THE TITLE BLOCK COINCIDES WITH OR POST 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





**CITY OF EMPORIA
PLANNING COMMISSION
MINUTES OF APRIL 14, 2026
REGULAR MEETING**

The Planning Commission met in a regular session on Tuesday, April 14, 2026, with Chair Kenton Thomas presiding. Commissioners Fowler, Reed, Gilligan, Larson, and Johnson were present. Commissioner Lingenfelter was absent.

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

Thomas called the meeting to order.

1. Consider The Minutes of the February 17, 2026, Planning Commission Meeting.

Givens presented the commission with the minutes from the February 17, 2026, meeting.

Commissioner Larson made a motion to approve the minutes as presented. Commissioner Johnson seconded the motion. The motion carried 6-0.

2. Planning Commission: Consider PC 2026-03, a Request for Rezoning of Property Located at 615 Overlander Road from Lyon County Light Industrial to City of Emporia Light Industrial (LI).

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. Commissioner Gilligan recused herself as the applicant is her employer. No other ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

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

The Public Hearing was opened.

Dr. Caron Daugherty, President, Flint Hills Technical College, spoke on behalf of the project. **Dr. Daugherty** stated that FHTC has recently started a CDL training program and would be using the property to house and expand that program as well as the Precision Agriculture program currently provided at FHTC. She further stated that each program would help to provide training and education to the local workforce and saw the programs as a benefit to the community as a whole.

Commissioner Fowler asked about additional paving on the lot in the future. **Dr. Daugherty** stated that there would be millings brought in from the Overlander Road project and future development would include hard surfacing.

No Person Spoke Against the Rezoning.

The Public Hearing was closed.

After a brief discussion among the Planning Commissioners;

Commissioner Reed made a motion to recommend approval of the rezoning to the Governing Body based on a finding that the request is consistent with the Comprehensive Plan; the request conforms to the intent of the Zoning Regulations, and there would be no negative impact on the existing neighborhood. Commissioner Johnson seconded the motion. The motion carried 5-0 (Gilligan abstained).

3. Planning Commission: Consider PC 2026-04, a Request for a Conditional Use Permit for a Technical College located at 615 Overlander Road.

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. Commissioner Gilligan recused herself as the applicant is her employer. No other ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

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.

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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 conditons;

- 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

The Public Hearing was opened.

Dr. Caron Daugherty, Flint Hills Technical College President, spoke on behalf of the project. **Dr. Daugherty** stated that FHTC has recently started a CDL training program and would be using the property to house and expand that program as well as the Precision Agriculture program currently

provided at FHTC. She explained the benefits of having the program located at a central location, owned by the college versus using different spaces. She further stated that each program would help to provide training and education to the local workforce and saw the programs as a benefit to the community as a whole.

No Person Spoke Against the Conditional Use Permit request.

The Public Hearing was closed.

After a brief discussion among the Planning Commissioners;

Commissioner Larson made a motion to recommend approval of the Conditional Use Permit to the Governing Body based on a finding that the project is consistent with the intent and purposes of the zoning regulations, will not have an adverse impact on the surrounding area, and the use is consistent with neighboring uses and subject to the conditions that any future develop meets all applicable zoning, building, fire and any other applicable code regulations. Commissioner Fowler seconded the motion. The motion carried 5-0 (Gilligan abstained).

4. Planning Commission: Consider PC 2026-02, a Request for Conditional Use Permit at 2606 W HWY 50 for Outdoor Recreational Vehicle Storage.

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 2026-02

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 conditions;

- 1) Any new development meets and maintains compliance with all applicable zoning, building, fire, and other code.
- 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

The Public Hearing was opened.

Brandon Rains, 144 Road 147, Emporia, KS. (owner) spoke on behalf of the project. **Mr. Rains** stated that the asphalt had been installed in the last several days, and they had spoken with the Engineering Department on retention / detention structures. He also stated that an iron fence with a gate would be installed in front of the storage area. **Rains** stated that they were working with an electrical contractor to install lights on the property to increase security.

Commissioner Johnson asked about the fence. Rains stated the location of the fence would follow the perimeter of the property except along the front where it would run in line with the middle of the building.

Scott Strahm, 1554 Road 175, Emporia, KS. (owner) spoke on behalf of the project, stating that they were working towards compliance with the original conditional use permit.

No Person Spoke Against the Conditional Use Permit request.

The Public Hearing was closed.

Commission Fowler stated concerns about the proposed screening and the appearance of the property especially if the quality of recreational vehicles declines over time. After a brief discussion among the Planning Commissioners concerning the proposed project including screening,

Commissioner Johnson made a motion to recommend approval of 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)Any new development meets and maintains compliance with all zoning, building, fire, and any other applicable federal, state, or municipal code or regulation.

2)The applicant complies with the items not completed with the original development including hard surfacing of the drives, retention/detention structure, landscaping per the original plan within 90 days.

3)No vehicles or recreational vehicles that meet the definition of an inoperable vehicle as defined in Section 17.3 of the Emporia Municipal Code be stored on the property.

Commissioner Reed seconded the motion. The motion carried 6-0.

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

Respectfully Submitted,

Justin Givens, Secretary



**CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JUNE 9, 2026, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2026-09

Applicants: City of Emporia

Requested Action: Request from City Commission to Planning Commission to Review Medical Terminology and Use Regulations

Purpose: To Review and Make a Recommendation to the City Commission on Possible Medical Terminology and Use Regulations to the Zoning Code

Background: In 2024, Newman Regional Hospital applied for a text amendment that would have significantly altered the zoning regulations in both definitions and use regulations for medical facilities.

Following a highly a public hearing, the Planning Commission chose to take no action or make no recommendation to the Governing Body on the proposed changes. The lack of action is the equivalent of a negative recommendation to the Governing Body. The Governing Body never placed the item on an agenda for consideration and the request became null and void.

At their May 20, 2026 meeting, the City Commission made a formal request of the Planning Commission to review Medical Facility Zoning Regulations.

Process: Staff has provided an initial proposed process timeline and action steps that, if the Planning Commission adopts would be used for benchmarking, tracking and managing the review process.

Recommendation: Staff recommends that the Planning Commission review and adopt the Medical Review Framework.

Attachments: Request From City Commission | Proposed Framework |



Proposed Process for Review of Medical Facility Zoning Regulations

The purpose of this review is to support a transparent, informed, and community-focused evaluation of the City’s zoning regulations related to medical facilities and healthcare uses. The process is intended to provide opportunities for public participation, stakeholder input, research, and Planning Commission deliberation before recommendations are made to the Governing Body.

The proposed review process provides structure while allowing meaningful opportunities for participation and deliberation. Meetings or hearings may be continued as needed to allow additional discussion, public input, or refinement of proposed amendments.

Review Phases

Phase 1: Initiation & Education

Phase 2: Research & Community Engagement

Phase 3: Planning Commission Review & Recommendation

Phase 4: City Commission Review & Action

Community Engagement

Informational Resources:

- Media news releases
- Public meetings
- Dedicated webpage
- Social media platforms

Engagement Opportunities

- Stakeholder outreach and input
- Q&A opportunities
- Written and in-person feedback options
- Formal public hearing before the Planning Commission

Anticipated Meeting Schedule

Date	Meeting	Topic
May 20, 2026	City Commission	Request to Planning Commission
June 9, 2026	Planning Commission	Establish Process Framework
July 14, 2026	Planning Commission	Initial Review of Research & Community Input
August 11, 2026	Planning Commission	Draft Amendment Review
September 8, 2026	Planning Commission	Public Hearing
October 13, 2026	Planning Commission	Recommendation to City Commission
November 4, 2026	City Commission	Consideration of Proposed Amendments



**REQUEST TO THE EMPORIA PLANNING COMMISSION
Review of Medical Facility Zoning Regulations**

The Governing Body of the City of Emporia, Kansas requests that the Emporia Planning Commission review the City's zoning regulations relating to medical facilities and healthcare-related uses and consider whether amendments are appropriate to clarify definitions, permitted uses, conditional use standards, operational characteristics, and compatibility with surrounding land uses.

The review should consider both current and long-term community needs.

The Governing Body further requests that the review process include opportunities for public input and stakeholder participation, including healthcare providers, affected property owners, community members, and relevant public agencies.

The Planning Commission is requested to provide recommendations to the Governing Body by December 31, 2026.

APPROVED by the Governing Body of the City of Emporia, Kansas, on this 20th day of May, 2026.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk