



EMPORIA PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JULY 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

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 June 9, 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 June 9, 2026 Meeting**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Grant/Deny Variance Request
3. **Planning Commission: Consider the Minutes of the June 9, 2026 Planning Commission Meeting**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Approve Minutes
4. **Planning Commission: Consider PC 2026-10, a Request for a Conditional Use Permit Allowing a Single-Family Attached Home for Property Located at 1228 W 5th Ave.**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Conduct Public Hearing | Make Recommendation to Governing Body

ADJOURNMENT



**CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
MINUTES OF JUNE 09, 2026
REGULAR MEETING**

The Board of Zoning Appeals met in a regular session on Tuesday, June 9, 2026, with Chair Thomas presiding. Commissioners Fowler, Reed, Larson, Gilligan, Lingenfelter, and Johnson were present.

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

Chair Thomas called the meeting to order.

1. Consider the Minutes of the April 14, 2026, Board of Zoning Appeals Meeting.

Givens presented the commission with the minutes from the April 14, 2026 meeting.

Commissioner Gilligan made a motion to approve the minutes as presented. Commissioner Reed seconded the motion. The motion carried 6-0-1 (Lingenfelter).

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 stated that this item was tabled at the April 14, 2026 meeting, in which the public hearing was conducted.

Givens provided the Staff Report.

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

Austin Fritts and **Andrew Wilson** of Cedar Creek Engineering and **James Cheatham** of 7 Brew Group appeared to discuss the proposed development. They stated that they had done internal site evaluations based on actual and anticipated traffic numbers for both Taco Bell and 7 Brew, and felt that the internal circulation and parking plan would allow for both businesses to be fully operational with minimal conflicts due to the different peak visit times for each.

Following a brief discussion, **Gilligan** moved to table the request until the applicant can provide additional information on the traffic impact of the project, especially at the 18th and Eaglecrest intersection. **Larson** seconded the motion. The request was tabled until a future meeting. (7-0)

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

Respectfully Submitted,

Justin Givens, Secretary



**CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING
APPEALS TUESDAY, JULY 14, 2026, 6:00 PM
CITY MUNICIPAL COURT ROOM**

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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 providing an expanded traffic study that demonstrating current level of service at the intersection of 18th and Eaglecrest and the impact that the new project would have on that level of service. Staff has been in consultation with the City Engineer, who will be able to provide a recommendation based upon any negative impacts on the level of service for the intersection.

Level of Service (LOS) is used to assess the quality of motor vehicle traffic service on roadways and intersections, reflecting factors such as vehicle speed, density, congestion, travel time, delay, maneuverability, and user comfort.

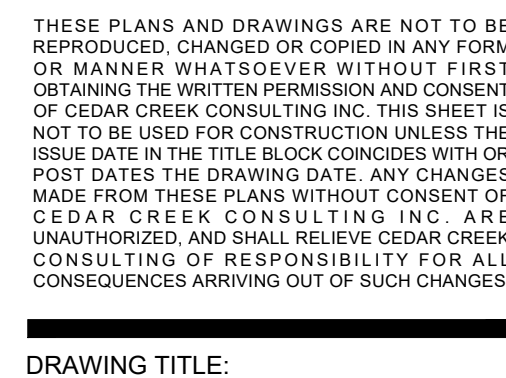
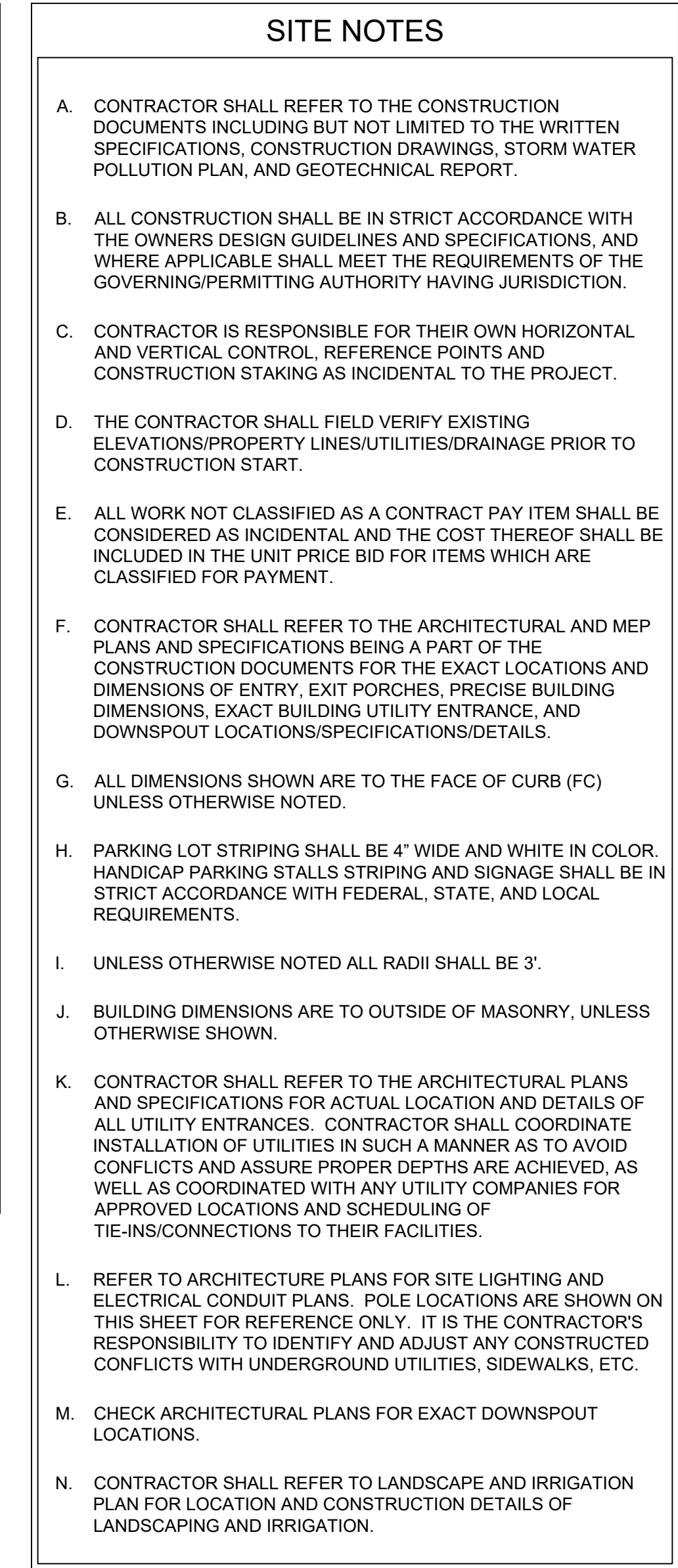
Recommendation: Staff recommends approval of the variance based on the following;

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- 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.

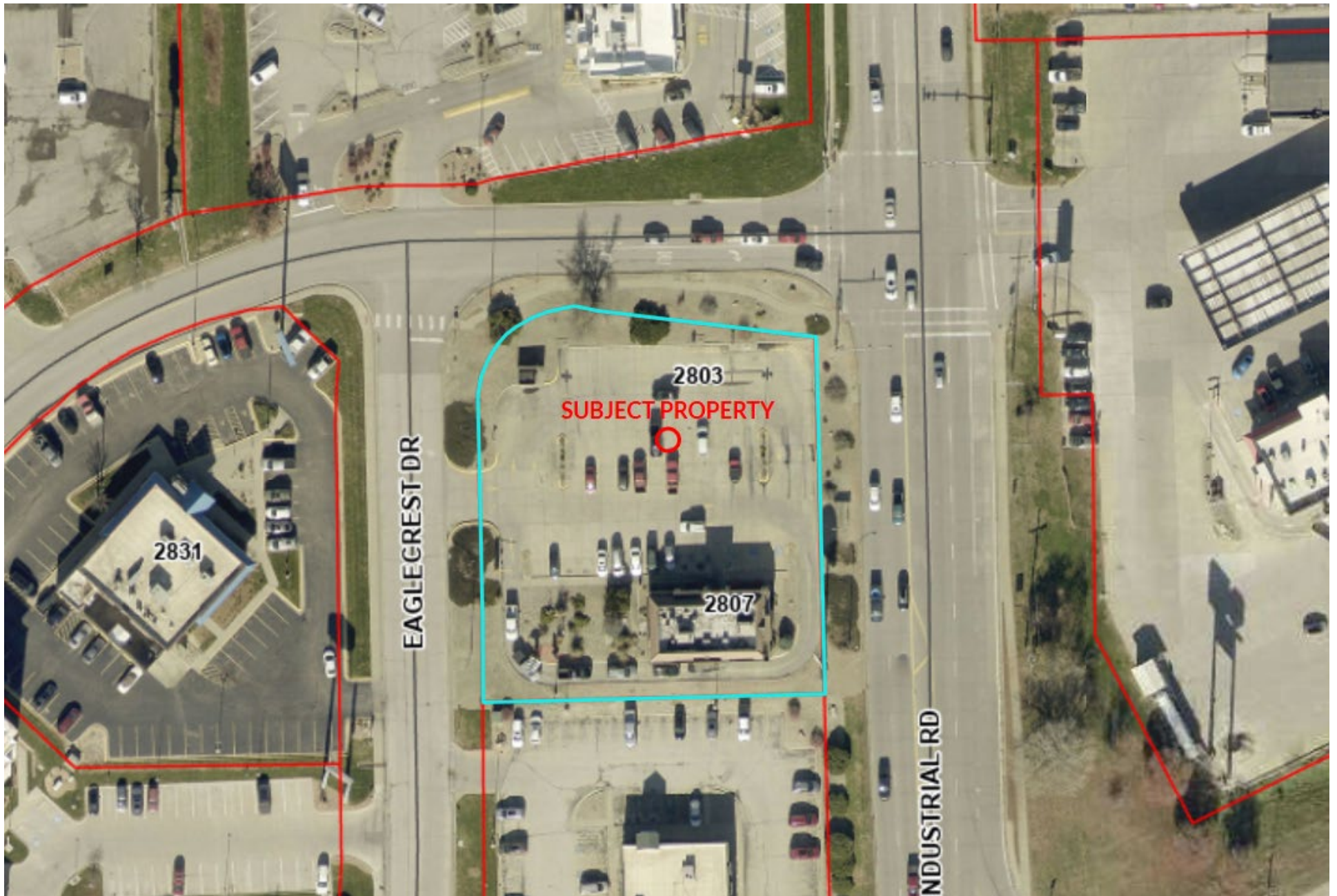
Neighborhood Communications: Staff has received no inquiries about this project.

Recommendation: Staff recommends approval of the variances.

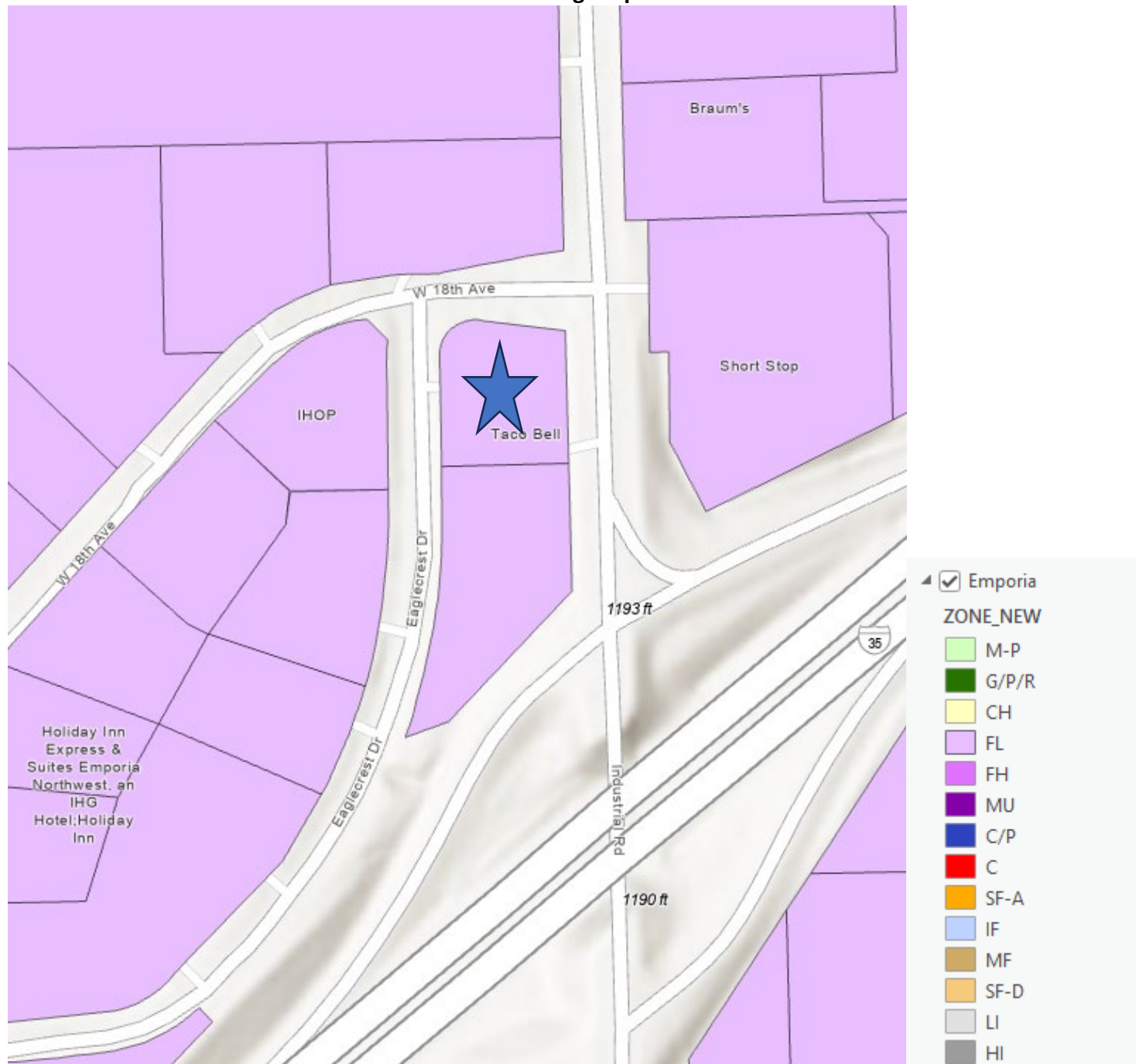
Attachments: Aerial Map | Current Zoning Map | Site Plan



2803 Eaglecrest
Aerial Location Map



2803 Eaglecrest Zoning Map





**CITY OF EMPORIA
PLANNING COMMISSION
MINUTES OF JUNE 9, 2026
REGULAR MEETING**

The Planning Commission met in a regular session on Tuesday, June 9, 2026, with Chair Kenton Thomas presiding. Commissioners Fowler, Reed, Gilligan, Larson, Lingenfelter, and Johnson were present.

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

Thomas called the meeting to order.

1. Consider The Minutes of the April 14, 2026, Planning Commission Meeting.

Givens presented the commission with the minutes from the April 14, 2026, meeting.

Commissioner Larson made a motion to approve the minutes as presented. Commissioner Johnson seconded the motion. The motion carried 6-0-1 (Lingenfelter).

2. Planning Commission: Consider PC 2026-09, a Request from the Emporia City Commission to the Planning Commission to Review Medical Terminology and Use Regulations.

Givens provided the Staff Report.

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 attended 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 |

Following a brief discussion, the Planning Commission recommended adding possible additional meeting dates to review findings from public discussions and meetings.

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

Respectfully Submitted,

Justin Givens, Secretary



**CITY OF EMPORIA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, JULY 14, 2026, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2026-10

Applicants: Sunnyvale Properties

Requested Action: Approval of a Conditional Use Permit for a Single-Family Attached Dwelling Unit on a Single-Family Detached Parcel.

Purpose: The applicant is requesting the Conditional Use Permit to build a duplex on an existing infill lot.

Address: 1228 W 5th Ave.

Legal description: Lot 12 Nora K Steven's Addition to the City of Emporia, Lyon County, Kansas

Lot Size: 45' x 167' (7,592 sq. ft.)

Existing Zoning: Single-Family Detached

Future Zoning in ELC Comp. Plan: Single-Family Detached

Surrounding Zoning:

North:	Flex Use High
East:	Single-Family Detached
South:	Single-Family Detached
West:	Single-Family Detached

Surrounding Actual Uses:

North:	Offices / Single-Family Detached Homes
East:	Single-Family Detached Homes
South:	Single-Family Detached Homes
West:	Single-Family Detached Homes

Analysis:

If approved, the applicant intends to remove the existing structure and then build a 2,220 sq. ft. duplex that would face Elm Street. Reorienting the façade will allow for more of the lot to be used. The lot is narrower than a traditional lot which makes building facing W 5th difficult.

The current structure was built in 1900 and is currently appraised at \$34,000. Similar new duplexes

have appraised at approximately \$278,000.

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; **Single-Family Attached Dwellings are allowed on a Single-Family Detached parcel with the approval of a Conditional Use Permit. This CUP process allows the Planning Commission and City Commission to determine whether the proposed structure would fit within the existing neighborhood.**
2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **There is a mix of owner occupied and rental properties in the immediate area and this property abuts flex use zoning to the north. A new duplex would be compatible for the area.**
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; **All infrastructure is in place to serve this property and there would not be an undue burden placed on services in the area.**
4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected; With the rising cost of housing, increasing new duplex rental stock in the city, staff would content would be a good thing.
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); **This property currently has an existing structure on the property, however, that property is older and smaller. Adding the new structure would increase the value of the property and contribute to improving the housing stock of the community.**
6. Whether the applicant's property is suitable for the proposed conditional use; **Staff would contend that an attached home would be a highly suitable use for the property, especially considering the narrowness of the lot. Siting the house to the west allows for a maximum amount of the lot to be used.**
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; **Plan ELC encourages infill development and adaptive reuses of properties, in this case, an adaptive reuse of the lot, by removing an aging structure and building new where all infrastructure is existing.**

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 project if approved, would remove an aging structure, improve the housing stock in the community and especially the surrounding area. Staff contends that allowing the project would not be a negative to the public health, safety, or general welfare.**

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; **This project would not adversely affect the surrounding properties. The structure would be built with existing setbacks and not infringe on any 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 spoken with two adjacent property owners who have had no objections to the request.

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 / Site Plan

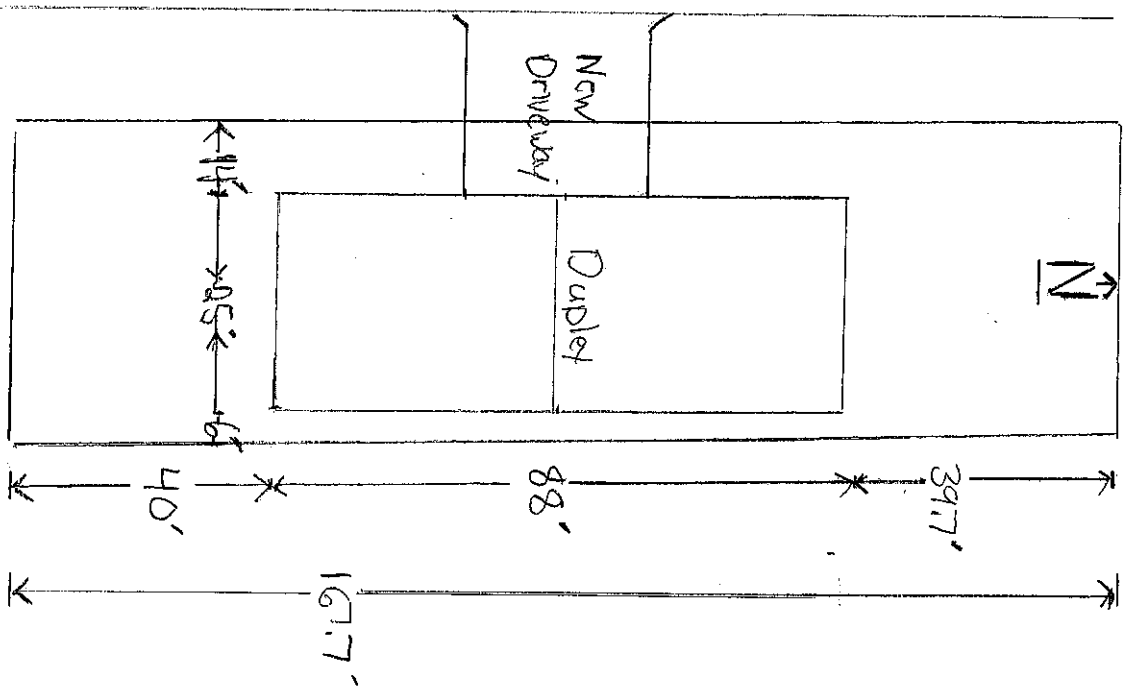
1228 W 5th Ave - SITE PLAN - Sunnyvale Properties LLC

Lot 45' x 167.7' - Proposed new duplex - 2200 sq.ft -

7592 sq ft

45'

ELM STREET

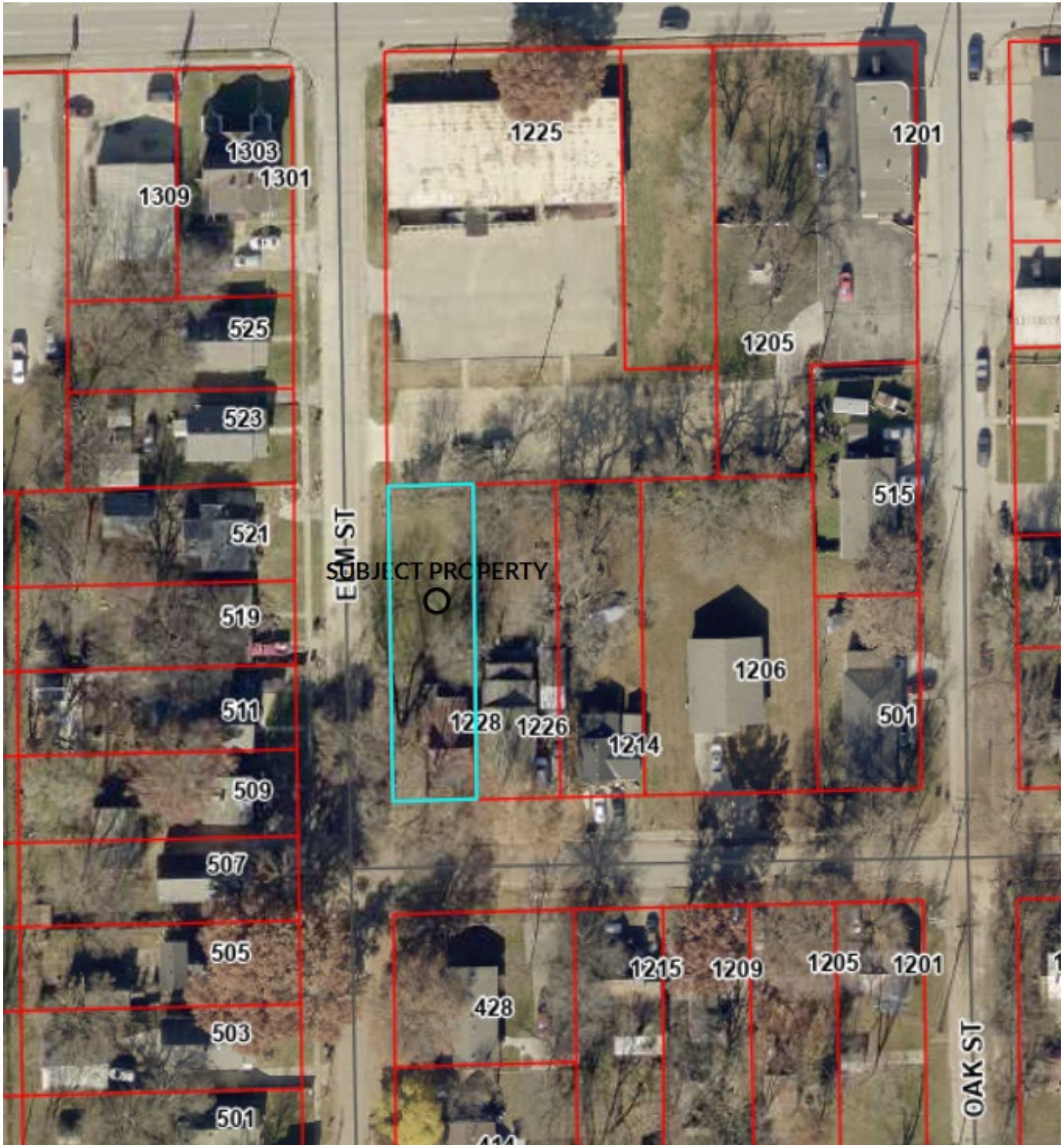


1228

EXISTING SIDEWALK

5th Ave

1228 W 5th Ave
Aerial Location Map



1228 W 5th
Zoning Map

