

COMMISSION MEETING

7:00 P.M.

JANUARY 19, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, January 19, 2022, with Mayor Smith presiding and Commissioners Brinkman, Giefer, Gilligan and Sauder present. Also present were City Manager Cocking, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery via phone.

Representatives of Delta Chapter of Sigma Tau Gamma Fraternity, were in attendance to accept a proclamation declaring January 20, 2022 as "Delta Chapter of Sigma Tau Gamma Fraternity Day" in Emporia. They stated the Delta Chapter of Sigma Tau Gamma Fraternity was originally founded as Alpha Sigma Alpha Fraternity in 1916 at Kansas State Normal. The Fraternity's mission is "to be a Fraternity of Courageous and Noble Gentlemen who Always Endeavor Forward." The Fraternity and its members believe in the Principles of Learning, Integrity, Excellence, Leadership, Citizenship and Brotherhood. They stated the Delta Chapter of Sigma Tau Gamma Fraternity takes pride in helping the Emporia, Kansas community through the Emporia Public Library and Special Olympics.

Mayor Smith then presented the proclamation.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

Presentations by individuals during "Citizen Appearance" portion of the Commission agenda shall be limited two minutes each. No personal attacks, comments or opinion shall be expressed or made against or about any member of the Commission, Mayor, City Employee, individual group or corporation.

Dylan Gutierrez, 209 E. Logan Avenue, addressed the Governing Body with concerns over a proposed subdivision on property located on the east side of Sodens Road and South Exchange Street. He then reviewed his outline of concerns and was opposed to any changes to the property.

Ken Barrows, 704 S. Commercial Street and Luann Gutierrez, 209 E. Logan Avenue, addressed the Governing Body in opposition of the proposed subdivision on the property.

**CITY COMMISSION
(Board Appointment)**

Natural Resources Advisory Board:

It was moved by Commissioner Gilligan seconded by Commissioner Sauder that Patricia Seanz-Reyes be appointed to the Natural Resources Advisory Board to fill an unexpired term that expires December 31, 2023. The vote follows: Commissioner Gilligan, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Letter of Support for Rural Innovation Strategies, Inc.)
(Economic Adjustment Assistance - Heartland Regional Grant)
(Letter of Support for Center on Rural Innovations's)
(Economic Development Administration) - Good Jobs Challenge)**

Rob Gilligan, Ignite Emporia Director, was recognized and addressed the Governing Body. He stated Rural Innovation Strategies, Inc. was founded on 2017 to advance economic prosperity in rural America to show the need for creating vibrant digital economic development within rural communities across the country. Through the Heartland Startup Community Design Sprint, a 3-day, facilitated workshop experience in each community that will lead to a customized core curriculum for entrepreneurial events for each community. Six months of post Sprint implementation support to assist with implementing the work plans in each community will be provided. He stated Rural Innovation Strategies, Inc. is requesting funding from the Economic Development Administrations Economic Adjustment Assistance program to support entrepreneurship sprints in Iowa, Kansas, Nebraska and Missouri. Participating communities will have the opportunity to execute the planning and capacity building work leading to entrepreneurial events at no cost to the community. He stated participants are asked to provide support letters to document their need for this programming and willingness to participate. He stated

he was recommending approval of the Letters of Support for RISI's EDA Economic Heartland Regional Grant and CORI Good Jobs Challenge Grant Proposal.

Commissioner Brinkman made a motion authorizing the Mayor to sign the Letters of Support for the RISI's EDA Economic Adjustment Assistance Heartland Regional Grant and CORI Good Jobs Challenge Grant Proposal. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

PLANNING AND DEVELOPMENT

**(MAPC Excerpts of Regular Meeting Held 12-21-21)
(Application No. 2021-21 - Request of John & Claudia Kretsinger)
(Rezone 16.8 Acre Unplatted Parcel of Land)
(Located East Side of Sodens Road & South Exchange Street)
(From A-L, Agricultural to R-1, Low Density Residential)**

The Planning Commission met in a regular session on Tuesday, December 21, 2021, with Chairman Thomas presiding. Commissioners Bucklinger, DeWitt, Weaver, Barnes, Duncan, and Colson present.

City staff: Jeff Lynch and Moriah Keen were present.

APPLICATION 2021-21 A request of John and Claudia Kretsinger to re-zone an approximate 16.8 acre un-platted, non-addressed parcel located on the east side of Sodens Road and South Exchange Street.

Applicants: John & Claudia Kretsinger

Requested Action: Re-zoning

Purpose: Change the zoning classification to meet needs

Address: South Exchange & Sodens Rd., East side

Lynch gave the Analysis: The applicant is requesting a zoning change for a parcel to enable the development of a single-family detached houses within a Housing Opportunity Overlay (HOO). To qualify for an HOO, the zoning must be R-1 or R-2. The future regulating map indicates this area will be within the Single-family detached zoning district.

City staff recommendation is to approve

Staff confirmed jurisdiction and public notice has been made.

Public comment was opened:

John and Claudia Kretsinger, 802 S. Commercial St. Emporia, KS (Applicants): They want to re-zone 16.8 acre on South Exchange St. to R-1.

Bruce Boetcher, 2214 E. Bayfront Fort Emporia, KS: He is in support of the application and is here if there are any questions.

Public hearing closed.

Chairperson Thomas wanted to be clear with the board members that the Housing Opportunity Overlay district cannot be applied unless this becomes R-1 or R-2.

Member Duncan made a motion to approve Application 2021-21 changing it to agricultural to R-1. **DeWitt seconded. Approved 6:0:1, Colson abstained.**

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of John and Claudia Kretsinger for the ability to create a Housing Opportunity Overlay District on the subject property and develop the property in a manner that is outside normal development parameters for residential use and districts in Emporia. The applicant desires to develop this area into a housing development. The property is currently undeveloped and zoned A-L, Agriculture and the proposed zoning district R-1, Low Density Residential is consistent with the comprehensive plan. A public hearing was held and positive support for rezoning came from the property owners, agents for the owners and developers. He stated no person spoke in opposition at the public hearing. At their December 21, 2021 regular meeting, the Planning Commission approved Application 2021-21 changing the zoning from A-L, Agricultural to R-1, Low Density Residential with a vote of 6-0-1.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 12-21-21)
(Application No. 2021-21 - Request of John & Claudia Kretsinger)
(Rezone 16.8 Acres Unplatted Parcel of Land)
(Located on the East Side of Sodens Road & South Exchange Street)
(From A-L, Agricultural to R-1, Low Density Residential)
(Ordinance Number 22-03)

AN ORDINANCE REZONING A PROPERTY IN THE CITY OF EMPORIA, KANSAS FROM A-L, AGRICULTURAL ZONING TO R-1, LOW DENSITY RESIDENTIAL ZONING AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 22-03, was presented to the Governing Body for their consideration.

Commissioner Gilligan stated he would abstain from the vote.

Commissioner Brinkman made a motion to approve Ordinance Number 22-03, an ordinance to rezone 16.8 acres parcel of land located on the East side of Sodens Road and South Exchange Street from A-1, Agricultural to R-1, Low Density Residential. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; and Mayor Smith, aye. Commissioner Gilligan abstained.

PLANNING AND DEVELOPMENT
(Application No. 2021-22 - Request of John & Claudia Kretsinger)
(Conditional Use Permit for 16.8 Acres Unplatted Parcel of Land)
(Located on the East Side of Sodens Road & South Exchange Street)
(Establishment of Housing Opportunity Overlay District)

The Planning Commission met in a regular session on Tuesday, December 21, 2021, with Chairman Thomas presiding. Commissioners Bucklinger, DeWitt, Weaver, Barnes, Duncan, and Colson present.

City staff: Jeff Lynch and Moriah Keen were present.

APPLICATION 2021-22 A request of John and Claudia Kretsinger for a Conditional Use designating a Housing Opportunity Overlay district for an approximate 16.8 acre un-platted, non-addressed parcel located on the east side of Sodens Road and South Exchange Street.

Existing Zoning: A-L Agricultural Zoning District
Surrounding Zoning: North- Ag, East- Ag, South- Ag, West- Public Use
Surrounding Actual Uses: North- Ag; East Ag, South- Ag, West- Historic Property
Future Zoning in ELC Comp. Plan: Single Family Detached

Lynch gave the analysis: The applicant is requesting a Conditional Use Permit be approved for the establishment of a Housing Opportunity Overlay (HOO). To qualify for an HOO, the zoning must be R-1 or R-2. The future regulating map indicates this area will be within the Single-family detached zoning district.

Staff recommendation is to approve.

Conflict of interest: **Member Barnes** said that he is an investor in Ignite Emporia, which is involved in housing and could affect this property. **Member Colson** said the property is currently owned to the Kretsinger's and there are no formal developers at this point.

Staff confirmed jurisdiction over this application.

The hearing was opened to public comment:

John and Claudia Kretsinger, 802 S. Commercial St. Emporia, KS (Applicants): They are wanting a Conditional Use designating a Housing Opportunity Overlay district for 16.8 acre that lies on South Exchange St and the end of Sodens Rd.

Member Colson stated in the application you referenced affordable housing and asked how would you define affordable? **John Kretsinger** said it would be smaller single family dwellings, a more affordable house would be built on the property. He is unsure what the price of the house would be. They are trying to help Ignite Emporia get a piece of ground so they can start to build more affordable housing which is a great need in Emporia.

Member Barnes asked how many lots are going to be built on the property and the dimensions for the houses. **Kretsinger** said he does not have the answer, but approximately it will be 50 homes.

Chairperson Thomas asked if Kretsinger was going to be the developers. **Kretsinger** said he is not going to be the developer. Ignite Emporia has done all the ground work for this property. He knows that there are a lot of developers in town that are interested in the property.

Lynn Cunningham, 519 South West St. Emporia, KS: She is in favor of the location. She has developed 15 homes that were built and sold in the last year and a half. She developed Riverside Court we did 5 slabs (under \$200,000) and a walk out basements because a lot of people wanted bigger homes. She is hoping to be one of the developers for the property and wanting the house to be under \$200,000. The neighborhoods go up quickly, people buy even before they are even built. If she develops the property she could have it done in 3 years. Since there are multiple developers interested it could take a year. Currently there are no houses on the market.

Bruce Boechter, 2214 E. Bayfront, Emporia, KS, BG Consultants (Owners Agent). Two main things that he is in support with this application are the affordable housing because it will have smaller lot sizes and there is a Housing Opportunity Overlay district on Logan Ave. which is close to the property.

Jeffrey Williams, 2421 W. Terrace Emporia, KS: He is associate broker and co-owner of EK Real-estate and a member of Ignite Emporia. Affordability is affected by so many different things. First of all, the tornado that recently happened in Kentucky drove the prices up causing the price of homes to change dramatically. Based on Riverside and other areas a home could be under \$200,000 but if you have a basement it will most likely go over \$200,000. It is important to understand is that the demand and supplies determines the price. Right now we have a huge demand and zero supply. His office listed a few houses this weekend in the \$150,000+ range and they are all pending and there were a lot of people that were interested. There are buyers out there that need these homes. It is driving up house prices for lower homes because people have to live somewhere.

The Public hearing was closed.

Member Colson said in the current regulations regarding Housing Opportunity Overlay District the language is limiting. He doesn't think that the applicant meets the definition under section 8.11. First, is the definition of affordable housing. **Member DeWitt** said that the definition of affordable housing is taking the median income that the family could afford. **Member Colson** also pointed out in the comprehensive plan they defined affordable housing is for 30%-60% of AMI. He doesn't think that the application meets the definition of affordable housing.

Colson continued as another thing is in the Comprehensive plan it specifically says that it is for redevelopment. It is not a developed lot. **Lynch** said that he has talked with Jim Kaup about the Housing Opportunity Overlay District and he said that was never a distinguishing factor that it must be redeveloped. Kaup was okay with the green space being utilized for HO-O. **Chairperson Thomas** said that he is looking at the term of redevelopment in a broader context. It's agricultural, we are developing it into residential. We are changing (redeveloping) the property into something different than what it is now. **Member Barnes** said that the City Attorney would need to ensure that this meets the requirements for the city commission to get it approved or disapproved.

Member Barnes made a motion to approve application 2021-22 to move the process along. Colson made a motion to reject application 2021-22 to move the process along. Weaver seconded to approve application 2021-22.

Discussion:

Member Colson asked as a commission do we believe \$200,000 defines affordable housing for Emporia, when the average income is slightly over \$40,000 a year. **Member Barnes** said there are people willing to pay that. **Member DeWitt** said that the word "intent" in the regulations means to make an effort for redevelopment and that it is not required. **Member Colson** said that how intent is phrased in the sentence is that it is the only reason this policy exists because "intent" is used as a subject in the heading. **Colson** wants more clarity about the definition of the Housing Opportunity Overlay District and the meaning of the word "intent" in that phrasing.

Chairperson Thomas, Duncan, Barnes, Weaver, and DeWitt approved Application 2021-22. Bucklinger opposed. Colson abstained. Approved 5-1-1.

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of John and Claudia Kretsinger for a Conditional Use Permit designating a Housing Opportunity Overlay District for a 16.8 acres unplatted parcel of land located on the East side of Sodens Road and South Exchange Street. The applicant is requesting a Conditional Use Permit for the establishment of a Housing Opportunity Overlay (HOO). In order to qualify for an HOO, the zoning must be R-1 or R-2. The CUP would allow for reductions in lot sizes to 5,800 sq. ft. versus 9,000 sq. ft.; reduced rear yard to 20 ft. from 25 ft.; increased maximum lot coverage from 35% to 40%; and creates

a minimum habitable space of not less than 900 sq. ft. He stated the future map indicates this area will be within the Single-family detached zoning district. At their December 21, 2021 regular meeting the Planning Commission voted to approve Application 2021-22 with a vote of 5-1-1.

PLANNING AND DEVELOPMENT

**(Application No. 2021-22 - Request of John & Claudia Kretsinger)
(Conditional Use Permit for 16.8 Acres Unplatted Parcel of Land)
(Located on the East Side of Sodens Road & South Exchange Street)
(Establishment of Housing Opportunity Overlay District)
(Ordinance Number 22-04)**

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 22-04, was presented to the Governing Body for their consideration.

Commissioner Gilligan stated he would abstain from the vote.

Commissioner Sauder made a motion to approve Ordinance Number 22-04, an ordinance issuing a conditional use permit to allow a Housing Opportunity Overlay District for 16.8 acres parcel of land located on the East side of Sodens Road and South Exchange Street. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye. Commissioner Gilligan abstained.

PLANNING AND DEVELOPMENT

**(MAPC Excerpts of Regular Meeting Held 12-21-21)
(Application No. 2021-20 - Request of Crosswinds)
(Conditional Use Permit for 1519 Merchant Street)
(Relocate Administrative and Counseling Offices)**

The Planning Commission met in a regular session on Tuesday, December 21, 2021, with Chairman Thomas presiding. Commissioners Bucklinger, DeWitt, Weaver, Barnes, Duncan, and Colson present.

City staff: Jeff Lynch and Moriah Keen were present.

APPLICATION 2021-20 A request of Mental Health Center of East Central Kansas (a.k.a. Crosswinds) for a Conditional Use Permit to allow for the relocation of its administrative and

counseling offices to 1519 Merchant St.

Applicants: Mental Health Center of East Central Kansas
(a.k.a. Crosswinds)

Lot Size: 56.400 sq ft. or approximately 1.29 acres

Existing Zoning: R-3, High Density Residential

Surrounding Zoning: North R-3, East (across Merchant St.) is Public (ESU), South R-3, West R-3

Surrounding Actual Uses: North- Multi-Family; East is ESU, South- Multi-Family and a Christian Student Center, West- Single Family Detached

City staff recommends to approve the request for a CUP.

Lynch gave the Analysis: The applicant is requesting a Conditional Use Permit to allow for a behavioral counseling and administrative support in an R-3 High Density Residential area. This request is consistent with Section 6-4, Table 6-2 of the Zoning Regulations that allows for a similar and higher intensity uses with a Conditional Use. The applicant desires to use this location for a counseling center with administrative support. There are 44 rooms in the building, and 12,064 square feet of interior space. There are approx. 40 parking stalls on site. The number of stalls are required at this location (sq. footage per Table 22-501a) is 33.

Conflict of Interest: **Member Weaver** said he is part of the leadership team that will be directing a capitol campaign for Crosswinds. **Member Colson** said that **Member Weaver** does not have to abstain because it is nonprofit and there is no substantial interest. **Chairperson Thomas** said what we have done in the past is for the member to use their conscience and have an option to abstain from voting.

Staff confirmed jurisdiction over this application.

Questions were asked to the City staff regarding the uses of conditional and permitted uses. **Lynch** said that it will be specific to what is on the application. In this case, on the permit it would specifically list administration offices and behavioral counseling. Being an R-3 it could also be the outright permitted uses. If the conditional use permit gets approved, the specific conditional use and the outright permitted uses are allowed to stay. **Lynch** recommends if approved we have the conditional use only for the life of the same ownership that it is going to.

Public comment was opened:

Amanda Cunningham, 2373 Road H5 Americus, KS on behalf of Crosswinds (Applicant): Crosswinds is currently sitting on a land lease with our current administration building and therapy building; it expires in 2024 after 30 years. It originally had two 10-year extensions but the hospital is wanting to break the lease in 2024 so that they can expand. Crosswinds is looking in conjunction with another building because the 1519 Merchant St is not big enough for all of their departments. Crosswinds currently have 5 buildings in Emporia that they serve out of, so they are trying to consolidate and have two buildings instead of five. This building will primarily be for administrations and adult services, which will limit traffic and parking needs.

Lynn Cunningham, 519 South West St. Emporia, KS: She is a relative that has been helping Crosswinds. They have looked for a place over a year now and could not find anything. This house on 1519 Merchant St. is a good fit for what Crosswinds is planning on doing and it is big enough. They have hired other people to inspect the building and it is suitable.

Dione Hall 1526 Center St. Emporia, KS. She and her husband have lived directly behind and to the north of the property for 42 years. They are not opposing Crosswinds or special needs people. Their concern is the unknown behaviors from the clients being across the street from college students and a preschool. They have conditions that they would like to be met. They would like to make sure that there is no overnight clients or residence. The Conditional Use Permit does expire if they do sell the property. When Chi Omega built the house no water shed was put in. Would like the new owners to be responsible to get that water shed taken care of. The water comes down on to our property. They have spent thousands of dollars on their property to get the water out of their property, but it is still eroding the back yard.

Amanda Cunningham said that our neighbors on Lincoln and 12th St. would say that we have not caused any disruptions to their homes. There have been homes up for sale in that neighborhood and they have been able to sell their house. The intent is to have majority admin in the 1519 building and stationary daytime program for adults. The traffic in and out of the property will be minimal. We would be really good stewards of the building. From her understanding the only other bidder was a fraternity house. Crosswinds is a little bit more neighborly than a fraternity. We would still share walk through spaces. We are intending to work with Chi Omega to allow them to use the house for their meetings. Crosswinds is wanting to be good neighbors and good stewards of the community.

The Public hearing was closed.

Member Bucklinger said if there were to be any negative consequences it would be to the university and the university is in favor of Crosswinds being located on 1519 Merchant St. He doesn't see any issues

Motion:

Member Colson made a motion to approve Application 2021-20 as long as it matches permitted uses and the conditional use permit will expire should there be a change in ownership or current ownership terminated. **Member Barnes seconded.**

Discussion:

Member Barnes asked how does the water shed fit into this discussion? **Lynch** said that zoning will not affect it, unless there is new construction going in. Lynch has reached out to the City Engineer and he is willing and ready to take calls, if people are interested in knowing what could be done. It has been some time since that building has been built, there has been new staff since then so the City is unfamiliar with the issue. If there is something on record that is available, we will find it. Since it is private property the City Engineer wants to make sure that they have something worked out with the owners before they step foot on the property.

Approved 7:0.

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of Mental Health Center of East Central Kansas (Crosswinds) for a Conditional Use Permit to allow for the relocation of its administrative and counseling offices to 1519 Merchant Street. He stated the CUP will allow for a behavioral counseling and administrative support in a R-3, High Density Residential area. He stated the CUP will be tied to the owner of the property, if the owner leaves the building the CUP would not exist. The required number of parking spaces based on the size of the building would be 33 and 40 are provided. At their December 21, 2021 regular meeting the Planning Commission voted unanimously in favor of the Conditional Use Permit for 1519 Merchant Street.

PLANNING AND DEVELOPMENT
(Application No. 2021-20 - Request of Crosswinds)
(Conditional Use Permit for 1519 Merchant Street)
(Relocate Administrative and Counseling Offices)
(Ordinance Number 22-05)

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 22-05, was presented to the Governing Body for their consideration.

Commissioner Sauder stated he would abstain from the vote.

Commissioner Gilligan made a motion to approve Ordinance Number 22-05, an ordinance authorizing a Conditional Use Permit for 1519 Merchant Street. Commissioner Giefer seconded the motion. The vote follows: Commissioner Gilligan; aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; and Mayor Smith, aye. Commissioner Sauder abstained.

PLANNING AND DEVELOPMENT
(MAPC Excepts of Regular Meeting Held 12-21-21)
(Application No. 2021-23 - Request of CMR Holdings/Guardian Constr.)
(Conditional Use Permit located at 2606 W. Hwy 50)
(Allow Storage Units)

The Planning Commission met in a regular session on Tuesday, December 21, 2021, with Chairman Thomas presiding. Commissioners Bucklinger, DeWitt, Weaver, Barnes, Duncan, and Colson present.

City staff: Jeff Lynch and Moriah Keen were present.

APPLICATION 2021-23 A request of CMR Holdings/Guardian Construction for a Conditional Use Permit to allow storage/warehousing in a C-3 General Commercial District, located at 2606 W. Highway 50.

Lynch gave the analysis: The applicant is requesting a Conditional Use Permit (CUP) be approved for the development of self-service storage units. Storage and warehousing is only allowed within a C-3 district upon issuance of a CUP. The future regulating map indicates this area will be zoned Commercial. Past usage of this property was a full service truck stop, which was a more intense use than the proposed development. This application was

reviewed by the City Technical Review Team on 10/8/21. A storm water study prepared by a civil engineer would be required and approved prior to development.

Staff Recommendation: Staff recommends approval upon proper screening and other criteria. **No contact of interest was indicated.**

Staff confirmed jurisdiction over this application.

The Public hearing was opened:

Peter Hauf, 517 Merchant St Emporia, KS (Applicant): The owners are working on a phase plan. There will be up to 45 units, it will be invisible from Highway 50. Depending on profitability and financial feasibility they will extend further down to the south, which is included in their other phases. In the end if it all goes well they would prefer to have rental lease retail space on the side of Highway 50, which will be several years in the future.

Member Barnes asked if this Conditional Use would take care of this phase and future phases or would the applicant have to come back for expansions. **Lynch** said that the Conditional Use will take care of the future phases as well.

Jeff Hodges, 2604 W. Highway 50 Emporia, KS: He has no issues with Phase 1. The space along Highway 50 has one of the best commercial properties that we have left in Emporia. He believes that the property along 6th Ave should not be used for storage units. If it does get approved, he would like the board to stipulate by having property set aside for Phase 1 and have the front property stay C-3. He stated their intent is to do commercial along the highway and he doesn't think it is a great use for that property.

Hauf stated Phase 3 which will be along Highway 50 in the future. The hope will be that it will be more developed and a bit more commercially feasible space. He has a site plan where we keep the storage units further to the north, which is shown in Phase 1 and Phase 2. Everything to the south of it will be developed as retail or commercial uses.

Public hearing closed.

Member Colson made a motion to approve the Conditional Use Permit for Phase 1 and Phase 2 of this property per

submitted plans, specifically excluding Phase 3, also inclusive of the staff recommendations. Member Duncan seconded.

Member Barnes asked for Jeff Hodge's comments on Phase 1 and 2 after looking at the phases. Jeff Hodges said that he is okay with Phase 1 and 2, but not Phase 3.

Member Colson asked the applicant if they want approval for Phase 1 and 2 or do they only want the approval if it is all or nothing. **Hauf** said that they are okay with just an approval for Phase 1 and 2.

Approved 7:0.

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of CMR Holding/Guardian Construction for a Conditional Use Permit to allow storage/warehousing in a C-3 General Commercial District located at 2606 W. Highway 50. Phase 1 consists of 46 new storage units and Phase 2 consists of 107 storage units. Phase 3 will not be developed as storage units and will not be included in the Conditional Use Permit. The property is an irregular lot sized 3.39 acres and is currently vacant commercial property. The City Technical Review Team met and reviewed the application. A storm water study prepared by a civil engineer would need to be approved prior to development. At their December 21, 2021 regular meeting the Planning Commission voted unanimously to approve the Conditional Use Permit to allow storage units for the property located at 2606 W. Highway 50.

Commissioner Giefer stated he had concerns about making sure the area around the storage units had concrete parking and not gravel. He wanted to make sure the paving would be completed.

PLANNING AND DEVELOPMENT

**(Application No. 2021-23 - Request of CMR Holdings/Guardian Constr.)
(Conditional Use Permit located at 2606 W. Hwy 50/Allow Storage Units)
(Ordinance Number 22-06)**

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk

assigned Ordinance Number 22-06, was presented to the Governing Body for their consideration.

Commissioner Brinkman made a motion to approve Ordinance Number 22-06, an ordinance issuing a Conditional Use Permit to allow storage units in accordance with Section 9-4, and table 9.2 of the Zoning Regulations at property located at 2606 W. Highway 50. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

CITY MANAGER'S REPORTS

This is the time for the City Manager to make comments and reports to the public. **The following is general information for the month of December for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

2020	2021	
\$417,750.68	\$584,593.19	Increase of \$166,842.51 for the month, and
		Overall increase of 8.98% from year 2020
YTD \$ 4,991,594.83	\$5,439,665.64	

2. City Share from County Tax

2020	2021	
\$ 208,371.40	\$ 292,771.85	Increase of \$84,400.45 for month, and
		Overall increase of 11.34% from year 2020
YTD \$2,535,236.18	\$2,822,749.09	

3. **Building Permits issued from 12/1/2021 to 12/31/2021 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	56
Total of valuations associated with those building permits:	\$ 2,105,605.00
Total number of dollars collected for Building Permit Fees:	\$ 10,281.63
Construct - single family dwellings	1
Demo - single family dwellings	4
Flint Hills Mall CID for December 2021	\$ 19,040.44
Year to Date Total	\$ 211,692.23

Consent Agenda

It was moved by Commissioner Giefer, seconded by Commissioner Brinkman that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on January 5, 2022.
- b. Consider ratification of Payroll Ordinances for the periods ending on December 17, and December 31, 2021.
- c. Consider Appointment of City Commission Liaison to Emporia Enterprises Board.

The vote follows: Commissioner Giefer aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION

(City Manager's Report)

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

Tentative Agenda for January 26th Study Session at 10:00 a.m.

- **Update from Empower House Ministries.**
- Discuss KDHE Pretreatment Changes.
- Discuss 12th Avenue Elevated Storage Tank Logo.
- Change Orders for PWC Pavement Improvements Project for Addition to Existing Drainage.
- Discuss change Orders for PWC Pavement Improvement Project for 10ft. Additional concrete in Eastside of Sanitation Barn.
- Discuss Extra Strength Sewer Rate Increase.
- Discuss Post Construction Stormwater Ordinance.
- Update on Strategic Planning.

CITY COMMISSION

(Public Comment)

This is the time for Mayor and City Commissioners to make comments and reports to the public. No comments were made at this time.

EXECUTIVE SESSION

Commissioner Giefer made a motion to adjourn into Executive Session to discuss proprietary information regarding two upcoming projects and to invite Special Projects Manager Jim Witt, from 7:47 p.m. to 8:12 p.m., in the City Commission Meeting Room. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 8:12 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had discussed proprietary information regarding two upcoming projects and no action was taken.

Commissioner Giefer then made a motion to close the meeting. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk