

EMPORIA - LYON COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

CIVIC BUILDING / EMPORIA, KANSAS 66801 / PHONE 620-343-4268

The Planning Commission met in a regular session on Tuesday, May 19, 2020 with Chairman Thomas presiding. Members Bucklinger, Duncan, Garrett, Just, Sauder and Williams were present. Members Springeman and Moore were absent. (This meeting was held via Zoom and on Facebook Live, due to the restrictions in place because of Covid19.)

**1.** Member Williams moved to approve the January 21, 2020, meeting minutes as written. Member Duncan seconded. Motion approved 7-0.

The Board agreed to have Application 2020-04 and 2020-05 presented jointly but would vote separately on each application.

**2. APPLICATION 2020-04:** A request of Dan Smoots to annex approximately 5-acres of property located to the west of 4700 W. Hwy 50 into the City of Emporia to connect to city utilities.

**3. APPLICATION 2020-05:** A request of Dan Smoots to rezone an approximately 5-acre portion of the parcel located to the west of 4700 W. Hwy 50 from C-2, Restricted Commercial to I-1, Light Industrial for potential development as authorized under Article 26-1 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

**STAFF REPORT:**

The applicant would like to annex this property in order to expand the existing building. This annexation is contiguous with the city limit line to the east.

The property will need to be rezoned from the current C-2 Commercial zoning to an I-1, Light Industrial, in order to meet the needs of the applicant. This request is consistent with the neighboring property and in line with the Comprehensive Plan.

The Technical Review Team met May 7, 2020, to discuss the property and the applications. The Utility Advisory Board met May 13, 2020, to discuss the rezoning and annexation request. Easements are available and in place to meet current and future needs. There were no concerns noted that would prevent this request. Other departments continue to work on details of this project, related to drainage, and building plans.

Staff recommends approval of both requests, as a normal extension of the community.

Member Bucklinger asked if there had been any comments or contact made from surrounding property owners regarding the applications. Mr. Foster replied, his office had not received any comments, feedback or opposition for the applications. He explained the notice for the meeting was published in the paper and letters were sent out to surrounding property owners, per State Statute.

With no further discussion, the Public Hearing was opened.

The applicant had accepted the invitation to the Zoom meeting but did not show present.

Mr. Foster explained, the published legal notice and the mailed notices did contain information that this meeting would be held via Zoom and they could contact him in order to find out how to join the meeting directly, to keep in accordance with the open meeting act. Comments could also have been made directly to him via email or mail.

There were no comments in favor of the applications or against the applications.

The Public Hearing was closed.

Member Sauder moved to approve Application 2020-04, to annex approximately 5-acres of property located to the west of 4700 W. Hwy 50 into the City of Emporia based upon Staff's recommendation. Member Williams seconded.

Member Just asked if it uncommon for applicants to not show up to the hearings. Member Thomas replied, it's uncommon but it has happened before. Mr. Foster did acknowledge it is recommended for the applicant or someone who represents the applicant to show up for the hearing but with the unusual circumstances there could have been problems with communication.

With no further comments, members voiced their vote. Member Bucklinger – Aye, Member Sauder – Aye, Member Thomas – Aye, Member Williams – Aye, Member Duncan – Aye, Member Just – Aye, Member Garrett – Aye. The motion was approved 7-0.

Member Bucklinger asked if owners of the surrounding properties were notified of the request for the zoning change. Mr. Foster replied that he had sent notification of the hearing and the request.

Member Sauder moved to approve Application 2020-05, to rezone an approximately 5-acre portion of the parcel located to the west of 4700 W. Hwy 50 from C-2, Restricted Commercial to I-1, Light Industrial, based upon Staff's recommendation. Member Just seconded. Members voiced their vote. Member Bucklinger – Aye, Member Sauder – Aye, Member Thomas – Aye, Member Williams – Aye, Member Duncan – Aye, Member Just – Aye, Member Garrett – Aye. The motion was approved 7-0.

The applications will go before the City Commission on June 3, 2020.

**4. Application 2020-06:** A request of Scott Strahm for approval of a Preliminary Planned Unit Development application for property on and associated with the address of 2910 W. Hwy 50 and as authorized by Article 16 or the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

#### **STAFF REPORT:**

This is a request for consideration of a Planned Unit Development located on approximately 2.1 acres. The PUD will consist of both indoor climate control storage units, as well as outdoor 2 story storage units, north of the existing property. The PUD will be developed as one large tract.

A PUD is a zoning tool that combines the platting process with the land use amendment process. PUD's are designed to join residential, commercial and industrial development into urban locations while protecting existing neighborhoods. Article 16 states it better as, "...to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of the land; and to provide a procedure which relates the type, design and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods".

The PUD district is an overlay zone, which means the zoning currently at the time of an approved PUD will remain, but the additional uses and developments provided in the PUD will be permitted. In this case, the current C-3 Zoning will continue with the land, but a Conditional Use Permit would not be required for the allowance of the storage units.

There are two phases to the PUD, which would be the preliminary phase and the final phase. This application is for approval of the preliminary phase. This portion of the PUD is normally where the public hearing portion is conducted but Mr. Foster requested the Board to consider, if the application is approved, to also allow a public hearing portion for the final phase of the PUD.

The Technical Review Team met May 7, 2020 and discussed the project. At that time, there were no immediate concerns regarding the Engineering, Building Code Services, Fire Department, Community Development, City Management or Planning and Zoning. Engineering did have questions regarding to access and parking but there will be requirements for storm water runoff due to the size of this project and the current infrastructure. The Building Code Services department had not seen a completed set of plans but that does not have much bearing on this application. City Management voiced concern, if this would impact the adjacent neighborhood. As this is the preliminary step, there may need to be modifications made.

The applicant and the project architect had met with city departments previously and discussed the plans, which were conceptional.

Items concerning lighting, landscaping, and fencing requirement can be solidified for the final PUD, if needed.

Staff has reviewed the PUD and has found it to be compliant with Article 16, Section 16-5 of the Zoning Regulations. Other consideration for the PUD can be reviewed in Article 26, Section 26-108, "Factors to be considered in a rezoning", found in the Zoning Regulations. Staff recommends approval.

Mr. Foster explained, he had sent notices by mail and had been contacted by a property owner inquiring about the application. Following the conversation, he mailed information to the interested property owner but he did not receive any other feedback.

Member Bucklinger asked, what type of requirements will there be for screening, etc. Mr. Foster replied, screening is always required between a commercial and residential use. Furthermore, he thought there was a fence already in place.

With no further discussion, the Public Hearing was opened.

Scott Strahm, 1554 Road 175, addressed the board. Mr. Strahm spoke of the project being in 3 phases. The first phase would consist of putting climate-controlled storage within the existing building. The second phase would consist of the container concept, directly north of the building (west side of Scott St.). The third phase, which would include the lot on the east side of Scott St., probably won't be happening.

Mr. Strahm spoke of an example of the container concept being used in Wichita for different types of applications. He felt the design by Evergreen Design/Build is very attractive and will enhance the neighborhood.

Member Williams asked about the design of the container units. Mr. Strahm described the units to have 3 foot roll-up doors with 4 units per container. They will be 2 units high.

Member Duncan inquired if the containers would be visually appealing. Mr. Strahm replied, if it doesn't look nice, it's not an asset to him. The containers will be painted so they match the existing building as well as good lightening and security cameras.

Mr. Foster asked if there is a time frame for the project. Mr. Strahm stated, he would like start with the climate-controlled units in the existing building, once approval is given. He would be able to do the containers also.

Mr. Foster explained, the cargo units are not allowed in residential zones but are allowed in commercial and industrial zones as an outright use.

This is a preliminary stage and it will be required to come back to the Planning Commission for their final approval.

With no further discussion, the Public Hearing was closed.

Member Bucklinger asked, what is the timeline and process for the PUD. Mr. Foster explained that this is a 2-step process. The Planning Commission will review the plans and if they approve, the applicant has 18 months to use those plans. If they change the approved plans substantially, they will need to go before the Planning Commission again.

Member Thomas explained, the action of the board at this meeting is to recommend approval, not recommend approval or recommend with amendments, conditions or restrictions.

Member Duncan moved to approve Appliance 2020-06, for a Preliminary Planned Unit Development application for property on and associated with the address of 2910 W. Hwy 50 based on Staff's approval. Member Sauder seconded. Members voiced their vote. Member Bucklinger – Aye, Member Sauder – Aye, Member Thomas – Aye, Member Williams – Aye, Member Duncan – Aye, Member Just – Aye, Member Garrett – Aye. The motion was approved 7-0.

Mr. Strahm spoke of his desire to move forward with the final PUD and to bring it back before the Planning Commission Board.

**5. Staff Update:** There will be a Planning Commission and BZA meeting in June.

**6. Open Discussion:** ELC Zoning Regulations. Mr. Foster shared with members, there are still changes to be made. Sam Seeley, Lyon County Zoning, agreed with Mr. Foster regarding the changes to verbiage and still in review. He does not foresee another meeting until in July. Mr. Thomas asked, will the Planning Commission and the Board of Zoning Appeals need to approve and forward to the City and County Commission boards for their approval? Mr. Foster replied, all Boards will need to approve the ELC Zoning Regulations.

Member Duncan asked if Mr. Foster and Mr. Seeley had taken outside comments into consideration when re-writing the Regulations. Mr. Foster replied, they did listen to the comments and suggestions and have made changes based on feedback from the public. Mr. Seeley also commented that there are probably other changes coming based upon public comments.

Member Garrett expressed his opinion that these regulations are very important, especially to planning purposes and to the interest of the city and the county. He strongly suggested these public meetings need to be held when the public can be in attendance. Member Just agreed to a more open setting. Mr. Foster acknowledged that transparency is wanted with this process. Member Thomas also felt a joint meeting would be beneficial.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Joe Foster". The signature is written in a cursive style with a large initial "J" and "F".

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Joe Foster, Acting Secretary  
JF/dp