



Emporia
Kansas

**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS - AGENDA
TUESDAY FEBRUARY 20, 2024, AT 6:00 PM
CITY MUNICIPAL COURT ROOM**

ORDER OF BUSINESS

CALL MEETING TO ORDER Chair Rogers

MEMBERS PRESENT

Vice Chair Tammi Ogle
Larry Bucklinger
William Barnes
Ken Weaver
Kenton Thomas
Monica Duncan

-
- 1) **Planning Commission: Consider the Minutes of the January 16, 2024 Planning Commission Meeting**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Approve Minutes
 - 2) **Planning Commission: Consider Application PC 2024-03 a Request to Approve a Final Plat for the Lockwood Subdivision**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Conduct Public Hearing and Forward Recommendation On To City Commission
 - 3) **Planning Commission: Consider Application PC 2024-04 a Request to Approve a Final Planned Unit Development for the Lockwood Subdivision Planned Unit Development**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Conduct Public Hearing and Forward Recommendation On To City Commission
 - 4) **Planning Commission: Consider Application PC 2024-02 a Request For A Temporary Travel Trailer Park at 820 Congress Street**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Conduct Public Hearing and Forward Recommendation On To City Commission
 - 5) **Adjournment**

MINUTES- 01/16/2024

EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION

The Planning Commission met in a regular session on Tuesday, January 16, 2024, with Chair Rogers presiding. Members Duncan, Barnes, Thomas, Ogle, and Bucklinger were present. Commissioner Weaver was absent.

City staff: Justin Givens was present.

Chair Rogers called the meeting to order.

1a. Consider the Minutes of the December 19, 2023 Planning Commission Meeting.

Givens presented the commission with the minutes from the December 19, 2023 regular meeting.

Commissioner Bucklinger made a motion to approve the minutes as submitted. Commissioner Ogle seconded the motion. The motion carried 6-0.

1b. Consider Application PC 2024-01, a Request to Rezone Property at 612 E 7th ST From Single-Family Detached (SF-D) to Single-Family Attached (SF-A)

Chair Rogers asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper and to property owners within 200 feet of the subject property.

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

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2024-01

Applicants: Thomas Felts, Felts Properties, LLC

Requested Action: Consider a request to rezone a single property from Single-Family Detached (SF-D) to Single-Family Attached (SF-A).

Purpose: Applicant desires the rezoning to facilitate future residential construction.

Address: 612 E 7th St., Emporia, KS

Legal description: Lot 101 On East Street, In The City Of Emporia, Lyon County, Kansas, According To The Recorded Plat Thereof.

Lot Size: 50' x 170' 8,500 sq. ft.

Existing Zoning: Single-Family Detached

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

Surrounding Zoning:

North – Single-Family Detached

East – Single-Family Detached

South – Single-Family Detached

West – Single-Family Detached

Surrounding Actual Uses:

North – Single-Family Detached Residential Units

East – Single-Family Detached Residential Units

South – Single-Family Detached Residential Units

West – Single-Family Detached Residential Units

Analysis: The applicant is exploring options to develop multiple units on his property at 612 E 7th St. The current house is situated that a second unit could be built to the east, but based on current zoning would require a lot split. The residual lot would not meet our requirements for approval and therefore that applicant has requested a change in zoning to Single-Family Attached (SF-A). SF-A zoning would allow the applicant to build a new dwelling unit to the east of the existing unit, or as an alternative, demo the existing dwelling and build a new single-family attached unit on the property.

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; **Staff feels that the change in zoning would be consistent with the regulations. The applicant would be eligible to build an accessory dwelling unit on the property except for the location of the existing dwelling unit being located closer to the alley and more lot space to the east. The change in zoning would allow the applicant to have either two separate dwelling units or one larger duplex on the property.**

2. The character and condition of the neighborhood and its effect on the proposed change; **the property is located in an area that has older and mostly smaller single-family detached homes. Any new building, either a duplex or a smaller single-family unit would not have a detrimental effect on the neighborhood.**
3. The zoning and uses of properties nearby; **The surrounding zoning is Single-Family Detached, but with the lot size and the proposed change to Single-Family Attached, the applicant would be limited in types of residential units that could be built on this property that it would not have a negative impact.**
4. The suitability of the subject property for the uses to which it has been restricted; **the property is currently a single-family dwelling unit, which makes it suitable to both the SF-D and SF-A parcel types.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Staff maintains that there would not be any detrimental impact on the neighboring properties if SF-A zoning was approved. There are still limitations in place that would restrict the size of any building to remain in scale with the existing neighborhood.**
6. The length of time the subject property has remained vacant as zoned; **the balance of this property has been vacant for a lengthy amount of time. The property was platted as part of the original township as one lot and has most likely only had one structure built on it.**
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; **Staff feels that by allowing the rezoning, the property could be used to its maximum value, with little to no detriment to existing services or the surrounding properties.**
8. The recommendations of a permanent or professional planning staff; **By the virtue of this property being located on a corner lot, staff feels that an additional unit or new duplex would not have a negative impact on the surrounding properties, and feels that the proposal is consistent with the Comprehensive Plan.**
9. The conformance of the requested change to Plan ELC; **Plan ELC states that the demand for middle income one and two bedroom units is the highest demand in Emporia and this project would help to increase infill housing**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: As of writing this report, Staff has had no inquiries about the proposed rezoning.

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

The Public Hearing was opened.

Thomas Felts, 1626 Trowman Way (owner and applicant), spoke in favor of the rezoning. He stated that his intention was to build either a duplex or additional single-family structure on the balance of the property, while keeping the existing home. Mr. Felts stated that the existing home had been recently renovated and he was currently renting the property.

The Public Hearing was closed.

Commissioner Bucklinger asked about whether this rezoning would be considered a spot zoning. **Givens** responded that yes, it would technically be considered spot zoning, but discussed that rezoning, such as this, were contemplated when adopting the new zoning regulations and anticipated based on the new regulations.

Commissioner Bucklinger expressed concerns about setting precedent allowing spot zonings and had previously denied a similar request. **Givens** stated that the Planning Commission had also recently approved a similar request also. **Givens** stated that the up zoning to Single-Family Attached from Single-Family Detached was not as concerning from a planning standpoint, and that the allowed uses within each parcel type were very compatible.

Commissioner Duncan asked about the minimum lot size that would allow for a lot split. **Givens** stated that the minimum lot size for infill development in the single-family detached zoning would be 6,500 sq. ft. and would be 2,000 square feet per unit for single-family attached parcel types.

Commissioners discussed the number or size of lots or area that would be required for this action to not be considered spot zoning with no determination as to what a minimum number would be.

Commissioner Barnes made a motion to recommend approval of the rezoning based on the findings of; 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. Commissioner Ogle seconded the motion. The motion carried 4-2 (Duncan & Bucklinger).

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

Respectfully Submitted,

Justin Givens, Secretary



EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, FEBRUARY 20, 2024, 6:00 PM
CITY MUNICIPAL COURT ROOM

STAFF REPORT

Application #: PC 2024-03

Applicants: Mid-Kansas Properties LLC
Owners: Mid-Kansas Properties LLC

Requested Action: Approval of a Final Plat and Planned Unit Development.

Purpose: Applicants desire to plat a 4.99-acre tract of land consisting of 24 lots.

Address: 2915 W 6th Ave., Emporia KS

Legal description:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NW1/4 NE1/4 NE1/4 NW1/4) AND A STRIP 12 RODS IN WIDTH OFF THE ENTIRE EAST SIDE OF THE NE1/4 NW1/4 NE1/4 NW1/4, ALL IN THE SECTION 17, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

ALSO:

8 RODS OFF THE WEST SIDE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

Area Size: 4.99 Acres

Existing Zoning: Flex-Use Low

Surrounding Zoning:

North- Light Industrial

East- Flex-Use Low

South- Flex-Use Low

West – Flex-Use Low | Light Industrial

Surrounding Actual Uses:

North – Vacant Property

East – Single-Family Detached Homes

South – Single-Family Detached & Attached Homes

West – Industrial Warehouse | Miscellaneous Industrial Yard

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

Analysis:

The applicant has requested to plat a 4.99-acre tract of land within a Rural Housing Initiative District. The RHID is a financing mechanism that promotes development, by allowing developers to recoup cost associated with infrastructure improvements and vertical (building) costs.

The proposed plat will call for 24 lots with 23 new homes being built. The existing house will remain, but other structures on the property will be removed during site preparation. The homes are set up in a courtyard layout with three primary private drives coming off W 6th Ave. Each drive will serve eight lots. Utilities and the roads will be considered private and be the responsibility of the property owners within the subdivision to maintain. The developer has indicated that an HOA will be created and maintained for the purpose of maintaining the private infrastructure within the development.

1. **Plat Name:** The proposed name of the development is the Lockwood Subdivision, which meets requirements.

2. **Legal Description:** The legal description shown on the preliminary plat meets requirements.

3. **Lots:** The plat proposes 24 lots, which are labeled appropriately. The subject property is proposed to be developed as a Residential Planned Unit Development, which will control lot size, building setbacks, and other development aspects. The development parameters are listed below:

- Minimum Lot Size: 6,500 sq. ft. (Single-Family Attached Infill Lot Standard)
 - Proposed: Each of the lots exceeds the minimum lot area.
- Minimum Lot Width: 40 ft. (Single-Family Attached Infill Lot Standard)
 - Proposed: Each of the lots exceeds the minimum lot width.
- Minimum Lot Depth: 120 ft. (Single-Family Attached Infill Lot Standard)
 - Proposed: The minimum lot depth varies from 116 ft. to 105 ft. Below the Single-Family Attached Infill Lot Standard, but additional width of lots provides acceptable amount of lot space.
- Gross Development:
 - $217364.4 \text{ sq. ft.} / 6,500 \text{ sq. ft. (Single-Family Attached Infill Lot Standard)} = 33 \text{ Lots}$
 - Proposed: 24 lots

4. **Blocks:** One block is proposed, which is acceptable.

5. **Streets and Access:** The development is adjacent to W 6th Ave. and access will be taken from three private drives off W 6th Ave.

- The Final Plat shall provide access control from W 6th Ave. for Lots 1, 8, 16, 17, and 24.

6. **Building Lines:**

- A 35 ft. front yard building setback has been provided from the centerline of the private drive. This will provide a 22.5 ft. effective distance from the edge of the pavement of the private drive.
 - The proposed front-yard building setbacks are a variance from new regulations and part of the PUD Development.
- A 20 ft. rear yard setback has been provided, which meets requirements.
- A 5 ft. side yard setback has been provided, which meets the requirement for a Single-Family Residential Infill lot.
 - The developer is encouraged to site homes closer to one side yard setback to accommodate possible future garage additions.

7. **Easements:** Easements for utilities are shown on the plat.

- The applicant has met with public and private utility companies to ensure that proper easements have been provided and are shown correctly on the plat.
- Private water lines will be installed on one side of the private drives with private sewer lines being installed on the opposite side.
- The applicant has provided maintenance acknowledgement and details on the final plat and PUD.

8. **Reserves:** No reserves are shown on the plat.

9. **Drainage:** The City Engineer has discussed the drainage / grading and stormwater management concept with the applicant's design team. Staff feels that the drainage concept, as proposed, with lots being graded to ensure drainage to the north is acceptable. The engineer has determined that no retention ponds are necessary for this project based on the location of the property within the drainage basin.

10. **Public & Private Improvements:** A utility plan has been reviewed by the Utility Advisory Board, and other private utilities. Adequate easements have been provided for all utilities.

- **Streets & Sidewalks:** 25 ft. wide private drives have been provided to serve the development. These type of drives are common in other private developments within the city.
- **Sanitary Sewer:** A private line will be located on one side of each private drive to serve the adjacent lots. The sewer line will tie into an existing sewer main at the southern edge of the property.
- **Water:** Lots will be served by an appropriately sized private line as approved by city code.
- **Fire Protection:** The Fire Marshall has approved the location of hydrants. Three hydrants will be provided at the entrance of each private drive on W 6th Ave. to provide fire protection
 - A hammerhead turnaround is provided at the end of each private drive and had been approved by the Fire Marshall.
- **Private Utilities:** The applicant has met with all private utility companies and has provided sufficient easements for the placement of private utilities.

Neighborhood Communications: At the time of writing this report, staff has been in contact with one property owner who has expressed his support of the development. All property owners were mailed an updated notice with the revised hearing date included.

Recommendation: Staff recommends a motion to recommend approval of the Final Plat subject to staff and Planning Commission comments to the Governing Body.

Attachments: Final Plat / Aerial Map / Zoning Map

Legend

SIDEWALK NOTE:
NO SIDEWALKS ARE BEING
PROPOSED ON THIS PROJECT

- Found Monuments
Found Stone
Set 1/2" x 24" Iron Bar w/BG Cap
Surveyed Position Point Not Set
Proposed Lot Number
Controlled Access
Section Line
Lot Line/Right of Way Bearing and Distance
Utility Easement Line
Building Setback Line:
Utility Easement
Pedestrian Easement
Sewer Easement
Travel Easement and Road Surface

FLOODPLAIN NOTE:
THIS SUBDIVISION LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN) AS PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 20111C0238E DATED JUNE 15, 2022.

BUILDING SETBACK NOTE:
ALL FRONT YARD BUILDING SETBACKS ARE 35' FROM THE LOT LINE UNLESS NOTED OTHERWISE.
ALL SIDE YARD BUILDING SETBACKS ARE 5' FROM THE LOT LINE UNLESS NOTED OTHERWISE.
ALL REAR YARD BUILDING SETBACKS ARE 20' FROM THE LOT LINE UNLESS NOTED OTHERWISE.

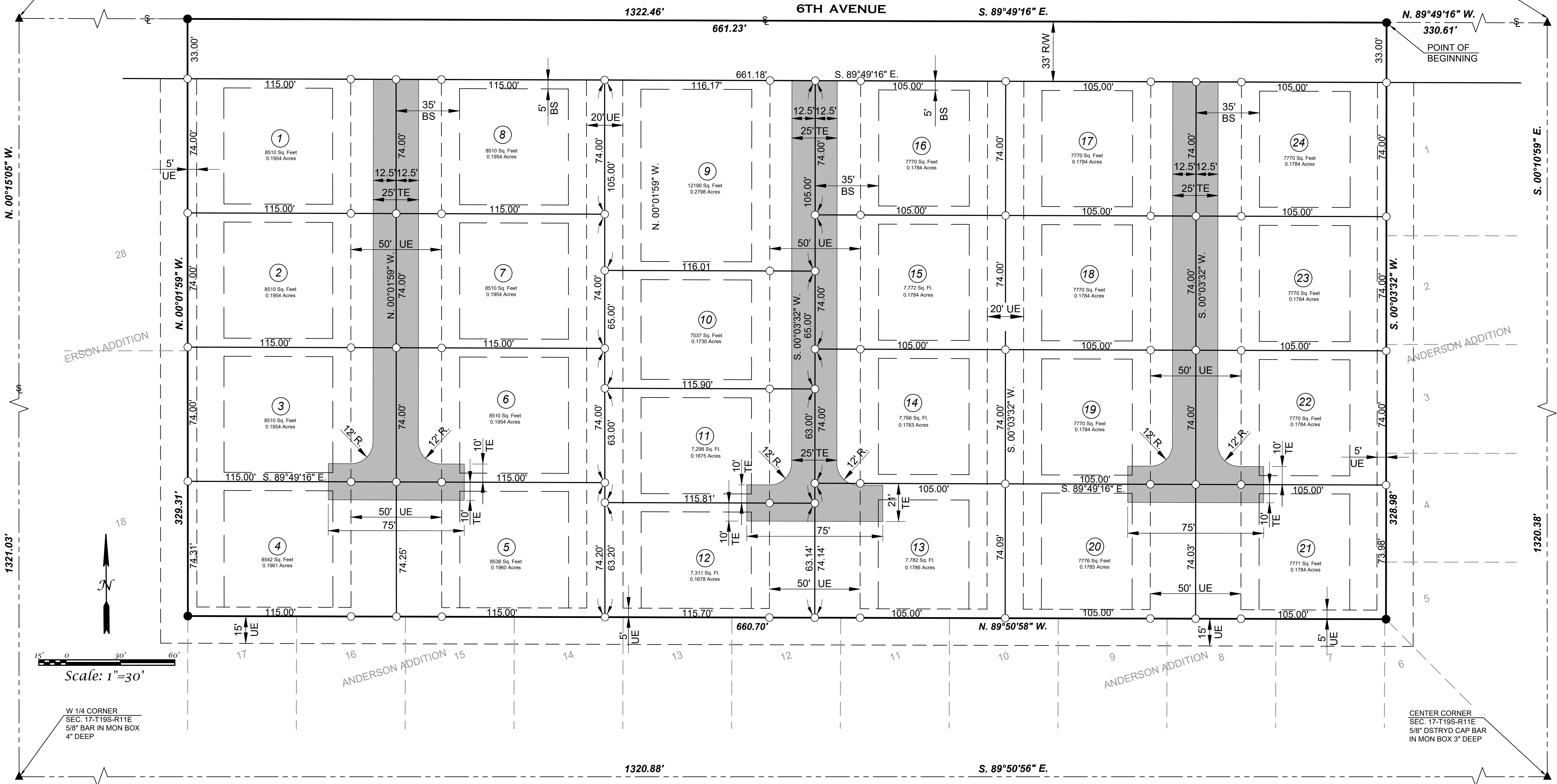
SURVEYOR:
BG CONSULTANTS, INC.
2508 W. 15TH AVENUE
EMPORIA, KS 66801
(620) 343-7842

OWNER/DEVELOPER:
MID-KANSAS PROPERTIES LLC
1420 C OF E DRIVE
EMPORIA, KS 66801
(620) 481-1433

BENCHMARK:
BM#101: SET SQ CUT-CENTER PUNCH NEAR CENTER NORTH EDGE OF CONC CURB INLET ON NORTH SIDE OF WEST 6TH STREET.
ELEV.=1128.50 (NAVD88)

SURVEY NOTE:
ELEVATIONS SHOWN ON THIS SURVEY ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
BEARINGS SHOWN ON THIS SURVEY ARE BASED ON KANSAS REGIONAL COORDINATE SYSTEM ZONE 9 (EMPORIA)

ZONING NOTE:
CURRENT: FLEX USE LOW
PROPOSED: SF-D | PUD OVERLAY



Description:

A TRACT OF LAND LOCATED IN NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6th P.M., IN THE CITY OF EMPORIA, LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY BRIAN J. WESTBERG, P.S. 1708, ON OCTOBER 31, 2023, AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 17; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, N. 89°49'16" W. 330.61 FEET TO THE POINT OF BEGINNING ON THE EXTENDED WEST LINE OF LOT 1, BLOCK 6, ANDERSON ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS; THENCE ALONG THE EXTENDED WEST LINE OF SAID LOT 1 AND THE WEST LINE OF LOTS 1-5, BLOCK 6, OF SAID ANDERSON ADDITION S. 00°03'32" W. 328.98 FEET (SAID ANDERSON ADDITION: 330.4 FEET) TO A WESTERLY CORNER OF SAID LOT 5, BEING A NORTHERLY CORNER OF LOT 6, BLOCK 6, OF SAID ANDERSON ADDITION; THENCE ALONG THE NORTH LINE OF LOTS 6-17, BLOCK 6, OF SAID ANDERSON ADDITION N. 89°50'58" W. 660.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 17, BEING ON THE EAST LINE OF LOT 18, BLOCK 6, OF SAID ANDERSON ADDITION; THENCE ALONG THE EAST LINE OF SAID LOT 18 AND THE EAST LINE AND EAST LINE EXTENDED OF LOT 28, BLOCK 6, OF SAID ANDERSON ADDITION N. 00°01'59" W. 329.31 FEET (SAID ANDERSON ADDITION: 330.4 FEET) TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, BEING 330.61 FEET EAST OF THE NORTH 1/16 CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 S. 89°49'16" E. 661.23 FEET TO THE POINT OF BEGINNING, CONTAINING 4.99 ACRES

Surveyor's Certificate:

(State of Kansas) SS
(County of Lyon)
I, the undersigned do hereby certify that I am a Registered Land Surveyor in the State of Kansas with experience and proficiency in land surveying, that the heretofore described property was surveyed and subdivided by me, or under my supervision, that all subdivision regulations of the Subdivision Regulations of Emporia have been complied with in the preparation of this plat, and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

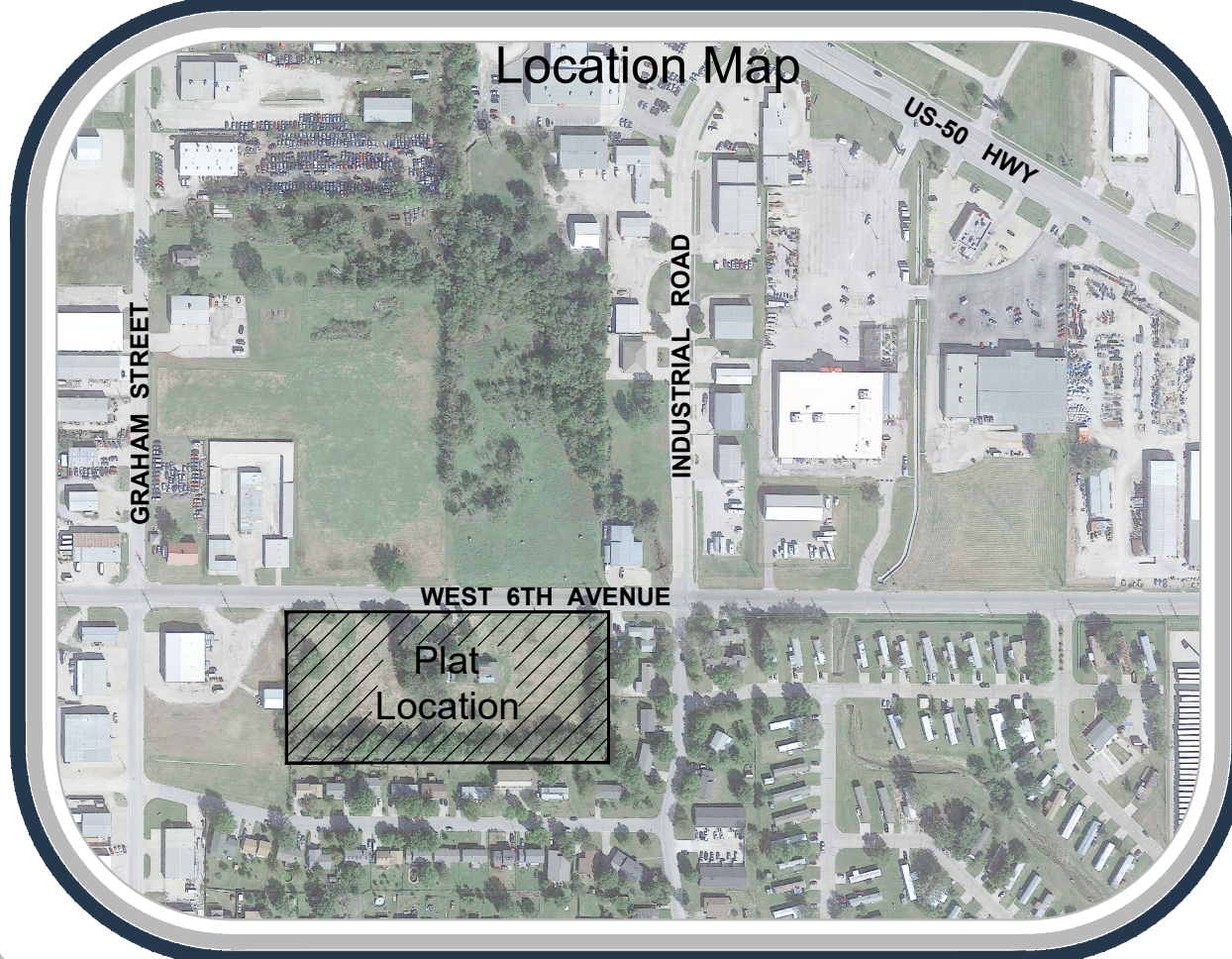
Given under my hand and seal at Manhattan, Kansas
this ___ day of ___ A.D., 2024.
BG CONSULTANTS, INC.
2508 WEST 15th AVENUE
EMPORIA, KANSAS 66801
(620)343-7842
Brian J. Westberg, PS 1708

Certificate of the Register of Deeds:

(State of Kansas) SS
(County of Lyon)
This is to certify that this instrument was filed for record in the Register of Deeds office on the ___ day of ___, 2024, in Book ___, Page ___.
Lyon County Register of Deeds: Wendy Weiss
Deputy:

Transfer of Record:

(State of Kansas) SS
(County of Lyon)
Entered on Transfer Form this ___ day of ___, 2024.
Lyon County Clerk: Tammy Vopat



County Treasurer Certificate:

(State of Kansas) SS
(County of Lyon)
I hereby certify that the taxes on the included tracts are current.
Lyon County Treasurer: Sharon Gaede
Date:

Certificate of the Planning Commission:

(State of Kansas) SS
(County of Lyon)
This Plat of Lockwood Subdivision has been submitted to and approved by the Emporia-Lyon County Metropolitan Area Planning Commission this ___ day of ___, 2024.
Chair: Raymond Rogers
Attest: Secretary: Justin Givens

Certificate of the Governing Body:

(State of Kansas) SS
(County of Lyon)
The dedications shown on this plat have been accepted of by the City of Emporia, Kansas, this ___ day of ___, 2024.
Mayor: Danny Giefer
Attest: City Clerk: Kerry Sull
City Attorney: Christina Montgomery

County Surveyor Review Certificate:

(State of Kansas) SS
(County of Lyon)
I hereby certify this plat is in accordance with the Land Survey Act, K.S.A. 58-2001, et seq.
Lyon County Surveyor: Warren Chip Woods
Date:

Owners Certificate:

(State of Kansas) SS
This is to certify that the undersigned are the owners of record of the land herein described on this plat, and that the undersigned have caused the same to be surveyed and subdivided as herein set forth. The undersigned, as such owners, do hereby state that all street right-of-ways as shown on this plat are hereby dedicated to the public. An easement and license to locate, construct, operate, inspect, replace and maintain, or authorize the location, construction, operation, inspection, replacement and maintenance of poles, wires, conduits, water, gas and sewer pipes, required drainage channels or structures; hard and impervious surfaces; or other structures necessary to carry out the function of the easement, upon the area marked for easements on this plat is also hereby dedicated to the public. When, and if, used on this plat, the term "Utility" shall include, by way of example, but not limited to sewer, water, gas, electricity, cable t.v. and telephone. When, and if, used on this plat, the term "Travel" shall include all forms of travel, by whatever means, unless the term is limited by other words or phrases, such as "Pedestrian Travel", etc. The undersigned acknowledges that pursuant to K.S.A. 12-406, the dedication of right-of-ways and easements to the public constitute a conveyance thereof to the City of Emporia, Kansas, in trust, for the uses named, expressed or intended.
Given under my hand at Emporia, Kansas
this ___ day of ___ A.D., 2024.

MID-KANSAS PROPERTIES LLC
JAMIE SAUDER, PRESIDENT

INFRASTRUCTURE NOTE:
DESIGN OF ANY DRIVING SURFACE, DRAINAGE, WATER IMPROVEMENT, SANITARY SEWER IMPROVEMENT, AND/OR OTHER UTILITY WITHIN THIS DEVELOPMENT ARE THE RESPONSIBILITY OF THE OWNER/DEVELOPER.

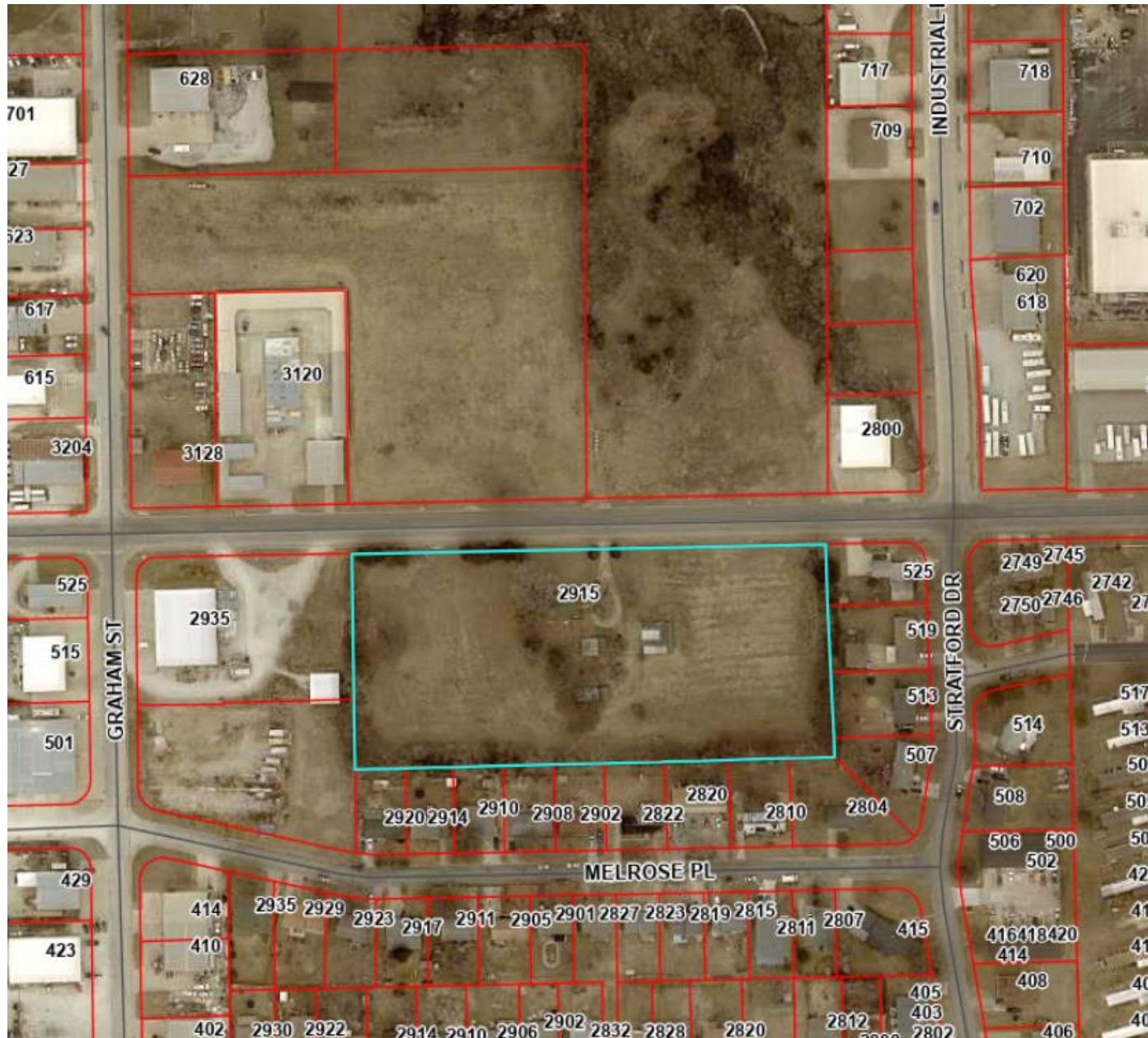
BG CONSULTANTS, INC. DID NOT PERFORM ANY DESIGN OR ENGINEERING SERVICES FOR ANY DRIVING SURFACE, DRAINAGE, WATER IMPROVEMENT, SANITARY SEWER IMPROVEMENT, AND/OR OTHER UTILITY WITHIN THIS DEVELOPMENT.

Notary Certificate:

(State of Kansas) SS
(City of Emporia City)
The foregoing instrument was acknowledged before me
this ___ day of ___ of A.D., 2024
by
Notary Public
My commission expires:

FINAL PLAT
Lockwood Subdivision
an Addition to the City of Emporia, Lyon County, Kansas
Prepared By:
BG CONSULTANTS
ENGINEERS - ARCHITECTS - SURVEYORS
MANHATTAN, KANSAS LAWRENCE, KANSAS EMPORIA, KANSAS
February 14, 2024 23-1274E

Lockwood Subdivision
Aerial Photo



Lockwood Subdivision Zoning Map





Emporia
Kansas

**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, FEBRUARY 20, 2024, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2024-04

Applicants: Mid-Kansas Properties LLC (owner / applicant)
BG Consultants (agent)

Requested Action: Applicant requests approval of a Final Planned Unit Development (PUD)

Purpose: Applicant desires to develop a 4.99 acre tract of land consisting of 24 single-family detached lots.

Address: 2915 W 6th Ave. Emporia, KS

Legal description: THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NW1/4 NE1/4 NE1/4 NW1/4) AND A STRIP 12 RODS IN WIDTH OFF THE ENTIRE EAST SIDE OF THE NE1/4 NW1/4 NE1/4 NW1/4, ALL IN THE SECTION 17, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

ALSO:

8 RODS OFF THE WEST SIDE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

Lot Size: 4.99 acres

Existing Zoning: Flex-Use Low

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

Surrounding Zoning:

North – Light Industrial

East – Flex-Use Low

South – Flex-Use Low

West – Flex-Use Low

Surrounding Actual Uses:

North – Vacant Property

East – Single-Family Detached Homes

South – Single-Family Detached & Attached Homes

West – Industrial Warehouse & Miscellaneous Industrial Yard

Analysis: The applicants have requested to plat and develop a 4.99-acre tract of land as a Planned Unit Development (PUD). The proposed development would consist of 24 single-family detached lots with 23 new homes being built and the existing home on the property remaining.

The PUD is unique, in that it is designed with three private drives serving the development. Each drive would serve 8 lots with a hammer head turn around at the end of drive. Infrastructure within the development would be privately maintained by a Homeowners Association that would be managed by the developer.

The drive width is of sufficient size to allow for two way traffic, but parking will not be allowed on either side of the drive. Each unit is required to provide at a minimum two off street parking spaces, but in most cases should be able to provide more parking as driveways will be on the side of the house and not directly in front of it.

The Final PUD, which will be filed with the Register of Deeds, and will run with the property in perpetuity, is in substantial compliance with the approved preliminary plan. The applicant has addressed staff and Planning Commission comments from the Preliminary PUD. General provisions for development within the PUD have been provided for and shall govern the development of the property. Any deviations from the plan will require resubmittal to the Planning Commission and Governing Body for approval.

Considerations:

It is the intent of the Planned Unit Development District to encourage innovation in residential, commercial and industrial development by greater variety in type, design, and layout of buildings, to encourage a more efficient use of land reflecting changes in the technology of land development; 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. **This project, as proposed, meets the intent of a Planned Unit Development District. It maximizes the existing space by modifying lot sizes, and uses private roads and utilities to reduce development costs, thus helping to reduce the cost of a house within the development. As proposed, this development would increase, what is often called the missing middle. Missing middle housing units are more affordable to those who may not qualify for subsidies but cannot afford high end housing. The development will also blend with the adjacent uses and staff feels will preserve, if not increase, property values of residential homes in the immediate area.**

A planned unit development shall be in general conformity with the provisions of the comprehensive plan, and shall not have a substantially adverse effect on the development of the neighboring area. **As this is considered an infill development, staff does not feel that there would be any adverse effects on the existing neighborhoods. The areas immediately to the east and south are a mix of owner occupied single-family detached residences, and single-family attached and multi-family rental units. This project would help to compliment those areas. The proposed development is in conformance with Plan ELC, as it promotes affordable housing, uses existing infrastructure to expand the missing middle housing stock, and is an adaptive reuse of vacant property.**

Neighborhood Communications: Staff received one call and had one person attend the preliminary public hearing. No additional comments have been provided.

Recommendation: Staff recommends a motion to recommend approval of the Final PUD subject to staff and Planning Commission comments to the Governing Body.

Attachments: Final PUD | Aerial Map | Current Zoning Map

SURVEY NOTE:
ELEVATIONS SHOWN ON THIS SURVEY ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) BEARINGS SHOWN ON THIS SURVEY ARE BASED ON KANSAS REGIONAL COORDINATE SYSTEM ZONE 9 (EMPORIA)

BUILDING SETBACK NOTE:
ALL FRONT YARD BUILDING SETBACKS ARE 35' FROM THE LOT LINE UNLESS NOTED OTHERWISE.
ALL SIDE YARD BUILDING SETBACKS ARE 5' FROM THE LOT LINE UNLESS NOTED OTHERWISE.
ALL REAR YARD BUILDING SETBACKS ARE 20' FROM THE LOT LINE UNLESS NOTED OTHERWISE.

FLOODPLAIN NOTE:
THIS SUBDIVISION LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN) AS PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 20111C0238E DATED JUNE 15, 2022.

ZONING NOTE:
CURRENT: FLEX USE LOW
PROPOSED: SF-D | PUD OVERLAY

INFRASTRUCTURE NOTE:
ANY DRIVING SURFACE, DRAINAGE, WATER IMPROVEMENT, SANITARY SEWER IMPROVEMENT, AND/OR OTHER UTILITY INDICATED HEREON THIS PUD ARE SHOWN AND LOCATED AS DIRECTED BY THE OWNER/DEVELOPER. DESIGN OF ANY DRIVING SURFACE, DRAINAGE, WATER IMPROVEMENT, SANITARY SEWER IMPROVEMENT, AND/OR OTHER UTILITY WITHIN THIS DEVELOPMENT ARE THE RESPONSIBILITY OF THE OWNER/DEVELOPER. BG CONSULTANTS, INC. DID NOT PERFORM ANY DESIGN OR ENGINEERING SERVICES FOR ANY DRIVING SURFACE, DRAINAGE, WATER IMPROVEMENT, SANITARY SEWER IMPROVEMENT, AND/OR OTHER UTILITY WITHIN THIS DEVELOPMENT.

OWNER/DEVELOPER:
MID-KANSAS PROPERTIES LLC
1420 C OF E DRIVE
EMPORIA, KS 66801
(620) 481-1433

SURVEYOR:
BG CONSULTANTS, INC.
2508 W. 15TH AVENUE
EMPORIA, KS 66801
(620) 343-7842

BENCHMARK:
BM#101: SET SQ CUT-CENTER PUNCH NEAR CENTER NORTH EDGE OF CONC CURB INLET ON NORTH SIDE OF WEST 6TH STREET
ELEV = 1128.50 (NAVD88)

LEGEND

- FOUND MONUMENT
- △ SET SECTION CORNER
- BUILDING SETBACK
- EASEMENT LINE
- W EXISTING WATERLINES
- SS EXISTING SANITARY SEWER
- ST EXISTING STORM SEWER
- W PROPOSED WATERLINE
- PROPOSED FIRE HYDRANT
- SS PROPOSED SANITARY SEWER
- PROPOSED CLEANOUT
- ④ PROPOSED LOT NUMBER
- UE UTILITY EASEMENT
- TE TRAVEL EASEMENT
- PROPOSED DWELLING (SEE TYPICAL DETAIL FOR DIMENSIONS)
- TRAVEL EASEMENT AND ROAD SURFACE

TYPICAL LOT COVERAGE

- PERMEABLE SURFACE 4,934.37 SQ. FT.
- IMPERMEABLE SURFACE 2,831.54 SQ. FT.

GENERAL PROVISIONS FOR THE LOCKWOOD SUBDIVISION PUD

AREA: THE PROVISIONS OF THIS PUD SHALL BE APPLICABLE TO THE AREA LEGALLY DESCRIBED HEREIN AND ANY SUBSEQUENT LOTS OF RECORD UPON PLATTING.

LAND USE: THE PROVISIONS OF THE EMPORIA ZONING REGULATIONS SHALL REGULATE THE LAND USE WITHIN THE PUD EXCEPT AS MODIFIED HEREIN.

ALLOWED USES AS PERMITTED BY RIGHT WITHIN THE SF-D PARCEL TYPE. SEE SECTION 2 OF THE EMPORIA ZONING REGULATIONS.

HOME OCCUPATIONS USES SHALL BE IN ACCORDANCE WITH SECTION 7.5 HOME OCCUPATIONS OF THE EMPORIA ZONING REGULATIONS.

ACCESSORY STRUCTURES AND USES SHALL BE IN ACCORDANCE WITH SECTION 3 OF THE EMPORIA ZONING REGULATIONS.

TEMPORARY USES AND REGULATIONS SHALL BE IN ACCORDANCE WITH SECTION 7.7 OF THE EMPORIA ZONING REGULATIONS.

LOT SIZE REQUIREMENTS SHALL CONFORM TO SECTION 3 OF THE EMPORIA ZONING REGULATIONS OR ANY MODIFICATIONS CONTAINED WITHIN THE APPROVED PUD.

MINIMUM LOT AREA: 6,500 SQ. FT.
MINIMUM LOT WIDTH: 63'
MINIMUM LOT DEPTH: 105'
MAXIMUM STRUCTURE HEIGHT: 3 STORIES
MAXIMUM LOT COVERAGE: 50%
THERE IS NO FRONT BUILD TO LINE
MINIMUM FRONT YARD SETBACK LINE: 35' FROM THE LOT LINE
MINIMUM SIDE YARD SETBACK: 5' FROM THE LOT LINE UNLESS NOTED
MINIMUM REAR YARD SETBACK: 20' FROM THE LOT LINE UNLESS NOTED

BUILDING STANDARDS:

ALL RESIDENTIAL STRUCTURES SHALL BE SITUATED ON LOTS TO ALLOW FOR A FUTURE GARAGE/CARPORT THAT SHALL BE COMPLIANT WITH MINIMUM BUILDING SETBACKS.

PRIMARY STREET FAÇADE AND PERCENT OF FAÇADE AREA AS SHOWN IN SECTION 3 OF THE ZONING REGULATIONS ARE NOT APPLICABLE TO THE PUD

PARKING: A MINIMUM OF TWO (2) OFF STREET PARKING SPACES SHALL BE PROVIDED. PARKING SPACES SHALL BE IN COMPLIANCE WITH CITY OF EMPORIA ZONING REGULATIONS.

UTILITIES: ALL PROPOSED UTILITIES, BEGINNING AT THE LOCATION INDICATED ON THE APPROVED PUD DRAWING, SHALL BE PRIVATE AND THE RESPONSIBILITY OF THE DEVELOPER, AND HIS ASSIGNS, TO MAINTAIN AND ENSURE COMPLIANCE WITH ALL CITY OF EMPORIA CODES.

TRASH: A DUMPSTER OF SUFFICIENT SIZE AND PROPERLY SCREENED SHALL BE MAINTAINED BY THE DEVELOPER OR HIS ASSIGNS AT EACH OF THE THREE (3) DESIGNATED AREAS AS SHOWN ON THE APPROVED PUD. RESIDENTIAL TRASH SERVICE WILL NOT BE PROVIDED TO EACH INDIVIDUAL LOT.

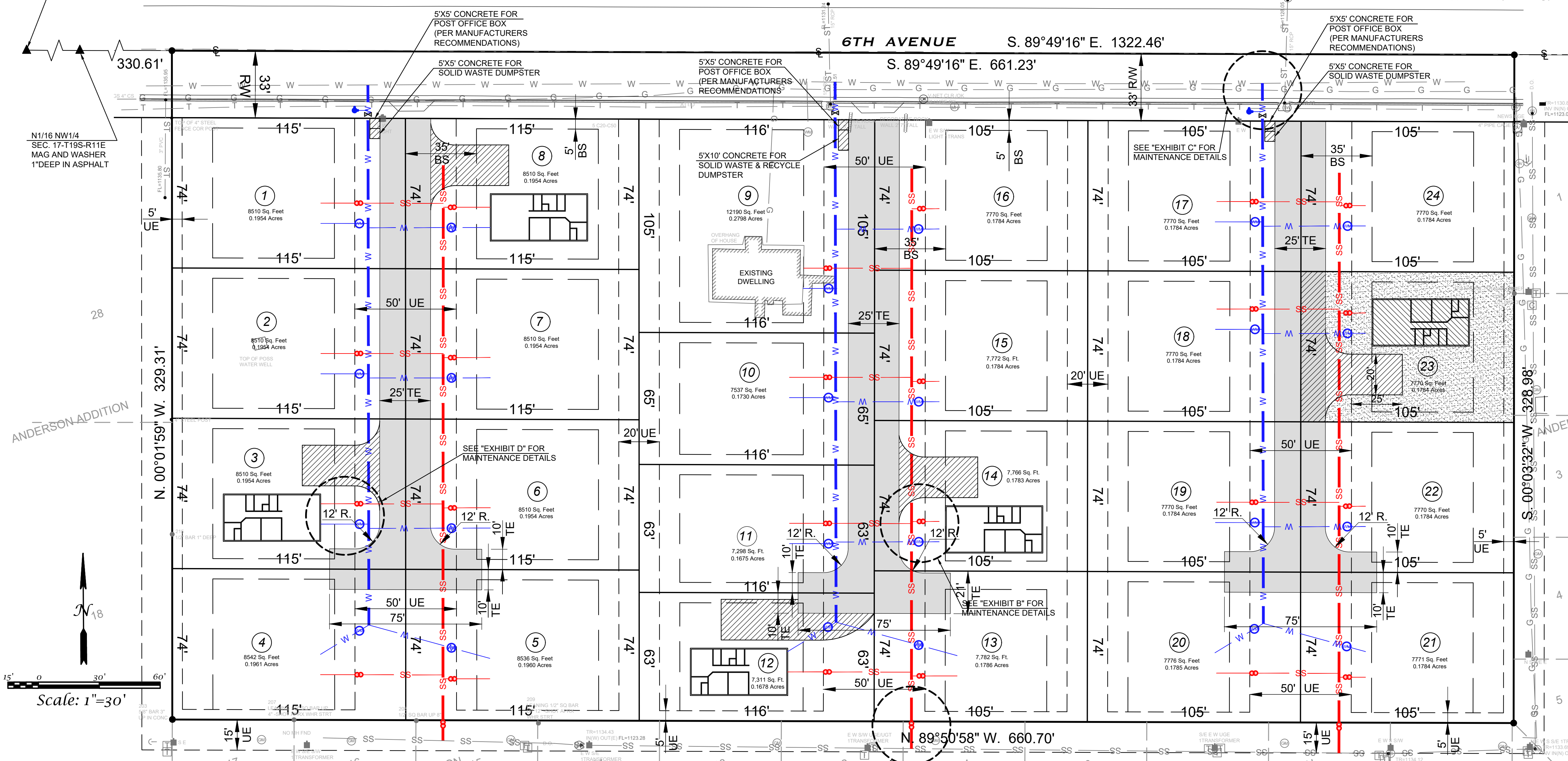
ROADS/ACCESS: ALL DRIVING SURFACES WITHIN THE DEVELOPMENT, LYING SOUTH OF 6TH STREET, SHALL BE PRIVATE AND MAINTAINED BY THE DEVELOPER AND HIS ASSIGNS. CLEAR ACCESS SHALL BE MAINTAINED AT ALL TIMES WITHIN THE TRAVEL EASEMENT.

UNLESS MODIFIED HEREIN, THIS DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CITY OF EMPORIA ZONING REGULATIONS. A HOME OWNERS ASSOCIATION SHALL BE CREATED AND MAINTAINED FOR THE MAINTENANCE OF COMMON FIXTURES INCLUDING, BUT NOT LIMITED TO, THE DRIVING SURFACES AND UTILITY LINES WITHIN THE DEVELOPMENT.

THE TRANSFER OF TITLE OR ALL OR ANY PORTION OF LAND INCLUDED WITHIN THE PUD (OR ANY AMENDMENTS THERETO) DOES NOT CONSTITUTE A TERMINATION OF THE PLAN OR ANY PORTION THEREOF, BUT SAID PLAN SHALL RUN WITH THE LAND AND BE BINDING UPON PRESENT OWNERS, THEIR SUCCESSORS AND ASSIGNS, UNLESS AMENDED IN ACCORDANCE WITH THE PROVISIONS OF THE ZONING REGULATIONS OF THE CITY OF EMPORIA.

THE DEVELOPMENT OF THIS PROPERTY SHALL PROCEED IN ACCORDANCE WITH THE PUD AS RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION AND APPROVED BY THE CITY COMMISSION. ANY SUBSTANTIAL DEVIATION OF THE PUD, AS DETERMINED BY THE ZONING ADMINISTRATOR, SHALL CONSTITUTE A VIOLATION OF ANY BUILDING PERMIT AUTHORIZING CONSTRUCTION WITHIN THE PROPOSED DEVELOPMENT.

ANY MAJOR CHANGES IN THIS DEVELOPMENT PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION FOR CONSIDERATION. MINOR ITEMS CAN BE ADJUSTED BY STAFF AS ALLOWED FOR BY THE ZONING REGULATIONS.



Certificate of the Governing Body:

(State of Kansas)
(County of Lyon) SS

The dedications shown on this plat have been accepted by the City of Emporia, Kansas, this ___ day of ___, 2024.

Mayor: _____
Attest: City Clerk: Kerry Sull
City Attorney: Christina Montgomery

Certificate of the Planning Commission:

(State of Kansas)
(County of Lyon) SS

This Plat of Lockwood Subdivision has been submitted to and approved by the Emporia-Lyon County Metropolitan Area Planning Commission this ___ day of ___, 2024.

Chair: Raymond Rogers
Attest: Secretary: Justin Givens

Certificate of the Register of Deeds:

(State of Kansas)
(County of Lyon) SS

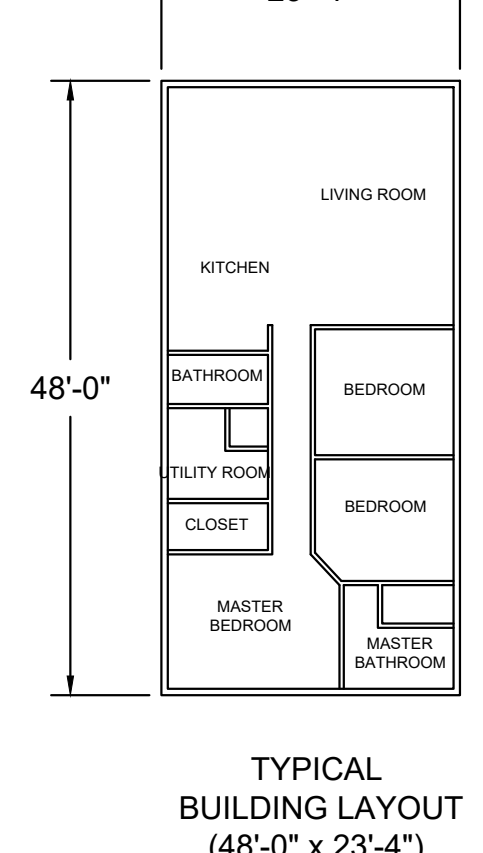
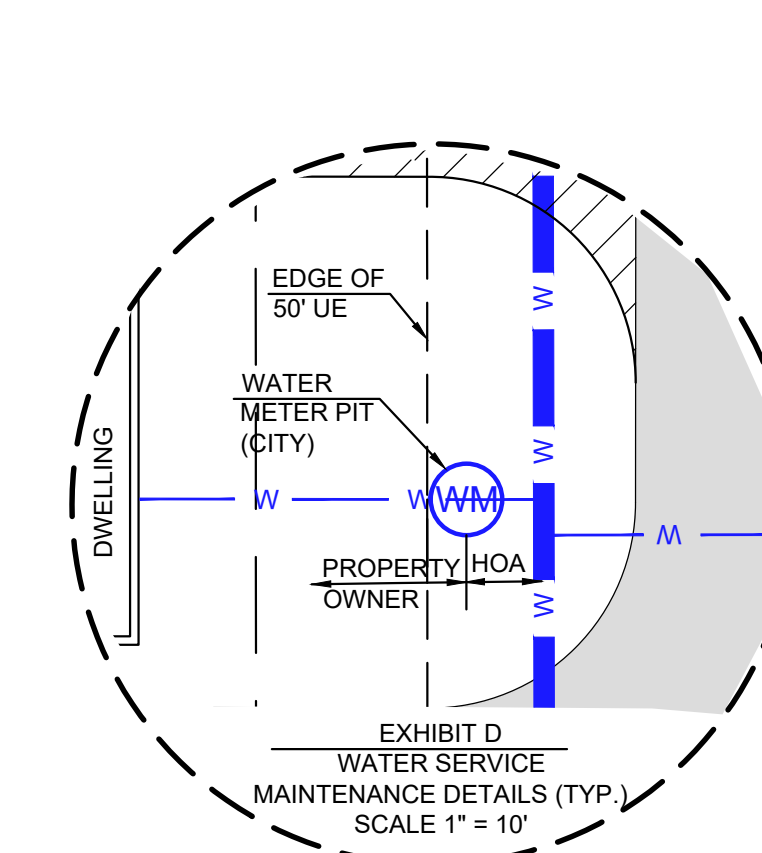
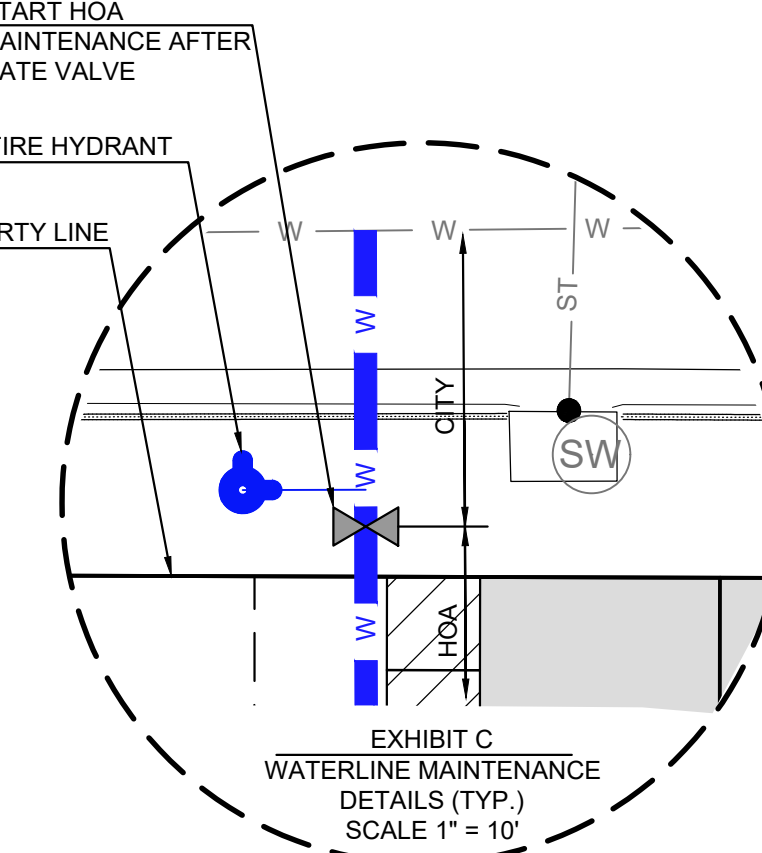
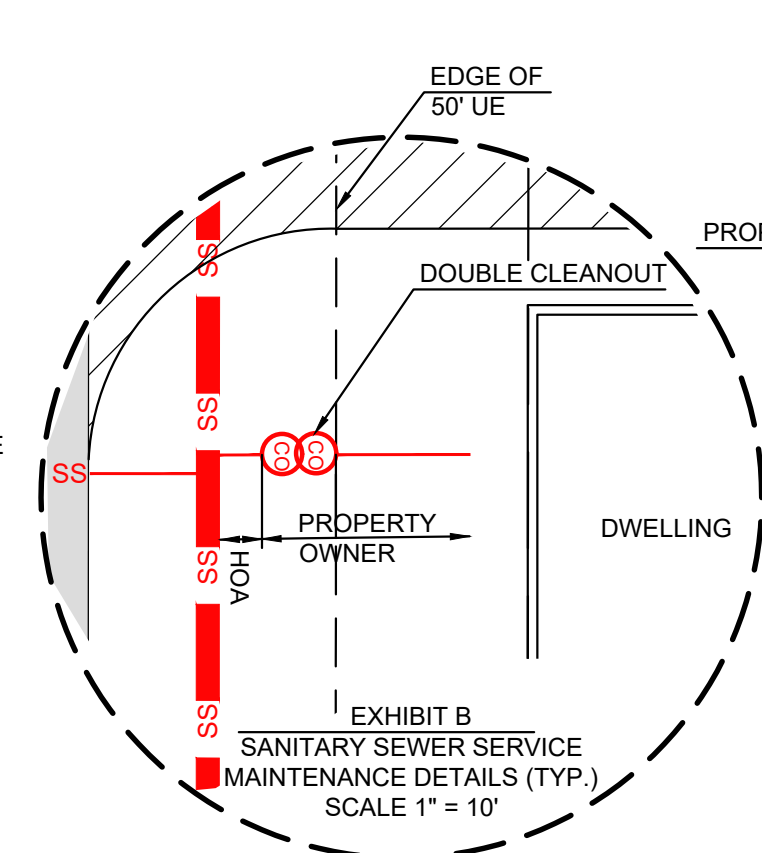
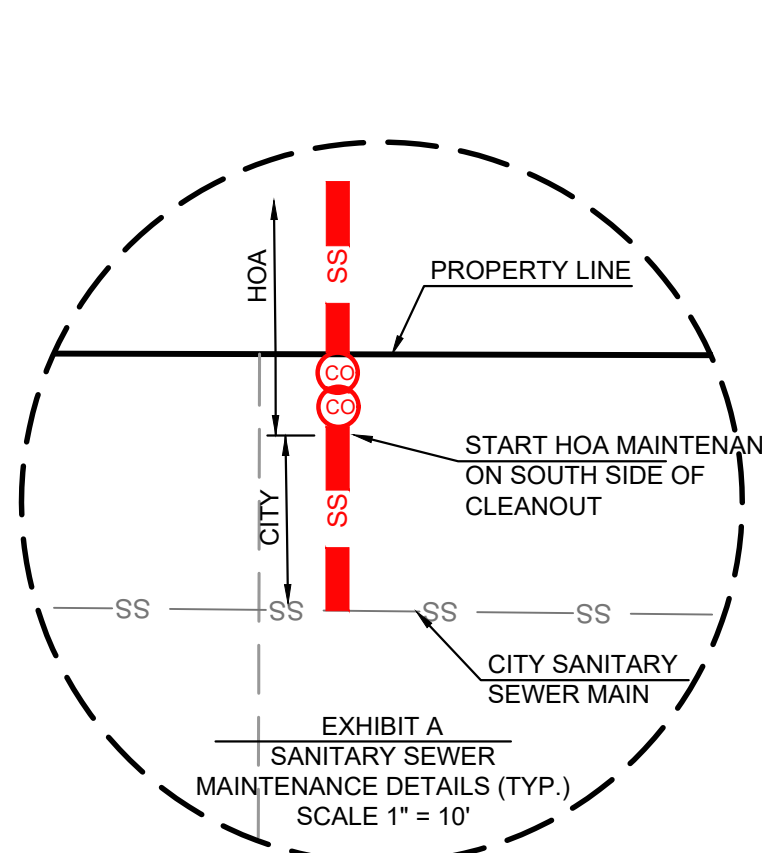
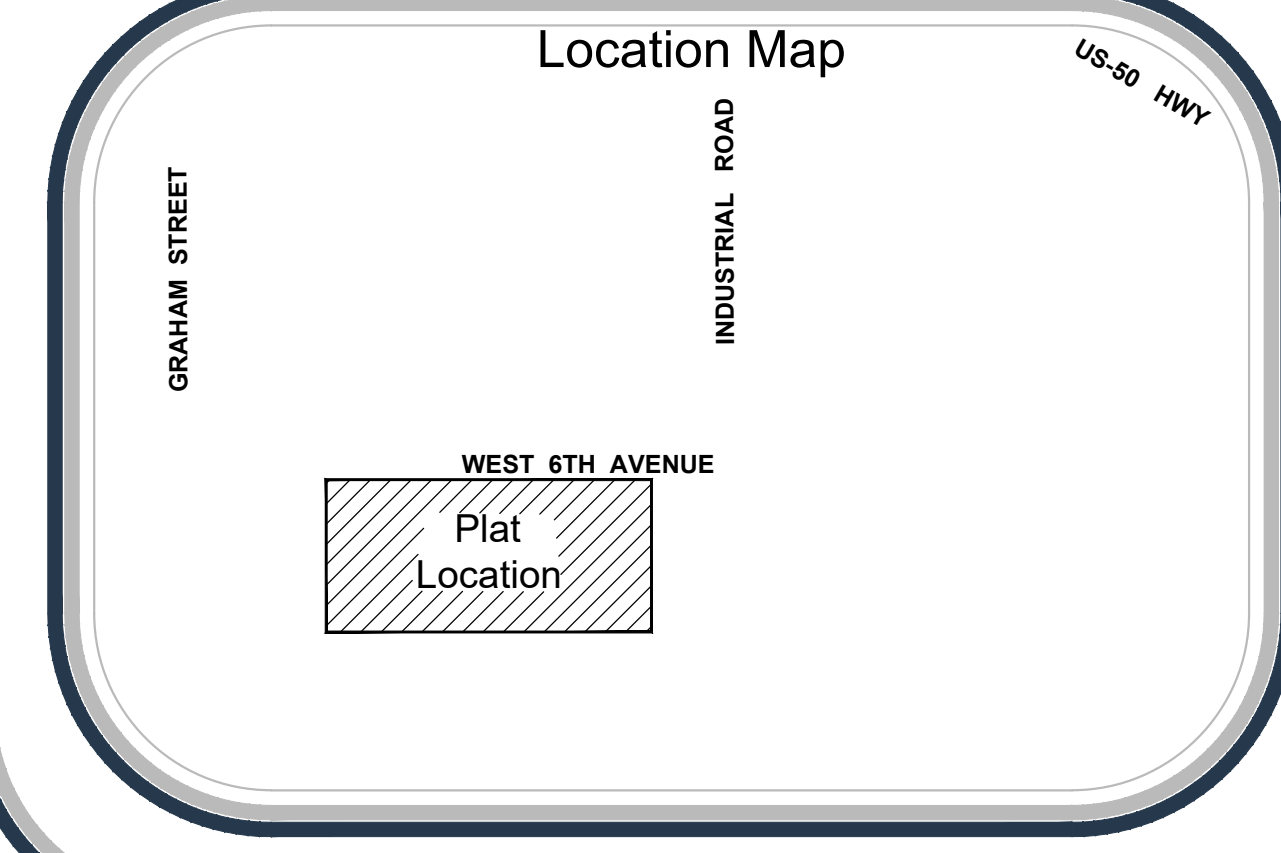
This is to certify that this instrument was filed for record in the Register of Deeds office on the ___ day of ___, 2024, in Book ___, Page ____.

Lyon County Register of Deeds: Wendy Weiss
Deputy: _____

DESCRIPTION

A TRACT OF LAND LOCATED IN NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6th P.M., IN THE CITY OF EMPORIA, LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY BRIAN J. WESTBERG, P.S. 1708, ON OCTOBER 31, 2023, AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 17; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 N. 89°49'16" W. 330.61 FEET TO THE POINT OF BEGINNING ON THE EXTENDED WEST LINE OF LOT 1, BLOCK 6, ANDERSON ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS; THENCE ALONG THE EXTENDED WEST LINE OF SAID LOT 1 AND THE WEST LINE OF LOTS 1-5, BLOCK 6, OF SAID ANDERSON ADDITION S. 00°03'21" W. 328.98 FEET (SAID ANDERSON ADDITION: 330.4 FEET) TO A WESTERLY CORNER OF SAID LOT 5, BEING A NORTHERLY CORNER OF LOT 6, BLOCK 6, OF SAID ANDERSON ADDITION; THENCE ALONG THE NORTH LINE OF LOTS 6-17, BLOCK 6, OF SAID ANDERSON ADDITION N. 89°50'58" W. 660.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 17, BEING ON THE EAST LINE OF LOT 18, BLOCK 6, OF SAID ANDERSON ADDITION; THENCE ALONG THE EAST LINE OF SAID LOT 18 AND THE EAST LINE AND EAST LINE EXTENDED OF LOT 28, BLOCK 6, OF SAID ANDERSON ADDITION N. 00°01'59" W. 329.31 FEET (SAID ANDERSON ADDITION: 330.4 FEET) TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, BEING 330.61 FEET EAST OF THE NORTH 1/4 CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17 S. 89°49'16" E. 661.23 FEET TO THE POINT OF BEGINNING, CONTAINING 4.99 ACRES



FINAL PUD

Lockwood Subdivision

an Addition to the City of Emporia, Lyon County, Kansas

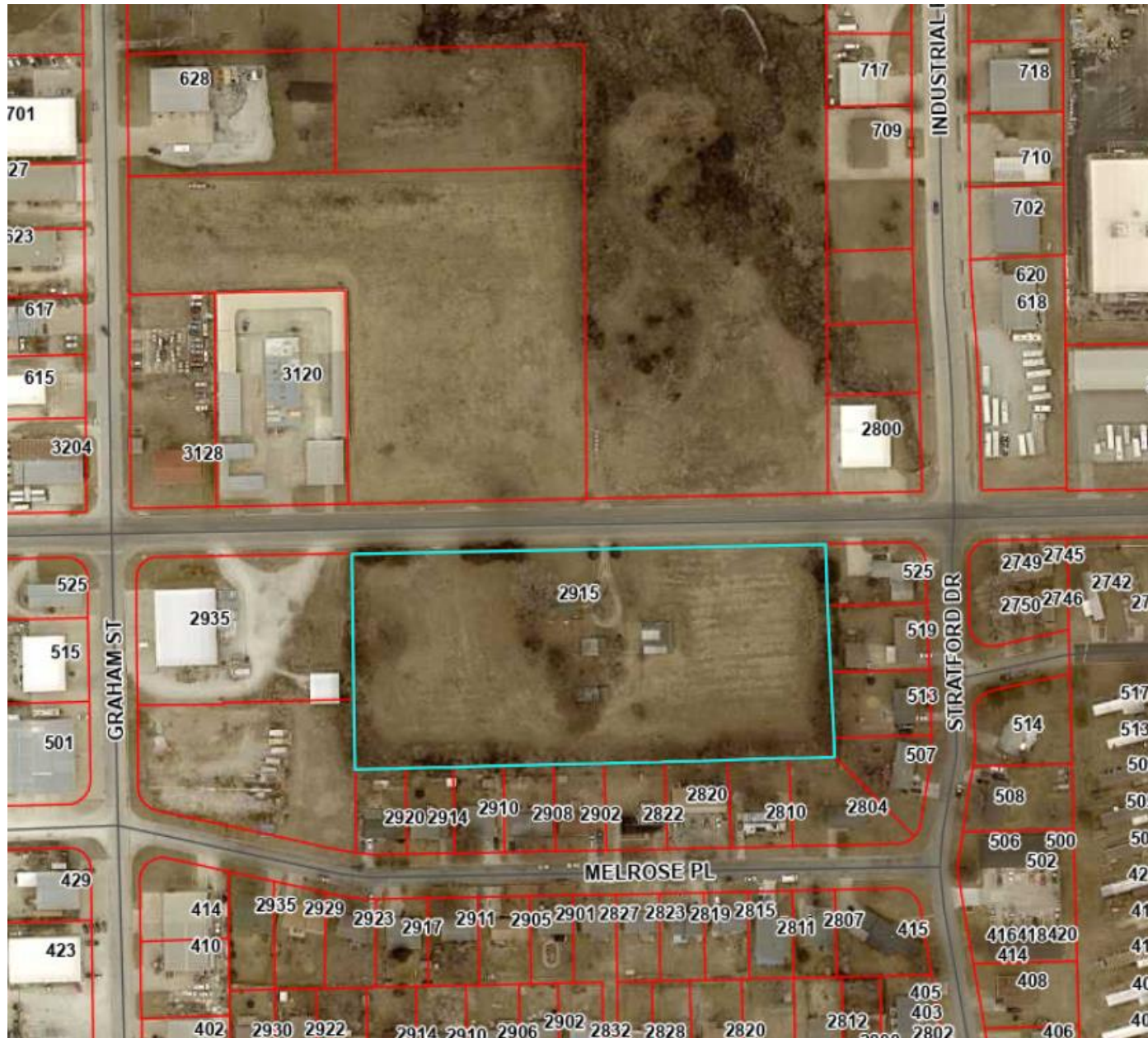
Prepared By:

BG CONSULTANTS
ENGINEERS - ARCHITECTS - SURVEYORS

MANHATTAN, KANSAS LAWRENCE, KANSAS EMPORIA, KANSAS

February 14, 2024 23-1274E

Lockwood Subdivision
Aerial Photo



Lockwood Subdivision Zoning Map





Emporia
Kansas

**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, FEBRUARY 20, 2024, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2024-02

Applicants: Luisana Chaida Veliz & Gil Chaida

Requested Action: Approval of a Conditional Use Permit for a Temporary Travel Trailer Park

Purpose: Applicants desire to be allowed to legally park up to three (3) travel trailers during community events.

Address: 820 Congress St.

Legal description: Lot 124 On Congress Street, Emporia, Lyon County, Kansas

Lot Size: 50' x 130' (6,500 sq. ft.)

Existing Zoning: Multi-Family (MF)

Future Zoning in ELC Comp. Plan: Multi-Family (MF)

Surrounding Zoning:

North – Multi-Family (MF)

East – Multi-Family (MF)

South – Multi-Family (MF)

West – Multi-Family (MF)

Surrounding Actual Uses:

North – Multi-Family & Single-Family Detached

East – Single-Family Detached & Church

South – Multi-Family & Single-Family Detached

West – Multi-Family & Single Family Detached

Analysis: The applicants recently purchased the subject property and are working towards erecting three small residential structures on the property. While they work at securing financing for the intended use, they have requested the ability to have travel trailers (RVs) park on a temporary basis during large community events such as the Unbound Gravel Race and disc golf events as well as other special events that draw in visitors from outside the area.

Staff discussed in depth with the applicants, conditions that would be necessary to move forward to a

hearing before the Planning Commission, including the installation of permanent utilities, limited parking areas, limited number of units that could be placed on the property, and limited times that the property could be used in such a manner.

The applicants are aware of the conditions and have asked that the project be moved forward to the Planning Commission.

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; **Conditional Uses may be granted and restrictions on uses made more stringent if the Planning Commission or City Commission feels that the use maybe injurious to the neighboring area or contrary to public safety or welfare. With stringent conditions put in place this proposed project could be consistent with the zoning regulations.**

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **The property is in an area that consists of Multi-Family parcel types and multi-family uses. A few single-family detached residences are within the 200 ft. proximity as well. Staff feels that on a limited basis, this use would be compatible with the nature of the 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; **There would be no undue burden placed on any of the existing transportation or service facilities.**

4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected; **The number of events that draw in participants and spectators has increased over the past several years, and with that an increased demand on temporary housing including short term rentals, hotel rooms and other transient accommodations has increased. This project would be a small step in bringing more transient accommodations to the city for those events.**

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 property has been vacant since 2002, when the existing structure was razed. The applicants recently purchased the property and are**

working towards establishing a permanent use on the property.

6. Whether the applicant's property is suitable for the proposed conditional use; **Under the right conditions; the establishment of sewer, water, and parking areas, the property could be considered suitable for the temporary use. Absent these items, staff would be hesitant to allow the use on a limited basis.**

7. The recommendations of professional staff; **Staff would be supportive of the project only on a very limited basis, and only if future sewer, water, electric, and parking facilities were put in place that would help to ensure that the project was moving forward to a permanent use. Times when the temporary use would be allowed should be limited to those events that are affiliated or featured with Visit Emporia.**

8. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **While not directly related to PLAN ELC, the opening of an additional option for short-term stay within the community during large events, could help to ensure the success of these events.**

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; **Additional transient guest options are a value to the community events that are hosted by Emporia each year. If done properly and only on a temporary basis would staff support this project as something that would outweigh any hardships of not allowing the conditional 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; **If done properly, staff feels that this use would be not necessarily affect the area in a negative manner.**

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. **The applicants feel that this project, as a temporary use, would provide an additional resource for transient guest for community events.**

Neighborhood Communications: Staff has had two phone calls at the time of writing this report. Each phone call was seeking more information on the project and did not state an opinion as to whether the project should be approved or not approved.

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 including permanent sewer, water, electrical.
- 2) Applicant will be limited to temporary use only for events affilitated with Visit Emporia or any similarly community sponsored event.

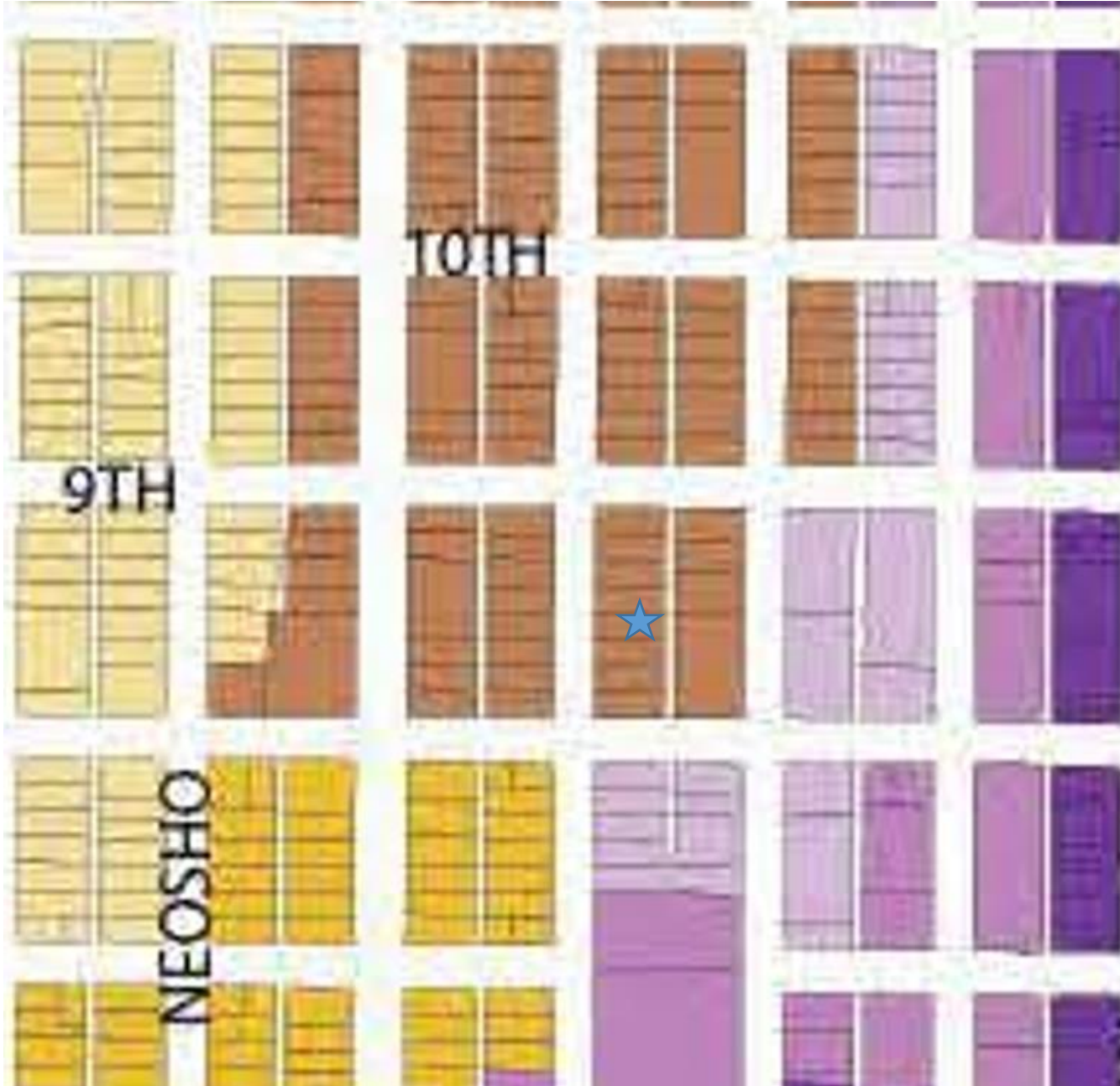
- 3) Any additional conditions the Planning Commission or City Commission deem necessary to protect the public health, safety, and general welfare.

Attachments: Aerial Map / Current Zoning Map

820 Congress St.
Aerial



820 Congress St. Zoning Map



Emporia Regulating Plan

-  Emporia City Limits
-  MU Mixed-Use
-  FH Flex-Use High
-  FL Flex-Use Low
-  C Commercial
-  MF Multi-Family
-  SF-A Single-Family Attached
-  SF-D Single-Family Detached
-  CH Country Home
-  IF Industrial-Flex
-  LI Light Industrial
-  HI Heavy Industrial
-  C/P Civic/Public
-  G/P/R Green space/Parks/Recreation
-  Tax Lots