



**Emporia**  
Kansas

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**EMPORIA-LYON COUNTY METROPOLITAN AREA  
PLANNING COMMISSION / BOARD OF ZONING APPEALS - AGENDA  
TUESDAY MAY 21, 2024, AT 6:00 PM  
CITY MUNICIPAL COURT ROOM**

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**ORDER OF BUSINESS**

**CALL MEETING TO ORDER**      Chair Rogers

**MEMBERS PRESENT**

Vice Chair Tammi Ogle  
Larry Bucklinger  
William Barnes  
Stan Fowler  
Lilian Lingenfelter

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- 1) **Planning Commission: Consider the Minutes of the April 16, 2024 Planning Commission Meeting**  
*Presented by: Justin Givens, Planning & Zoning Administrator*  
**Recommended Action:** Approve Minutes
  
  - 2) **Planning Commission: Consider PC-2024-07 – A Request for a Transitional Housing Conditional Use Permit for 115 E Logan Ave.**  
*Presented by: Justin Givens, Planning & Zoning Administrator*  
**Recommended Action:** Conduct the Required Public Hearing | Make Recommendation to City Commission
  
  - 3) **Planning Commission: Consider PC-2024-05 – A Request to Rezone Property Located at 518 S Congress from Single-Family Detached (SF-D) to Single-Family Attached (SF-A)**  
*Presented by: Justin Givens, Planning & Zoning Administrator*  
**Recommended Action:** Conduct the Required Public Hearing | Make Recommendation to City Commission
  
  - 4) **Planning Commission: Consider PC-2024-06 – A Request to Rezone Property Located at 518 Market from Single-Family Attached (SF-A) to Civic/Public (C/P)**  
*Presented by: Justin Givens, Planning & Zoning Administrator*  
**Recommended Action:** Conduct the Required Public Hearing | Make Recommendation to City Commission
  
  - 5) **Adjournment**



## MINUTES- 04/16/2024

### EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION

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

City staff: Justin Givens was present.

**Chair Rogers** called the meeting to order.

#### **1. Consider the Minutes of the February 20, 2024 Planning Commission Meeting.**

**Givens** presented the commission with the minutes from the February 20, 2024 regular meeting.

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

#### **2. Review Of Zoning Code.**

**Givens** provided the Commission with several topics to consider for possible future text amendments to the zoning code. **Givens** stated that as was discussed at the time of adoption certain aspects of the new regulations would need to be tweaked as staff worked with the regulations on a day to day basis.

A consensus was formed that staff should go forward with preparing text amendments to the use matrix and sign regulations in particular for Flex Use parcel types.

The Commission felt that changes to the building standards were not necessary at this time and those wanting to deviate from the design standards should apply for variances except for the Flex-Use Low Front Required Build-to-Line, which should be modified to require new buildings to be set in line with existing adjacent structures.

**Givens** stated that the proposed amendments would be presented at a future meeting.

#### **3. Overview of KOMA / KORA Regulations.**

**Givens** provided the Commission with information on Kansas Open Meeting (KOMA) and Kansas Open Records (KORA) requirements. No action was taken.

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

Respectfully Submitted,

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Justin Givens, Secretary



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**EMPORIA-LYON COUNTY METROPOLITAN AREA  
PLANNING COMMISSION / BOARD OF ZONING APPEALS  
TUESDAY, MAY 21, 2024, 6:00 PM  
CITY MUNICIPAL COURT ROOM**

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**STAFF REPORT**

**Application #:** PC 2024-07

**Applicants:** Southwick House

**Requested Action:** Approval of a Conditional Use Permit for Transitional Housing

**Purpose:** Applicant desires to develop congregate housing to women, single-parents, and families.

**Address:** 115 E Logan Ave

**Legal description:** COMMENCING 40 RODS EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., THENCE SOUTH 32 RODS, THENCE EAST 10 RODS, THENCE NORTH 32 RODS, THENCE WEST 10 RODS TO THE PLACE OF BEGINNING.

ALSO:

BEGINNING AT A POINT 32 RODS SOUTH OF A POINT 40 RODS EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., THENCE SOUTH 4 RODS, THENCE EAST 10 RODS, THENCE NORTH 4 RODS, THENCE WEST 10 RODS TO THE POINT OF BEGINNING.

ALSO:

COMMENCING 20 RODS EAST OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., THENCE SOUTH 36 RODS, THENCE EAST 20 RODS, THENCE NORTH 36 RODS, THENCE WEST 20 RODS TO THE PLACE OF BEGINNING.

**Lot Size:** 6.30 Acres

**Existing Zoning:** Single-Family Detached (SF-D)

**Future Zoning in ELC Comp. Plan:** Single-Family Detached (SF-D)

**Surrounding Zoning:**

**North** – Single-Family Detached (SF-D) | Multi-Family (MF)

**East** – Single-Family Detached (SF-D)

**South** – Single-Family Detached (SF-D)

**West** – Single-Family Detached (SF-D)

**Surrounding Actual Uses:**

North – Single-Family Detached Homes  
East – Large Lot Single-Family Homes  
South – Large Lot Single-Family Homes  
West – Single Family Detached Homes

**Analysis:** The applicant is under contract to purchase a 6.30 acre tract of land with the intent of building a transitional group home furthering their mission of providing housing for women, single-parents, and families. The Southwick House is a reorganized group stemming from Plumb Place that previously operated in Emporia. Southwick House has been established to continue the mission of the original Plumb Place.

To further this mission, the group is requesting a CUP for Transitional Housing that would see a 16 bedroom home with support facilities, and offices be built on the subject property. The group operates on a 280 day model, and is not considered to be an emergency shelter, is not equipped to handle drug/alcohol treatment or chronic homelessness. Southwick House staff anticipate most of their residents coming from referrals from other organizations including school districts.

Additional analysis has been provided in the factors for consideration.

**Considerations: 26-109. Factors to be Considered for a Conditional Use Permit:**

Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are permitted as conditional uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a conditional use, the minimum requirements set out in these regulations for the underlying district must be met unless otherwise reduced by specific reference in the approval of the Governing Body. The requirements may be made more stringent if there are potentially injurious effects which may be anticipated upon other property or the neighborhood or which may be contrary to public health, safety or welfare.

The Planning Commission may recommend approval of a Conditional Use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such Conditional Use, using the following factors as guidelines: **Staff Commentary in Bold**

1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations; **the requirement that housing such as this be approved through the Conditional Use process, allows the neighboring property owners to be made aware of the development, the Planning Commission to review the proposed development and make recommendations for additional requirements, and ultimately an approval from the Governing Body. This is in itself consistent with the intent of the zoning regulations. In this particular case, a residential home will be built within a residential area, has ample space to provide separation from neighboring properties, and will have a low volume of vehicular traffic which would, in staff's opinion, makes it consistent with the intent of the zoning regulations.**

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **staff feels that the proposed use and proposed site plan blends with the existing neighborhood. Southwick House will encompass a more than 6-acre tract of land which will provide ample space between neighboring properties.**

3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided; **currently the area is served by LCAT demand services, but if additional volume was**

created, with this proposed development, increasing fixed route services within the southeast area of Emporia, would in staff's opinion be a betterment for the residents in the area.

4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected; **Plumb Place, which ceased operations in 2020, provided a similar service as what Southwick House's mission is. Since closing, there has been a gap in services that are provided to the community, and this proposed development would help in filling the gap created when Plumb Place closed.**

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 bulk of this property has remained vacant since the first single-family structure was built on it in 1887. Recently the property was marketed as a development site for single-family homes, but the applicants proposed use, would help to ensure that the site is not fully developed with homes, but continues the character of the neighborhood with larger lot development.**

6. Whether the applicant's property is suitable for the proposed conditional use; **staff contends that the lot is suitable for the proposed use. The concept site plan demonstrates how the development would fit in both scale and use within the existing area.**

7. The recommendations of professional staff; **staff is supportive of the proposed development.**

8. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **the proposed project would be considered infill development as it does not require the extension of services, which is an objective of Plan ELC. Additionally, the proposed development, seeks to fill a gap in providing assistance to vulnerable persons, who are impacted by the City's housing shortage.**

9. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use; **the overall gain for the public health, safety, and general welfare exceeds that of not approving the use. The use, as proposed, would provide a service, which has been missing in the community since the closing of Plumb Place, and would help in alleviating the strain on other community service providers.**

10. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected; **staff does not see an adverse impact on the neighboring property owners. The development, as proposed, would continue the large lot feel of the surrounding neighborhood and provides ample space for separation between the subject property and neighboring properties.**

11. For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Lyon County, and amendments thereto; **N/A**

12. Such other factors as may be relevant from the facts and evidence presented in the application. **N/A**

**Neighborhood Communications:** Staff has had two phone calls at the time of writing this report. One caller meet with staff and separately with the applicant and did not express any objections to staff over the proposed development. Another caller felt that the proposed development was outside of any area

of impact to their property.

**Recommendation:** If the Planning Commission finds that the project is advisable, it may forward a recommendation to approve the Conditional Use Permit to the Governing Body based on the findings that the project is consistent with the intent and purpose of the zoning regulations, will not have an adverse impact on the surrounding area and the use is consistent with neighboring uses subject to the following conditions;

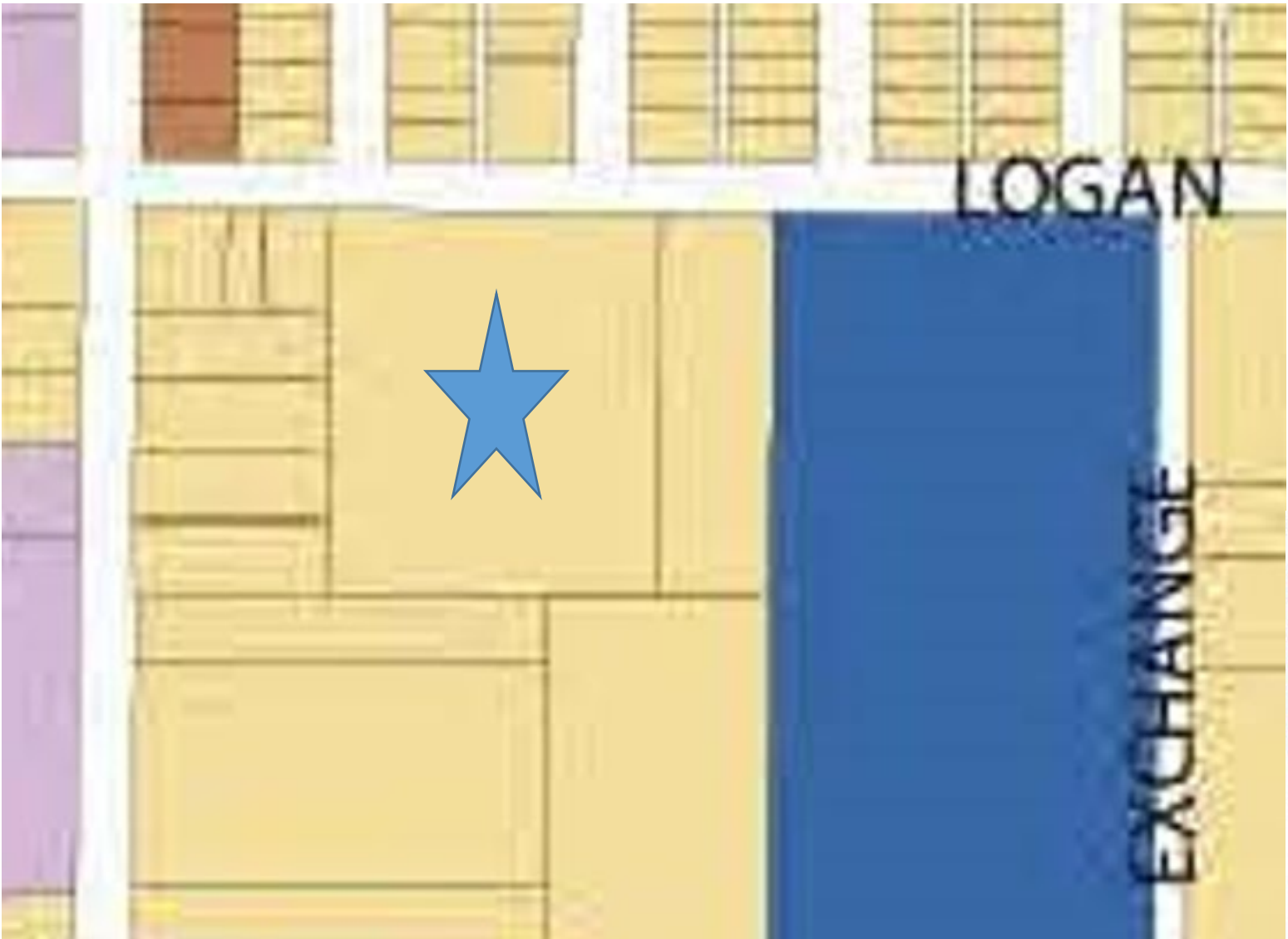
- 1) The project meets all applicable zoning, building, fire, and other applicable code regulations.
- 2) Any additional conditions the Planning Commission or City Commission deem necessary to protect the public health, safety, and general welfare.

**Attachments:** Aerial Map | Current Zoning Map | Concept Site Plan

115 E Logan Ave  
Aerial Photo

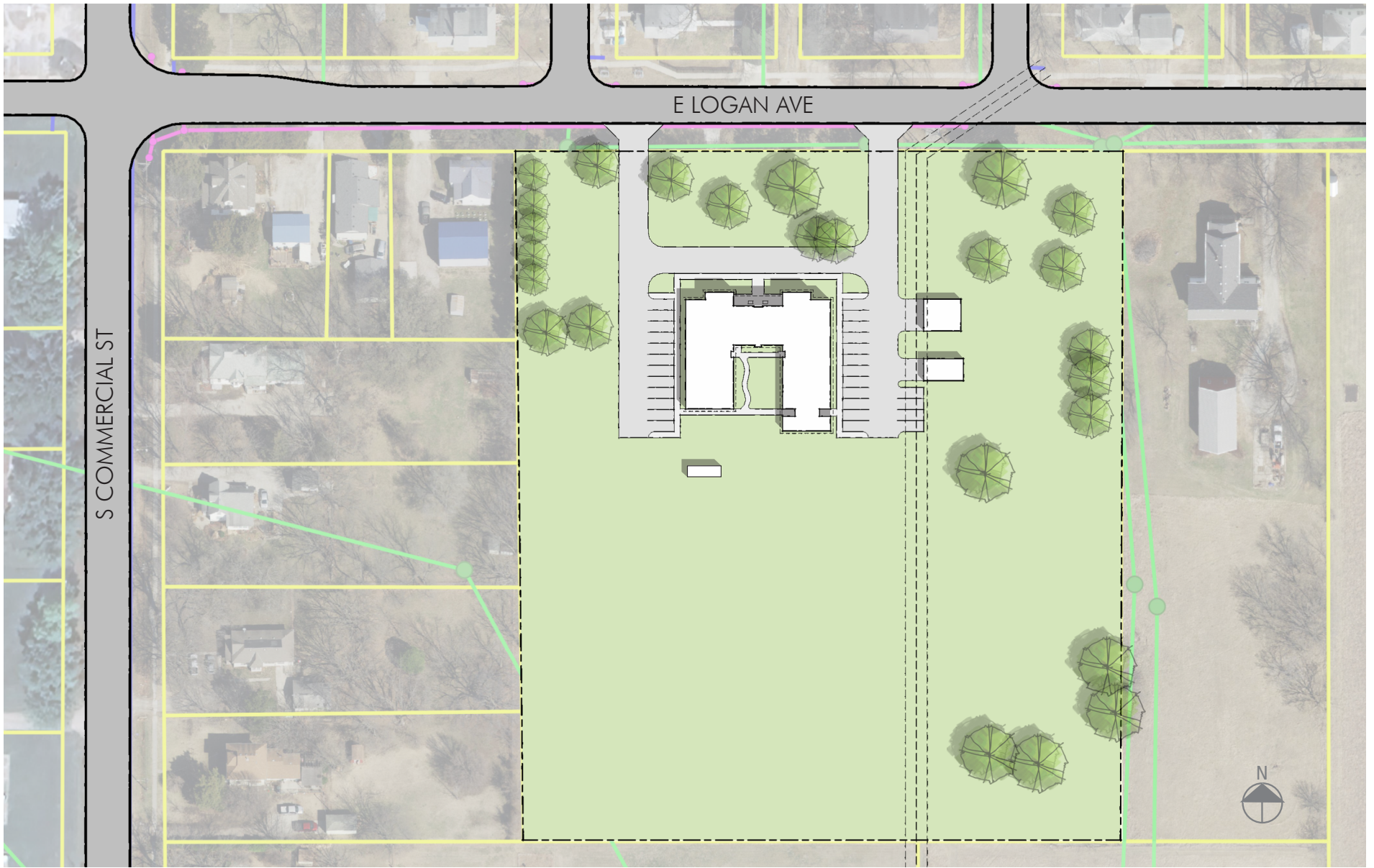


115 E Logan Ave  
Zoning Map

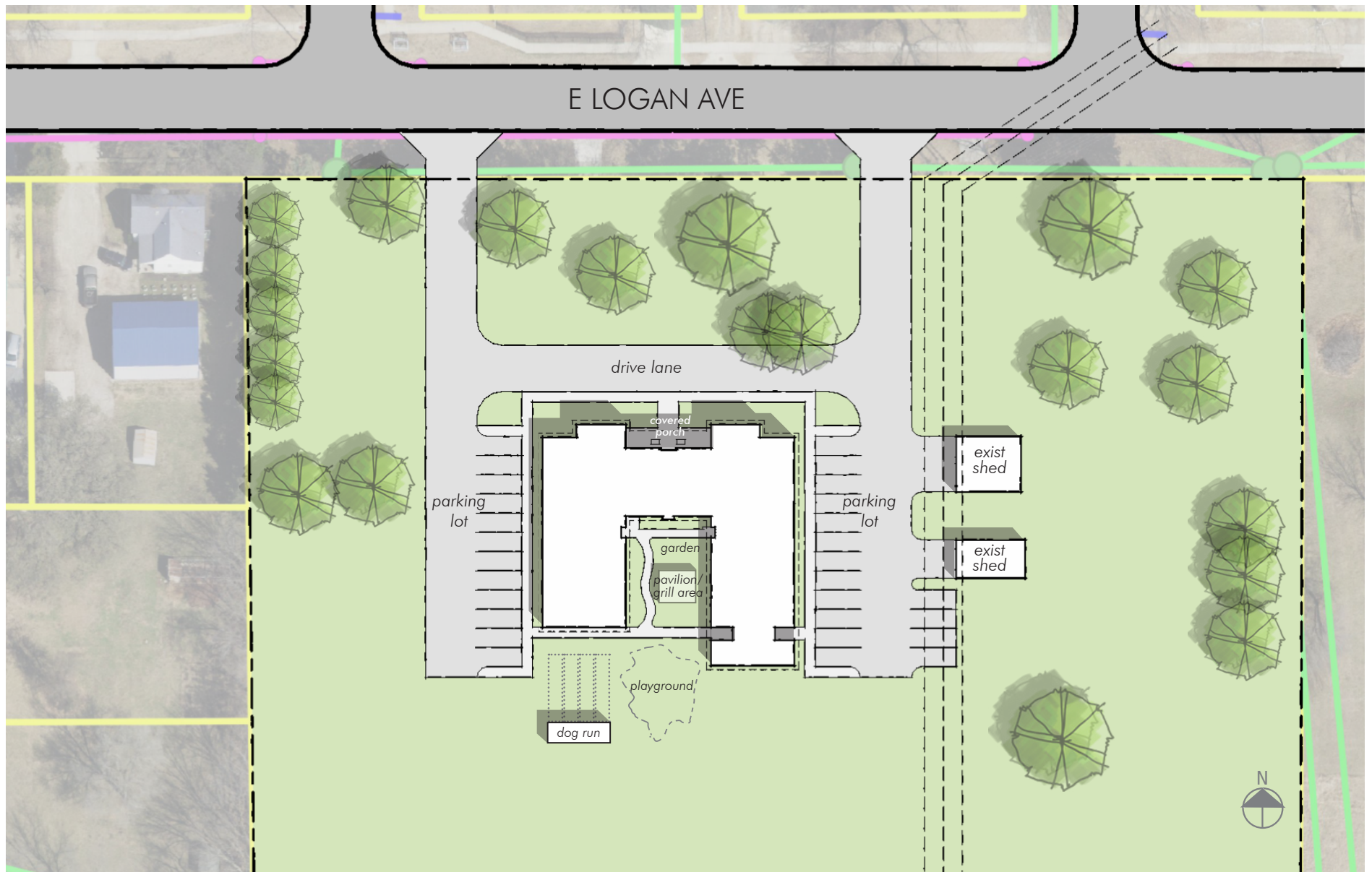


Emporia Regulating Plan

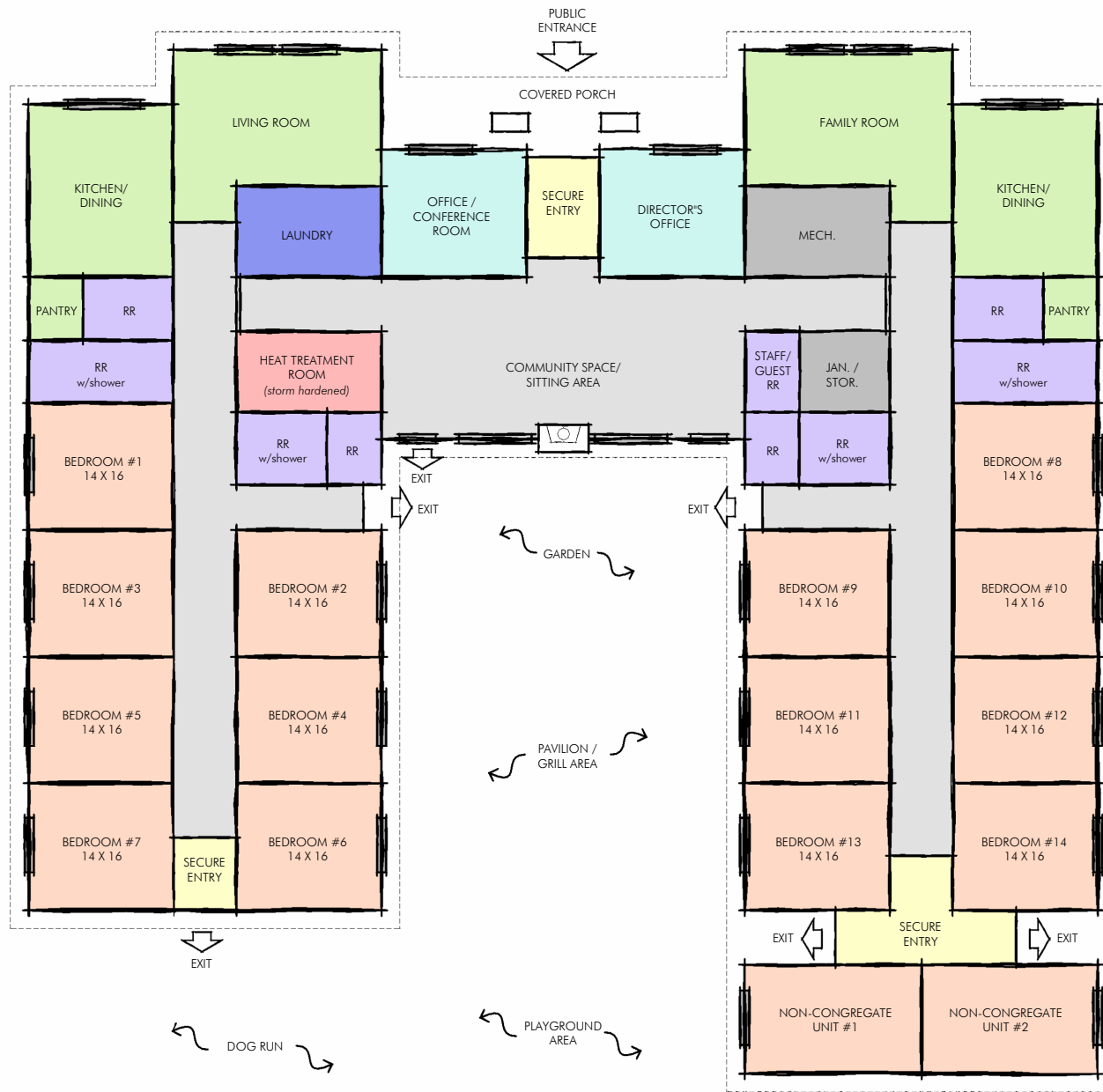
- Emporia City Limits
- MU Mixed-Use
- FH Flex-Use High
- FL Flex-Use Low
- C Commercial
- MF Multi-Family
- SF-A Single-Family Attached
- SF-D Single-Family Detached
- CH Country Home
- IF Industrial-Flex
- LI Light Industrial
- HI Heavy Industrial
- C/P Civic/Public
- G/P/R Green-space/Parks/Recreation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



CONCEPTUAL SITE PLAN



ENLARGED CONCEPTUAL SITE PLAN



CONCEPTUAL FLOOR PLAN



CONCEPTUAL RENDERING





**Emporia**  
Kansas

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**EMPORIA-LYON COUNTY METROPOLITAN AREA  
PLANNING COMMISSION / BOARD OF ZONING APPEALS  
TUESDAY, MAY 21, 2024, 6:00 PM  
CITY MUNICIPAL COURT ROOM**

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**STAFF REPORT**

**Application #:** PC 2024-05

**Applicants:** Investors Development of Emporia Inc.

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

**Purpose:** Applicant desires the rezoning to facilitate future construction of single-family attached housing units.

**Address:** 518 S Congress and 210 W Logan, Emporia, KS

**Legal description:** Lots 2 and 3, Thomas First Addition, Emporia, Lyon County, Kansas

**Lot Size:** 173 ft. x 260 ft. (44,980 sq. ft.)

**Existing Zoning:** Single-Family Attached

**Future Zoning in ELC Comp. Plan:** Single-Family Attached

**Surrounding Zoning:**

**North** – Single-Family Attached

**East** – Single-Family Attached

**South** – Flex-Use High | Flex-Use Low | Multi-Family

**West** – Single-Family Attached | Park Space

**Surrounding Actual Uses:**

**North** – Single-Family Attached | Mobile Home Park

**East** – Mobile Home Park

**South** – Multi-Family Units | Group Home | Single-Family Detached Houses

**West** – Single-Family Homes | Peter Pan Park

**Analysis:**

The applicant recently approached the city about developing single-family attached units on the property. At that time, it was discovered that during the adoption of the new zoning regulations, the property, which had been previously zoned as high-density residential, had been placed in the Single-Family Detached zoning, which would not allow for duplex units.

The applicant and staff agreed that the best path forward would be to go through the rezoning process again asking for single-family attached zoning, which would suffice for the applicant's future plans for his property.

The original rezoning and platting of the property occurred in 2018 and staff has provided information from that request in support of the current request.

**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 request is consistent with the zoning regulations. The adjacent area has higher density developments and the subject property was previously zoned for uses similar to the Single-Family Attached zoning.**
2. The character and condition of the neighborhood and its effect on the proposed change; **there already exists higher density developments in the immediate area surrounding the property. The change in zoning would not have a negative effect on the neighborhood.**
3. The zoning and uses of properties nearby; similar zoning and higher intensity residential uses surround the property; **there would be no detriment for this property to be rezoned so that multiple single-family attached houses could be built on the property.**
4. The suitability of the subject property for the uses to which it has been restricted; **as previously stated this property was rezoned once to higher density residential, and it wasn't until the applicant inquired about developing a single-family attached home on the property that it was discovered that the zoning had reverted back to single-family detached. Single-family attached zoning would allow the applicant the flexibility to develop the property to its maximum potential.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **allowing Single-Family Attached zoning on the property would not have a detrimental effect on neighboring properties.**
6. The length of time the subject property has remained vacant as zoned; **the subject property had one development built in 2019 and the applicant was in the process of developing additional single-family attached homes on the property. Staff would suggest, that restricting the property to single-family detached homes, would be more of hindrance to development in the area.**
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 contends there would be no harm to individual adjacent landowners or the public if the property were to be rezoned and developed under Single-Family Attached regulations. Staff feels that the general public would continue to be harmed as fewer housing units and choices would be**

**developed in the community if the property were to be developed as Single-Family Detached as less units would not help to alleviate the housing shortage in the community.**

8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the proposed change in zoning.**
9. The conformance of the requested change to Plan ELC; **the proposed rezoning, would allow for multiple single-family attached units to be built in an area that has existing higher density residential development, and would be considered infill development, where no public utilities would need to be extended to serve the property. The property is within the existing city development framework. More units would also help in reducing the housing shortage faced in the community and therefore, the request would be consistent with Plan ELC.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body. **N/A**

**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 | Former Zoning Map | Minutes from Previous Zoning Hearing



518 S Congress  
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

EXCERPT OF MINUTES  
EMPORIA - LYON COUNTY  
METROPOLITAN AREA PLANNING COMMISSION

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

The Planning Commission met in regular session on Tuesday, May 22, 2018, with Chair Springeman presiding. Members Bucklinger, Duncan, Just, Moore, Rech and Williams were present. Members Sauder and Thomas were absent.

**3. APPLICATION 2018-06:** A request of Keith A. Thomas for a request to rezone a 1.8 acre portion of the property located at 525 S. Commercial St from Mobile Home Park to R-3 High Density Residential, as authorized by Article 26-1 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

**Staff Report:**

The applicant is requesting rezoning the subject property to allow for future development. The applicant is proposing to build multi-family units at this locations, to do so they will need to rezone and minor plat. This area is surrounded by mix use zones. The ELC Comp Plan Regulating Plan/Future Land Use Plan has this area zoned as Single Family Detached. High Density (R-3 or R-2) housing would be better than its current use.

A Development Review Team Meeting was held on March 28, 2018, with discussion of any concern and issues. Public utilities, easements, setback and road width were discussed. A site plan/plat was also request. Staff met with the property owner and project engineer to discuss the issues and they were addressed.

A Utility Advisory Board Meeting was held April 20, 2018. Proposed easements were discussed and found satisfactory. There were no other concerns.

ELC Comprehensive Plan:

Commercial and Single Family Detached, as it is now.

ELC Plan; Goals and Objectives Plan Element IV: Support Infill Development

2008 Comp Plan: Future Land use is SF Detached

Staff recommends rezoning a portion of this property to R-3 High Density Residential, which would be a better use than the current mobile Home Park presently at this location. If the property is not rezoned and continues as a mobile home park, this could have a negative impact on surrounding property values as many of the mobile homes are older

or in need of repair. The ELC Comp Plan projected that this area might be best served as single family detached homes and staff does not disagree with this assessment. However, staff feels that there are some restraints and other factors at play that are not considered in the ELC Plan, namely the existing floodplain and the surrounding mix use zones. This might make the feasibility of the single-family homes more challenging. Staff recommends rezoning to R-3 as there is other High Density zoning adjacent to the property, and this would be a higher and better use than the current use. Recommendation also includes 100% density fencing and landscaping around the eastern portion of the buildings abutting residential properties or no outdoor storage allowed on the eastern portion of the property abutting residential properties.

Member Williams asked, what is the time line for the demolition. Mr. Ochs replied, it would be immediately.

Member Bucklinger asked, what are some of the conditional requirements for R3 zoning. Mr. Foster replied, there would be screening, parking, water runoff requirements for Engineering, utility easements, lighting and landscaping requirements, etc.

With no further discussion, the Public Hearing portion was opened.

Dustin Ochs, Central Kansas Engineering, 17 W. 5th Ave., spoke on behalf of the applicant. Mr. Ochs added to his earlier comments, there is an existing sanitary sewer main, the roads and driveways will be similar to a project on Prairie Street. There will be 3 units built on the property and feel they will be increasing the value to the neighborhood.

With no further discussion, the Public Hearing portion was closed.

Member Springeman moved to approved Application 2018-06, to rezone a 1.8 acre portion of the property located at 525 S. Commercial Street from Mobile Home Park to R-3, High Density Residential, based on the need of buildable lots and to clean up the area. Member Williams seconded. Motion approved 7-0.

518 S Congress  
Former Zoning Map





### **Applicable Regulations:**

26-108. Factors to be Considered in 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:

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;
2. The character and condition of the surrounding neighborhood and its effect on the proposed change;
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;
4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;
5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
6. The suitability of the applicant's property for the uses to which it has been restricted;
7. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as allowing the land to be vacant or undeveloped;
8. Whether adequate sewer and water facilities, and all other needed public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;
10. The recommendations of professional staff;
11. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;
12. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,
13. Such other factors as may be relevant from the facts and evidence presented in the application.

### **Analysis:**

The applicant is requesting rezoning the subject property to allow for future development. The applicant is proposing to build multi-family units at this locations, to do so they will need to rezone and minor plat. This area is surrounded by mix use zones. The ELC Comp Plan Regulating Plan/Future Land Use Plan has this area zoned as Single Family Detached. High Density (R-3 or R-2) housing would be better than its current use.

A Development Review Team Meeting was held on 3/28/2018 and City Staff discussed concern and issues. Public utilities, easements, setback, and road width were discussed. A site plan/plat was also request. Staff met with the property owner and project engineer to discuss the issues and they were addressed.

A Utility Advisory Board Meeting was held 4/20/18 and was attended by City Staff as well as public utility companies. Proposed easements were discussed and found satisfactory. No other concerns.

**ELC Comprehensive Plan:**

Commercial and Single Family Detached, as it is now.

ELC Plan; Goals and Objectives Plan Element IV: Support Infill Development

**2017 ELC Comp Plan:**



**Legend**

- |  |   |
|--|---|
| <span style="display:inline-block; width:15px; height:10px; background-color:yellow; border:1px solid black;"></span> Country Home     | <span style="display:inline-block; width:15px; height:10px; background-color:lightblue; border:1px solid black;"></span> Industrial-Flex                  |
| <span style="display:inline-block; width:15px; height:10px; background-color:gold; border:1px solid black;"></span> SF Detached        | <span style="display:inline-block; width:15px; height:10px; background-color:lightgrey; border:1px solid black;"></span> Light Industrial                 |
| <span style="display:inline-block; width:15px; height:10px; background-color:orange; border:1px solid black;"></span> SF Attached      | <span style="display:inline-block; width:15px; height:10px; background-color:grey; border:1px solid black;"></span> Heavy Industrial                      |
| <span style="display:inline-block; width:15px; height:10px; background-color:lightcoral; border:1px solid black;"></span> Multi-Family | <span style="display:inline-block; width:15px; height:10px; background-color:blue; border:1px solid black;"></span> Civic/Public                          |
| <span style="display:inline-block; width:15px; height:10px; background-color:red; border:1px solid black;"></span> Commercial          | <span style="display:inline-block; width:15px; height:10px; background-color:lightgreen; border:1px solid black;"></span> Greenspace/Parks/<br>Recreation |
| <span style="display:inline-block; width:15px; height:10px; background-color:purple; border:1px solid black;"></span> Flex-Use         | <span style="display:inline-block; width:15px; height:10px; border-top:1px dashed red;"></span> City Limits   |
| <span style="display:inline-block; width:15px; height:10px; background-color:darkpurple; border:1px solid black;"></span> Mixed-Use    |   |

2008 Comp Plan: Future Land use is SF Detached

**Recommendation:** Rezoning a portion of this property to R-3 High Density Residential would be a better use than the current mobile Home Park presently at this location. If the property is not rezoned and continues as a mobile home park this could have a negative impact on surrounding property values as many of the mobile homes are older or in need of repair. The ELC Comp Plan projected that this area might be best served as single family detached homes, and staff does not disagree with this assessment. However staff feels that there are some restraints and other factors at play that were not considered in the ELC Plan, namely the existing floodplain and the surrounding mix use zones, this might make the feasibility of the SF homes more challenging.

Staff recommends rezoning to R-3 as there is other High Density zoning adjacent to the property, and this would be a higher and better use than the current use. 100% density fencing and landscaping around the eastern portion of the buildings abutting residential properties or B) No outdoor storage allowed on the eastern portion of the property abutting residential properties.

**Attachments:** Application, Site plan, Plat



**Emporia**  
Kansas

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**EMPORIA-LYON COUNTY METROPOLITAN AREA  
PLANNING COMMISSION / BOARD OF ZONING APPEALS  
TUESDAY, MAY 21, 2024, 6:00 PM  
CITY MUNICIPAL COURT ROOM**

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**STAFF REPORT**

**Application #:** PC 2024-06

**Applicants:** City of Emporia

**Requested Action:** Consider a request to rezone a property from Single-Family Attached (SF-A) to Civic/Public (C/P)

**Purpose:** Applicant desires the rezoning to facilitate future construction of a fire station.

**Address:** 518 Market St., Emporia, KS

**Legal description:** Lots 74,76, 78, 80, And 82 On Market Street, Emporia, Lyon County, Kansas

**Lot Size:** 250 ft. x 130 ft. (32,500 sq. ft.)

**Existing Zoning:** Single-Family Attached

**Future Zoning in ELC Comp. Plan:** Single-Family Attached

**Surrounding Zoning:**

**North** – Civic / Public | Mixed-Use

**East** – Single-Family Attached | Mixed Use

**South** – Single-Family Attached | Single-Family Detached

**West** – Civic / Public

**Surrounding Actual Uses:**

**North** – Commercial Building

**East** – Single-Family Detached Residential Units | Restaurant

**South** – Multi-Family Unit | Group Homes | Single-Family Detached Houses

**West** – WLW Civic Auditorium

**Analysis:** Following a study completed in 2015, the need for a standalone central fire station was identified. Equipment and other apparatus have out grown the existing area within WLW Civic Auditorium dedicated to the Emporia Fire Station #1. Living quarters, training space, and other issues were also affecting the functionality of the space for the Fire Department.

The study also identified several properties or groups of properties, which would be satisfactory to build a new fire station on in the immediate location of the existing station. One of the key factors in

building a new station relatively close to the existing station was to not affect the ISO rating for Emporia in a negative way. The ISO rating is used by insurance companies to set premium rates for property owners. Reducing the ISO rating for the community would cause property insurance rates to increase.

Ultimately, the site at 518 Market St. was chosen as the preferred site for the new downtown fire station. The site is of sufficient size to house a proposed 5-bay 24,000 sq. ft. station, which would provide ample space for the departments apparatus, and modern office and living quarters for staff.

**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; **the current use of the property (public use parking) would be considered a legal non-conforming use. The city does anticipate building a new downtown fire station on this site, but even if the plans were to change, and another location selected, changing the zoning to Civic/Public would be consistent with the regulations.**
2. The character and condition of the neighborhood and its effect on the proposed change; **the property is adjacent to civic uses, commercial uses, and residential uses. The site has been used as a municipal parking lot and the neighborhood has not seen any detrimental impact. The rezoning to allow for a fire station would not necessarily have a negative impact on the existing neighborhood.**
3. The zoning and uses of properties nearby; **there is a mix of zoning classifications and uses within the immediate area. 3 single-family residences and 1 multi-family residence are adjacent to the site, with commercial buildings being to the north, and care homes to the south. These properties are all ready in close proximity to the existing fire station, and would not necessarily see any increase in noise from the relocated fire station.**
4. The suitability of the subject property for the uses to which it has been restricted; **the property is not suited to single-family attached housing as it is a municipal parking lot, and would remain as such if not selected as the site for the new fire station.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **as stated previously, staff does not feel that there will be any negative impacts to neighboring property if the rezoning were to be approved and a fire station built on the site.**
6. The length of time the subject property has remained vacant as zoned; **the city has used the subject property as municipal parking for numerous years. The office was acquired by the city in 2013 and has been used as storage ever since.**
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; **as stated in the Analysis, this site has been selected to house a new fire station. The necessity to locate**

**the new fire station in close proximity to the existing fire station was important as it helps to maintain coverage areas, response times, and our ISO rating, which any decrease in the ISO rating would cost property owners more in insurance premiums.**

8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the request.**
9. The conformance of the requested change to Plan ELC; **the Comprehensive Plan indicates that the city should maintain its response times to ensure it meets NFPA standards. The location of the fire station is critical in this response, especially to commercial properties.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body. **N/A**

**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;

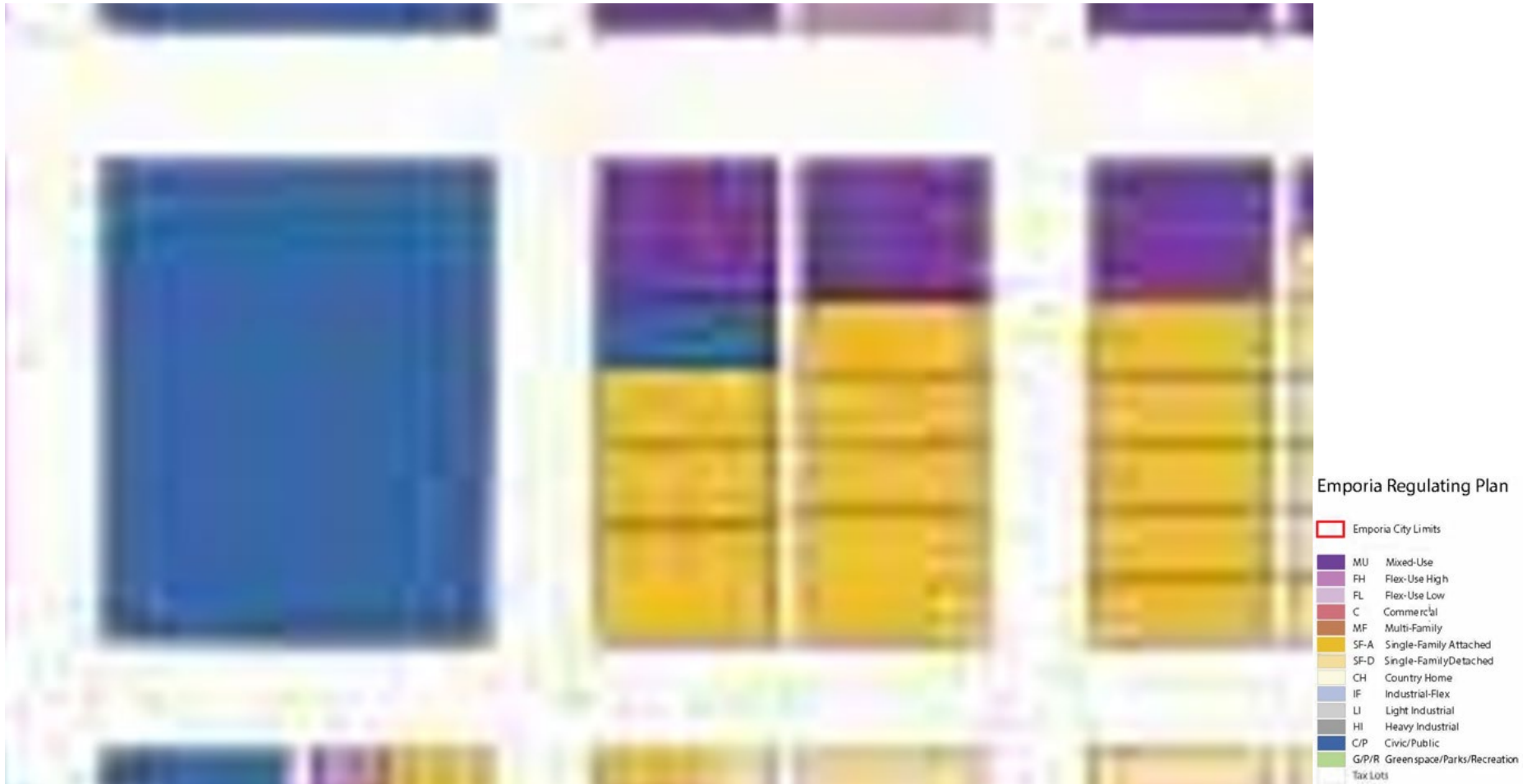
- 1) The request is consistent with the Comprehensive Plan;
- 2) The request conforms to the intent of the Zoning Regulations
- 3) There would not be a negative impact on the existing neighborhood

**Attachments:** Aerial Map | Current Zoning Map | Plan ELC Public Facilities Fire Department Page | Justification Letter from Chief Beck | Concept Site Plan

518 Market St. Rezoning  
Aerial Photo



# 518 Market Zoning Map





To: Justin Givens

From: Brandon Beck

Date: May 1, 2024

Re: Fire Station Location

In 2015, leadership from the City of Emporia and the Fire Department initiated a study to evaluate upgrading Fire Station 1 to meet current and future needs. The results of the study concluded that current facilities were insufficiently sized to accommodate the needs for administrative spaces, apparatus storage, and firefighter's living quarters.

Site considerations for the study included: demolition of existing structures, proximity to public parking, proximity to single family dwellings, purchase of property, retainment of existing parking, utility availability, street access, conformance with required site setbacks, conformance with zoning requirements, and height limitations.

Fire department considerations for the study included: dedicated fire department off-street parking, full depth apron apparatus bays, alley access for drive through apparatus bays, space for future expansion, site size allowing for full program area, ease of response, and compliance with ISO Public Access.

The study analyzed three proposed sites for the construction of a new fire station. The three chosen sites were based on proximity to the current fire station location and those that would require little or no land acquisition cost.

Additionally, sites were evaluated based upon the Insurance Services Office (ISO) travel requirements. The current fire station location is best suited with respect to the ISO travel requirements in all areas. Maintaining ISO response times directly relates to citizen's insurance rates. The current location also has direct access to the railroad underpass allowing responses south without delays. These factors led to selecting a site close to the current fire station location. Of the sites analyzed, the site located on the east side of the 500 block of Market Street became the most logical and economical location for a new fire station.

This site location fulfills many of the desired site and fire department considerations and it is the decision of the City and Fire Department to build the new fire station in this location.

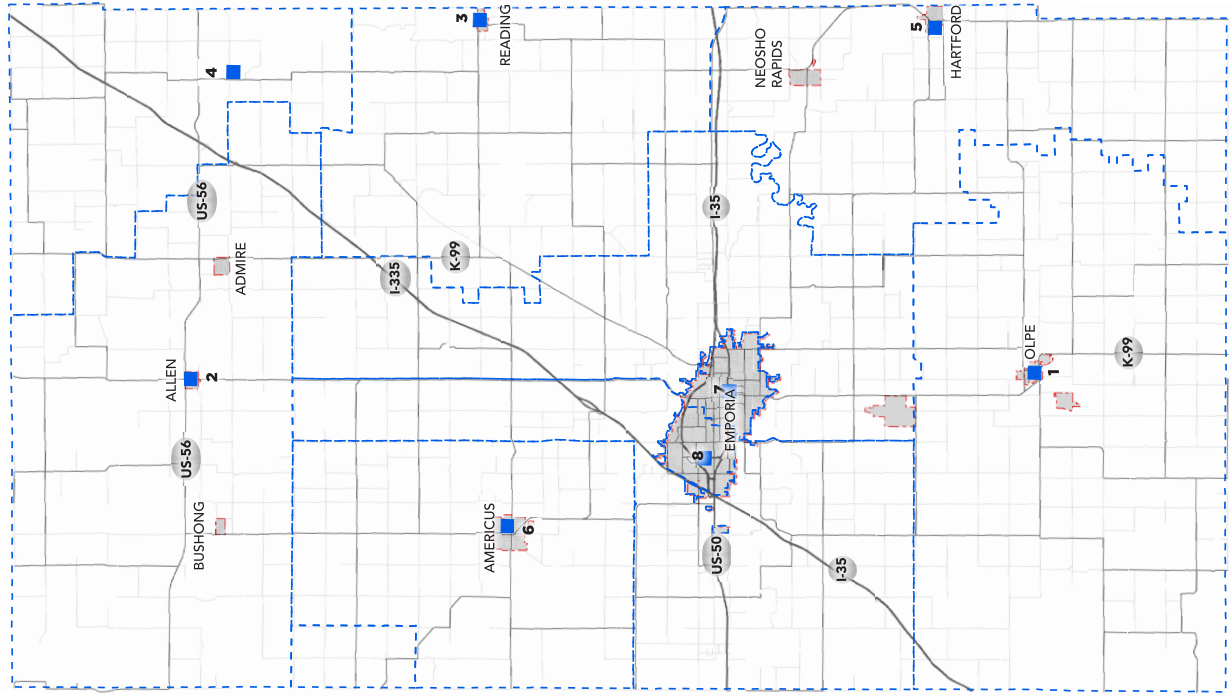
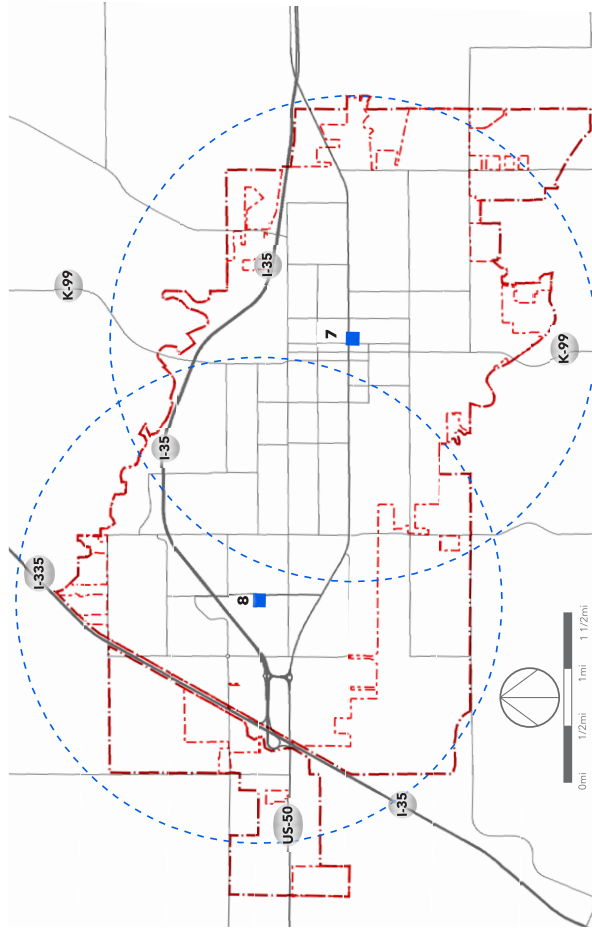
# PUBLIC FACILITIES

## Fire Department Response

Fire Department response time plays a critical role in life safety and property protection. The National Fire Prevention Association (NFPA) suggests all commercial and residential areas within a city be accessible within 4 minutes of a fire station. Response guidelines vary for more rural or remote areas, with the general goal of being on scene between 14 minutes and as soon as possible.

The City of Emporia has two fire stations, one centrally located at E 5th Ave and Mechanic Street, and one in Northwest Emporia, located at W 15th Ave and Industrial Road. Emergency Medical Services (EMS) are provided to all of Emporia and Lyon County, in addition to 57 miles of the Kansas Turnpike. The EMS is supported by First Responders located within communities across the county. The Emporia Fire Department provides direct service to portions of Lyon County, in addition to supporting the six additional fire districts that provide volunteer based service to their communities.

The entire city of Emporia is within a 2-mile radius of one of the two fire stations, adhering to the NFPA suggestions. If additional development is proposed in the Northwest part of the city, this would also be within the minimum response time area.



### Legend

- Health + Life Safety
- Fire District Line
- 1** Lyon County Fire District #1
- 2** Lyon County Fire District #2
- 3** Reading Benefit/Lyon County Fire District #3
- 4** Lyon County Fire District #4
- 5** Lyon County Fire District #5
- 6** Americus Township Fire District
- 7** Emporia Fire Station #1 and Lyon County
- 8** Emporia Fire Station #2 and Lyon County
- New City Boundary