

Commission Meeting

11:00 a.m.

June 18, 2024

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Tuesday, June 18, 2024, with Vice Mayor Harter presiding and Commissioners Brinkman, Sauder, and Smith present. Mayor Giefer was absent. Also present were City Manager Cocking, Assistant City Manager Detter, City Clerk Sull and City Attorney Montgomery.

Maddie Fennell, Acting Director of the National Teachers Hall of Fame, was in attendance to accept a proclamation declaring June 21, 2024, as "National Teachers Hall of Fame Day" in Emporia. She stated the National Teachers Hall of Fame, founded in Emporia in 1989, is committed to recognizing and honoring exceptional career teachers, encouraging excellence in education, and preserving the rich heritage of the teaching profession in the United States. They stated five of the nation's most exemplary career teachers – Keith Ballard, Spring Valley, CA; Terry Kaldhusdal, Oconomowoc, WI; Shelly Moore Krajacic, Kenosha, WI; Keishia Thorpe, Glenarden, MD; and Joel Truesdell, Hilo, HI, will be inducted into the National Teachers Hall of Fame during a ceremony held in Emporia on June 21, 2024. She stated the citizens of Emporia, Kansas have given their hearts to making the Hall of Fame week a memorable experience for the inductees and guests through their hospitality and generosity as host families, volunteers, and Friends of Education sponsors, earning Emporia the nickname "Teacher Town, USA" by Teacher Magazine.

Vice Mayor Harter then presented the proclamation.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.

No comments were made at this time.

**CITY COMMISSION
(Kansas Department of Commerce)
(Small Cities Community Development Block Grant Program)
(Commercial Rehabilitation for Building Located at 417 Commercial Street)
(Public Hearing)
(Resolution Number 3734)**

Mark Detter, Assistant City Manager, was recognized and addressed the Governing Body. He stated the City of Emporia advertised a grant and City application, in the commercial rehabilitation category on the City's website and notified interested parties of the existence of the grant. This grant is for the Small Cities CDBG program through the Kansas Department of Commerce. The owner of 417 Commercial Street building, Forde-Gillette, LLC, was the only entity that provided an application for the City to consider for the Small Cities CDBG Program. He stated the CDBG program still has funds available in 2024 and that the 417 Commercial Street property rehabilitation project meets criteria as set forth by the Kansas Department of Commerce. The City of Emporia on behalf of Forde Gillette, LLC, owners of 417 Commercial Street building, will apply for \$300,000.00 of CDBG funds under the Commercial Rehabilitation category. Forde-Gillette, LLC will dedicate \$119,880.00 to the project under the terms of Resolution Number 3734. He stated the City of Emporia will dedicate no City funds for the project but will collaborate with a Grant Administrator to ensure the Grant meets all criteria of the Kansas Department of Commerce Small Cities CDBG program. He stated a public hearing must be held to allow for comments before an application is submitted for a Community Development Block Grant for commercial rehabilitation grant located at 417 Commercial Street.

Vice Mayor Harter then declared the public hearing opened.

As no one in attendance wished to address the Governing Body, Vice Mayor Harter then declared the public hearing closed.

Assistant City Manager Detter stated the next step in the application process is to authorize staff to submit the application by approving Resolution Number 3734, a resolution authorizing the submission of the grant application.

Commissioner Smith made a motion to approve Resolution Number 3734, a resolution authorizing the submission of the grant application. Commissioner Sauder

seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; and Vice Mayor Harter, aye.

**CITY COMMISSION
(Kansas Department of Commerce)
(Small Cities Community Development Block Grant Program)
(Declaring Property at 417 Commercial Street Blighted)
(Resolution Number 3735)**

Mark Detter, Assistant City Manager, was recognized and addressed the Governing Body. He stated approval of Resolution Number 3724 provides legal authority for the City of Emporia to apply for a Small Cities CDBG grant in the commercial rehabilitation category on behalf of the owners for 417 Commercial Street. He stated declaring the building blighted assists in meeting CDBG guidelines for the removal of slums and blight as stated in the State of Kansas Urban Renewal Law. On behalf of Forde Gillette, LLC, owners of 417 Commercial Street, the City will apply for \$300,000.00 of CDBG funds. Forde Gillette, LLC will dedicate \$119,880.00 to the project under the terms of Resolution Number 3734. Grant funds and owner funds will pay to improve exterior siding, masonry, damage, roof damage, window/door damage, inadequate structural support and mechanical code violations. He stated staff recommends approval of Resolution Number 3735 declaring property at 417 Commercial Street blighted and authorize the Governing Body to execute all necessary documents.

Commissioner Smith made a motion to approve Resolution Number 3735, a resolution declaring property at 417 Commercial Street blighted. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Vice Mayor Harter, aye.

**CITY COMMISSION
(Request of City of Emporia)
(Appeal State of Kansas Historic Preservation Office – SHPO)
(Property Located at 518 Market Street)
(Public Hearing)**

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated this is a request of the City of Emporia to appeal to the State of Kansas Historic Preservation Office (SHPO) regarding the property at 518 Market

Street. He stated the City intends to build a new fire station on the property. As part of the redevelopment process, it was determined by the State Historic Preservation Office that the building is considered to be a contribution building to the Downtown Historic District. Before any redevelopment of the property, including razing the building for the future fire station, the Governing Body must determine that there are no feasible and prudent alternatives to the proposed action. He stated staff provided a letter from the Fire Chief for the necessity of the fire station to be located on that site. The letter details that the city needed to maintain a downtown location to ensure that the ISO rating for the city would not be reduced. The ISO rating is used by insurance companies in determining property insurance rates for residents. Any increase in the ISO rating could result in increased property insurance rates. There are no alternative sites for a downtown fire station that would provide similar response times and have the ability to house all necessary equipment and help deliver the fire station within budget. He stated the SHPO office recommends not destroying the historic contributing building. He stated staff recommends, based on the necessity for the downtown fire station, having considered all relevant factors, there are no feasible and prudent alternatives to the proposed project and override the ruling by the State Historic Preservation Office and allow a demolition permit to be issued for the property at 518 Market Street.

Vice Mayor Harter then declared the public hearing open.

As no one in attendance wished to address the Governing Body, Vice Mayor Harter then declared the public hearing closed.

Commissioner Sauder made a motion based on the necessity for the downtown fire station, to override SHPO's recommendation as there are no feasible and prudent alternatives to the proposed project and that all possible planning to minimize harm to the historic property has been considered and allow a demolition permit to be issued for the property at 518 Market Street. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; and Vice Mayor Harter, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 5-21-24)
(Application No. 2024-07 – City of Emporia)
(Rezone Property Located at 518 Market Street)**

The Planning Commission met in a regular session on Tuesday, May 21, 2024, with Chair Rogers presiding. Members Barnes, Ogle, Bucklinger (arrived at 6:45 pm), Fowler, and Lingenfelter were present.

City staff: Justin Givens was present.

Chair Rogers called the meeting to order.

4. Consider PC-2024-07 – A Request to Rezone Property Located at 518 Market from Single-Family Attached (SF-A) to Civic/Public (C/P)

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. Chair Rogers stated that he was on the board of Cornerhouse, which was within the notification area. The statement was determined not to be a conflict of interest.

Givens provided the Staff Report.

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

The Public Hearing was opened.

Brandon Beck, Emporia Fire Chief, addressed the Commission on the necessity of the fire station in the proposed location. He addressed some of the site improvements. **Beck**

addressed the alley and that it would be improved based on the weight of the vehicles and other equipment. **Beck** stated that all of the existing equipment other than the ladder truck could turn in the alley.

Commissioner Lingenfelter asked about the impact on other businesses in using the alley. **Beck** stated that the alley would not be closed and businesses could still access and use the alley.

The Public Hearing was closed

Commissioner Fowler and **Chair Rogers** expressed concerns about the reduction in parking for the Civic Center when the fire station is built. Each felt that parking was currently an issue, but understood the necessity for having the fire station at the proposed new location, but still had concerns about parking around the Civic Auditorium and in the downtown area in general.

Commissioner Fowler and Barnes asked about the need for lighting and screening for the new project. **Givens** stated that it would need to be addressed during the site plan review and we would need to ensure that a minimal amount of light intruded on neighboring residential property.

Chair Rogers stated that it might be appropriate to review the zoning of all city property to ensure that it is properly zoned and rezone property properly when it is purchased or sold by the city. **Givens** stated he would look into the issue.

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

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the City of Emporia owns the property located at 518 Market Street. A portion of the property is zoned Civic/Public, and a portion of the property is zoned Single-Family Attached (SF-A) as it was housing prior to the structures being removed and a parking lot built on the property. A new fire station is planned for the property and rezoning is a step in the process. The proposed rezoning would allow the fire station to be built on the property without the need for a Conditional Use Permit or variances for building setback, lot coverages, or other building standards. At their May 21, 2024, regular meeting, the Planning Commission voted unanimously to recommend rezoning the property located at 518 Market Street from Single-Family Attached (SF-A) to Civic/Public (C/P).

**PLANNING AND DEVELOPMENT
(Application No. 2024-07 – City of Emporia)
(Rezone Property Located at 518 Market Street)
(Ordinance Number 24-16)**

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM SINGLE-FAMILY ATTACHED (SF-A) PARCEL TYPE TO CIVIC/PUBLIC (C/P) AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 24-16, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 24-16, an ordinance to rezone property located at 518 Market Street from Single-Family Attached (SF-A) to Civic/Public (C/P). Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Vice Mayor Harter, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 5-21-24)
(Application No. 2024-05 – Investors Development of Emporia, Inc.)
(Rezone Property Located at 518 S. Congress Street)**

The Planning Commission met in a regular session on Tuesday, May 21, 2024, with Chair Rogers presiding. Members Barnes, Ogle, Bucklinger (arrived at 6:45 pm), Fowler, and Lingenfelter were present.

City staff: Justin Givens was present.

Chair Rogers called the meeting to order.

3. 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)

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 2024-05

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**

11. 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.**
12. 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.**
13. 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.**
14. 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.**
15. 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.**
16. 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.**
17. 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.**
18. The recommendations of a permanent or professional planning staff; **Staff is supportive of the proposed change in zoning.**
19. 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.

20. 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;

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

The Public Hearing was opened.

There were no comments during the public hearing.

The Public Hearing was closed

Commissioner Ogle asked about the floodplain as it was shown in the original rezoning, but not in the new report. **Givens** stated that the floodplain maps are reviewed and amended occasionally, and that the city had just adopted new floodplain regulations and maps in 2022 and the property was removed at the most recent update.

Commissioner Fowler stated that it would be good to see streets have more interconnectivity, as he pointed out several streets in the area that should have been connected. **Givens** stated that is something that as planners, we try to work on, but it can be difficult as developments are somewhat fragmented as they are developed.

Commissioner Bucklinger asked about the lot size for the property. **Givens** stated that it was of sufficient size to support duplexes.

Commissioner Ogle made a motion to recommend approval of the rezoning based on staffs report. Commissioner Barnes seconded the motion. The motion carried 6-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated this was a request from Investors Development of Emporia, Inc., owner of the property at 518 S. Congress Street, has asked that the property be rezoned to Single-Family Attached (SF-A) for the purpose of the ability to place duplex units on the property. The property rezoned the property in 2018 to the old

R-E High Density Residential. When the new zoning ordinance was adopted, the property was reclassified as Single-Family Detached. He stated the property owner was unaware of the zoning change. Staff have been working with the applicant on reestablishing the proper zoning for the property and it should have been classified as Single-Family Attached when the new zoning ordinance was adopted. The Single-Family Attached parcel type will allow the property owner to use the property as it was intended when rezoned in 2018. At their, May 21, 2024, regular meeting, the Planning Commission made a unanimous decision to rezone the property located at 518 S. Congress Street from Single-Family Detached (SF-D) to Single-Family Attached (SF-A)

PLANNING AND DEVELOPMENT
(Application No. 2024-05 – Investors Development of Emporia, Inc.)
(Rezone Property Located at 518 S. Congress Street)
(Ordinance Number 24-17)

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM SINGLE-FAMILY DETACHED (SF-D) PARCEL TYPE TO SINGLE-FAMILY ATTACHED (SF-A) AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 24-17, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 24-17, an ordinance rezoning property located at 518 S. Congress Street from Single-Family Detached (SF-D) to Single-Family Attached (SF-A). Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Vice Mayor Harter, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 5-21-24)
(Application No. 2024-07 – Southwick House)
(Conditional Use Permit for Property Located at 115 E. Logan Ave.)

The Planning Commission met in a regular session on Tuesday, May 21, 2024, with Chair Rogers presiding. Members Barnes, Ogle, Bucklinger (arrived at 6:45 pm), Fowler, and Lingenfelter were present.

City staff: Justin Givens was present.

Chair Rogers called the meeting to order.

2. Consider PC-2024-07 – A Request for a Transitional Housing Conditional Use Permit for 115 E Logan Ave.

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. Chair Rogers stated that he serves on the City of Emporia Homeless Task Force. Commissioner Fowler stated that Southwick was a client of his personal business. Neither statements were determined to be a conflict of interests.

Givens provided the Staff Report.

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 6TH 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 6TH 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 6TH 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 for 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 conditons;

- 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.

The Public Hearing was opened.

Jeremy Dorsey, President, Southwick House Board of Directors, Mr. Dorsey gave a background presentation on Plumb Place and the newly revived Southwick. Mr. Dorsey, through his work as an attorney, knew how important Plumb Place was to the community and how important it was to fill the service gap that was created when Plumb Placed closed. Mr. Dorsey addressed some of the day to day operational items for the transitional housing facility.

Susan Brinkman, Executive Director, Southwick House, spoke about the facility itself and more of the day to day operational aspects of Southwick House. She additionally addressed the anticipated cliental and how they are currently not being served in the area.

Commissioner Barnes asked about whether or not drug screening or testing would be required. **Ms. Brinkman** and **Mr. Dorsey** responded that there would not be any drug

screening, but there would be alcohol and drug policies that would be enforced for residents.

Mickey Edwards, Executive Director, SOS, Ms. Edwards spoke in favor of the project, stating that it would help to fill a gap in services that are available in this area.

Brenda Barrows, 704 S Commercial, spoke in favor of the project. **Ms. Barrows** stated that she was against a recent residential development in the area, but having heard and seen the proposed site plan, she was in favor of this particular project.

Dylan Gutierrez, 209 E Logan, spoke in favor of the project. He stated that while he had initial concerns about the project, he was in favor of it, as it would maintain the openness of the area.

Jeff Williams, 2421 West View Terrace, real estate agent involved in the transaction. He spoke in favor of the project. As a past Plumb Place board member he felt that even as it was against his personal financial interests, a transitional housing unit would provide more benefit to the community than a single-family residential development.

No person from the public spoke against the project.

The Public Hearing was closed

Commissioner Barnes made reference to a letter of questions that had been presented to the Planning Commission from a concerned neighboring property owner. **Barnes** asked about the requirement of screening along the east boundary of the property. **Givens** stated that screening is not required when residential properties abut residential properties. **Barnes** asked the neighboring property owner if he felt screening would be required. **Mr. Gutierrez** stated that he was not as concerned based on the site plan that was presented. **Givens** felt that if necessary, shrubs could be used to help screen the parking areas to the property to the east.

Givens stated that having reviewed similar residences around similar transitional housing, he found that based on county valuations the neighboring properties have increased in value in similar fashion as other properties.

Chair Rogers asked about lighting at the facility. **Givens** stated that the project would require a site plan and as part of that approval process, lighting is reviewed and has to at a minimum at the property line.

Commissioners Fowler and Lingenfelter asked about sidewalks that would serve the facility and be connected the area sidewalks. **Givens** stated that a separate sidewalk could be included in the site plan from the building to the curb, but was hesitant to require a crosswalk, as that was an engineering and traffic safety committee issue.

Commissioner Barnes made a motion to approve the minutes as corrected. Commissioner Lingenfelter seconded the motion. The motion carried 6-0.

Commissioner Brinkman excused herself from discussion and voting on this item.

Commissioner Sauder made a motion to recess from 11:22 a.m. to 11:27 a.m. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; and Vice-Mayor Harter, aye.

Commissioner Sauder excused himself from discussion and voting on this item.

Mayor Giefer joined the meeting via phone at 11:27 a.m.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated this was a request from Southwick House for a Conditional Use Permit to allow or the development of a Transitional Housing Unit to be built at 115 E. Logan Avenue. A Conditional Use Permit is required in a Single-Family Detached parcel type. It allows the Planning Commission and City Commission to review the proposed project to ensure that it would not be a detriment to the surrounding neighborhood and city as a whole. He stated a public hearing was held with favorable support for a Conditional Use Permit for the project. At their May 21, 2024, regular meeting, the Planning Commission voted unanimously to approve the Conditional Use Permit for Transitional Housing at 115 E. Logan Avenue.

**PLANNING AND DEVELOPMENT
(Application No. 2024-07 – Southwick House)
(Conditional Use Permit for Property Located at 115 E. Logan Ave.)
(Ordinance Number 24-18)**

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 24-18, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 24-18, an ordinance or a Conditional Use Permit for Transitional Housing at 115 E. Logan Ave. Mayor Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Mayor Giefer, aye; and Vice Mayor Harter, aye.

Mayor Giefer then left the meeting.

Commissioners Brinkman and Sauder returned to the meeting.

**CITY COMMISSION
(2023 Annual Comprehensive Financial Report)**

Michael Keenan, Hood and Associates CPAs, was recognized and addressed the Governing Body. He stated the City of Emporia has contracted with Hood and Associates to conduct an annual audit with generally accepted auditing standards of financial statements. He stated the City of Emporia has been awarded the Certificate of Achievement for accurate reporting, which is a prestigious national award for 38 consecutive years. That is one of the longest streaks of award that he was aware of. He stated that is a great testament to the finance department and management. He stated the responsibilities of the firm are to conduct their audit in accordance with generally accepted auditing standards, government auditing standards and uniform guidance. To obtain reasonable, not absolute assurance that the basic financial statements are free of material misstatement. To report on internal controls over financial reporting and compliance with laws and regulations. As a result of the auditing no illegal acts or changes in significant accounting policies occurred. There were no difficulties or disagreements with management and cooperation was achieved with full access to books and records. He stated financial statements are fairly presented in all material respects; there were no deficiencies in internal control to be considered as material weakness; and there was no noncompliance noted with finance-related laws and regulations that govern the City's operations.

Commissioner Sauder made a motion to accept the 2023 Annual Audit Report. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Vice Mayor Harter, aye.

CITY MANAGER'S REPORT (Financials & Building Permits)

This is the time for the City Manager to make comments and reports to the public.

The following is general information for the month of May 2024 for community:

1. Monthly Local Retail Sales Tax Receipts Update

	2023	2024	Decrease of \$20,287.93 for the month, and Overall decrease of 2.07% from year 2023.
	\$ 550,093.45	\$ 529,805.52	
YTD	\$2,675,915.00	\$2,621,732.00	

2. City Share from County Tax

	2023	2024	Decrease of \$30,493.40 for the month, and Overall decrease of 5.65% from year 2023.
	\$ 300,302.45	\$ 269,809.05	
YTD	\$1,411,138.47	\$1,335,643.96	

Building Permits issued from 5/1/2024 to 5/31/2024 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	81
Total of valuations associated with those building permits:	\$ 6,889,283.37
Total number of dollars collected for Building Permit Fees:	\$ 29,692.50

Construct – Single-family dwellings	0
Demo – Single-family dwellings	1

Flint Hills Mall CID for May 2024	\$ 19,338.37
YTD	\$ 98,514.47

Pavilions CID for May 2024	\$ 16,603.35
CID #2	\$ 16,603.35
YTD	\$ 163,861.27

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on June 7, 2024.

The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Vice Mayor Harter, aye.

**CITY COMMISSION
(City Manager's Report)**

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

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

TENTATIVE AGENDA FOR JULY 2, 2024, MEETING.

- Recyclables and Marketing Agreement with Hamm's.
- Concrete Street Preservation.

Study Session:

Determine RNR Rate.
Review Outside Appropriations Request.

**CITY COMMISSION
(Public Comment)**

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

No comments were made at this time.

EXECUTIVE SESSION

Commissioner Sauder made a motion to recess into Executive Session for consultation with the City Attorney regarding a legal matter which would be deemed privileged in the attorney-client relationship resuming the open meeting in the City Commission Meeting Room, this same date, at 12:10 p.m. and invite Tayler Wash, Director of Special Projects. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Vice Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 12:10 p.m., this same date in the City Commission Meeting Room, Vice Mayor Harter stated they had consultation with the City Attorney regarding a legal matter which would be deemed privileged in the attorney-client relationship and no action was taken.

Commissioner Smith made a motion to recess the meeting until 12:30 p.m. to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Sauder, aye; and Vice Mayor Harter, aye.

The following items were discussed at Study Session:

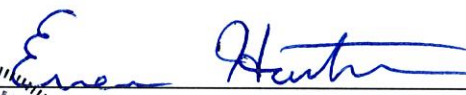
1. 2025 CIP Review.
2. Review of National Electrical Code 2020.
3. Discuss Make My Move Program.

Commissioner Sauder then made a motion to adjourn. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Vice Mayor Harter, aye.

ATTEST:


Kerry Sull, City Clerk




Erren Harter, Vice Mayor