

CONTINUED

COMMISSION MEETING

9:30 A.M.

OCTOBER 12, 2016

The Governing Body of the City of Emporia, Kansas, met in Continued Session, Wednesday, October 12, 2016, in City Conference Room 1AB with Mayor Gilligan presiding and Commissioners, Geitz, Giefer, Harmon and Mlynar present. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

PLANNING AND DEVELOPMENT

(MAPC Excerpts of Regular Meeting Held 9-24-16)

(Application No. 2016-14 - Request of BG Consultants)

(Facilitate the expansion of Newman Regional Hospital)

Excerpts of Planning Commission Minutes from September 24, 2016.

The Planning Commission met in regular session on Tuesday, September 27, 2016, with Chair Thomas presiding. Members Miller, Pontius, Rech, Springeman and Wade were present. Members Bucklinger, Fowler and Sauder were absent.

Member Miller moved to approve the July 26, 2016, minutes as written. Member Wade seconded. Motion approved 6-0.

APPLICATION 2016-14. A request of BG Consultants, Inc to change the zoning status of 1001, 1007, 1013, 945 Elm St., for the purpose of facilitating the expansion of Newman Regional Hospital, from R1 Low Density Residential District to Public Exempt, as authorized by Article 26-1 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

STAFF REPORT:

Newman Regional Hospital has acquired the parcels in question and desire to use the subject property for their proposed hospital expansion.

In February of 1996 a 353.97 ft section of Elm Street south of 12th Ave was vacated, leaving the houses at the north end a dead end street.

The Utility Advisory Board met Sept 8th, 2016. The UAB recommend approval of the proposed rezoning. The easement to the west side of 945, 1001, 1007, 1013, 1019 Elm St. will remain in place and can be utilized for utilities. This proposed use is consistent with the 2008 Comprehensive plan. Staff recommends approval, as this would allow needed improvements to Newman Regional Hospital. Staff sees that no public rights will be injured or endangered by the rezoning, also no private rights will be effected by this vacation.

With no further discussion, the public hearing portion is opened.

Public Hearing:

Bruce Boechter of BG Consultants spoke on behalf of Newman Regional Health. Mr. Boechter, the architect and associates of Newman Regional Health were on hand if board members had any questions regarding the zoning request.

With no further comments, the public hearing portion was closed.

Member Miller moved to approve Application 2016-14, to change the zoning status of 1001, 1007, 1013, 945 Elm St., for the purpose of facilitating the expansion of Newman Regional Hospital, from R1 Low Density Residential District to Public Exempt, as authorized by Article 26-1 of the Zoning Regulations based upon staff recommendations and the recent set forth therein. Member Wade seconded. Motion approved 6-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of BG Consultants, Inc. to change the zoning status of 945, 1001, 1007, 1013, 1019 Elm St. for the purpose of facilitating the expansion of Newman Regional Hospital, from R1 Low Density Residential District to Public Exempt, as authorized by Article 26-1 of the Zoning Regulations. He stated Newman Hospital has acquired the parcels in questions and desire to use the subject property for their proposed hospital expansion. The Utility Advisory Board recommended approval of the proposed rezoning. The easement to the west side of 945, 1001, 1007, 1013, and 1019 Elm St. will remain in place and can be utilized for utilities. He stated staff was recommending approval of the request as it would allow needed improvements to Newman Regional Hospital.

**PLANNING AND DEVELOPMENT
(Application No. 2016-14 - Request of BG Consultants)
(Facilitate the Expansion of Newman Regional Hospital)
(Ordinance Number 16-40)**

AN ORDINANCE REZONING A CERTAIN AREA IN THE CITY OF EMPORIA, KANSAS FROM R1, LOW DENSITY RESIDENTIAL DISTRICT TO P, PUBIC DISTRICT AND AMENDING THE DISTRICT ZONING AMP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 16-40, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 16-40, an ordinance to change the zoning status of 945, 1001, 1007, 1013 and 1019 Elm St for the purpose of expansion of Newman Regional Hospital. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 9-27-16)
(Application No. 2016-15 - Request of BG Consultants)
(Vacate a Portion of the Public Right-of-Way of Elm St.)
(Facilitating the Expansion of Newman Regional Hospital)**

Excerpts of the September 27, 2016 Planning Commission Meeting

The Planning Commission met in regular session on Tuesday, September 27, 2016, with Chair Thomas presiding. Members Bucklinger, Miller, Pontius, Springeman, Wade and Rech were present. Commissioners Fowler and Sauder were absent.

APPLICATION 2016-15. A request of BG Consultants, Inc to vacate a 280 ft portion of the public right-of-way of Elm St for the purpose of facilitating the expansion of Newman Regional Hospital. The vacated portion is adjacent to Lots 1,2,3 of Berryman Addition, as authorized by Section 12-401 of the Subdivision Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

STAFF REPORT:

Newman Regional Hospital is proposing improvements to the Emergency Room. In February of 1996 a 353.97 ft section of Elm St., south of 12th Ave., was vacated for the previous hospital expansion (Application 96-3).

The Utility Advisory Board met Sept 8th, 2016, and recommended approval of the proposed vacation. The utilities in the area to be vacated can be moved as needed to accommodate the proposed development. The easement to the west side of 1001, 1007, 1013, 1019 Elm St. will remain in place and can be utilized for utilities. Staff recommends approval, as this would allow needed improvements to Newman Regional Hospital. Staff sees that no public rights will be injured or endangered by this vacation, also no private rights will be affected by this vacation. This proposed use is consistent with the 2008 Comprehensive Plan.

With no further discussion, the public hearing portion is opened.

Public Hearing:

Bruce Boechter of BG Consultants spoke on behalf of Newman Regional Health. Mr. Boechter shared that the request is similar to Application 2016-14 which would facilitate the improvements to the emergency room. He felt that Staff covered the information but would answer any questions from the board.

With no further comments, the public hearing portion was closed.

Member Wade stated that the information showed that a fire hydrant would be removed and he wondered if another to protect the hospital. Mr. Boechter acknowledged that he had spoke with Fire Chief Jack Taylor and discussed adding a hydrant within the parking area.

Member Miller moved to approve Application 2016-15, to vacate a 280 ft portion of the public right-of-way of Elm St., for the purpose of facilitating the expansion of Newman Regional Hospital. The vacated portion is adjacent to Lots 1,2,3 of Berryman Addition, as authorized by Section 12-401 of the Subdivision Regulations based upon Staff's report and reasons therein. Member Pontius seconded. Motion approved 6-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of BG Consultants, Inc. to vacate a 280 ft. portion of the public right-of-way of Elm St. for the purpose of facilitating the expansion of Newman Regional Hospital. The vacated portion is adjacent to 1001, 1007, 1013 and 1019 Elm St. as

authorized by Section 12-401 of the Subdivision Regulations. He stated the utilities in the area to be vacated can be moved as needed to accommodate the proposed development. The easement to the west side of 1001, 1007, 1013, and 1019 Elm St. will remain in place and can be utilized for utilities. He stated there will be not public rights injured or endangered by this vacation and no private rights will be affected. Staff is recommending approval, as this would allow needed improvements to Newman Regional Hospital.

PLANNING AND DEVELOPMENT

**(Application No. 2016-15 - Request of BG Consultants)
(Vacate a Portion of the Public Right-of-Way of Elm St.)
(Facilitating the Expansion of Newman Regional Hospital)
(Ordinance Number 16-41)**

AN ORDINANCE VACATING A CERTAIN CITY STREET RIGHT OF WAY IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance No. 16-41, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 16-41, an ordinance vacating utilities to the west side of 1001, 1007, 1013 and 109 Elm St. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

CITY COMMISSION

(Approve License Agreement with Sacred Heart Church)

City Manager McAnarney requested this item be tabled to the next regular meeting.

Commissioner Harmon made a motion to table this item until October 19, 2016 to the next regular meeting. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan.

Commissioner Mlynar then made a motion to adjourn. Commissioner Giefer seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Giefer aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk