



**EMPORIA PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, MARCH 18, 2025 AT 6:00 PM
CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS**

ORDER OF BUSINESS

CALL MEETING TO ORDER Chair Raymond Rogers

MEMBERS PRESENT

Vice Chair Tammi Ogle, Larry Bucklinger, Kenton Thomas, Stan Fowler, Lilian Lingenfelter, Joe Reed

NEW BUSINESS

1. **Board of Zoning Appeals: Consider BZA VAR 2025-01 – A Request for a Variance from the Signage and Glazing Requirements of the Emporia Zoning Regulations.**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Conduct the Public Hearing | Grant / Deny Variance Request

2. **Planning Commission: Consider the Minutes of the February 18, 2025 Planning Commission Meeting**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Approve Minutes

3. **Planning Commission: Reconsider PC 2024-15 – A Request for a Preliminary Plat for Property Located North of 18th Avenue and East of Road G**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Make Recommendation to Applicant

4. **Planning Commission: Consider PC 2025-04 – A Request for Rezoning for Property Located North of 18th Avenue and East of Road G**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Conduct the Public Hearing | Make Recommendation to Governing Body

5. **Planning Commission: Consider PC 2025-05 – A Request for Rezoning for Property Located at 1601 Prairie Street**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Conduct the Public Hearing | Make Recommendation to Governing Body

6. **Planning Commission: Consider PC-2025-06 – A Request for Rezoning of Property Located at 1002 Trusler Road.**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Conduct the Public Hearing | Make Recommendation to Governing Body

ADJOURNMENT



**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, MARCH 18, 2025, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: BZA 2025-01

Applicants: QuikTrip, Inc.

Requested Action: Approval of a Variance for Signage and Façade Transparency

Purpose: Applicant desires to construct a new convenience store that would exceed various provisions of the sign regulations and not meet the minimum glazing requirements for facades.

Address: North of Interstate 35 and west of Graphic Arts Road.

Legal description: Lot 1, Flint Hills Crossing Addition, Emporia, Lyon County, Kansas

Lot Size: 8.00 acres

Existing Zoning: Flex-Use Low (C)

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

Surrounding Zoning:

North: Flex-Use Low | Multi-Family

East: Civic/Public

South: Interstate 35

West: Flex-Use Low

Surrounding Actual Uses:

North: Vacant Land | Multi-Family Apartment Complex

East: Flint Hills Technical College

South: Interstate 35

West: Vacant Land

Applicable Regulations:

Section 3.3.2 Flex-Use Low Building Standards – 70% façade transparency

Section 7.16.14 Sign Regulations Table – Maximum Size / Maximum Number Allowed

Analysis: The applicant is proposing to construct a convenience store adjacent to Interstate 35. The proposed building design does not meet the overall façade transparency requirements of the new zoning regulations, additionally, the signage requested is beyond the maximum allowed number of

signs and one sign, which would be visible from the interstate and turnpike has been requested. That sign would exceed the maximum allowed height of signs in Flex-Use zoning.

Recommendation: Staff recommends approval of the variance based on the following;

- 1) **The variance requested arises from a condition which is unique to the property in question, and which is not ordinarily found in the same zone or district; and is not created by action of the property owner or applicant.** The variance that is requested is unique to the property as it is located adjacent to multiple interstates, as opposed to other properties within Flex-Use areas. Additionally, when platted, the building setback lines were increased, which in staffs opinion reduces the need and effectiveness of façade transparency. The zoning regulations overall sign height requirement and façade transparency requirements do not take into account highway travel and auto oriented development.
- 2) **The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.** No rights of neighboring property owners would be negatively affected by granting this variance. The granting of these variances would be consistent with other developments in areas adjacent to Interstate 35 and the turnpike. Signs have been allowed that range in height from 60 feet to 85' at Flying J.
- 3) **The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.** Strict application of these regulations would severely limit the signage allowed for a commercial development and increase the cost of the structure while not providing any material benefit for a development of this nature. Similar properties have been granted variances for sign heights and the number of signs allowed on the property, as well as for building design.
- 4) **The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.** There will be no adverse effect to the public. Granting the variance for signage, will allow for the general public to see information in a clearer, quicker manner reducing possible traffic accidents.
- 5) **The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.** The new zoning regulations placed a maximum sign height of 10 feet on signs in the commercial areas. The regulations did not take into account the areas adjacent to interstates, which have been allowed, and are benefitted by signs that are visible from a distance and at highway speeds. The internal signage is consistent with the regulations. Staff feels that the glazing requirement, while applicable in some areas does not necessarily enhance buildings in areas where buildings are allowed to setback from the front property line. Also, based on modern store design, the façade transparency requirement, limits the location of storage, coolers, and other interior features.

Neighborhood Communications: Staff has received no inquiries about this project.

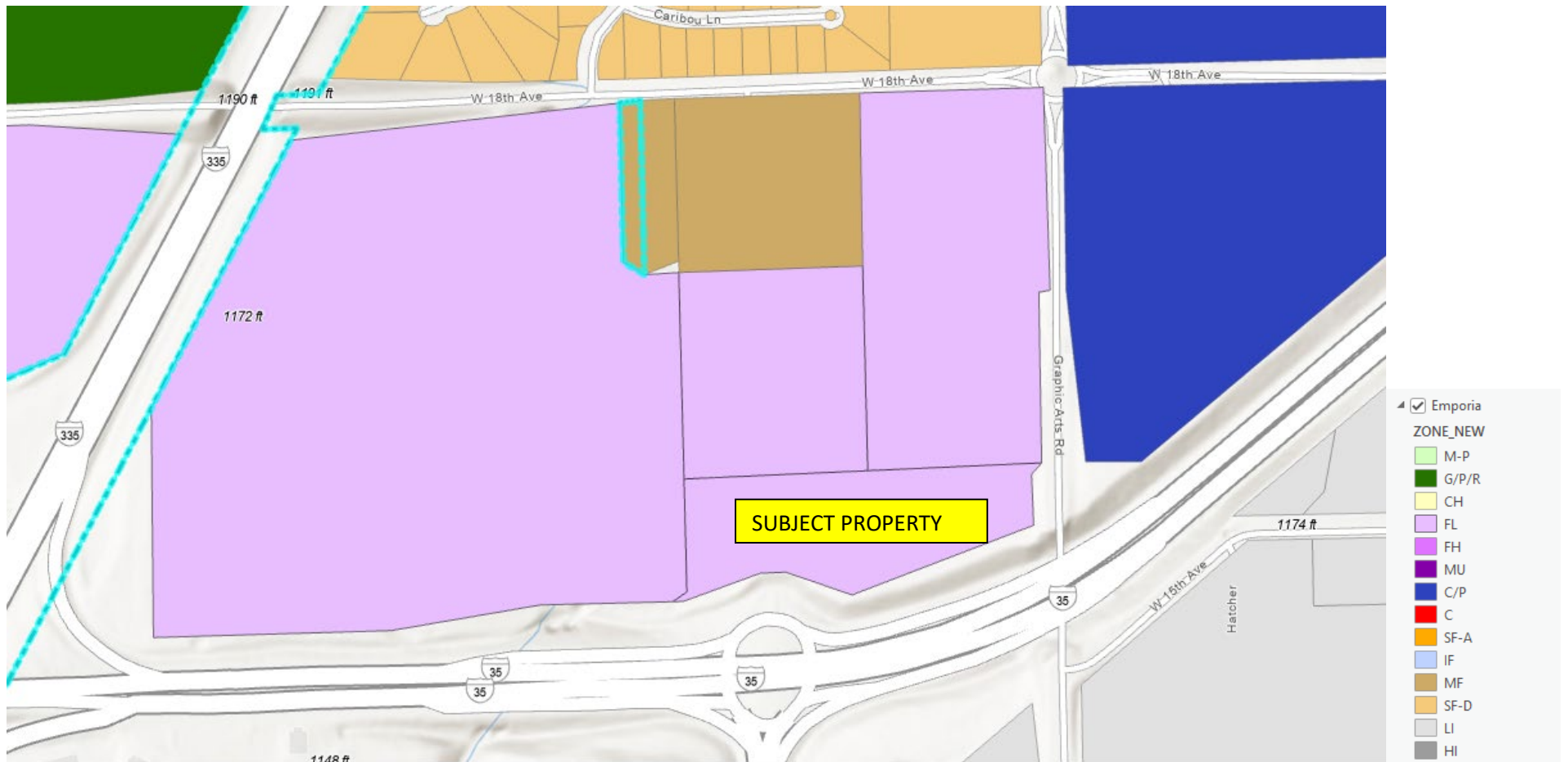
Recommendation: Staff recommends approval of the variances.

Attachments: Aerial Map | Current Zoning Map | Elevation Drawings | Signage Package

QT VARIANCE REQUEST
AERIAL PHOTO



QT VARIANCE REQUEST ZONING MAP





Store 0335
03-0335-PE08

Emporia, KS
Date: 08.21.24 By: JK





Store 0335
03-0335-PE06

Emporia, KS
Date: 08.21.24 By: JK

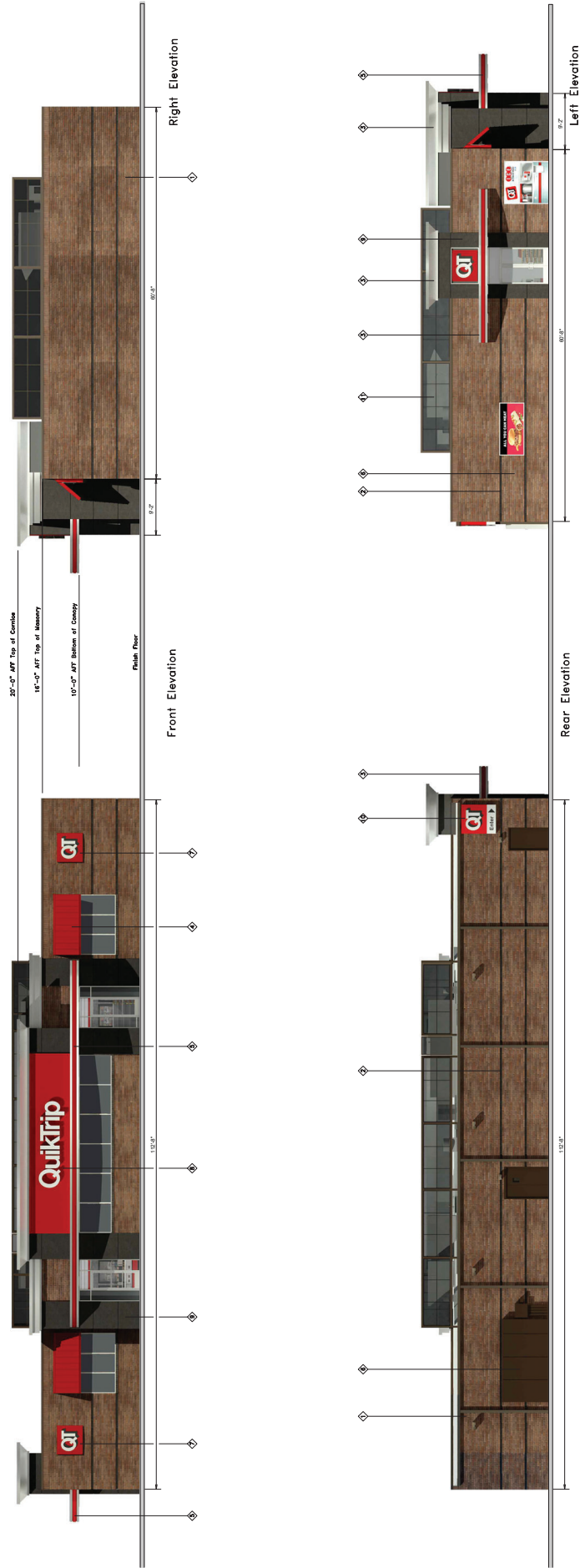




Store 0335
03-0335-PE01

Emporia, KS
Date: 08.21.24 By: JK







QuikTrip
4705 South 12th East Ave.
Tulsa, OK 74116-0808
Tulsa, OK 74116-0808
(918) 441-1700

Store # 335

Serial # 03-0335-TCNK

TCNK Building Elevations

Scale: 1/8" = 1' - 0"

Issue Date: 08.23.24

Address: Flint Hills Way & Crossing Blvd

City, State: Emporia, KS

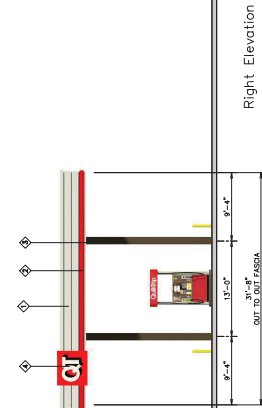
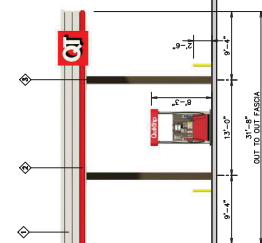
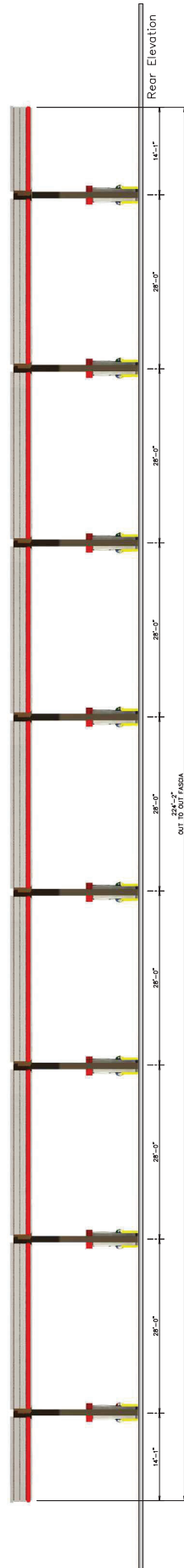
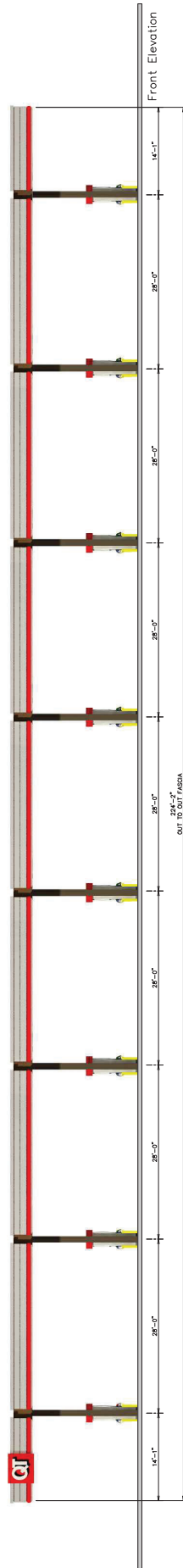
Drawn By: JK

Rev/Notes:

08/23/2024

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2	08/23/2024	REVISION: ADD SIGNAGE	JK		QUICKTRIP	QUICKTRIP SIGNAGE
3	08/23/2024	REVISION: ADD SIGNAGE	JK		QUICKTRIP	QUICKTRIP SIGNAGE
4	08/23/2024	REVISION: ADD SIGNAGE	JK		QUICKTRIP	QUICKTRIP SIGNAGE
5	08/23/2024	REVISION: ADD SIGNAGE	JK		QUICKTRIP	QUICKTRIP SIGNAGE
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19	08/23/2024	REVISION: ADD SIGNAGE	JK		QUICKTRIP	QUICKTRIP SIGNAGE
20	08/23/2024	REVISION: ADD SIGNAGE	JK		QUICKTRIP	QUICKTRIP SIGNAGE

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Left Elevation

31" x 48" OUT TO OUT FASDA

Right Elevation

31" x 48" OUT TO OUT FASDA

Serial # 03-0335-CV08

Scale: 1/8" = 1' - 0"

Issue Date: 08.16.24

Drawn By: JK

Rev/Notes:

Store # 335

Vertical 8 Canopy Elevations

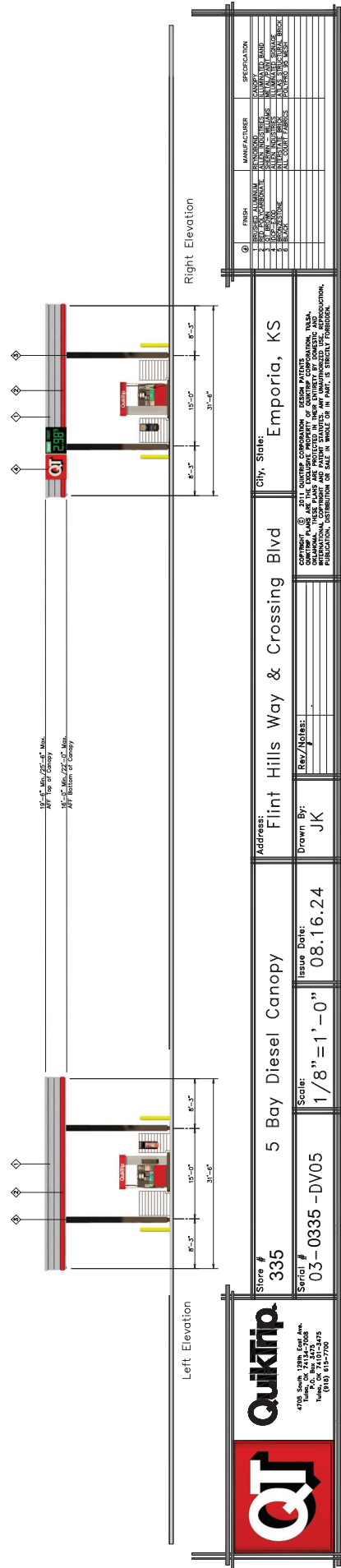
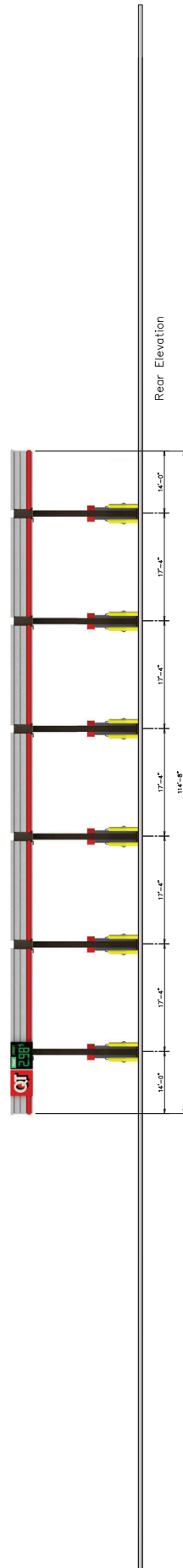
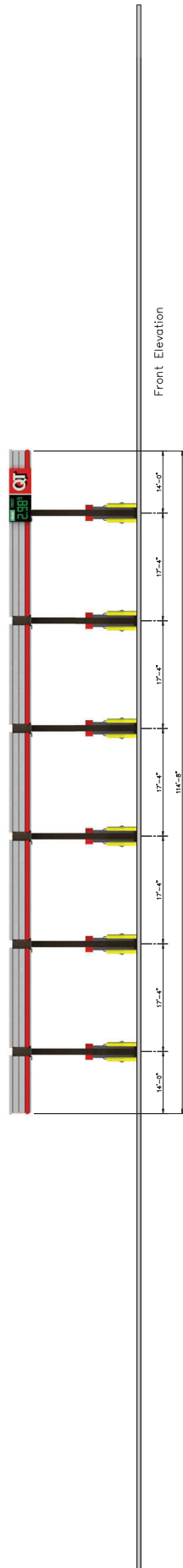
Address: Flint Hills Way & Crossing Blvd

City, State: Emporia, KS

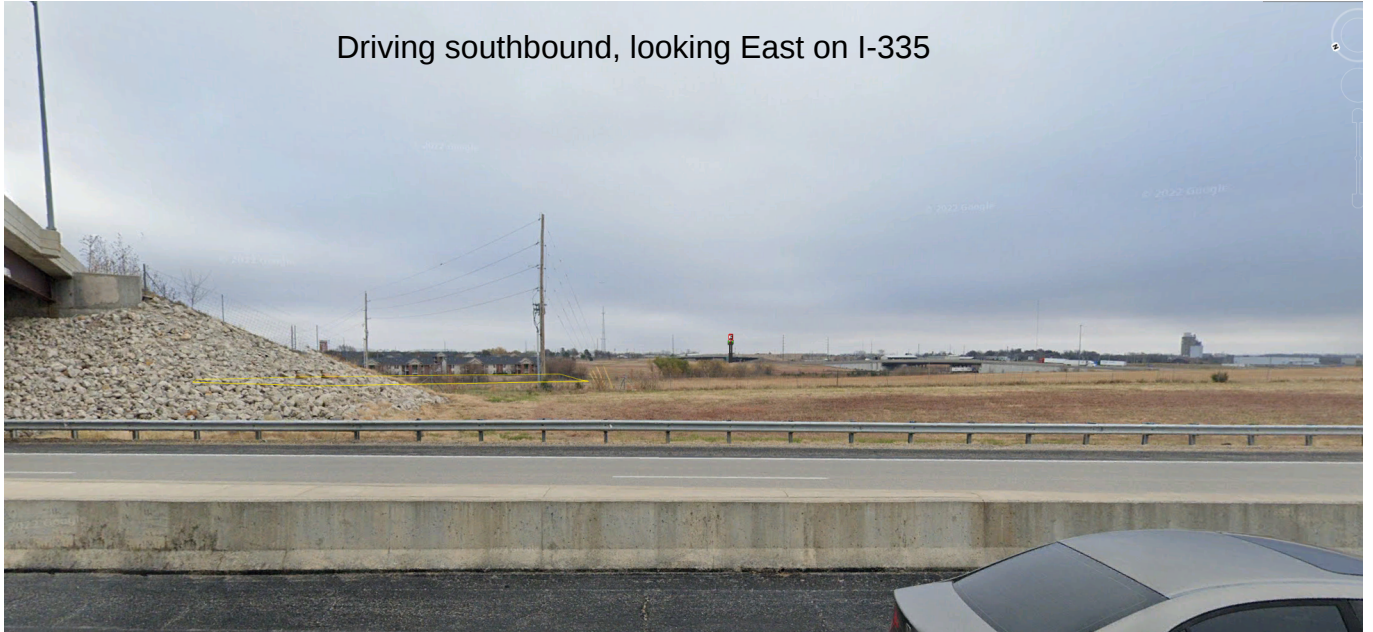
4702 South 12th, East Ave.
Topeka, KS 66606
Tel: 781-270-0275
(800) 415-7702

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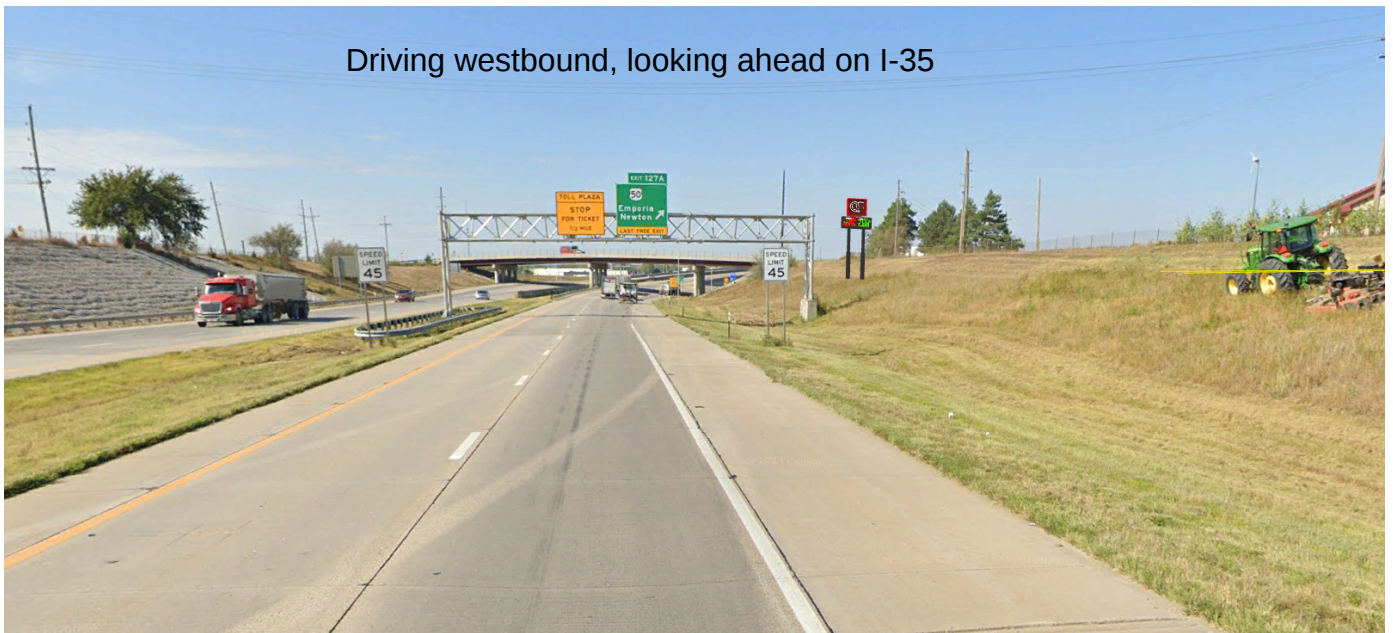
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7			



Driving southbound, looking East on I-335



Driving westbound, looking ahead on I-35





Driving eastbound through turnpike



Driving northbound on I-335



**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
MINUTES OF FEBRUARY 18th & 25th, 2025
REGULAR MEETING**

The Planning Commission met in a regular session on Tuesday, February 18, 2025, with Chair Rogers presiding. Commissioners Bucklinger, Thomas, Fowler, Lingenfelter, and Reed were present. Commissioner Ogle was absent.

City staff: Justin Givens, Planning & Zoning Administrator, was present.

Chair Rogers called the meeting to order.

Due To the Inclement Weather, Commissioner Reed Motioned To Adjourn The Meeting And Reconvene On February 25, 2025 At 6:00 PM In The Municipal Courtroom. Commissioner Thomas Seconded The Motion. Motion Carried 6-0.

The Planning Commission reconvened the regular session meeting of Tuesday, February 18, 2025 at 6:00 pm on Tuesday, February 25, 2025 in the Municipal Courtroom with Chair Rogers presiding. Commissioners, Bucklinger, Thomas, Fowler, Lingenfelter, and Reed were present. Commissioner Ogle was absent.

City staff: Justin Givens, Planning & Zoning Administrator, was present.

1. Consider The Minutes of the January 21, 2025 Planning Commission Regular Meeting.

Givens presented the commission with the minutes from the January 21, 2025 regular meeting.

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

2. Consider PC-2025-01 – A Request to Rezone Property Located at 400 W 15th

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2025-01

Applicants: CareArc Inc.

Owners: CareArc Inc.

Requested Action: Consider a request to rezone property from Multi-Family (MF) to Civic/Public (CP)

Purpose: Multi-Family property was purchased by CareArc to facilitate the expansion of their employee parking lot.

Address: 400 W 15th

Legal description: PART OF LOT 1 IN JANET'S SUBDIVISION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, AS SURVEYED BY AARON C. DAVIS, PS 1368, ON DECEMBER 30, 2024, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE S.00°26'07"W. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID LOT 1 FOR 124.50 FEET; THENCE N.88°30'45"W. FOR 39.73 FEET; THENCE S.87°59'12"W. FOR 23.50 FEET; THENCE N.89°49'10"W. FOR 77.50 FEET TO THE WEST LINE OF SAID LOT 1 AND BEING 11.00 FEET NORTH OF A CORNER OF LOT 1; THENCE N.00°16'57"W. ON THE WEST LINE OF SAID LOT 1 FOR 110.35 FEET TO THE NORTHEAST CORNER OF LOT 2 IN SAID JANET'S SUBDIVISION; THENCE S.89°25'34"E. ON THE NORTH LINE OF SAID LOT 1 FOR 17.29 FEET; THENCE N.00°49'43"E. ON THE WEST LINE OF SAID LOT 1 FOR 14.76 FEET; THENCE S.89°35'38"E. ON THE NORTH LINE OF SAID LOT 1 FOR 124.69 FEET TO THE POINT OF BEGINNING

Lot Size: 17,368 sq. ft. +/-

Existing Zoning: Multi-Family

Future Zoning in ELC Comp. Plan: N/A

Surrounding Zoning:

North	Commercial Civic/Public
East	Multi-Family Park/Greenspace
South	Multi-Family Single-Family Detached
West	Civic/Public Commercial

Surrounding Actual Uses:

North	Crosswinds Hammond Park
East	Hammond Park Single-Family Residences
South	Hillcrest Apartments Single-Family Residences
West	CareArc Inc. Crosswinds

Analysis: CareArc has purchased a portion of property directly north of the Hillcrest Apartment complex. As CareArc has grown, they have an increased demand for parking at their facility. The change in parcel type will allow for them to develop a parking lot on the property to free up space within their existing parking area for clients.

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 change in the parcel type, would be consistent with the zoning regulations. The subject property would be an extension of the Civic/Public parcel type that CareArc is currently zoned as.**
2. The character and condition of the neighborhood and its effect on the proposed change; **The proposed change would not have a negative impact on the area. It currently is unused property that would be converted to a parking lot that would provide additional off street parking in the area.**
3. The zoning and uses of properties nearby; **Civic/Public uses exist in the area, as well as Commercial and Multi-Family. The rezoning of this area would not have a negative impact on nearby uses and is compatible with the surrounding area.**
4. The suitability of the subject property for the uses to which it has been restricted; **While currently zoned as Multi-Family, the ownership change necessitated a zone change. The applicants could have built a parking lot with a Conditional Use, but staff determined that aligning the property with the parent property's zoning would be more beneficial for the property owner and restrictive in uses for the area.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Staff contends there would be no detrimental impact to neighboring properties if the rezoning was granted.**
6. The length of time the subject property has remained vacant as zoned; **The property was unused by the previous owner, and not a part of the development of the Hillcrest Apartments.**
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; **There will be no loss to the public health, safety, and welfare by allowing the rezoning and existing services will not be negatively impacted.**
8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the rezoning.**
9. The conformance of the requested change to Plan ELC; **The zone change will allow for adaptive reuse of an area that is not being used, and will allow for more efficient use of space for CareArc in their primary parking area.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: As of writing this report, Staff has been contacted by one property owner to the south of 15th Ave. There was no objections on their part.

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
- 4) Approval would reaffirm the previous actions of the Planning Commission

Attachments: Aerial Map | Current Zoning Map | CareArc Boundary Survey

The Public Hearing was opened.

Renee Hively, CareArc CEO, spoke in favor of the request, stating that the rezoning would facilitate the development of much needed parking, approximately 70 spots, for CareArc employees to use.

Tegan Trahoon, 400 N 15th Ave., also spoke in favor of the request.

No Person spoke against the rezoning.

The Public Hearing was closed.

Commissioner Bucklinger made a motion to recommend approval of the rezoning. Commissioner Lingenfelter seconded the motion. The motion carried 6-0.

3. Consider PC-2025-02 – A Request to Rezone Property Located at 1700 Road G

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2025-02

Applicants: Stormont-Vail Regional Health Systems

Owners: Stormont-Vail Regional Health Systems

Requested Action: Consider a request to rezone property from County Agriculture/Commercial Parcel Type to City Commercial Parcel Type.

Purpose: Property was recently annexed and for any development to proceed on the property, it must be rezoned from a Lyon County Zoning Parcel Type to a City of Emporia Parcel Type.

Address: 1700 Road G

Legal description: A part of the Northwest Quarter of Section 7, Township 19 South, Range 11 East of the 6th P.M., Lyon County, Kansas, written by Travis L Haizlip, PS 1724 on May 02, 2024 and more particularly described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 7; thence on a NAD 83, Kansas Regional Coordinate System, Zone 9 bearing of North 89 degrees 00 minutes 04 seconds East on the North line of said Northwest Quarter a distance of 958.46 feet to the West line of an excepted tract described as Tract 2 in Document No. 2024-00630 at the Office of the Lyon County Register of Deeds; thence South 00 degrees 59 minutes 56 seconds East on said West line a distance of 898.84 feet; thence South 89 degrees 00 minutes 04 seconds West a distance of 980.11 feet to the West line of said Northwest Quarter; thence North 00 degrees 22 minutes 50 seconds East on said West line a distance of 899.10 feet to the point of beginning. Containing 20.00 acres of land more or less. Emporia, Lyon County, Kansas

Lot Size: 17.64 acres +/-

Existing Zoning: Lyon County Agriculture / Commercial

Future Zoning in ELC Comp. Plan: Commercial

Surrounding Zoning:

North	Flex Use Low Greenspace/Parks/Recreation County Agriculture
East	Flex Use Low
South	County Agriculture
West	Flex Use Low County Flex Use Low

Surrounding Actual Uses:

North	Frontier Farm Credit Lighthouse Baptist Church
East	DeBauge Soccer Complex
South	Vacant Agricultural Land
West	Every Schaefer Equipment Co. Agricultural Land

Analysis: The applicant has requested that this property be rezoned to a city zoning designation to facilitate future development. They are also concurrently seeking to plat the property under City of Emporia Zoning Regulations. The property, while annexed into the city, retains its Lyon County zoning designation until such time as it is rezoned.

The absence of extraterritorial zoning, has created additional steps such as rezoning from a County designation to a City designation, and created uncertainty in what parcels are actually zoned. By rezoning to a City designation, this allows property owners to have a clearer understanding of allowed uses with the particular Parcel Type that is assigned and design parameters for any future development.

The 17 acre tract of land sits at the corner of Road G and 18th Ave, which is prime commercial development space and was contemplated as such in Plan ELC and its Regulating Plan. A Commercial Parcel Type designation allows for a multitude of uses on the property, and would be consistent with the Zoning Regulations of the City.

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; **Removing the County designation and assigning a City zoning designation is consistent with the zoning regulations and required for properties to be developed within the City.**
2. The character and condition of the neighborhood and its effect on the proposed change; **Rezoning this property to a City Commercial Parcel Type would have no negative effect on the neighboring properties. Properties to the north are zoned with City Commercial zoning and those properties to the west are developed as commercial or industrial type properties.**

3. The zoning and uses of properties nearby; **Commercial development has already occurred in the area, and will most likely continue. Commercial / Industrial properties are currently located on the west side of Road G with Everygy recently opening their local office and yard. The two properties directly to the north, Frontier Farm Credit and the Lighthouse Baptist Church are both zoned as Commercial Parcel Types. A future development north of the subject property has proposed additional commercial property along Road G with housing to be developed on the interior of their property. Uses allowed outright or be Conditional Use Permits would be compatible with the surrounding area.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property was previously zoned as Commercial, and only when the County dissolved the Metropolitan Growth Area and designated properties as County Parcel Types has subject property been restricted.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Removing the County Parcel Type and reclassifying it as a City Commercial Parcel Type will have no detrimental impact on nearby properties. The property has been proposed to be commercial in nature for some time and is listed as such in the comprehensive plan.**
6. The length of time the subject property has remained vacant as zoned; **The property is within the natural growth area of the City and has been zoned as a commercial type property for some time. The change in zoning is from a County zoning designation to a City zoning designation and therefore the length of time the subject property has remained vacant should be of minimal influence in the decision making process.**
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 is no value to be gained for the public health, safety, and welfare of this property, by not reclassifying the property under City Zoning Regulations, the City would impose greater hardships on the property owner and diminish the value of the property by not rezoning the property and forcing it to develop under County standards.**
8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the rezoning.**
9. The conformance of the requested change to Plan ELC; **Plan ELC's Regulating Plan identifies this tract of land as a Commercial Parcel Type, and the area is within the natural growth area of the city. Existing infrastructure is in place, as encouraged by Plan ELC. The subject property is corridor-focused as both Road G and 18th Ave are major development corridors as encouraged by Plan ELC.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications:

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

Givens stated that one of the issues that necessitated the rezoning was the fact that any extra-territorial zoning was eliminated by the County and now made it necessary for property owners, who were once within the municipal growth area, to go through additional steps to develop their property.

The Public Hearing was opened.

Tim Shultz, Stormont-Vail Regional Health, spoke in favor of the application, and on behalf of Stormont-Vail. **Shultz** stated that when they bought the property, they were under the assumption that it was zoned Commercial and after annexation that they would be able to develop it accordingly under city guidelines. Since learning that it needed to be rezoned, Stormont initiated the rezoning process so their development plans can proceed.

Heather Aylward, 1527 Washington St, Emporia, KS (Newman Regional Health) spoke against the rezoning request, stating that allowing another health care system that would perform duplicative services would hurt Newman Hospital and could possibly hurt the general health and welfare of the community.

Others speaking against the rezoning were:

Ester Knobloch, 2378 KS Hwy 58, Madison, KS

Steven Bazan, 2833 Rio Vista Dr. Emporia, KS

William Barnes, 2901 West Lake Dr. Emporia, KS

Don Hill, 2805 Twin Lakes Dr. Emporia, KS

Jerry Campbell, 1201 Presby Dr. Emporia, KS

The Public Hearing was closed.

Chair Rogers stated that he felt that this was truly a matter of land use, and applying the proper zoning to the property. He stated that he appreciated the speakers, but felt that it was truly a land use issue.

Commissioner Thomas agreed, stating that it was a land use issue, and that there was a need to apply the appropriate parcel type to the property. He further went on to ask about the number of uses listed within the use matrix of the zoning regulations. **Givens** stated that the uses were just examples and staff when tasked with looking at uses within a parcel type that may not be listed would look at other factors including the Standard Industrial Classifications to determine if a proposed use fit within the parcel type. **Thomas** felt that the property fit with the Commercial Parcel Type.

Commissioner Bucklinger stated that he felt the proposed use would not fit with the character of the neighborhood as the existing commercial operations were low volume in terms of traffic and the new medical facility would increase the amount of traffic in the area.

Commissioner Reed stated, that while he understood what Bucklinger was saying, he felt that there had been significant upgrades to the road infrastructure in the area, including 18th west of Road G and that the future development of the property could trigger additional upgrades to 18th.

Commissioner Fowler concurred, stating the significant upgrades had been made to Road G by the county and state and that this area was prime for commercial expansion and he felt that 18th should have been improved when Jones Aquatic Park and the soccer complex was built.

Commissioner Lingenfelter felt that Commercial zoning was appropriate, but that she had further questions that would more apply to the platting of the property.

Commissioner Reed made a motion to recommend approval of the request for rezoning based the finding that the request is consistent with the Comprehensive Plan, conforms to the intent of the Zoning Regulations, and there would not be a negative impact on the existing neighborhood. Commissioner Thomas seconded the motion. The motion carried 5-1 (Bucklinger).

4. Consider PC-2025-03 – A Request to Approve a Preliminary Plat – Stormont-Vail Regional Health Emporia Subdivision.

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2025-03

Applicants: Stormont-Vail Regional Health Systems

Owners: Stormont-Vail Regional Health Systems

Requested Action: Review a Preliminary Plat

Purpose: To facilitate future development of the property.

Address: 1700 Road G

Legal description: A part of the Northwest Quarter of Section 7, Township 19 South, Range 11 East of the 6th P.M., Lyon County, Kansas, written by Travis L Haizlip, PS 1724 on May 02, 2024 and more particularly described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 7; thence on a NAD 83, Kansas Regional Coordinate System, Zone 9 bearing of North 89 degrees 00 minutes 04 seconds East on the North line of said Northwest Quarter a distance of 958.46 feet to the West line of an excepted tract described as Tract 2 in Document No. 2024-00630 at the Office of the Lyon County Register of Deeds; thence South 00 degrees 59 minutes 56 seconds East on said West line a distance of 898.84 feet; thence South 89 degrees 00 minutes 04 seconds West a distance of 980.11 feet to the West line of said Northwest Quarter; thence North 00 degrees 22 minutes 50 seconds East on said West line a distance of 899.10 feet to the point of beginning. Containing 20.00 acres of land more or less. Emporia, Lyon County, Kansas

Lot Size: 17.64 acres +/-

Existing Zoning: Lyon County Agriculture / Commercial

Future Zoning in ELC Comp. Plan: Commercial

Surrounding Zoning:

North	Flex Use Low Civic/Public County Agriculture
East	Flex Use Low
South	County Agriculture
West	Flex Use Low County Flex Use Low

Surrounding Actual Uses:

North	Frontier Farm Credit Lighthouse Baptist Church
East	DeBauge Soccer Complex
South	Vacant Agricultural Land
West	Evergy Schaefer Equipment Co. Agricultural Land

Analysis: The applicant is proposing a single lot plat to provide for future development of the property. The property was previously annexed into the city and all utilities (public and private) are located adjacent to the property. The property was previously in the Metropolitan Growth Area and is considered an area of commercial development in the comprehensive plan.

The existing west entrance for the DeBauge Soccer complex is actually on the subject property and the applicant has provided dedicated right of way for a new public street that would provide access to DeBauge and to the property to the south.

A rezoning application has been submitted to remove the county zoning designation and will be considered by the Planning Commission and City Commission separately.

Plat Name: The proposed name of the development is Stormont-Vail Health Emporia Subdivision which meets requirements.

Legal Description: The legal description shown on the preliminary plat meets requirements and has been reviewed by the County Surveyor.

Lots: The preliminary plat proposes one lot, which is appropriately labeled.

Blocks: A single block is shown, while not necessary for this plat, it is acceptable.

Building Lines: The applicant is proposing a front building setback line of 50 feet. Staff finds this acceptable as it clears all drainage areas, provides better visibility in the area and allows for possible future right of way needs.

Easements: No additional easements for private or public utilities are necessary at this time. All utilities are currently located within the existing right of way. The Utility Advisory Board has reviewed the plat and has not asked for additional easements at this time.

Reserves: No reserves are shown on the plat, which is acceptable for this development. The drainage area to the west of the property will be within the right of way.

Drainage: A preliminary drainage and grading plan is under review by the City Engineer and is subject to approval by the City Engineer prior to final plat being submitted. Based on lot size, there is ample space to accommodate on site stormwater management for any future development.

Public & Private Improvements:

- **Streets:**

- Access will be allowed from both Road G and 18th Ave. Future improvements will be necessary on 18th Ave. with the developer paying a yet to be determined portion of those improvements.
- A new public street will be provided along the east side of the property. This road will provide access to the property to the south, as no access will be granted from US HWY 50. The new street will also provide access to the DeBauge Soccer Complex.
- **Sidewalks:** A sidewalk is currently in place along Road G and a portion of 18th Ave. This sidewalk will be extended to the east thru the property line as part of 18th Ave. road improvements or during any future development of the site.
- **Sanitary Sewer:** The applicant will utilize the sanitary sewer main that is located on the west side of Road G. No new public sewer mains will need to be extended to the site.
- **Water:** A water main of sufficient size is located on the east side of Road G adjacent to the property. No new water main will need to be extended to the site.
- **Fire Protection:** Hydrants have been provided along Road G and any additional fire lines and hydrants necessary to serve any future development will be reviewed during site plan review. Any new line will be the responsibility of the property owner to install during the development process.
- **Private Utilities:** Private utilities have existing lines within the right of way and no new easement are anticipated for this property.

Plat Binder: A plat binder, identifying all property interests and encumbrances shall be submitted with the final plat.

Miscellaneous:

- The owner has submitted a rezoning application to rezone the property from its County Zoning designation to a City Zoning designation.
- A developer's agreement will be required at the time of final platting.

Neighborhood Communications: Staff has spoken to one property owner within the notification area, who was not opposed to the platting of the property.

Recommendation: Staff recommends the Planning Commission make a motion of approval for the Preliminary Plat and allow the applicant to proceed to Final Platting based on the following;

- 1) The request is consistent with the Comprehensive Plan;
- 2) The request conforms to the intent of the Subdivision Regulations;

Commissioner Fowler asked about access from Road G. **Givens** stated that preliminary site plans have shown one drive from Road G. **Fowler** mentioned the drainage ditch would be a factor for any new drive along Road G.

The Public Hearing was opened.

Tim Shultz, Stormont-Vail Regional Health, spoke on behalf of the applicant, and in favor of the preliminary plat. Shultz stated that approval of the plat would allow for Stormont to build a new medical office building for its operations in Emporia.

Steve Bazan, 2833 Rio Vista Dr. Emporia, KS spoke against approving the Preliminary Plat, stating that he felt Stormont-Vail had every intent on harming Newman Regional Medical Center, and that he had been in meetings, where Stormont-Vail executives had stated as much. Mr. Bazan did not feel that the stated purpose of building a medical office was the true goal of Stormont-Vail and that the facility would syphon off profitable services provided at Newman that would in turn damage the hospital.

Others speaking against approving the Preliminary Plat included:

Jerry Campbell, 1201 Presby Dr. Emporia, KS
Don Hill, 2805 Twin Lakes Dr. Emporia, KS
Ester Knobloch, 2378 KS Hwy 58, Madison, KS

The Public Hearing was closed.

Chair Rogers stated that he felt that the question in front of the Planning Commission was, does this Preliminary Plat conform to the Subdivision Regulations.

Commissioner Fowler stated that he felt that City Staff had done a good job in looking at the development impacts of the facility and anticipating future needs for the City and getting those needs incorporated into the preliminary plat.

Commissioner Lingenfelter felt that while she agreed with the zoning portion of the property actions, she was concerned about the long term impact on approving the plat and the damage that a second medical facility could do to Newman.

Commissioner Reed discussed the aspect of separating the issue from a political one versus a land use issue and what the questions were before the Planning Commission. **Reed** asked about future steps in the platting process. **Givens** stated that a final plat would be brought to the Planning Commission for approval before development could occur on the property.

Commissioner Thomas made a motion to approve the Preliminary Plat as presented based on staff recommendations and that the Plat conforms to the Subdivision Regulations.
Commissioner Reed seconded the motion. The motion carried 4-2 (Bucklinger/Lingenfelter).

5. Consider PC-2025-04 – A Request for Rezoning Property Located North of 18th Avenue, and East of Road “G”.

Givens announced that the case had been tabled until the March 18, 2025 meeting.

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

Respectfully Submitted,

Justin Givens, Secretary



**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, MARCH 18, 2025, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2024-15

Applicants: Crosswinds At Flint Hills LLC
Owners: Crosswinds At Flint Hills LLC
Agents: Professional Engineering Consultants (PEC)

Requested Action: Approval of a Preliminary Plat.

Purpose: Applicant desires to develop a 38 acre tract of land for single-family homes and commercial property

Address: North of W 18th Ave. – East of Road G

Legal description: See Exhibit A

Area Size: 38 +/- acres

Existing Zoning: County Agriculture

Surrounding Zoning:

North: County Agriculture
East: Civic / Public
South: Flex-Use Low
West: County Agriculture

Surrounding Actual Uses:

North: Cropland
East: Jones Aquatic Center / City Owned Vacant Property
South: Frontier Farm Credit / Lighthouse Baptist Church
West: Vacant Ground / Juan Transportation Trucking Services

Future Zoning in ELC Comp. Plan: Area was contemplated for a mixture of housing, parks, and commercial development.

Updated Analysis: The applicant is proposing to develop a 38 acre tract of land with approximately 8 acres being dedicated to commercial development and the balance of the tract being dedicated for residential development. The applicant is proposing to develop the property under a Planned Unit

Development Overlay District. The residential development centers on smaller lots than a typical suburban development. The 122 proposed lots have a minimum lot size of 6,000 square feet with a maximum lot coverage of 30%, which would be 1,800 sq. ft. for a minimum lot.

The applicants are requesting that the Planning Commission reconsider its decision from December in which the Commission approved the Preliminary Plat with modifications to the minimum lot size and lot width. The applicants will present information to the Commission in support of their original request.

The applicants have also submitted a Petition for Annexation, which the City Commission will consider at their April 2, 2025 meeting.

1. **Plat Name:** The proposed name of the development is Cedarbrook Meadows which meets requirements.

2. **Legal Description:** The legal description shown on the preliminary plat meets requirements and has been reviewed by the County Surveyor.

3. **Lots:** The preliminary plat proposes 123 lots, which are labeled appropriately. The subject property is proposed to be developed as a Planned Unit Development, which will control lot size, building setbacks, and other development aspects. The development parameters for the residential area are listed below:

- Minimum Lot Size: 6,000 sq. ft.
- Minimum Lot Width: 50 ft.
- Minimum Lot Depth: 120 ft.
- Maximum Lot Coverage: 30%

4. **Blocks:** 6 blocks are shown and labeled appropriately A thru F

5. **Building Lines:** A front building setback line of 25 ft. is shown on the plat. The building setback line will provide room in front yards for automobile parking and provides needed space for the smaller lots that are proposed.

6. **Easements:** Easements for utilities are shown on the preliminary plat. Both front and rear easements have been provided. The Utility Advisory Board has reviewed the plat and has not asked for additional easements at this time.

7. **Reserves:** 6 reserves have been provided:

- Reserve A and F are dedicated for open space, drainage, stormwater detention, recreational uses, private sidewalks, parking, landscaping, and utilities as confined to easements.
- Reserves B and C are dedicated for open space, entry monuments, landscaping, and utilities confined to easements.
- Reserves D and E are dedicated for open space, entry monuments, private sidewalks, berms, landscaping, and utilities confined to easements.
- The applicant indicates and is required to create an owners association for the ownership and maintenance of the reserves. The documents creating the owners association shall be provided with a final plat.

8. **Drainage:** A drainage and grading plan is under review by the City Engineer and is subject to approval by the City Engineer prior to final plat being submitted. The applicant has provided for onsite detention to handle stormwater runoff.

9. **Public & Private Improvements:**

- **Streets:**

- An interconnected street network has been provided. One connection has been provided for ingress/egress to Road G. One connection has been provided to 18th Ave. for ingress and egress. A monument is provided for separation of vehicles entering and exiting the development.
- 20th Street allows for the continuation to a future street to the east.
- Campbell Street allows for the continuation to a future street to the north.
- Campbell Ct. utilizes a hammerhead versus a traditional cul-de-sac to maximize space dedicated to reserve A.
- The street naming utilizes the existing numerical street names. The names appear to be appropriate, but emergency services have not confirmed the street names at the time of this report.

- **Sidewalks:** Sidewalks will be required on at least one side of each street, the applicant has not indicated where sidewalks will be placed and will be required to be shown on a revised preliminary plat.
- **Sanitary Sewer:** A utility plan has been submitted and is pending review by the City Engineer. Sanitary Sewer will be provided within the street right of way in the front of each property or connected via a stub under the road. All sewer connections will be in the front of each house.
- **Water:** A utility plan has been submitted and is pending review by the City Engineer. Water service will be provided within the street right of way and each lot shall be connected by a stub either in the front yard or under the street.
- **Fire Protection:** The fire marshal shall approve the location of all fire hydrants prior to final road and utility plans being approved.
- **Private Utilities:** Space has been provided in both the front and rear of properties for private utility easements. The easements are of ample size necessary for development.

10. **Plat Binder:** A plat binder, identifying all property interests and encumbrances shall be submitted with the final plat.

11. **Miscellaneous:**

- All maintenance agreements and other requirements concerning the Planned Unit Development and Owners Association shall be provided for review prior to approval of the Final Plat / PUD.
- A consent / petition for annexation shall be submitted and accepted by the Governing Body prior to the Final Plat / PUD being considered by the Planning Commission.

- An application for rezoning from a County zoning classification to an appropriate City zoning classification shall be submitted and approved at the time of final approvals by the Planning Commission and City Commission.

Neighborhood Communications: At the time of writing the report staff has had discussion with one property owner concerning the development. No objection was state at that time.

Recommendation: Staff recommends approval of the Preliminary Plat subject to Staff, and Planning Commisson comments, and that a Revised Preliminary Plat be submitted and approved by Staff prior to the submital of a Final Plat.

Attachments: Aerial Map | Zoning Map | Preliminary Plat | Utility Plan | PEC Presentation

CEDARBROOK MEADOWS



CONCEPT MASTER PLAN



IDENTIFIED KEY NEEDS

- Improve the housing stock to support economic development
- Attract and support new housing development, primarily for-sale homes
- Encourage the development of for-sale housing in the \$150,000-300,000 market
- Encourage the development of housing designed to meet the needs of older adults to accommodate projected growth in households 55+
- “Affordable” housing was the #2 priority from the public input phase
- Provide parks/green space within a 5-minute walk for all residents

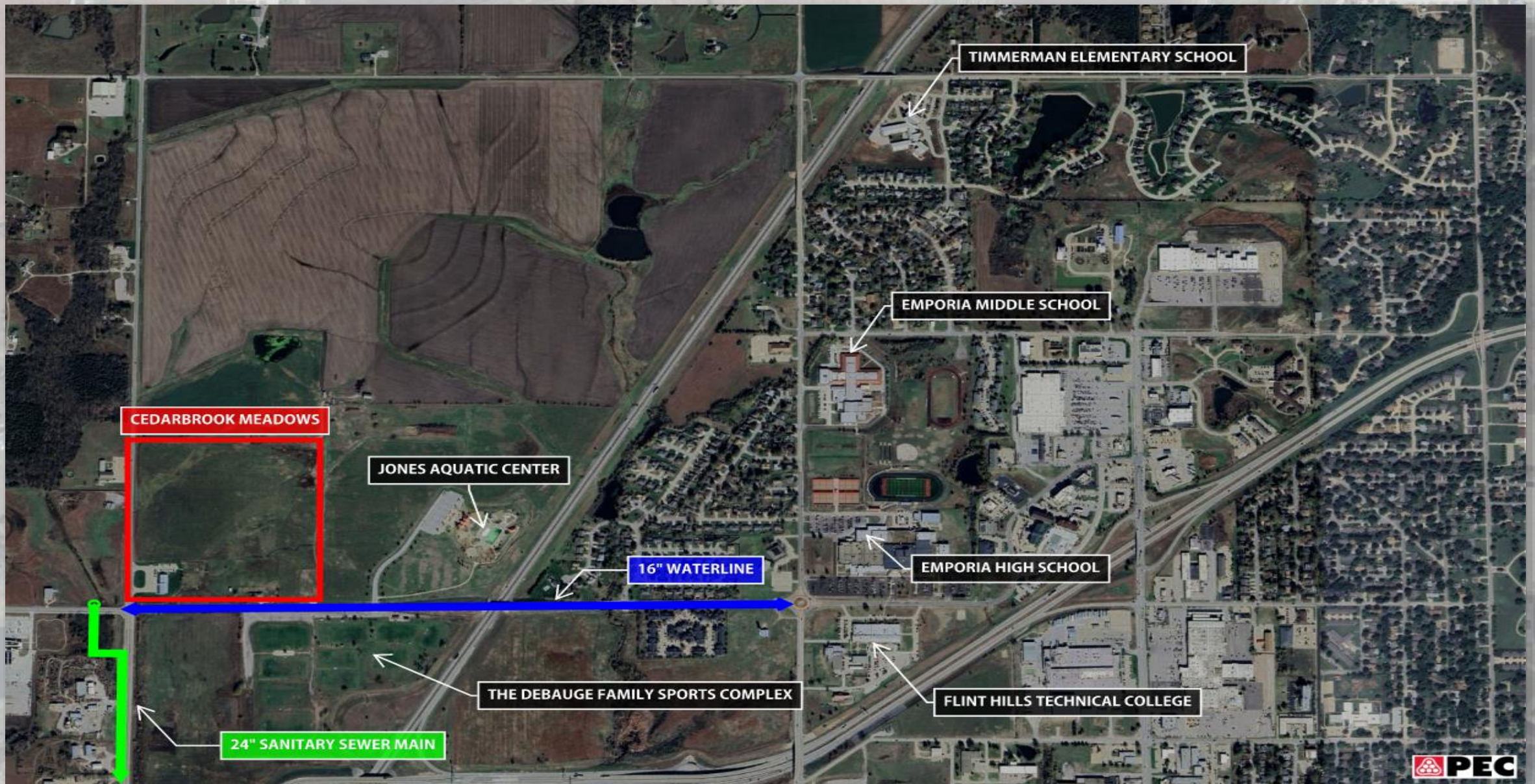
THE NORTHWEST CORNER

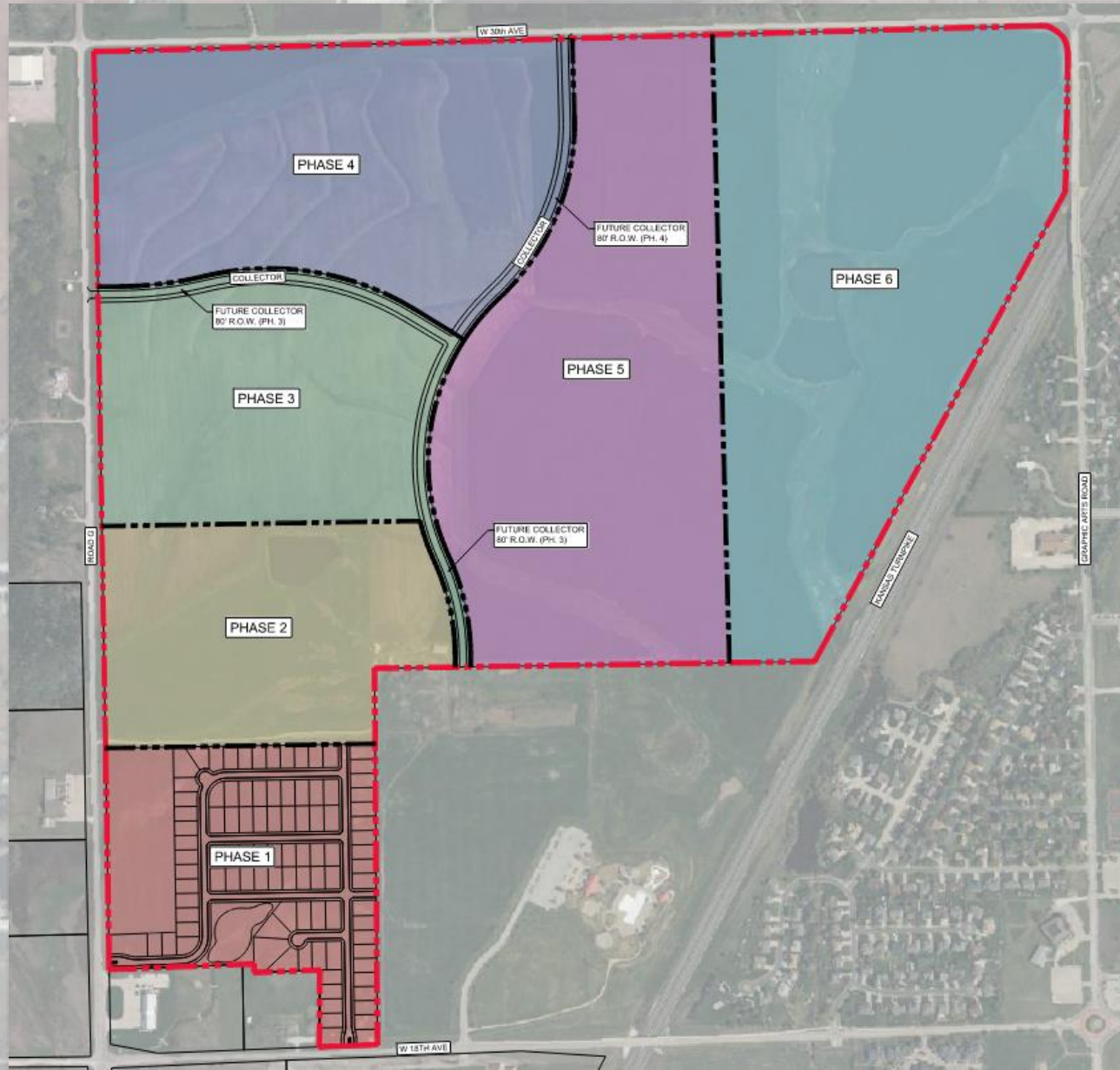
This is one of the few areas of growth for the City and is an ideal area for higher end residential development in support of economic development goals. Potential employers oftentimes look for a strong labor force and the labor force looks for quality homes, which are currently in high demand in Emporia. Retail then follows the residential rooftops. All future growth should avoid development in the floodplain. (p156)



Legend

	Country Home		Industrial-Flex
	SF Detached		Light Industrial
	SF Attached		Heavy Industrial
	Multi-Family		Civic/Public
	Commercial		Greenspace/Parks/ Recreation
	Flex-Use		City Limits
	Mixed-Use		

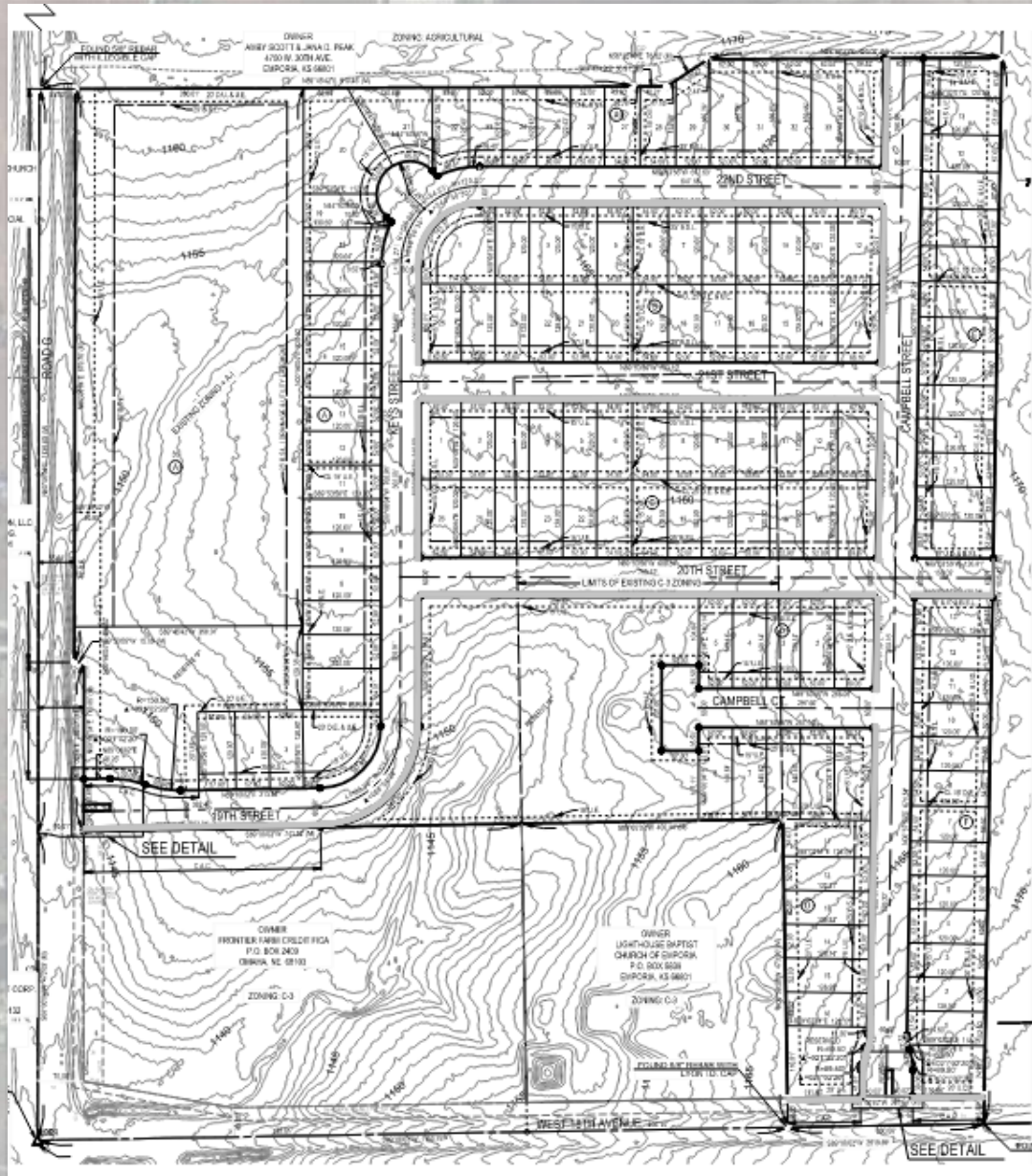




LAND USES

- Single-Family Detached
- Single-Family Attached
- Multi-Family
- Single-Family Detached Large-Lot
- Commercial
- Mixed-Use
- Parks/Greenspace

PHASE 1



SINGLE-FAMILY DETACHED

LOTS	128
MINIMUM LOT SIZE	6,240 SF.
MINIMUM LOT WIDTH	52'
MINIMUM LOT DEPTH	120'
MAXIMUM HEIGHT	35'
FRONT SETBACK (MIN.)	25'
SIDE SETBACK (MIN.)	6'
REAR SETBACK (MIN.)	20'

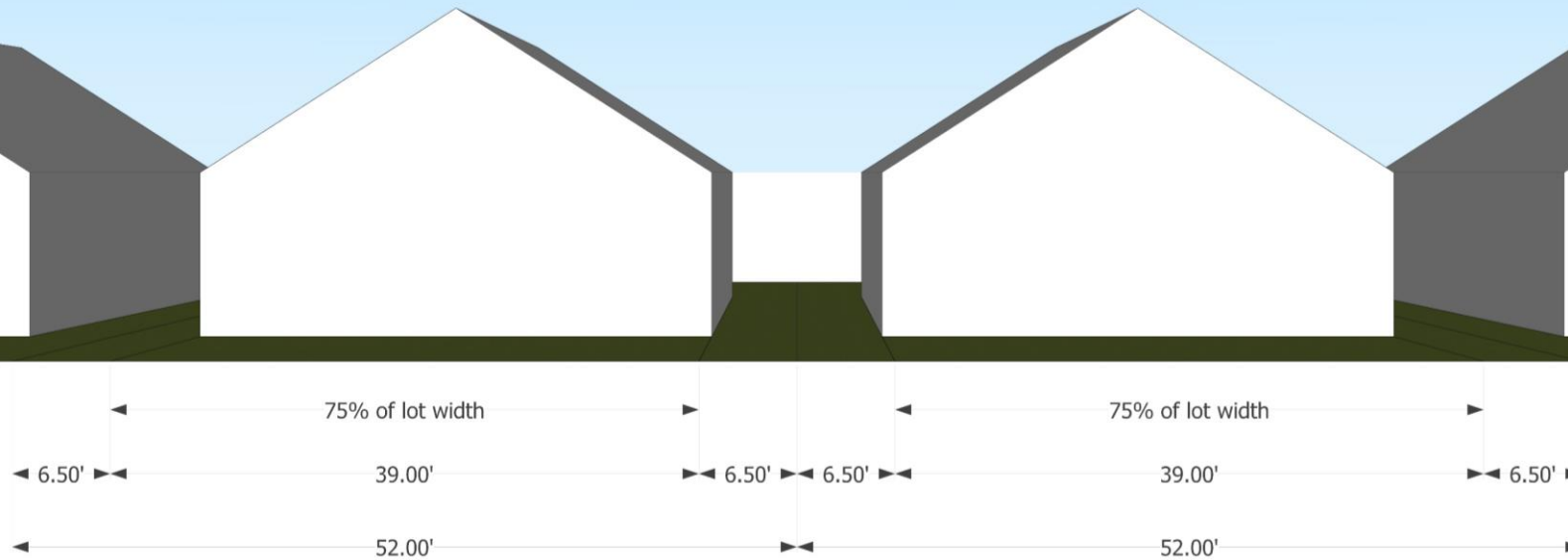
COMMERCIAL

LOTS	1
LOT SIZE	+/- 8.0 AC.

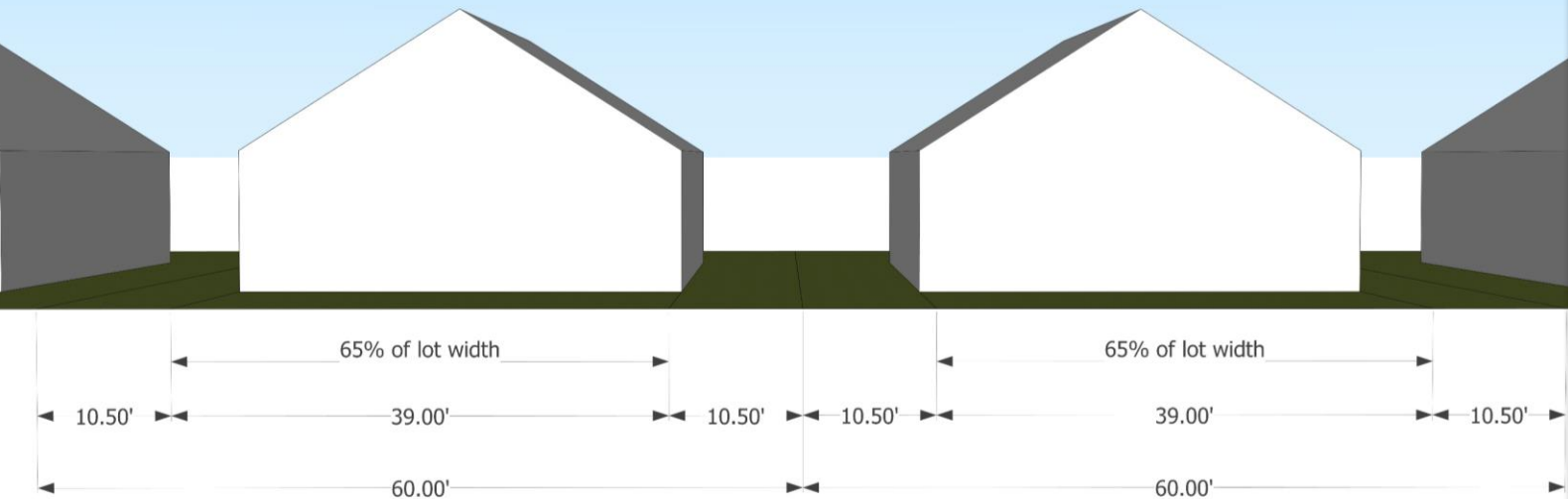


SINGLE-FAMILY DETACHED

SQUARE FEET	1,100 - 2,300
BEDROOMS	3-4
BATHROOMS	2
GARAGES	2
STORIES	1-2
SALES PRICE	\$270,000 - \$385,000



PREFERRED	
PHASE 1 LOTS	128
LOT WIDTH	52'
LOT DEPTH	120'
LOT AREA	6,240 SF.
SIDE SETBACK	6.5'
LOT COVERAGE	35.2%



ALTERNATE	
PHASE 1 LOTS	107
LOT WIDTH	60'
LOT DEPTH	120'
LOT AREA	7,200 SF.
SIDE SETBACK	10.5'
LOT COVERAGE	30.5%

52' LOTS (128)	
YEAR 1	\$219,097
YEAR 2	\$224,575
YEAR 3	\$227,943
YEAR 4	\$231,362
YEAR 5	\$234,833
YEAR 6	\$238,355
YEAR 7	\$241,931
YEAR 8	\$245,560
YEAR 9	\$249,243
YEAR 10	\$252,982
YEAR 11	\$256,776
YEAR 12	\$260,628
YEAR 13	\$264,537
YEAR 14	\$268,505
YEAR 15	\$272,533
TOTAL	\$3,688,861

60' LOTS (107)	
YEAR 1	\$183,152
YEAR 2	\$185,899
YEAR 3	\$188,687
YEAR 4	\$191,518
YEAR 5	\$194,390
YEAR 6	\$197,306
YEAR 7	\$200,266
YEAR 8	\$203,720
YEAR 9	\$206,319
YEAR 10	\$209,414
YEAR 11	\$212,555
YEAR 12	\$215,743
YEAR 13	\$218,979
YEAR 14	\$222,264
YEAR 15	\$225,598
TOTAL	\$3,055,360

NOTE: INFRASTRUCTURE
CAPITAL & MAINTENANCE
COSTS DO NOT CHANGE

15 YEAR TOTAL

+\$633,501

AVERAGE ANNUAL

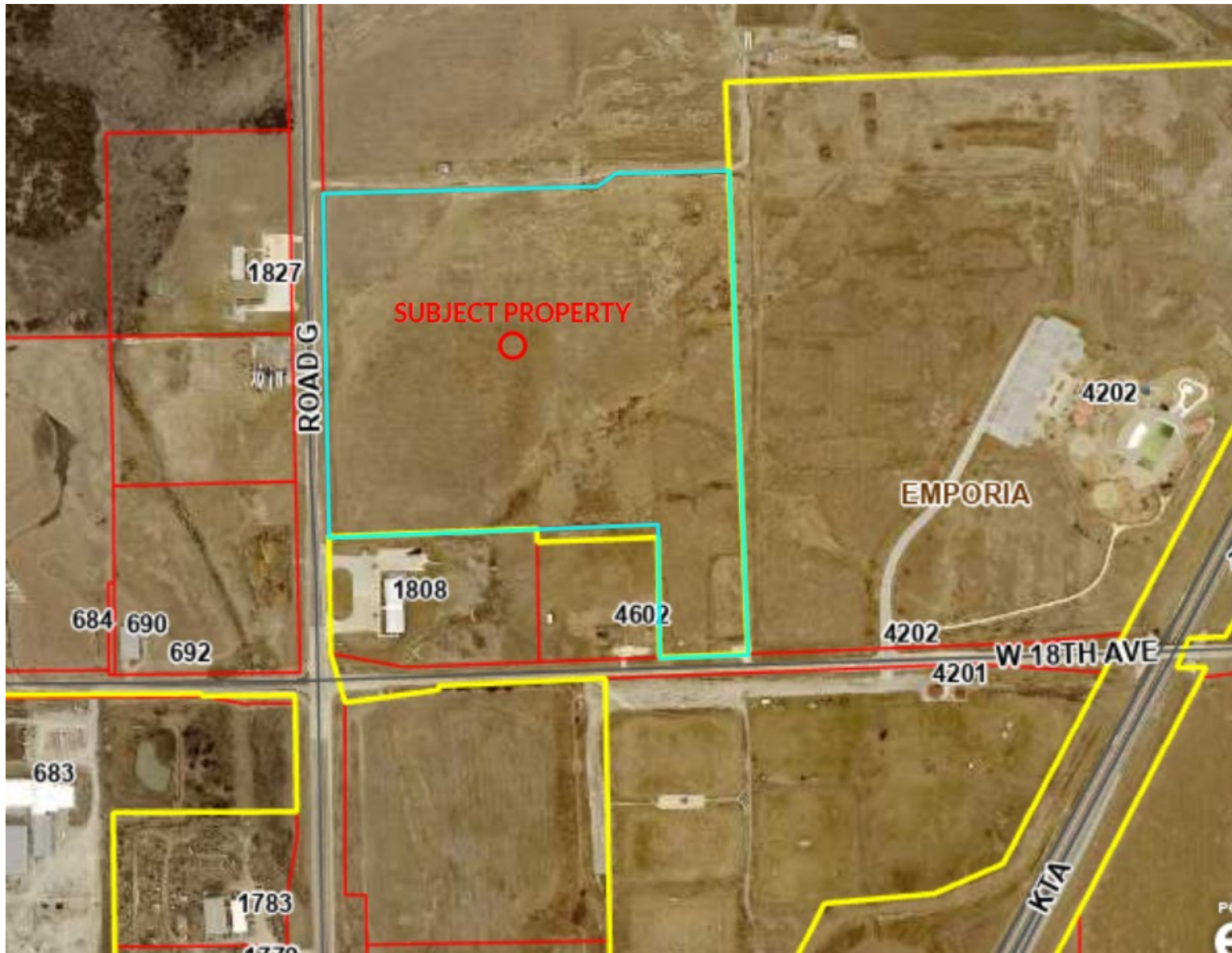
+\$42,233

45.104 MILLS

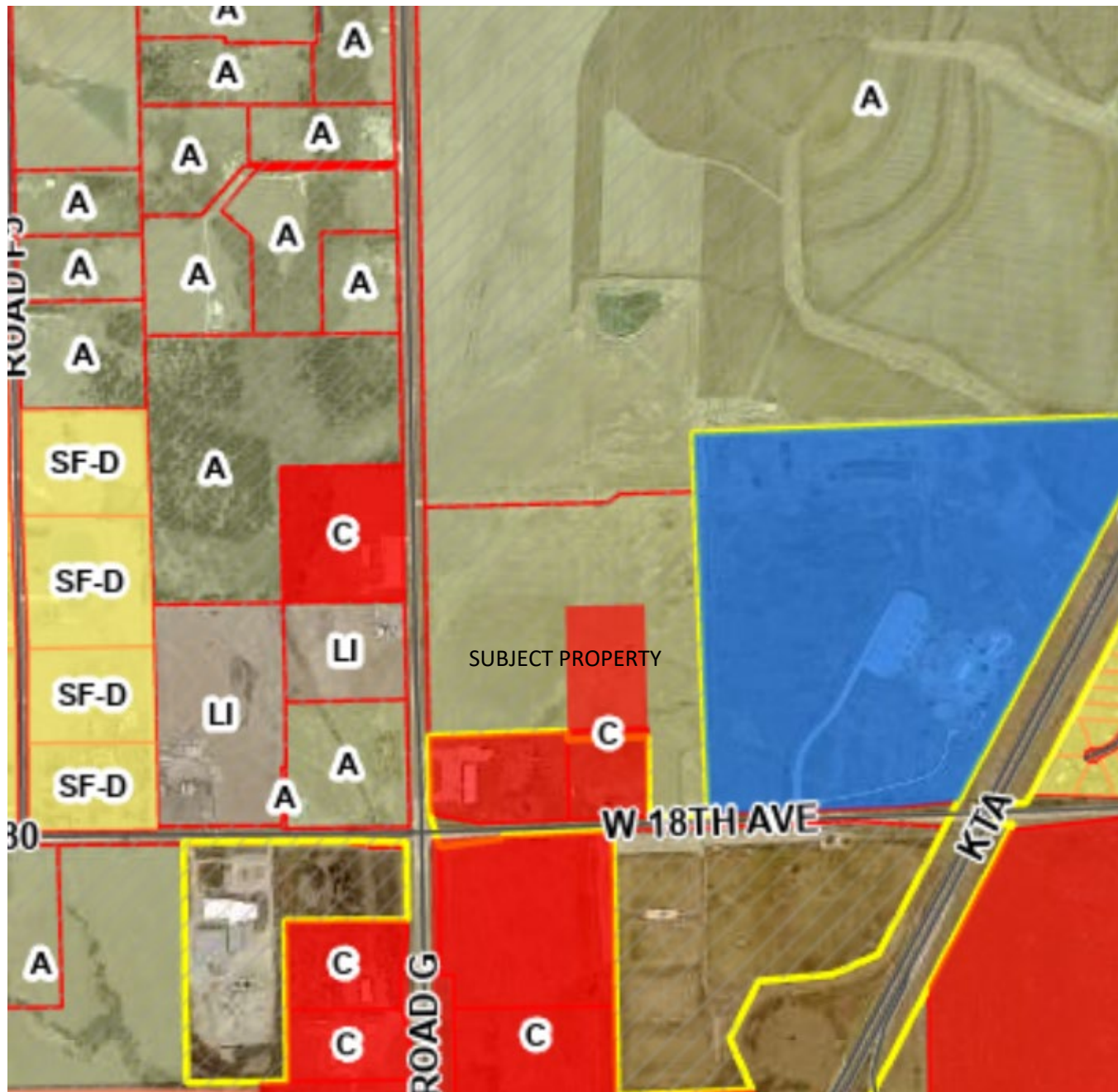
CEDARBROOK MEADOWS

QUESTIONS & DISCUSSION

CEDARBROOK MEADOWS
PRELIMINARY PLAT & PUD
AERIAL PHOTO



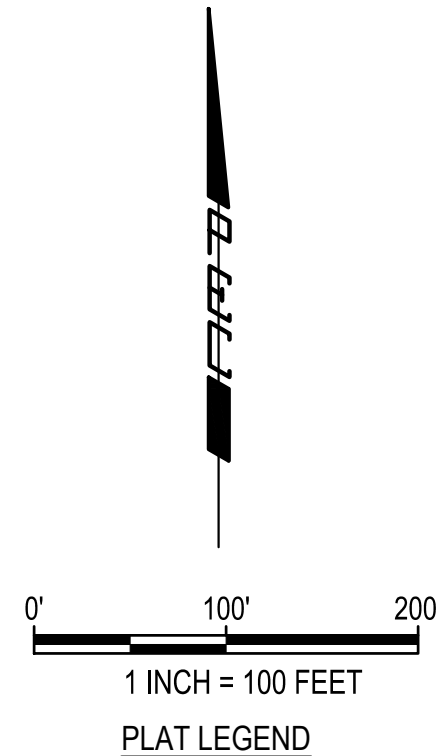
CEDARBROOK MEADOWS
Zoning Map



CEDARBROOK MEADOWS

EMPORIA, LYON COUNTY, KANSAS

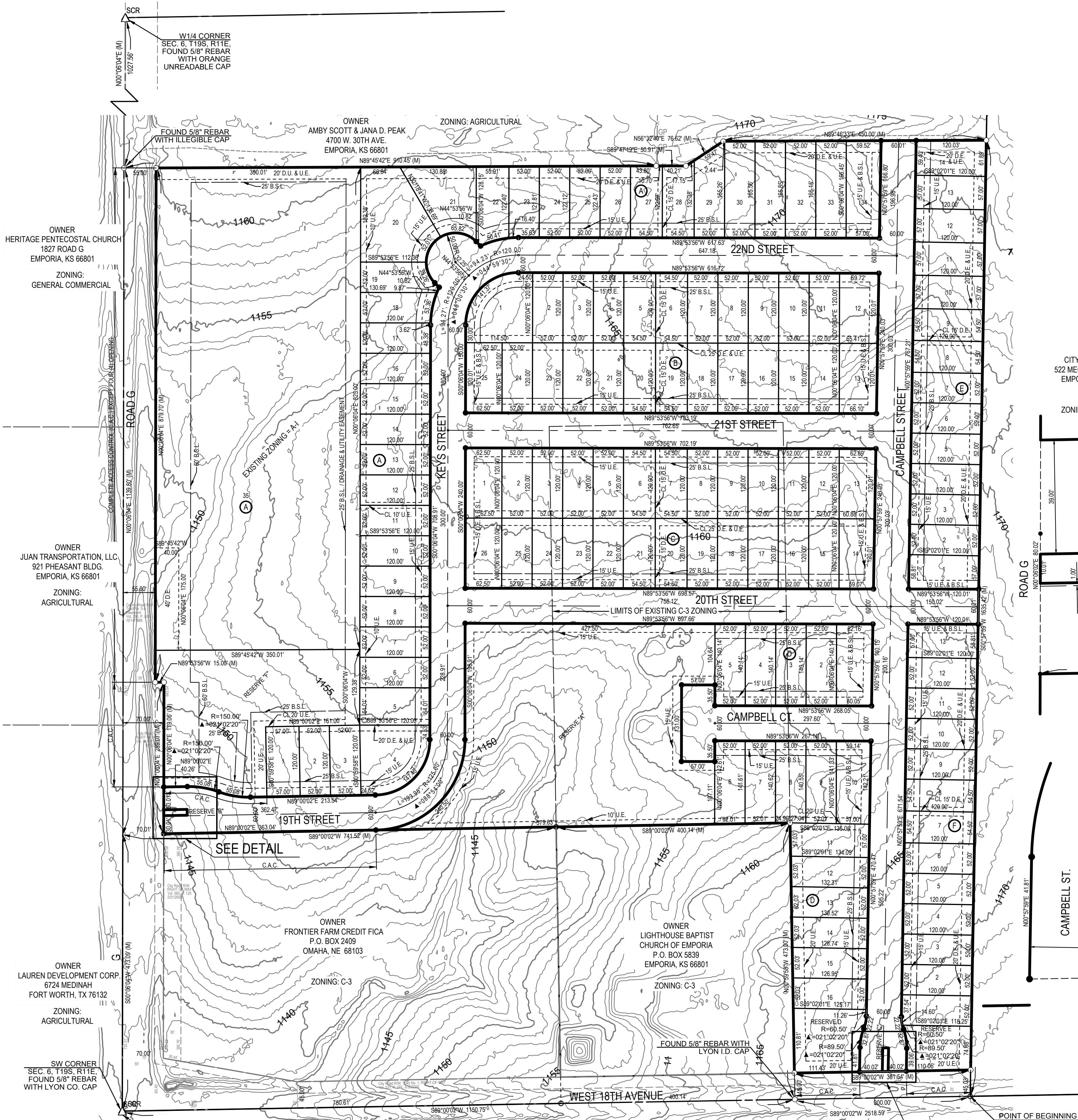
PRELIMINARY PLAT



- △ FOUND CORNER AS NOTED
● SET MONUMENT
○ FOUND 5/8" REBAR AS NOTED
B.S.L. BUILDING SETBACK LINE
C.A.C. COMPLETE ACCESS CONTROL
U.E. UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
(M) MEASURED
(R) RECORD
(P) PLATTED

LEGAL DESCRIPTION

A CONTIGUOUS TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, AS ORIGINALLY DESCRIBED AND PREPARED ON SEPTEMBER 26, 2024, BY ERNEST CANTU, JR., P.S.#1407, AND PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (C.L.S.#865), A PROFESSIONAL ASSOCIATION LICENSED TO PRACTICE SURVEYING IN THE STATE OF KANSAS, SAID TRACT OF LAND DESCRIBED BASED ON A BEARING OF SOUTH 89°00'02" WEST, MEASURED FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, USING ZONE 9 OF THE KANSAS REGIONAL COORDINATE SYSTEM (EMPORIA ZONE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, WITH DISTANCES HEREIN MEASURED HORIZONTALLY ON THE GROUND, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: **COMMENCING** AT A 1/2-INCH REBAR WITH YELLOW I.D. CAP STAMPED "KVE CLS20", HELD FOR THE POSITION OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS; THENCE BEARING SOUTH 89°00'02" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1067.84 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING COINCIDENT WITH THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903, RECORDED ON SEPTEMBER 9, 1998, WITH THE OFFICE OF THE REGISTER OF DEEDS, LYON COUNTY, KANSAS; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN JOINT TENANCY WARRANTY DEED, IN BOOK 444 OF DEEDS, PAGE 495, RECORDED ON MAY 12, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS, FROM WHICH A 5/8-INCH REBAR WITH LYON COUNTY I.D. CAP IN A CIRCULAR SURVEY MONUMENT BOX, HELD FOR THE POSITION OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS SAME SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6 AT DISTANCE OF 1150.75 FEET; THENCE BEARING NORTH 0°59'58" WEST, PERPENDICULAR FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 444, PAGE 495, AND ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN WARRANTY DEED, IN BOOK 448 OF DEEDS, PAGE 607, RECORDED ON JUNE 15, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS, A DISTANCE OF 473.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607; THENCE BEARING SOUTH 89°00'02" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 AND ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, A DISTANCE OF 400.14 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, ALSO BEING COINCIDENT WITH THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INDIVIDUAL TRUSTEE'S DEED, IN DOCUMENT NUMBER 2015-04746, RECORDED ON DECEMBER 30, 2015, SAID POINT ALSO BEING PERPENDICULARLY NORTH FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, NORTH OF A POINT 750.61 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 AS DESCRIBED IN SAID BOOK 448, PAGE 607, AND AS DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, A DISTANCE OF 741.52 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, BEING COINCIDENT WITH THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, FROM WHICH THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 BEARS SOUTH 0°06'04" WEST ALONG SAID WEST LINE AT A DISTANCE OF 473.09 FEET; THENCE BEARING NORTH 0°06'04" EAST ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1139.80 FEET, FROM WHICH A 5/8-INCH REBAR WITH ILLEGIBLE CAP (POSSIBLY RESET BY STEVEN S. BROSEMER, PS#752, ON OCTOBER 15, 2001), HELD FOR THE POSITION OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS NORTH 0°06'04" EAST ALONG SAID WEST LINE AT A DISTANCE OF 1027.56 FEET; THENCE BEARING NORTH 89°45'42" EAST A DISTANCE OF 910.45 FEET; THENCE BEARING SOUTH 89°47'19" EAST A DISTANCE OF 50.91 FEET; THENCE BEARING NORTH 56°32'40" EAST A DISTANCE OF 76.62 FEET; THENCE BEARING NORTH 89°46'33" EAST A DISTANCE OF 450.00 FEET TO THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903; THENCE BEARING SOUTH 0°57'59" WEST ALONG SAID WEST LINE OF SAID TRACT OF LAND DESCRIBED IN VOLUME 436, PAGE 903, A DISTANCE OF 1835.42 FEET TO THE **POINT OF BEGINNING**; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR WEST 18TH AVENUE ON THE SOUTH 45 FEET THEREOF, AS DESCRIBED IN RIGHT OF WAY TRACT NO. 1, IN VOLUME 531, PAGE 271, RECORDED ON MARCH 30, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO LYON COUNTY ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 55 FEET THEREOF, AS DESCRIBED IN EASEMENT TRACT NO. 5-A, IN VOLUME 296, PAGE 509, RECORDED ON OCTOBER 14, 1966, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 100 FEET, MEASURED ALONG THE SOUTH 260.42 FEET OF THE MOST WESTERLY LINE OF SAID TRACT OF LAND, AS DESCRIBED IN RIGHT OF WAY, IN VOLUME 541, PAGE 603, RECORDED ON AUGUST 10, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND THEREOF CONTAINING 41.839 GROSS ACRES, MORE OR LESS, AND CONTAINING 40,000 NET ACRES, MORE OR LESS, EXCLUSIVE OF SAID ROAD RIGHTS OF WAY; END OF DESCRIPTION.



NOTES:

DATE OF PREPARATION: OCTOBER 17, 2024
DATE OF SURVEY: SEPTEMBER 12, 2024
CONTRACT PURCHASER AND SUB-DIVIDERS: CROSSWINDS AT FLINT HILLS, LLC
3910 WEST 6TH, BOX 231
STILLWATER, OK 74074
OWNER: AMBY SCOTT & JANA D. PEAK
4700 W 30TH AVE, EMPORIA, KS 66801
SURVEYOR & ENGINEER: PROFESSIONAL ENGINEERING CONSULTANTS
303 S. TOPEKA, WICHITA, KS 67202
EXISTING ZONING: C-3 AND A-1
PROPOSED ZONING: PUD
EXISTING USE: AGRICULTURE

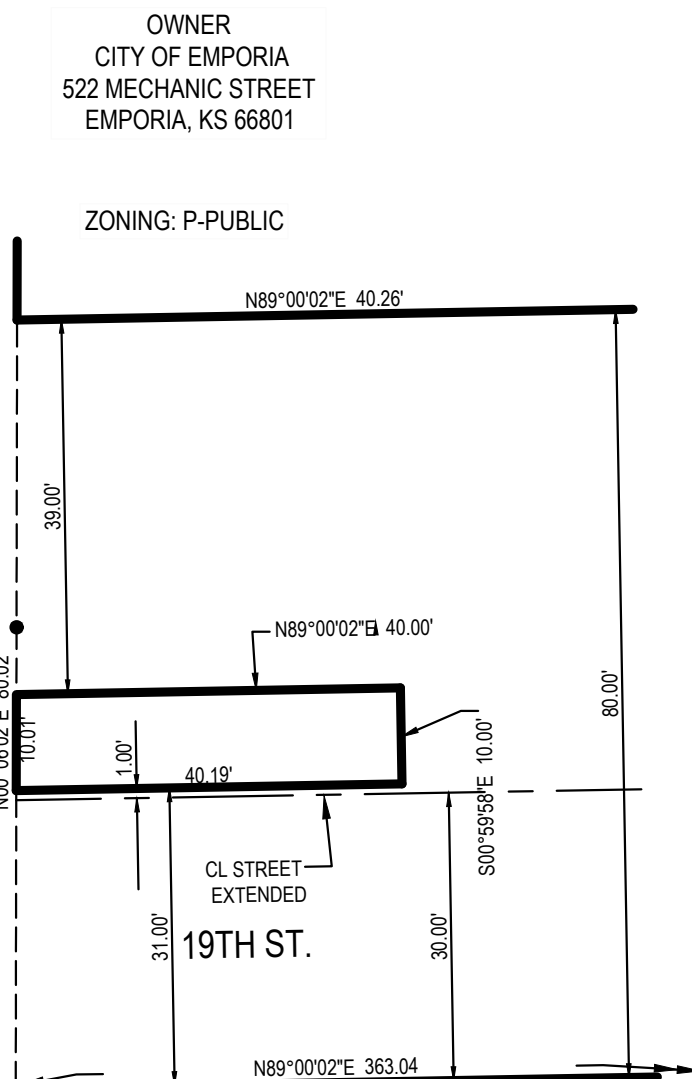
RESERVES A AND F ARE HEREBY PLATTED FOR OPEN SPACE, DRAINAGE, STORMWATER DETENTION, RECREATIONAL USES, PRIVATE SIDEWALKS, PARKING, LANDSCAPING AND UTILITIES CONFINED TO EASEMENTS.

RESERVES B AND C ARE HEREBY PLATTED FOR OPEN SPACE, ENTRY MONUMENTS, LANDSCAPING AND UTILITIES CONFINED TO EASEMENTS.

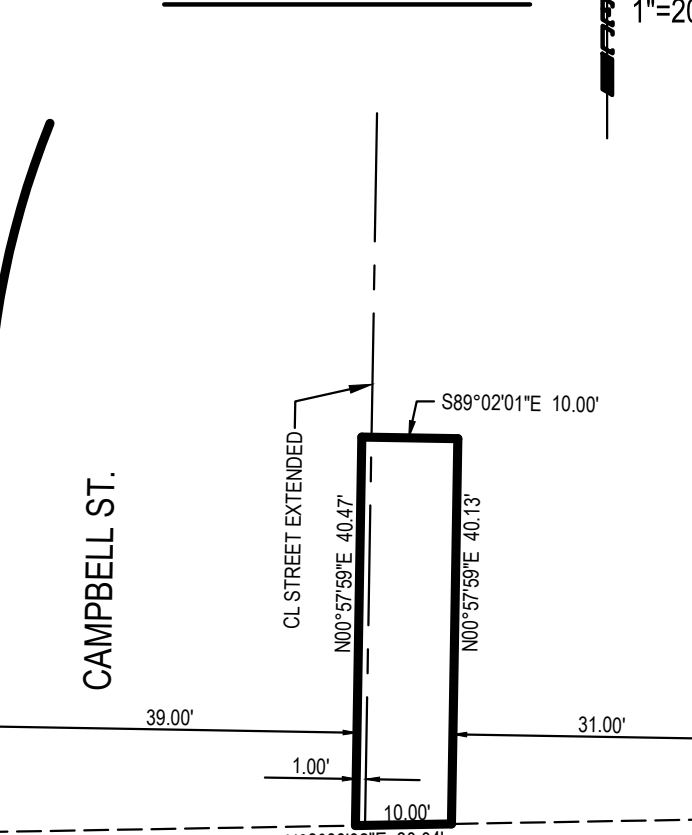
RESERVES D AND E ARE HEREBY PLATTED FOR OPEN SPACE, ENTRY MONUMENTS, PRIVATE SIDEWALKS, BERMS, LANDSCAPING, AND UTILITIES CONFINED TO EASEMENTS.

RESERVES A THROUGH F SHALL BE OWNED AND MAINTAINED BY ONE OR MORE PROPERTY OWNERS ASSOCIATIONS TO BE FORMED.

ACCORDING TO FLOOD INSURANCE RATE MAY 2020/21 (LYON COUNTY UNINCORPORATED AREAS), SUBJECT PROPERTY IS LOCATED IN ZONE X, OUTSIDE OF FLOOD HAZARD AREA, FEMA FLOODPLAIN AND REGULATORY FLOODWAY BOUNDARIES ARE SUBJECT TO PERIODIC CHANGE AND SUCH CHANGE MAY AFFECT THE INTENDED USE OF THE PROPERTY.



RESERVE B DETAIL



WEST 18TH AVENUE RESERVE C DETAIL

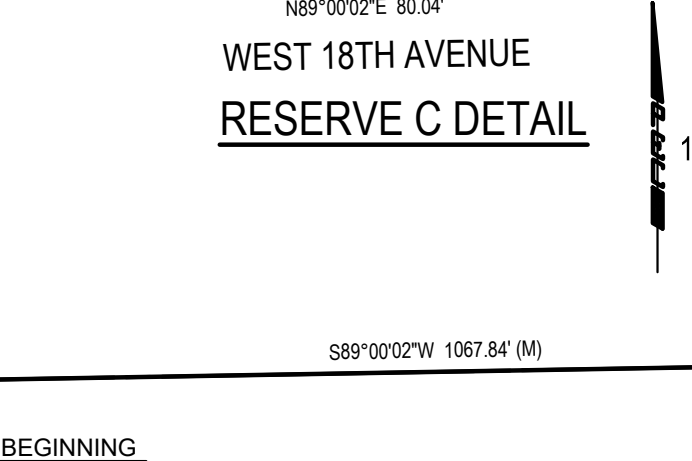


EXHIBIT A
CEDARBROOK MEADOWS LEGAL DESCRIPTION

A CONTIGUOUS TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, AS ORIGINALLY DESCRIBED AND PREPARED ON SEPTEMBER 26, 2024, BY ERNEST CANTU, JR., P.S. #1407, AND PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (C.L.S. #65), A PROFESSIONAL ASSOCIATION LICENSED TO PRACTICE SURVEYING IN THE STATE OF KANSAS, SAID TRACT OF LAND DESCRIBED BASED ON A BEARING OF SOUTH 89°00'02" WEST, MEASURED FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, USING ZONE 9 OF THE KANSAS REGIONAL COORDINATE SYSTEM (EMPORIA ZONE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, WITH DISTANCES HEREIN MEASURED HORIZONTALLY ON THE GROUND, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 1/2-INCH REBAR WITH YELLOW I.D. CAP STAMPED "KVE CLS20", HELD FOR THE POSITION OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS; THENCE BEARING SOUTH 89°00'02" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1067.84 FEET TO THE POINT OF BEGINNING, SAID POINT BEING COINCIDENT WITH THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903, RECORDED ON SEPTEMBER 9, 1998, WITH THE OFFICE OF THE REGISTER OF DEEDS, LYON COUNTY, KANSAS; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN JOINT TENANCY WARRANTY DEED, IN BOOK 444 OF DEEDS, PAGE 495, RECORDED ON MAY 12, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS, FROM WHICH A 5/8-INCH REBAR WITH LYON COUNTY I.D. CAP IN A CIRCULAR SURVEY MONUMENT BOX, HELD FOR THE POSITION OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS SAME SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6 AT DISTANCE OF 1150.75 FEET; THENCE BEARING NORTH 0°59'58" WEST, PERPENDICULAR FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 444, PAGE 495, AND ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN WARRANTY DEED, IN BOOK 448 OF DEEDS, PAGE 607, RECORDED ON JUNE 15, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS, A DISTANCE OF 473.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607; THENCE BEARING SOUTH 89°00'02" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 AND ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, A DISTANCE OF 400.14 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, ALSO BEING COINCIDENT WITH THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INDIVIDUAL TRUSTEE'S DEED, IN DOCUMENT NUMBER 2015-04746, RECORDED ON DECEMBER 30, 2015, SAID POINT ALSO BEING PERPENDICULARLY NORTH FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6,

NORTH OF A POINT 750.61 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 AS DESCRIBED IN SAID BOOK 448, PAGE 607, AND AS DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, A DISTANCE OF 741.52 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, BEING COINCIDENT WITH THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, FROM WHICH THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 BEARS SOUTH 0°06'04" WEST ALONG SAID WEST LINE AT A DISTANCE OF 473.09 FEET; THENCE BEARING NORTH 0°06'04" EAST ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1139.80 FEET, FROM WHICH A 5/8-INCH REBAR WITH ILLEGIBLE CAP (POSSIBLY RESET BY STEVEN S. BROSEMER, PS#752, ON OCTOBER 15, 2001), HELD FOR THE POSITION OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS NORTH 0°06'04" EAST ALONG SAID WEST LINE AT A DISTANCE OF 1027.56 FEET; THENCE BEARING NORTH 89°45'42" EAST A DISTANCE OF 910.45 FEET; THENCE BEARING SOUTH 89°47'19" EAST A DISTANCE OF 50.91 FEET; THENCE BEARING NORTH 56°32'40" EAST A DISTANCE OF 76.62 FEET; THENCE BEARING NORTH 89°46'33" EAST A DISTANCE OF 450.00 FEET TO THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903; THENCE BEARING SOUTH 0°57'59" WEST ALONG SAID WEST LINE OF SAID TRACT OF LAND DESCRIBED IN VOLUME 436, PAGE 903, A DISTANCE OF 1635.42 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR WEST 18TH AVENUE ON THE SOUTH 45 FEET THEREOF, AS DESCRIBED IN RIGHT OF WAY TRACT NO. 1, IN VOLUME 531, PAGE 271, RECORDED ON MARCH 30, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO LYON COUNTY ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 55 FEET THEREOF, AS DESCRIBED IN EASEMENT TRACT NO. 5-A, IN VOLUME 296, PAGE 509, RECORDED ON OCTOBER 14, 1966, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 100 FEET, MEASURED ALONG THE SOUTH 260.42 FEET OF THE MOST WESTERLY LINE OF SAID TRACT OF LAND, AS DESCRIBED IN RIGHT OF WAY, IN VOLUME 541, PAGE 603, RECORDED ON AUGUST 10, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND THEREOF CONTAINING 41.839 GROSS ACRES, MORE OR LESS, AND CONTAINING 40.000 NET ACRES, MORE OR LESS, EXCLUSIVE OF SAID ROAD RIGHTS OF WAY; END OF DESCRIPTION.



**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, MARCH 18, 2025, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2025-04

Applicants: Crosswinds At Flint Hills LLC (owner / applicant)
Professional Engineering Consultants (agent)

Owners: Crosswinds At Flint Hills LLC

Requested Action: Consider a request to rezone property from Lyon County
Agriculture/Commercial Parcel Type to City of Emporia Commercial & Single-Family Parcel Type

Purpose: To facilitate the development of a new detached single-family housing development and
future commercial development.

Address: North of 18th Ave. – East of Road G

Legal description:

“C” LEGAL DESCRIPTION

A tract of land lying within the Southwest Quarter of Section 6, Township 19 South, Range 11 East, of the 6th Principal Meridian, Lyon County, Kansas described as:
COMMENCING at the West Quarter Corner of said Section 6; thence South along the west line of the Southwest Quarter of said Section 6 bearing S00°06'04"W a distance of 1,027.56 feet; thence bearing N89°45'42"E a distance of 55.00 feet to the POINT OF BEGINNING; thence continuing bearing N89°45'42"E a distance of 350.01 feet; thence south parallel with the west line of said Southwest Quarter bearing S00°06'04"W a distance of 825.00 feet; thence bearing S89°45'42"W a distance of 350.01 feet to a point being 55.00 feet east of the west line of said Southwest Quarter; thence along a line parallel with and 55.00 feet east of the west line of Southwest Quarter bearing N00°06'04"E a distance of 879.70 feet to the POINT OF BEGINNING.

“SF-D” LEGAL DESCRIPTION

A contiguous Tract of Land lying within the Southwest Quarter of Section 6, Township 19 South, Range 11 East of the Sixth Principal Meridian, Lyon County, Kansas, as originally described and prepared on September 26, 2024, by Ernest Cantu, Jr., P.S. #1407, and Professional Engineering Consultants, P.A. (C.L.S. #65), a professional association licensed to practice surveying in the State of Kansas, said Tract of Land described based on a bearing of South 89°00'02" West, measured from the southeast corner of said Southwest Quarter of Section 6 to the southwest corner of said Southwest Quarter of Section 6, using Zone 9 of the Kansas Regional Coordinate System (Emporia Zone), with all bearings contained herein relative thereto, with distances herein measured horizontally

on the ground, said Tract of Land more particularly described as follows: **COMMENCING** at a 1/2-inch rebar with yellow I.D. cap stamped "KVE CLS20", held for the position of the southeast corner of the Southwest Quarter of Section 6, Township 19 South, Range 11 East of the Sixth Principal Meridian, Lyon County, Kansas; thence bearing South 89°00'02" West along the south line of said Southwest Quarter of Section 6 a distance of 1067.84 feet to the **POINT OF BEGINNING**, said point being coincident with the southwest corner of a tract of land described in General Warranty Deed, in Volume 436, Page 903, recorded on September 9, 1998, with the Office of the Register of Deeds, Lyon County, Kansas; thence continuing without deflection, bearing South 89°00'02" West along said south line of said Southwest Quarter of Section 6 a distance of 300.00 feet to the southeast corner of a tract of land described in Joint Tenancy Warranty Deed, in Book 444 of Deeds, Page 495, recorded on May 12, 2000, with said Office of the Register of Deeds, from which a 5/8-inch rebar with Lyon County I.D. cap in a circular survey monument box, held for the position of the southwest corner of said Southwest Quarter of Section 6, bears same South 89°00'02" West along said south line of the Southwest Quarter of Section 6 at distance of 1150.75 feet; thence bearing North 0°59'58" West, perpendicular from said south line of the Southwest Quarter of Section 6, along the east line of said tract of land described in Book 444, Page 495, and along the east line of a tract of land described in Warranty Deed, in Book 448 of Deeds, Page 607, recorded on June 15, 2001, with said Office of the Register of Deeds, a distance of 473.00 feet to the northeast corner of said tract of land described in Book 448, Page 607; thence bearing South 89°00'02" West, parallel with the south line of said Southwest Quarter of Section 6 and along the north line of said tract of land described in Book 448, Page 607, a distance of 400.14 feet to the northwest corner of said tract of land described in Book 448, Page 607, also being coincident with the northeast corner of a tract of land described in Individual Trustee's Deed, in Document Number 2015-04746, recorded on December 30, 2015, said point also being perpendicularly North from said south line of the Southwest Quarter of Section 6, north of a point 750.61 feet east of the southwest corner of said Southwest Quarter of Section 6 as described in said Book 448, Page 607, and as described in said Document Number 2015-04746; thence continuing without deflection, bearing South 89°00'02" West, along the north line of said tract of land described in said Document Number 2015-04746, a distance of 741.52 feet to the west line of said Southwest Quarter of Section 6, being coincident with the northwest corner of said tract of land described in said Document Number 2015-04746, from which the southwest corner of said Southwest Quarter of Section 6 bears South 0°06'04" West along said west line at a distance of 473.09 feet; thence bearing North 0°06'04" East along said west line of the Southwest Quarter of Section 6 a distance of 1139.80 feet, from which a 5/8-inch rebar with illegible cap (possibly reset by Steven S. Brosemer, PS#752, on October 15, 2001), held for the position of the northwest corner of said Southwest Quarter of Section 6, bears North 0°06'04" East along said west line at a distance of 1027.56 feet; thence bearing North 89°45'42" East a distance of 910.45 feet; thence bearing South 89°47'19" East a distance of 50.91 feet; thence bearing North 56°32'40" East a distance of 76.62 feet; thence bearing North 89°46'33" East a distance of 450.00 feet to the west line of said tract of land described in General Warranty Deed, in Volume 436, Page 903; thence bearing South 0°57'59" West along said west line of said tract of land described in Volume 436, Page 903, a distance of 1635.42 feet to the **POINT OF BEGINNING**; said Tract of Land being subject to City of Emporia road right of way for West 18th Avenue on the South 45 feet thereof, as described in Right of Way Tract No. 1, in Volume 531, Page 271, recorded on March 30, 2000, with said Office of the Register of Deeds; said Tract of Land being subject to Lyon County road right of way for Road G on the West 55 feet thereof, as described in Easement Tract No. 5-A, in Volume 296, Page 509, recorded on October 14, 1966, with said Office of the Register of Deeds; said Tract of Land being subject to City of Emporia road right of way for Road G on the West 100 feet, measured along the South 260.42 feet of the most westerly line of said Tract of Land, as described in Right of Way, in Volume 541, Page 603, recorded on August 10, 2001, with said Office of the Register of Deeds; exclusive of said road rights of way; EXCEPT

A tract of land lying within the Southwest Quarter of Section 6, Township 19 South, Range 11 East, of the 6th Principal Meridian, Lyon County, Kansas described as:
COMMENCING at the West Quarter Corner of said Section 6; thence South along the west line of the Southwest Quarter of said Section 6 bearing S00°06'04"W a distance of 1,027.56 feet; thence bearing N89°45'42"E a distance of 55.00 feet to the POINT OF BEGINNING; thence continuing bearing N89°45'42"E a distance of 350.01 feet; thence south parallel with the west line of said Southwest Quarter bearing S00°06'04"W a distance of 825.00 feet; thence bearing S89°45'42"W a distance of 350.01 feet to a point being 55.00 feet east of the west line of said Southwest Quarter; thence along a line parallel with and 55.00 feet east of the west line of Southwest Quarter bearing N00°06'04"E a distance of 879.70 feet to the POINT OF BEGINNING.

Lot Size: Overall: 40 acres
Commercial Tract: 8.1 acres
Residential Tract: 31.9 acres

Existing Zoning: Lyon County Agriculture / Commercial

Future Zoning in ELC Comp. Plan: Mixed Use

Surrounding Zoning:

North	County Agriculture
East	City Civic / Public
South	Flex-Use Low
West	County Agriculture

Surrounding Actual Uses:

North	Cropland
East	Jones Aquatic Center / City Owned Property
South	Frontier Farm Credit / Lighthouse Baptist Church
West	Vacant Ground / Juan Transportation Trucking Services

Analysis: The applicants are requesting that the property be rezoned to facilitate the development of a residential subdivision and a commercial development. They are in the process of annexing the property into the city limits and prior to any development occurring on the property, it must be rezoned to a City Parcel Type.

The overall tract of land is 40 acres and if approved, 8 acres would be reserved for future commercial development with the balance of the property being dedicated to residential use. The commercial area would abut Road G and the residential area would sit behind the commercial properties already existing along 18th Ave. with access points on both 18th Ave and Road G.

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 maintains that the change would be consistent with the regulations themselves. The concept of the adopted code was to allow for greater variation within existing areas by promoting multiple parcel types within an area. Road G is considered a major corridor with commercial type development already occurring to the south.**
2. The character and condition of the neighborhood and its effect on the proposed change; **The existing area consists of cropland and commercial type uses, as well as major recreational facilities. The rezoning would have no negative impact on the existing area.**
3. The zoning and uses of properties nearby; **The zoning and uses of the areas nearby, are commercial in nature and recreational. The uses, as previously stated, would be in harmony with the proposed rezoning.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property is currently zoned under County regulations and once brought into the City limits should be rezoned to City parcel types. The property has been crop land, but is within the natural growth pattern of the city.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Staff contends that there would be no detrimental impact to nearby properties. The existing developed properties are commercial or recreational in nature and the additional commercial and residential property proposed would blend with the existing area.**
6. The length of time the subject property has remained vacant as zoned; **The property has been crop land, but is within the natural growth area of the City. Prior to the County dissolving the Municipal Growth Area, the area was within the MGA. The City has extended services to this area in anticipation of future growth.**
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 that allowing the rezoning would not have a negative impact on the general health, welfare, or safety of the community. Existing services would not be harmed or strained if the rezoning was approved.**
8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the rezoning request.**
9. The conformance of the requested change to Plan ELC; **The area was designated for future growth in both housing and commercial development in Plan ELC. The area has had infrastructure improvements extended to it in anticipation of future growth, which is recommended in Plan ELC.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

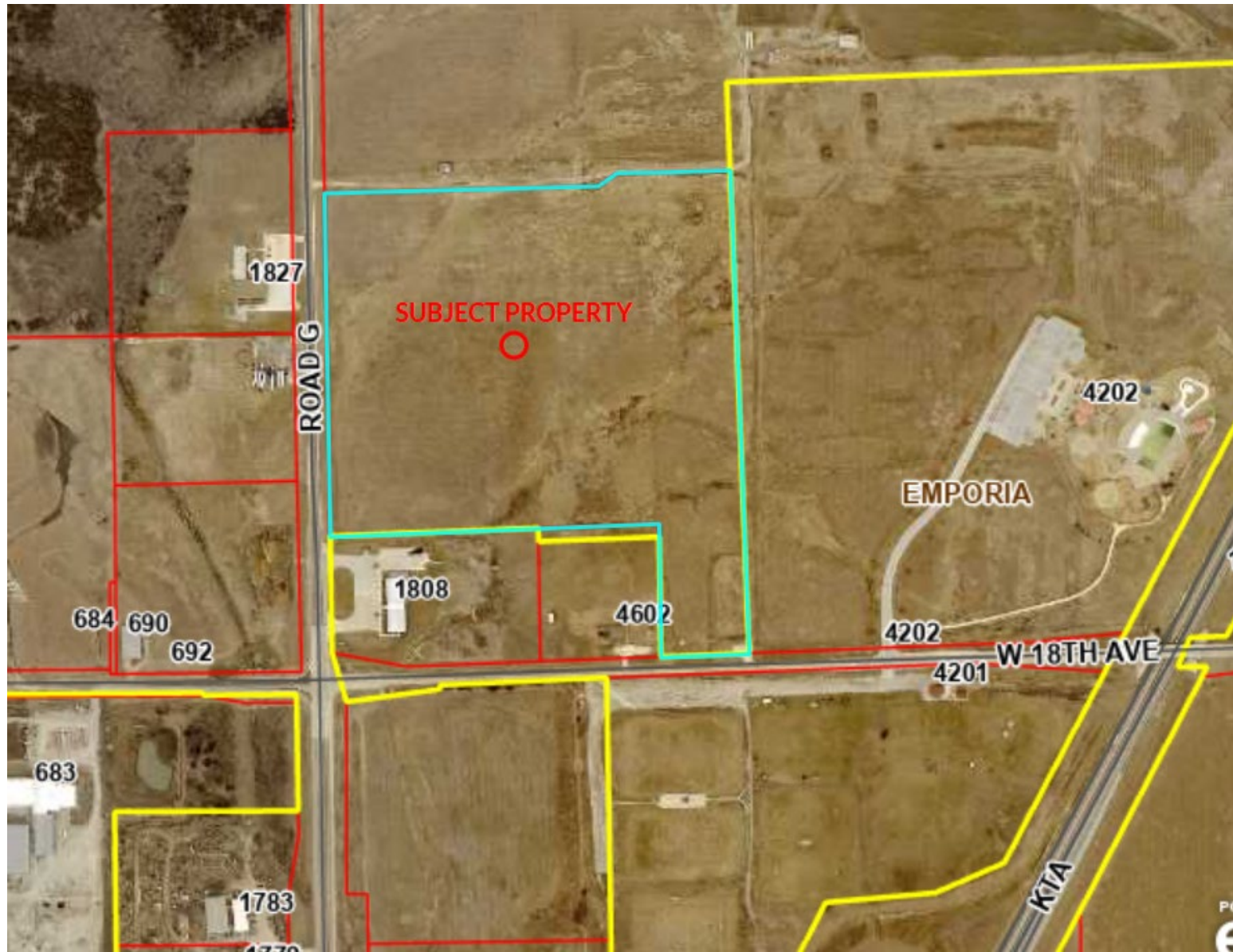
Neighborhood Communications: Staff has received several calls and questions from neighbors in the area, none stating any objections to the proposal.

Recommendation: Staff recommends the Planning Commission make a motion of approval for the rezoning to the Governing Body based on the following;

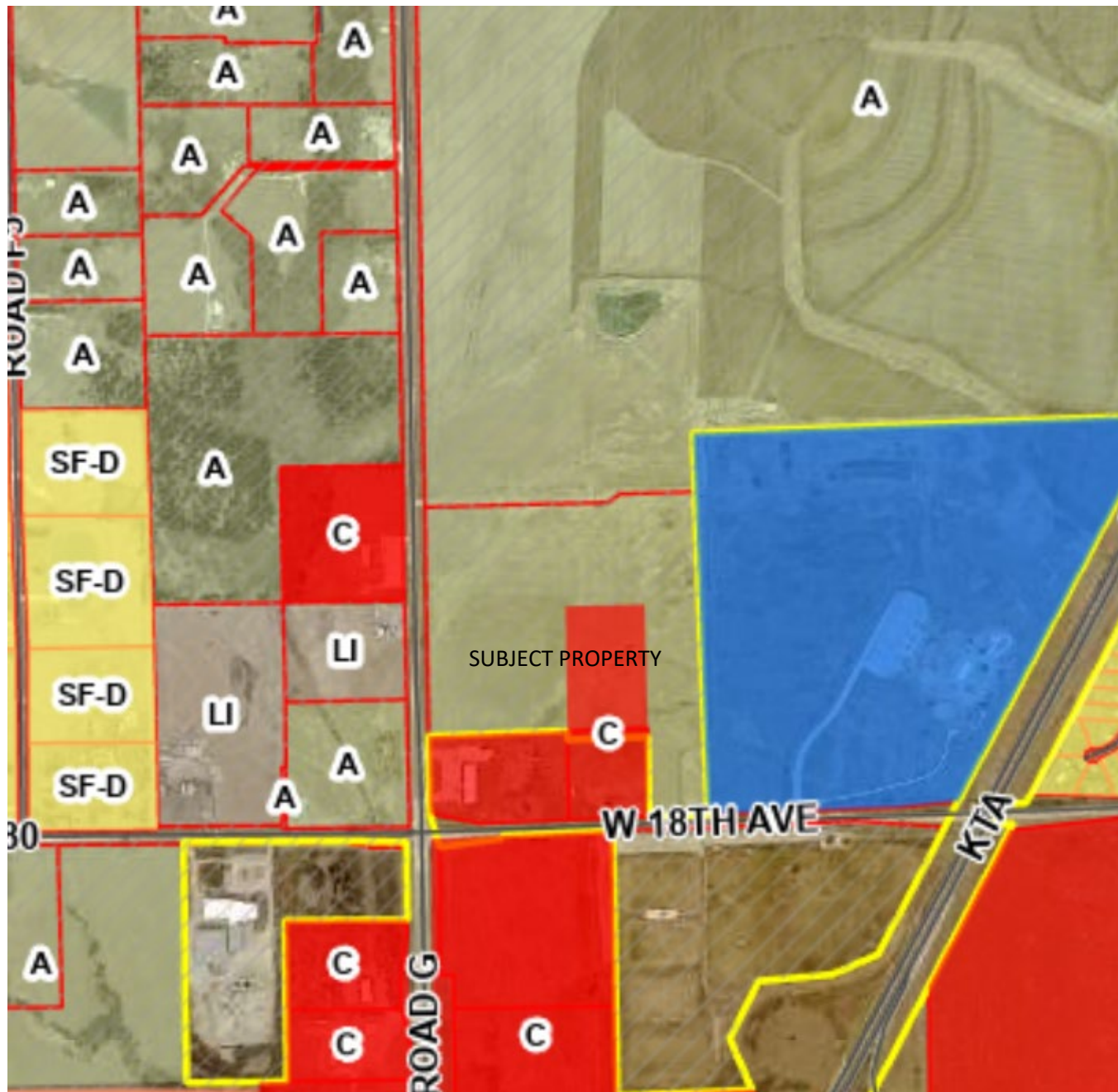
- 1) The request is consistent with the Comprehensive Plan
- 2) The request conforms to the intent of the Zoning Regulations
- 3) There would not be a negative impact on the existing neighborhood

Attachments: Aerial Map | Current Zoning Map | Plan ELC Map

CEDARBROOK MEADOWS
REZONING
AERIAL PHOTO



CEDARBROOK MEADOWS
Zoning Map



CEDARBROOK MEADOWS
REZONING
PLAN ELC MAP





-  COMMERCIAL (C)
-  RESIDENTIAL (SF-D)

02/14/2025



**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, MARCH 18, 2025, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2025-05

Applicants: AAA Real Estate LLC

Owners: AAA Real Estate LLC

Requested Action: Consider a request to rezone property from Single-Family Detached to Multi-Family.

Purpose: To facilitate the development of multiple residential units on a single tract of land.

Address: 1601 Prairie St.

Legal description: TRACT 1:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., CITY OF EMPORIA, LYON COUNTY, KANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF LUTHER STREET, SAID POINT BEING 5.00 FEET WEST OF THE SOUTHWEST CORNER OF LOT 12 IN ASKEW ADDITION TO THE CITY OF EMPORIA; THENCE S.89°45'53"E. (GEOID 03) ON THE SOUTH LINE OF ASKEW ADDITION AND ALSO THE SOUTH LINE OF J.V. KAROLICK ADDITION A DISTANCE OF 315.90 FEET TO POINT 15.00 FEET WEST OF THE SOUTHWEST CORNER OF LOT 4 IN J.V. KAROLICK ADDITION; THENCE S.0°44'26"W. PARALLEL WITH THE EAST LINE OF SAID NE1/4 NE1/4 A DISTANCE OF 66.00 FEET; THENCE S.89°45'53"E. PARALLEL WITH THE SOUTH LINE OF J.V. KAROLICK ADDITION A DISTANCE OF 175.00 FEET TO A POINT 146.00 FEET WEST OF THE EAST LINE OF SAID NE1/4 NE1/4; THENCE S.0°44'26"W. PARALLEL WITH SAID EAST LINE A DISTANCE OF 44.00 FEET TO THE SOUTHWEST CORNER OF A PREVIOUSLY CONVEYED TRACT RECORDED IN BOOK 404, PAGE 977 IN THE LYON COUNTY, REGISTER OF DEEDS OFFICE, THENCE S.89°45'53"E. ON THE SOUTH LINE OF SAID PREVIOUSLY CONVEYED TRACT A DISTANCE OF 121.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF PRAIRIE STREET, SAID POINT BEING 25.00 FEET WEST OF THE EAST LINE OF SAID NE1/4NE1/4; THENCE S.0°44'26"W. ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 55.07 FEET TO THE NORTHEAST CORNER OF LOT 1 IN W.J. BURCH ADDITION; THENCE N.89°49'58"W. ON THE NORTH LINE OF W.J. BURCH ADDITION A DISTANCE OF 474.37 FEET TO A POINT BEING 137.50 FEET EAST OF THE NORTHWEST CORNER OF LOT 6 IN W.J. BURCH ADDITION; THENCE N.0°43'41"E. PARALLEL WITH THE EAST RIGHT OF WAY LINE OF LUTHER STREET A DISTANCE OF 99.00 FEET; THENCE N.89°49'58"W. PARALLEL WITH THE NORTH LINE OF SAID W.J. BURCH ADDITION A DISTANCE OF 137.50 FEET TO A POINT ON

THE EAST RIGHT OF WAY LINE OF LUTHER STREET; THENCE N.0°43'41"E. ON THE EAST RIGHT OF WAY LINE OF LUTHER STREET A DISTANCE OF 66.80 FEET TO THE POINT OF BEGINNING.

TRACT 2:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., CITY OF EMPORIA, LYON COUNTY, KANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 146.00 FEET WEST OF THE NORTHEAST CORNER OF N1/2N1/2S1/2NE1/4NE1/4 OF SAID SECTION 8, SAID POINT BEING ON THE SOUTH LINE OF J.V. KAROLICK ADDITION AND ALSO BEING THE NORTHWEST CORNER OF A PREVIOUSLY CONVEYED TRACT RECORDED IN BOOK 404, AT PAGE 977, IN THE LYON COUNTY REGISTER OF DEEDS OFFICE (121.00 FEET WEST OF THE SOUTHEAST CORNER OF LOT 1, J.V. KAROLICK ADDITION); THENCE S.0°44'26"W. (GEOID 03) ON THE WEST LINE OF SAID PREVIOUSLY CONVEYED TRACT A DISTANCE OF 66.00 FEET; THENCE N.89°45'53"W. PARALLEL WITH THE SOUTH LINE OF J.V. KAROLICK ADDITION A DISTANCE OF 175.00 FEET; THENCE N0°44'26"W. PARALLEL WITH THE EAST LINE OF THE NE1/4NE1/4 OF SAID SECTION 8 A DISTANCE OF 66.00 FEET TO A POINT ON THE SOUTH LINE OF J.V. KAROLICK ADDITION, SAID POINT BEING 15.00 FEET WEST OF THE SOUTHWEST CORNER OF LOT 4 IN SAID ADDITION; THENCE S.89°45'53"E. ON THE SOUTH LINE OF J.V. KAROLICK ADDITION A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING.

Lot Size: 1.6 acres +/-

Existing Zoning: Single-Family Detached

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

Surrounding Zoning:

North	Single-Family Detached
East	Single-Family Detached Planned Unit Development
South	Single-Family Detached
West	Single-Family Detached Civic/Public

Surrounding Actual Uses:

North	Single-Family Homes
East	Single-Family Homes Ashely II Planned Unit Development
South	Single-Family Homes
West	Single-Family Homes Village Elementary School

Analysis: The applicants are requesting that the property be rezoned to facilitate the development of a series of small single-unit houses that could serve as long or short term rental property. Concept plans show 8 units within the property. The property had previously been used as a commercial nursery, but has been vacant for some time. A residence was demolished in 2024. Two buildings remain on the property, one is currently being remodeled into a living unit with an office space.

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 maintains that the change would be consistent with the regulations themselves. The concept of the adopted code was to allow for greater variation within existing areas by promoting multiple parcel types within an area.**
2. The character and condition of the neighborhood and its effect on the proposed change; **The property is surrounded by single-family residential properties, and multi-family zoning could have a significant impact on the neighboring property. It is a large tract of land, which is unique, and with proper screening the proposed plan, could blend into the existing neighborhood.**
3. The zoning and uses of properties nearby; **The majority of the notification area is zoned single-family residential. The Ashley II project was developed with a PUD, but the underlying zoning is single-family parcel type. Allowing multi-family within the neighborhood would be a departure from the existing zoning.**
4. The suitability of the subject property for the uses to which it has been restricted; **Because of the size, and previous use of the property, staff would maintain that a single, or two residences would not necessarily be the most appropriate use of the land. The amount of land, and how it is situated between two existing streets does promote higher density housing.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **By allowing for uses other than strictly single-family, there would be some impact on the neighboring properties. The most intensive use within the Multi-Family Parcel Type would allow for a structure up to five stories, which could dominate the area. Higher density housing would also have an effect, not necessarily negative, on the neighborhood.**
6. The length of time the subject property has remained vacant as zoned; **The property has been vacant for some time. It was previously zoned commercial, but when the new zoning regulations were adopted, it was converted to a Single-Family Parcel Type. The legal non-conforming use was abandoned, so the property reverts back to Single-Family uses. Staff would maintain that if required to only have single-family uses allowed on the property, it would remain vacant for some time.**
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 that allowing the rezoning would not necessarily have a negative impact on the general health, welfare, or safety; as conditions could be imposed on the property that would protect neighboring properties from some concerns. Existing services would not be harmed if the rezoning was approved.**
8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the proposed plan, but not necessarily allowing full Multi-Family uses on the property.**

9. The conformance of the requested change to Plan ELC; **Supporting infill development was a major priority of Plan ELC. This project is an adaptive reuse of the property, and would allow for some housing choice in the community.**

10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: Staff has received several calls and questions from neighbors in the area. Most have expressed concerns about increased traffic and the possibility of development that would be allowed outside of what the applicant has proposed.

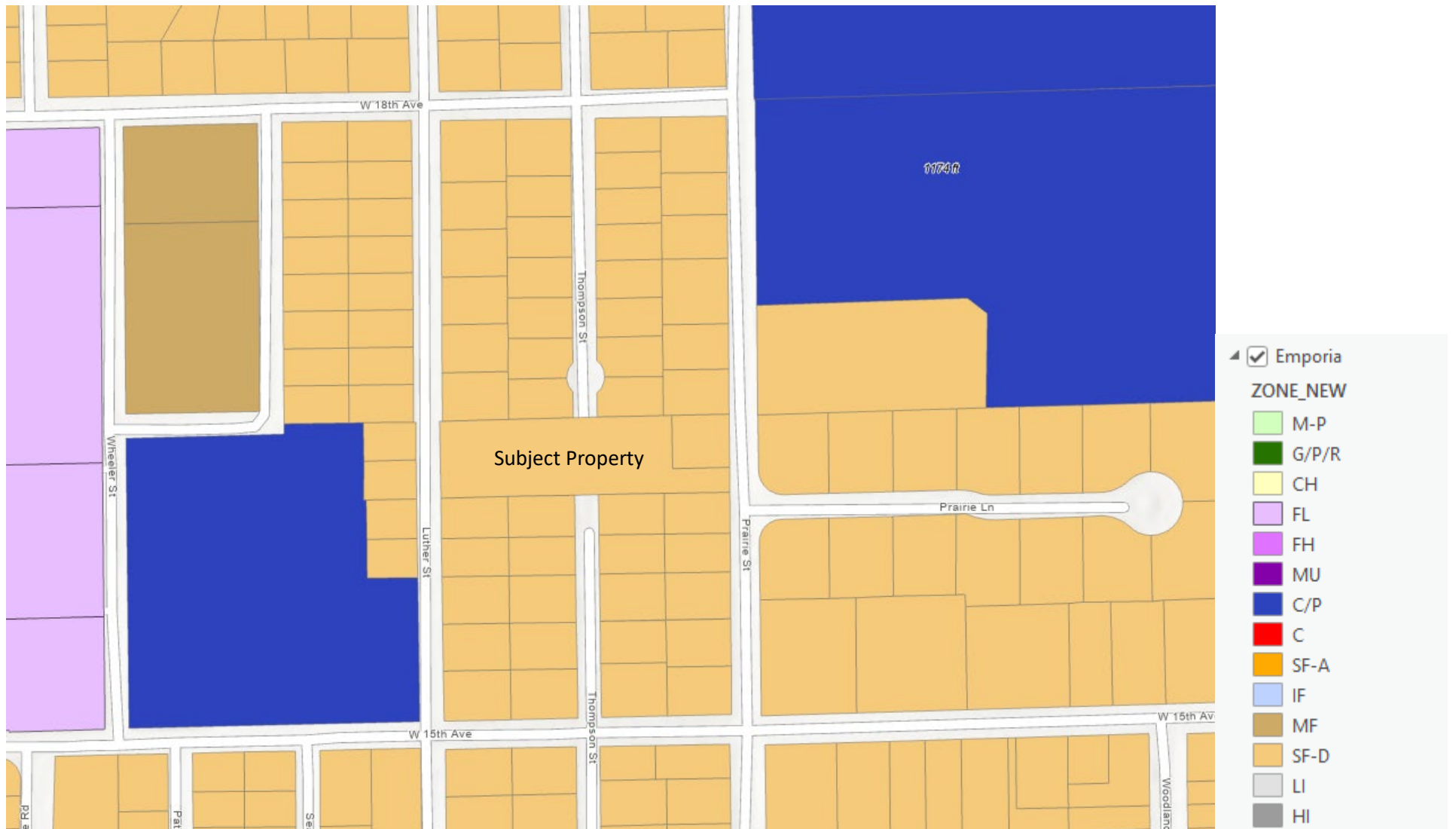
Recommendation: Staff recommends the Planning Commission provide feedback on a possible Planned Unit Development that would retain the underlying Single-Family Parcel Type regulations, allow for the owner to develop the property in a manner consistent with an approved plan and provide more of a fit to the overall characteristics of the neighborhood.

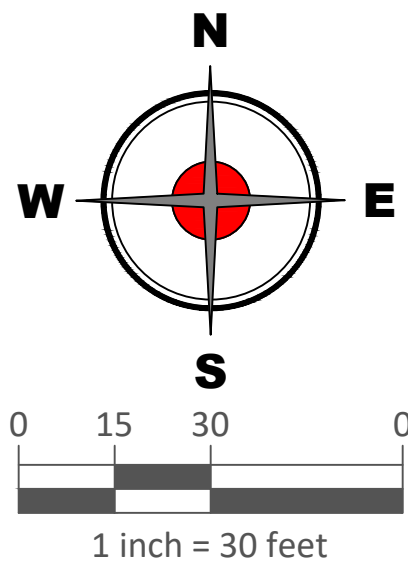
Attachments: Aerial Map | Current Zoning Map | Concept Site Plan

1601 Prairie St
Rezoning



1601 Prairie St
Zoning Map

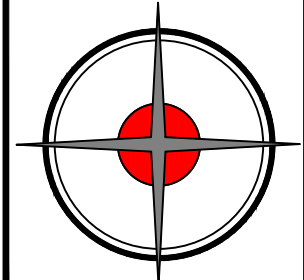




No.	Revision	Date

EMPORIA, KANSAS
1601 PRAIRIE STREET RESIDENTIAL
CONCEPT PLAN

DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

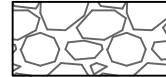
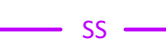


Project No.:	ER2025-02
Date:	3/7/2025
Sheet No.:	1 OF 1

SITE INFORMATION

1. Current Zoning: Light Residential
2. Proposed Zoning: (If applicable)
3. Site Area: 1.44 acres
4. Building Setbacks:
 - Front: 15'
 - Side: 5'
 - Rear: 20'
5. Parking Requirements
 - 1.5 Space per Unit
 - 14 Required Spaces
 - 21 Spaces Provided
 - 2 ADA Accessible stall

SITE LEGEND

-  Proposed Building
-  Proposed Sidewalk
-  Proposed Gravel Drive/Parking
-  Proposed Sanitary Sewer
-  Proposed Waterline
-  Proposed Underground Electric
-  Property Line



**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
TUESDAY, MARCH 18, 2025, 6:00 PM
CITY MUNICIPAL COURT ROOM**

STAFF REPORT

Application #: PC 2025-06

Applicants: Tara Birdsall & Russel Ringer

Owners: Tara Birdsall & Russel Ringer

Requested Action: Consider a request to rezone property from County Agriculture Parcel Type to City Country Home Parcel Type.

Purpose: The applicants are in the process of dividing assets from an estate. The applicants are ineligible for a lot split under County Subdivision Regulations and have petitioned for annexation so a lot split can be completed. Prior to the lot split being approved or any development to proceed on the property, it must be rezoned from a Lyon County Zoning Parcel Type to a City of Emporia Parcel Type.

Address: 1002 Trusler Rd.

Legal description: A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 424.25 FEET SOUTH OF THE SOUTHWEST CORNER OF THE INTERSECTION OF PEYTON STREET AND RILEY AVENUE IN THE CITY OF EMPORIA; THENCE NORTHWESTERLY ON THE NORTH LINE OF TRUSLER ROAD FOR A DISTANCE OF 413.18 FEET; THENCE NORTH 1146 FEET; THENCE EAST 408.6 FEET; THENCE SOUTH 1208 FEET TO THE POINT OF BEGINNING.

Lot Size: 11 acres +/-

Existing Zoning: Lyon County Agriculture

Future Zoning in ELC Comp. Plan: Country Home

Surrounding Zoning:

North	Greenspace/Parks/Recreation County Agriculture
East	Single-Family Detached
South	Interstate 35
West	Greenspace/Parks/Recreation Single-Family Detached

Surrounding Actual Uses:

North	Trusler Sports Complex
East	Single-Family Homes
South	Interstate 35
West	Single-Family Residence Trusler Sports Complex

Analysis: The applicants are in the process of dividing assets from an estate, and have proposed a lot split that would create an approximately 2-acre home site, and the balance of the property would be a separate lot. Under County Regulations, this property is ineligible to be split as it would not meet the minimum lot size for Country Home Parcel Types (10-acres). City Regulations allow for Country Home Parcel Types to be a minimum of 1-acre lots. The applicants have petitioned for annexation, which will be considered by the City Commission at their March 19, 2025 meeting.

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; **Removing the County designation and assigning a City zoning designation is consistent with the zoning regulations and required for properties to be developed within the City.**
2. The character and condition of the neighborhood and its effect on the proposed change; **Rezoning this property to a City Commercial Parcel Type would have no negative effect on the neighboring properties. The Country Home designation protects the existing single-family homes adjacent to the property and allows the applicants to proceed with their lot split.**
3. The zoning and uses of properties nearby; **Trusler Sports Complex would be largely unaffected by the rezoning. The neighboring properties to the east are single-family parcel types and would also not be impacted by this rezoning.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property was previously zoned as Commercial, and only when the County dissolved the Metropolitan Growth Area and designated properties as County Parcel Types has subject property been restricted.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Removing the County Parcel Type and reclassifying it as a City Country Home Parcel Type will have no detrimental impact on nearby properties. The property has been proposed to be a large lot single-family residence and is listed as such in the comprehensive plan.**
6. The length of time the subject property has remained vacant as zoned; **Classifying the property as City Country Home will have a minimal impact on the character of the property, and it will retain for the most part its current use. The length of time this property has been vacant is not necessarily applicable to this rezoning request.**

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; **Uses are limited in the Country Home Parcel Type and there would be no detrimental impact on public health, safety, and welfare if the parcel type were changed to County Home. By limiting the lot size that is allowed under County Regulations, the applicants are hindered in their desire to split the property.**
8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the rezoning.**
9. The conformance of the requested change to Plan ELC; **Plan ELC's Regulating Plan identifies this tract of land as a Country Home Parcel Type, and the area is adjacent to the city limits.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

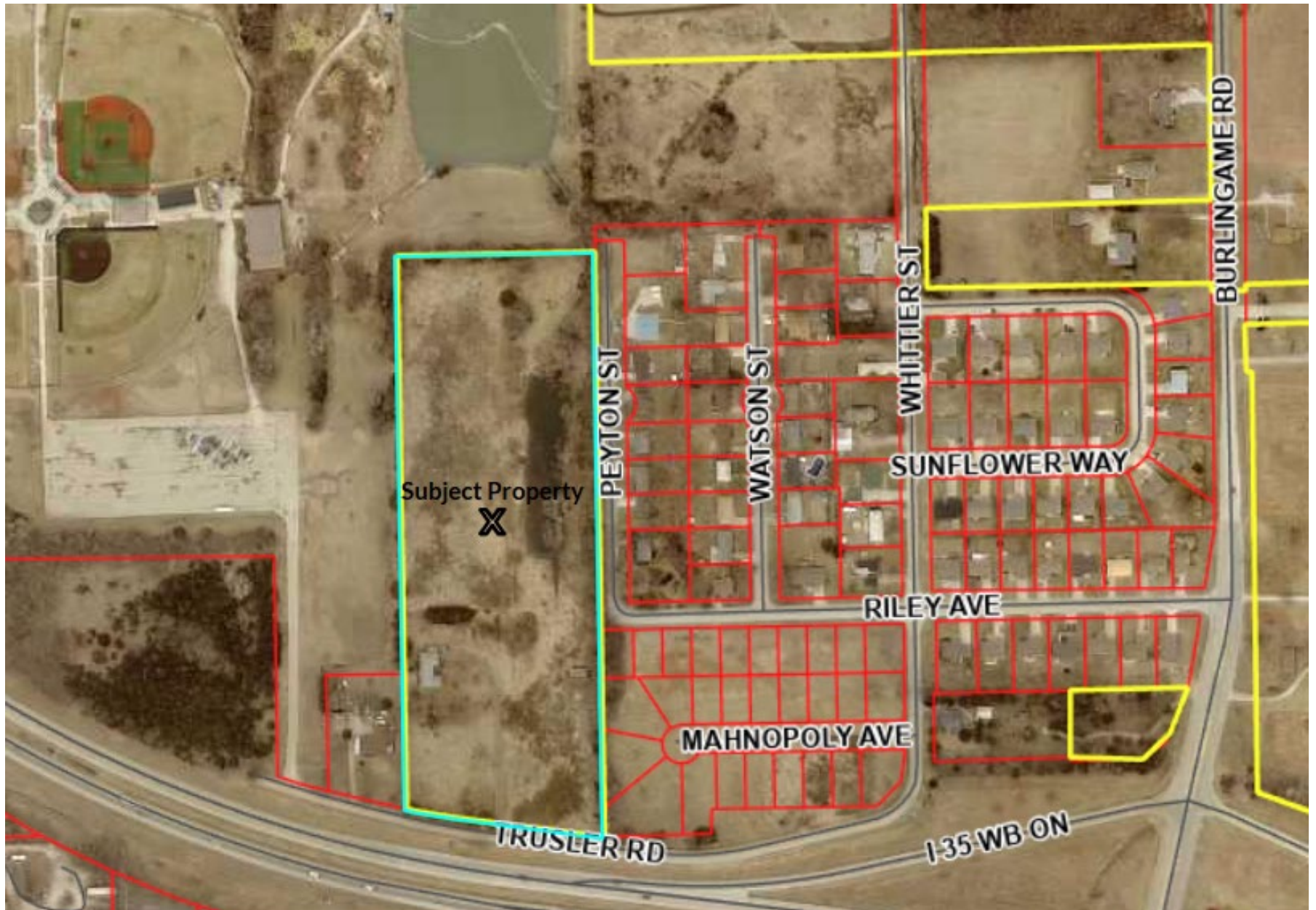
Neighborhood Communications: Staff has received several calls and questions from neighbors in the area. Most have expressed concerns about future single-family development, but have not objected to a single-family development.

Recommendation: Staff recommends the Planning Commission make a motion of approval for the Rezoning to the Governing Body based on the following;

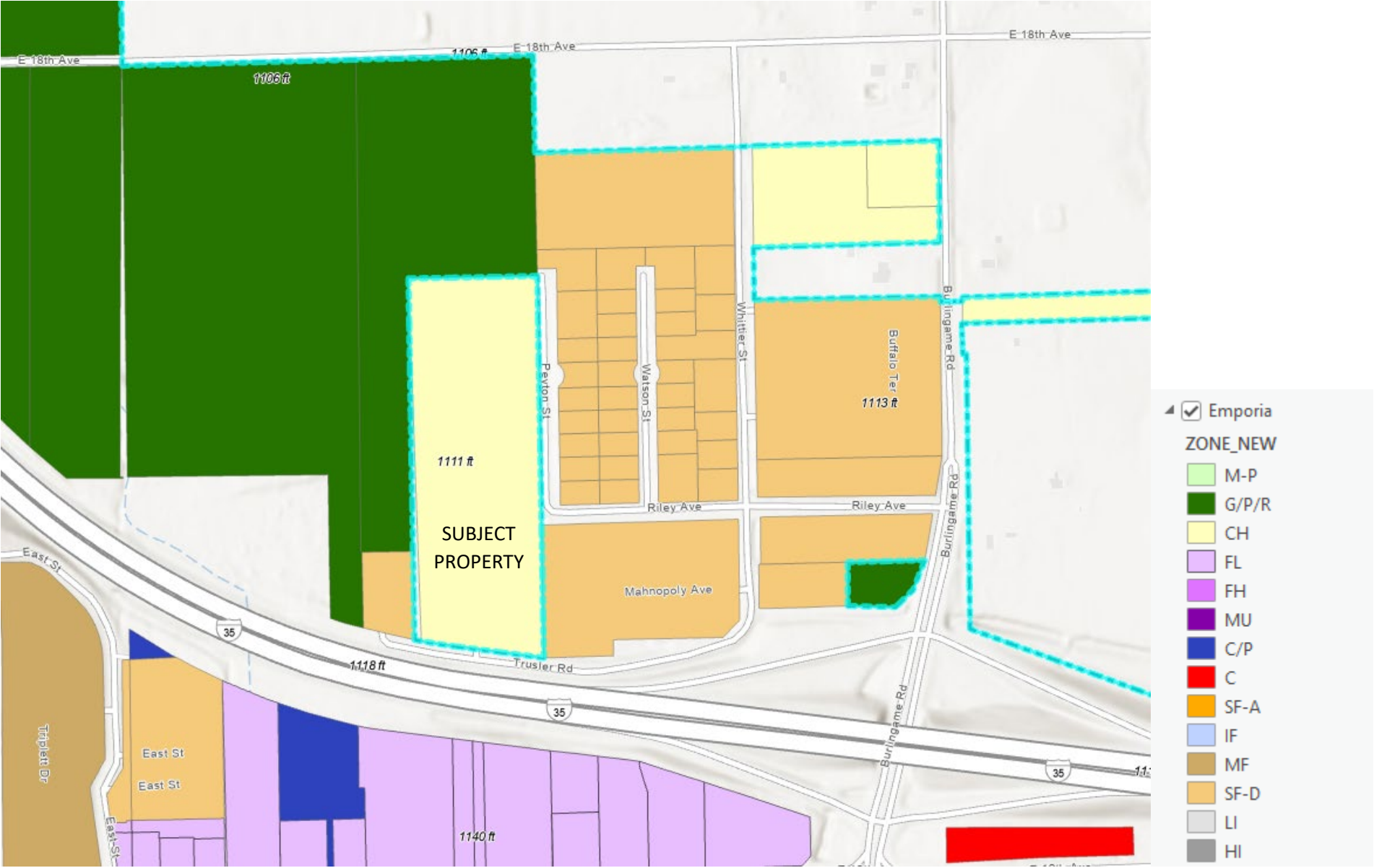
- 1) The request is consistent with the Comprehensive Plan;
- 2) The request conforms to the intent of the Zoning Regulations
- 3) There would not be a negative impact on the existing neighborhood

Attachments: Aerial Map | Current Zoning Map | Plan ELC Regulating Plan Map

1002 Trusler
Rezoning
Aerial Map



1002 Trusler
Rezoning
Zoning Map



1002 Trusler
Rezoning
PLAN ELC MAP

