



Emporia
Kansas

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

ORDER OF BUSINESS

CALL MEETING TO ORDER Chairman Raymond Rogers

MEMBERS PRESENT

Vice Chair Tammi Ogle | Kenton Thomas | Stan Fowler | Lilian Lingenfelter | Joe Reed

NEW BUSINESS

- 1. Board of Zoning Appeals: Consider the Minutes of the August 19, 2025 Board of Zoning Appeals Meeting.**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Approve Minutes
- 2. Board of Zoning Appeals: Consider BZA 2025-05, a Request for a Variance from the Maximum Size of an Accessory Structure at 110 S Pine.**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Conduct Public Hearing | Make Recommendation to the Governing Body
- 3. Planning Commission: Consider the Minutes of the October 21, 2025 Planning Commission Meeting.**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Approve Minutes
- 4. Planning Commission: Consider PC 2025-13 – A Request for the Vacation of a Utility Easement at 2301 Industrial Road.**
Presented by: Justin Givens, Planning & Zoning Administrator
Recommended Action: Conduct Public Hearing | Make Recommendation to Governing Body

ADJOURNMENT



**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
MINUTES OF AUGUST 19, 2025
REGULAR MEETING**

The Board of Zoning Appeals met in a regular session on Tuesday, August 19, 2025, with Chair Rogers presiding. Commissioners Bucklinger, Thomas, Fowler, Ogle, Lingenfelter, and Reed were present.

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

Chair Rogers called the meeting to order.

1. Consider the Minutes of the June 17, 2025 Board of Zoning Appeals Meeting.

Givens presented the commission with the minutes from the June 17, 2025 meeting.

Commissioner Thomas made a motion to approve the minutes as presented. Commissioner Ogle seconded the motion. The motion carried 7-0.

2. Consider BZA VAR 2025-04 – A Request for a Variance from the Maximum Height of an Accessory Structure at 1314 Woodland St.

Chair Rogers asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper for the original public hearing date.

Chair Rogers asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

STAFF REPORT

Application #: BZA 2025-04

Applicants: James Brull (property owner)

Requested Action: Approval of a Variance from the Maximum Height of an Accessory Structure

Purpose: Applicant desires to construct a 2-story accessory structure that would exceed the height of the primary structure.

Address: 1314 Woodland St.

Legal description: Lot 128, and the South 12.5 feet of Lot 130 on Woodland Street in Robinson's Subdivision., Emporia, Lyon County, Kansas

Lot Size: 10,625 sq. ft.

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

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

Surrounding Zoning:

North: Single-Family Detached
East: Single-Family Detached
South: Single-Family Detached
West: Single-Family Detached

Surrounding Actual Uses:

North: Single-Family Residential
East: Single-Family Residential
South: Single-Family Residential
West: Single-Family Residential

Applicable Regulations:

Section 3.3.2 Single-Family Detached Accessory Building Standards – Maximum Height 25 ft. but not more than the height of the Principal Building.

Analysis: The applicant is requesting to build an accessory structure that would exceed the height of the principle building. The applicant has stated that the request comes from wanting to create a parking and work space area while also having space for a “man cave”. Expanding the footprint of the accessory structure in width to accomplish the space desired would be difficult and occupy more space on the property than the applicant would like to dedicate. The second story or vertical expansion would allow a smaller footprint for the structure and provide the necessary space that is desired.

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 applicant owns a single-story home, but there are 2-story accessory structures that have been built in the area. The limitation on accessory structure height was generally put in place to ensure they would not dominate the surrounding area. Based on the existing conditions, staff does not feel that a two-story structure would be an issue.
- 2) **The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.** There is a multi-story accessory structure on the adjacent property to the east. The structure will be located in the rear yard and take access from the alley, so it should not have a negative effect on any adjacent property owners.
- 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.** A single-story accessory structure could be built on the property, but would

increase the footprint and lot coverage. By increasing the height of the structure, less space is required, which allows for more open space on the property.

- 4) **The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.** The variance, if granted, will not have a negative effect on any aspect of public importance. Allowing the structure to be built more vertical will help to preserve open space and limit the infringement upon neighboring properties.
- 5) **The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.** In granting the variance, the Board will allow the structure to be built within a smaller footprint and maintain setbacks that in staff's opinion have a great importance than the height of the proposed accessory structure compared to the primary structure. The applicant could built an accessory structure with a footprint of 1,000 sq. ft. Granting the variance reduces the footprint, increases building setback and creates a minimum amount of lot coverage.

Neighborhood Communications: Staff has received no inquiries or objections to the project.

Recommendation: Staff recommends approval of the variance.

Attachments: Aerial Map | Current Zoning Map

Neighborhood Communications: Staff has received several inquiries about this project, but no objections have been stated.

Recommendation: Staff recommends approval of the variance.

Attachments: Aerial Map | Current Zoning Map | Proposed Site Plan | Existing Conditions Photos

The Public Hearing was opened.

James Brull (applicant) spoke in favor of the request. He stated that reason for the request was to provide more space and create the ability to have parking, a workspace, and recreation area.

No Person spoke against the rezoning.

The Public Hearing was closed.

Following a brief discussion Commissioner Ogle made a motion to approve the Variance Request and Allow a Two-Story Accessory Structure based on staff recommendations. Commissioner Fowler seconded the motion. The motion carried 7-0.

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

Respectfully Submitted,

Justin Givens, Secretary



Emporia
Kansas

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

STAFF REPORT

Application #: BZA 2025-05

Applicants: Mason & Amy Delgado (property owners)

Requested Action: Approval of a Variance from the Maximum Size of an Accessory Structure

Purpose: Applicant desires to construct two accessory structures totaling 4,300 square feet exceeding the maximum allowed size in Single-Family Detached Parcel Types.

Address: 110 S Pine.

Legal description: THE FOLLOWING DESCRIBED TRACTS IN THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., EMPORIA, LYON COUNTY, KANSAS. BEGINNING AT THE NOWTHWEST CORNER OF THEEAST HALF OF THE EAST HALF OF THENORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF DAID SECTION 16, THENCE SOUTH 35 FEET; THENCE EAST 100 FEET; THENSE NORTH 375 FEET; THENCE WEST 100 FEE TO THE PLACE OF BEGINNING.

ALSO:

BEGINNING AT A POINT 375 FEET SOUTH OF THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OT THE NORTHWEST QUARTER OF THE SOUTHEAST QUSARTER OF SAID SECTION 16, THENCE SOUTH 663 FEET; THENCE EAST 160 FEET; THENCE NORTH 663 FEET; THENCE WEST 160 FEET TO THE PLACE OF BEGINNING., Emporia, Lyon County, Kansas

Lot Size: 3.10 acres

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

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

Surrounding Zoning:

North: Single-Family Detached
East: Single-Family Detached
South: Single-Family Detached
West: Single-Family Detached

Surrounding Actual Uses:

North: Large Lot / Average Lot Single-Family Residential
East: Large Lot / Average Lot Single-Family Residential
South: Large Lot / Average Lot Single-Family Residential
West: Large Lot / Average Lot Single-Family Residential

Applicable Regulations:

Section 3.3.2 Single-Family Detached Accessory Building Standards – Maximum Size 1,200 square feet.

Analysis: The applicant is requesting to build two accessory structures that would exceed the maximum allowed space for an accessory structure on Single-Family Parcel Types. The applicant is wanting to build one structure that would house his car collection on his property. Currently, the collection is stored in various different buildings including his business. The second building would be used for storage of equipment, such as a bucket truck, trailer, tractor, and other implements and equipment.

The car storage building will be a maximum of 24' x 80' and the equipment storage building would be a maximum of 40' x 60'. A total of 4,320 sq. ft. The maximum allowed square footage for accessory structures on Single-Family Detached parcels is 1,200 sq. ft. The maximum allowed lot coverage is 40%, for Single-Family Detached parcels. The lot that the structures are being placed on is 3.1 acres and the total square footage of the buildings would cover approximately 3% of the lot.

All proposed structures would meet the required setbacks for Single-Family Detached accessory structures.

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 applicant has purchased several contiguous properties, with the subject property being a large 3-acre tract of land south of South Street. Accessory Structure size limitations, are generally in place based on traditional urban lots. These unique lots sit on the edge of the urban environment and are not necessarily contemplated when zoning regulations are created.
- 2) **The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.** The accessory structures will meet the required building setbacks and would not infringe on any neighboring property owner. The structures would be situated in a manner that would allow for new housing to be built on the lot if they were to ever be split. Staff does not feel that the size of the structures would be an issue for neighboring property owners.
- 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.** The applicant would be limited to 1,200 square feet of accessory structures if the regulations were strictly enforced. The regulations dealing with accessory structures in Single-Family areas were not intended for large acre parcels.

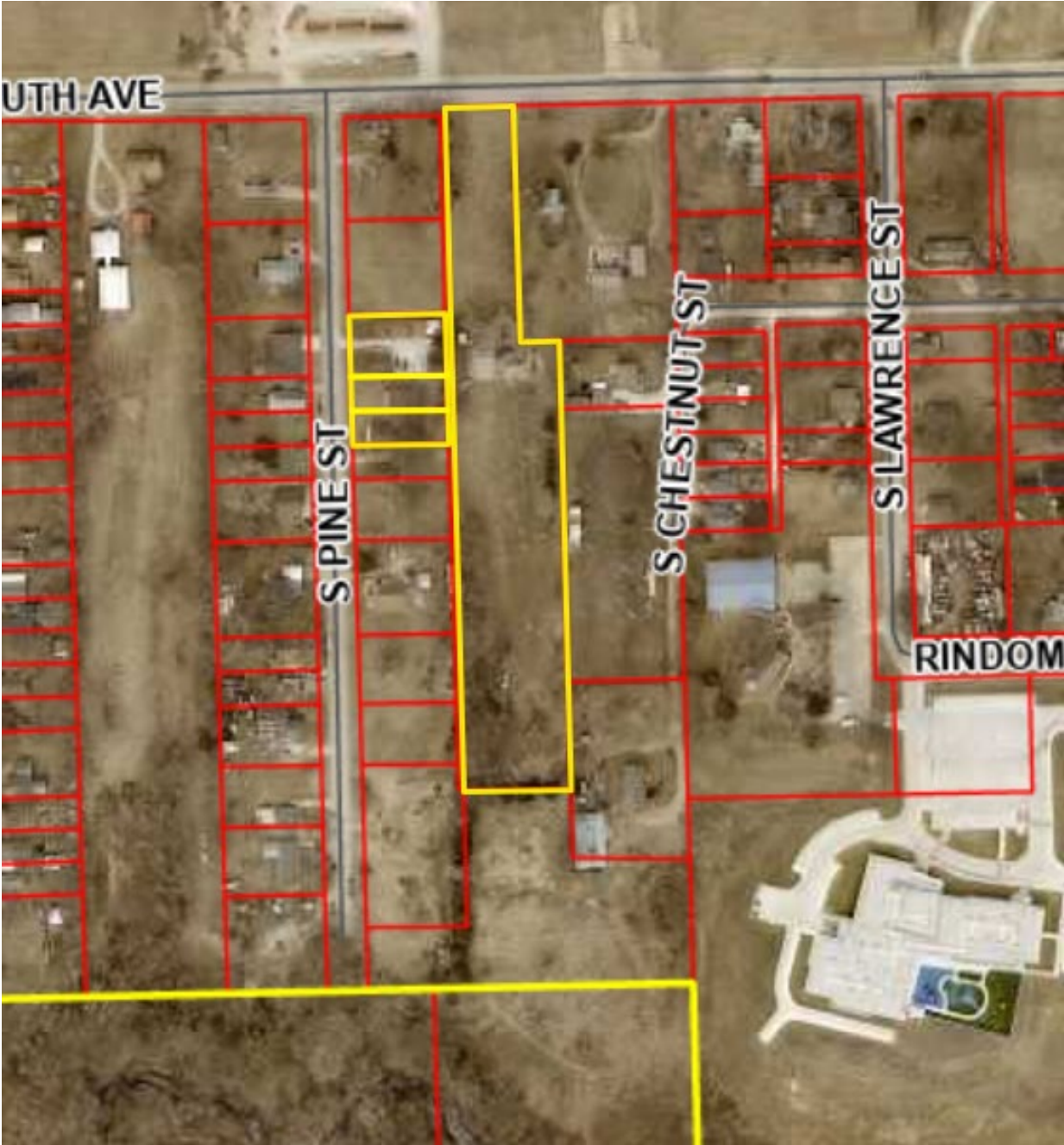
- 4) **The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.** The variance would have no adverse impact on any adjoining property or the general public.
- 5) **The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.** As previously stated, the size limitations for accessory structures were enacted to limit buildings on traditional sized lots in the urban environment. Fringe properties were not necessarily contemplated when setting up the regulations. The structures would meet all building setbacks and be well below the maximum lot coverage.

Neighborhood Communications: Staff has received no inquiries or objections to the project.

Recommendation: Staff recommends approval of the variance.

Attachments: Aerial Map | Current Zoning Map

110 S Pine
Variance Request
Aerial Map



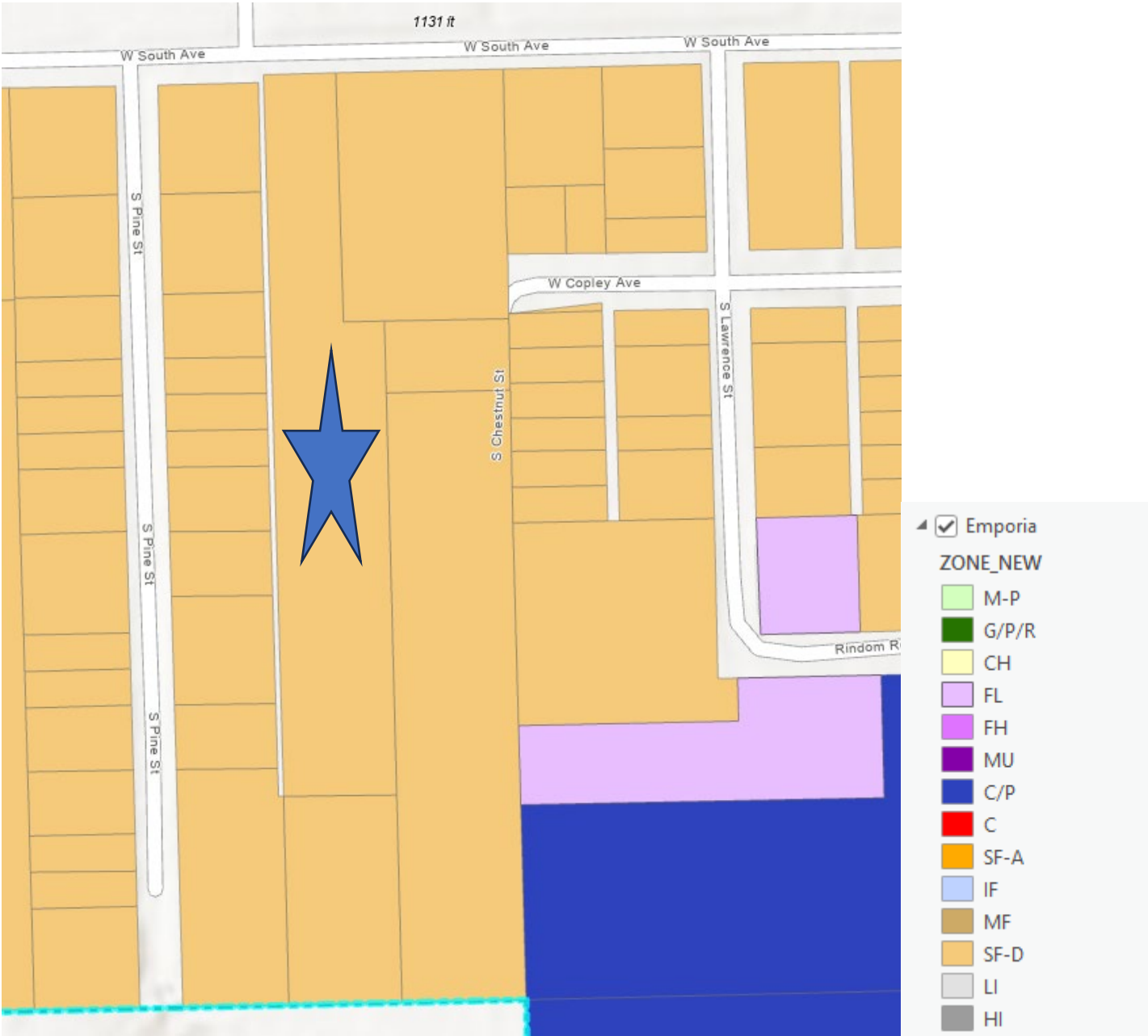
Approximate Site Plan



Approximate Site Plan



110 S Pine
Variance Request
Zoning Map





**EMPORIA-LYON COUNTY METROPOLITAN AREA
PLANNING COMMISSION / BOARD OF ZONING APPEALS
MINUTES OF OCTOBER 21, 2025
REGULAR MEETING**

The Planning Commission met in a regular session on Tuesday, October 21, 2025, with Chair Rogers presiding. Commissioners Lingenfelter, Ogle, Fowler, Thomas, and Reed were present.

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

Chair Rogers called the meeting to order.

Chair Rogers asked for a **Moment of Silence** in respect for the passing of Commissioner Larry Bucklinger.

1. Consider The Minutes of the August 19, 2025 Regular Meeting of the Planning Commission.

Givens presented the commission with the minutes from the August 19, 2025 meeting.

Commissioner Thomas made a motion to approve the minutes as presented. **Commissioner Lingenfelter** seconded the motion. The motion carried 6-0.

2. Planning Commission: Consider PC 2025-11 – A Request for Rezoning of Property Located at 315 S Market.

Chair Rogers asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper for the original public hearing date.

Chair Rogers asked if any Commissioners needed to recuse themselves or report any ex-parte communications. **Commissioner Lingenfelter** stated that as a member of the USD 253 School Board she would need to recuse herself from the discussions and left the bench.

No other ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2025-11

Applicants: Frontier Development Group

Owners: USD 253

Requested Action: Consider a request to rezone property from Civic Public to Multi-Family

Purpose: The applicants are proposing to convert the former school into 10 or 12 modern living units.

Address: 315 S Market

Legal description: The East 130 feet of Block 2, Potwins Subdivision, (platted in 1879) Emporia, Lyon County, Kansas.

Lot Size: 45,107 sq. ft.

Existing Zoning: Civic Public

Future Zoning in ELC Comp. Plan: Civic Public

Surrounding Zoning:

North	Single-Family Detached
East	Single-Family Detached
South	Single-Family Detached
West	Single-Family Detached

Surrounding Actual Uses:

North	Single-Family Homes
East	Single-Family Homes
South	Single-Family Homes / Group Home
West	Single-Family Homes

Analysis: The applicant has requested the rezoning to facilitate repurposing the building into multi-family residential units, applying multiple housing grant sources and private equity. The property has been vacant since 2024, when its previous occupants relocated operations. The primary use of the building has been educational or social services in nature.

The applicant has a history of converting shuttered schools into multi-family units and this project would help in creating moderate income housing within the community. It would allow for the adaptive reuse of the building as well as create additional property that could be developed with higher density housing.

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; **Allowing Multi-Family uses on the property would be consistent with the zoning regulations. There is an established pattern of traffic and more intensive uses within the single-family detached neighborhood as this property was previously a school and used by a social services organization. Allowing multi-family uses would be more in tune with the residential character of the neighborhood.**

2. The character and condition of the neighborhood and its effect on the proposed change; **Staff does not anticipate the allowance of multi-family uses having a negative effect on the character and condition of the neighborhood.**
3. The zoning and uses of properties nearby; **The existing uses are residential in nature, and the proposed rezoning would remove the more commercial type aspects of the civic public use.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property is suited for Civic/Public use, but higher value and more beneficial uses would be allowed if the property were to be rezoned.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Staff does not anticipate any detrimental effects on neighboring property. The allowance of multi-family uses would be in keeping with the residential character of the neighborhood. Staff does not foresee any additional traffic being generated by multi-family uses compared to that of when it was used as school or other civic/public use.**
6. The length of time the subject property has remained vacant as zoned; **The property has remained vacant since the last occupant moved out in 2024. At that time, it was listed by the school district to be sold. There were several inquiries about the property, most of which centered on converting the building to 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; **Civic/Public parcel types have the most limited allowed and conditional uses, as these lands are designed for schools and other government buildings. Allowing the property to be rezoned to Multi-Family would allow for the adaptive reuse of the property, create affordable housing units, and not increase the impact of traffic or services within the area. Adaptive reuses such as this are encouraged within the comprehensive plan.**
8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the request.**
9. The conformance of the requested change to Plan ELC; **Plan ELC discusses the need for additional housing that is affordable, and supports the adaptive reuse of existing buildings within the central core of the city. The proposed rezoning would be in line with the comprehensive plan.**
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

Attachments: Aerial Map | Current Zoning Map

The Public Hearing was opened.

No Person Spoke in favor or against the rezoning.

The Public Hearing was closed.

Commissioner Reed asked about future development of the property if it was rezoned to Multi-Family and the building was razed. **Givens** stated that any use which is allowed on the parcel type would be permitted.

Commissioner Fowler made a motion to recommend the approval of the rezoning to the **Governing Body** based on the finding of fact that; the request is consistent with the **Comprehensive Plan**, the request conforms to the intent of the **Zoning Regulations**, and there would not be a negative impact on the existing neighborhood. **Commissioner Reed** seconded the motion. The motion carried 5-0-1 (Lingenfelter recused).

Commissioner Lingenfelter returned to the bench.

3. Planning Commission: Consider PC 2025-12 – Review of Island Annexation for Property Located at 800 Road 160

Givens stated that the item was not a public hearing item, and that no notification was required.

Chair Rogers asked if any Commissioners needed to recuse themselves or report any ex-parte communications. **Commissioner Fowler** stated that he had a discussion prior to the meeting with the contract purchaser of the project. **Commissioners** felt that the ex-parte discussion did not warrant recusal of **Commissioner Rogers**.

No other ex-parte communications or conflict of interests were reported.

Givens present the staff report.

STAFF REPORT

Application #: PC 2025-12

Applicants: John D Kretsinger & Brock W Kretsinger Living Trust / Coal Creek Holdings LLC

Owners: John D Kretsinger & Brock W Kretsinger Living Trust

Requested Action: Consider a request for an Island Annexation

Purpose: The applicants are annexation into the city to facilitate future development of an approximately 58-acre tract of land.

Address: 800 Road 160

Legal description: The Southwest Quarter of the Southeast Quarter and the West Half of the Southeast Quarter of the Southeaster Quarter of Section 17, Township 19 South, Range 11 East of the 6TH P.M., Lyon County, Kansas

Lot Size: 58 acres +/-

Existing Zoning: Lyon County Heavy Industrial

Future Zoning in ELC Comp. Plan: Heavy Industrial

Surrounding Zoning:

North	Heavy Industrial
East	Heavy Industrial / Civic Public
South	Agricultural / Light Industrial
West	Heavy Industrial

Surrounding Actual Uses:

North	Crop Land / Industrial Uses
East	Industrial Shops & Businesses / County Yard
South	Crop Land / Industrial Uses
West	Wastewater Treatment Facilities

Analysis: The applicants are requesting annexation into the city to facilitate future development on the property. While a portion of the property does share a common boundary with the city, those properties were annexed via the island annexation process and cannot be considered when determining if a property is adjoining the existing city limits.

For development of the property, the applicant will need sewer and water from the city, which is readily available to the property.

The annexation of this area was contemplated in the Comprehensive Plan and is shown on the Regulating Plan within the natural growth area of the city and is also classified as Heavy Industrial in the PLAN ELC.

Additional action by the Emporia Planning Commission for the development of this property will include rezoning and approval of a plat if the plans for development proceed.

Recommendation: Staff recommends the Planning Commission make a finding that the requested annexation is consistent with the Comprehensive Plan recommend the approval of such annexation to the Governing Body.

Attachments: Aerial Map | Current Zoning Map | Regulating Plan

John Alvorado, 28 Rural St. Emporia; was recognized by **Chairman Rogers** and stated that he owned an adjacent property, and he had concerns about the proposed use and impacts that it would have, as he felt that it would cause noxious odors in the area, as well as possible groundwater contamination, increase traffic in the area, and impacts that the development would have on existing flooding issues in the area.

Chairman Rogers stated that he felt that the appropriate time for **Mr. Alvorado** to express his concerns about the use was during future meetings for rezoning and invited him to attend those meetings.

Chairman Rogers made a motion to find that the requested annexation is consistent with the Comprehensive Plan and recommend the approval of such annexation to the Governing Body. Commissioner Thomas seconded the motion. The motion carried 6-0.

4. Planning Commission: Review of Capital Improvement Plan

Givens provide the approved Capital Improvement Plan for the Commissioners to review.

Chair Rogers asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

Givens present the staff report.

STAFF REPORT

Background:

The Planning Commission is tasked with reviewing the City's Capital Improvement Plan to determine if the plan is consistent with the Goals and Objectives of the City's Comprehensive Plan, PLAN ELC. The Capital Improvement Plan helps guide the allocation of city funds for purchases of equipment and funding of maintenance programs for utilities and public facilities. The CIP is a five-year rolling budgetary document that helps to track proposed expenditures.

Discussion:

Staff has presented the CIP in a format that reflects what and how expenditures are tied into the Comprehensive Plan and the elements within the plan. The Planning Elements applicable to the CIP are as follows;

- Linking Parks To People
- Connecting Communities
- Supporting Infill Development
- Making It Happen

The total CIP expenditures across all funds and the number of projects programed are as follows with a more complete breakdown of projects for each program year provided in the attachments.

2025	\$ 42,051,709.00	56 TOTAL PROJECTS
2026	\$ 17,992,500.00	52 TOTAL PROJECTS
2027	\$ 20,391,930.00	63 TOTAL PROJECTS
2028	\$ 20,230,600.00	67 TOTAL PROJECTS
2029	\$ 21,053,000.00	62 TOTAL PROJECTS
2030	\$ 25,656,000.00	39 TOTAL PROJECTS

Recommended action:

Make a Finding Regarding the Conformance of the Capital Improvement Plan with the Comprehensive Plan.

Attachments:

Capital Improvement Plan by Planning Element

Givens reviewed the Capital Improvement Plan based on the Comprehensive Plan.

Following a brief discussion on various projects;

Chairman Rogers made a motion to find that the Capital Improvement Plan was in Conformance with the Comprehensive Plan. Commissioner Ogle seconded the motion. The motion carried 6-0.

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

Respectfully Submitted,

Justin Givens, Secretary



Emporia
Kansas

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

STAFF REPORT

Application #: PC 2025-13

Applicants: BFA, Inc. (agents)
Walmart Real Estate Business Trust (owners)

Requested Action: Vacate a Utility Easement

Purpose: Applicants desire to vacate a 10 ft. and 15 ft. Utility Easement on private property.

Address: 2301 Industrial Road.

Legal Description:

Easement #1: A portion of a 10-foot-wide utility easement as recorded in Volume 455 Page 175 in the Office of the Lyon County, Kansas Recorder of Deeds, being part of the Northeast Quarter of the Southwest Quarter of Section 5, Township 19 South, Range 11 East of the 6th P.M., and also lying north of and adjoining the north line of Lot 2, Block 1 of Eaglecrest Fourth Subdivision, as per plat of record in Plat Book 6, Pages 38-39 in said Recorder's Office, being more fully described as follows:

Commencing at the northwest corner of said Lot 2; thence along the north line of said Lot 2, N88°46'10"E 10.00 feet to the Point of Beginning; thence continuing on said north line N88°46'10"E 272.00 feet; thence leaving said north line N01°13'50"W 10.00 feet; thence on a line 10 feet north of and parallel to said north line S88°46'10"W 272.00 feet; thence S01°13'50"E 10.00 feet to the Point of Beginning.

Easement #2: A portion of a 15-foot-wide utility easement as recorded in Volume 511 Page 616 in the Office of the Lyon County, Kansas Recorder of Deeds, being part of the North 15 feet of Lot 2, Block 1 of Eaglecrest Fourth Subdivision, as per plat of record in Plat Book 6, Pages 38-39 in said Recorder's Office, being more fully described as follows:

Commencing at the northwest corner of said Lot 2; thence along the north line of said Lot 2, N88°46'10"E 10.00 feet to the Point of Beginning; thence continuing on said north line N88°46'10"E 272.00 feet; thence leaving said north line S01°13'50"E 15.00 feet; thence on a line 15 feet south of and parallel to said north line S88°46'10"W 272.00 feet; thence N01°13'50"W 15.00 feet to the Point of Beginning.

Lot Size: 17.7 acres

Existing Zoning: Flex-Use Low

Future Zoning in ELC Comp. Plan: N/A

Analysis: The applicants have requested the vacation of two utility easements that sit adjacent to one another south of the existing Walmart building. The vacation of the easements is necessary to facilitate the expansion to the south of the existing building.

The easements are wholly located on Walmart property, but a gas line, which serves neighboring properties is located within one of the easements. The applicant is working with KGS to reroute the gas line, and will be required to provide a replacement easement prior to abandonment of the line and expansion of the building. That easement will most likely also be located on Walmart property. KGS Staff and Walmart representatives are currently in the process of finalizing the relocation and new easement.

A private water line resides in the second easement, that line will need to be relocated as well, but does not serve any other property owners and is a private fire line for Walmart and therefore a replacement easement is not necessary.

Staff is recommending that the vacation approval be contingent upon a revised easement being provided for the relocated line.

Considerations:

The Utility Advisory Board members received notices of the vacation request. Kansas Gas Service was the only utility which was impacted and is working with the applicant to re-route the existing gas line and secure a substitute easement.

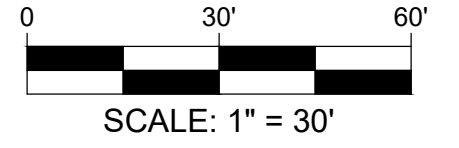
Neighborhood Communications: The only property owner affected by the relocation is the applicant. Public Notice was placed in the official newspaper and no comments or objections have been received.

Recommendation: Staff recommends the Planning Commission forward a recommendation to approve the vacation to the Governing Body contingent upon a substitute easement being filed with the Lyon County Register of Deeds, based upon a finding that;

1. Due and Legal Notice has been given – the applicant’s property abuts both sides of the easement and is the only party affected by the vacation. A notice was also provided in the official newspaper as prescribed by law.
2. No private rights will be injured or endangered – the vacation will allow for Walmart to expand and develop within the existing easements.
3. The public will suffer no loss or inconvenience – The applicants will be required to provide a substitute easement for the relocation of the gas line and any costs associated with the relocation of the line would be at the owners expense.

Walmart Easement Vacation
Aerial Photo





N/F
WAL-MART
REAL ESTATE
BUSINESS TRUST
PARCEL 1,
TRACT D
OF COMMITMENT
NO. KCC231460

N/F
WAL-MART REAL ESTATE
BUSINESS TRUST
PARCEL 2 OF COMMITMENT
NO. KCC231460

WALMART #00557
186,375 S.F.
F.F.E.=1211.72
2301 INDUSTRIAL RD
EMPORIA, KS 66801

PARCEL 1, TRACT D OF
COMMITMENT NO. KCC231460
PARCEL 2 OF COMMITMENT
NO. KCC231460

PARCEL 1, TRACT D
PARCEL 1, TRACT C
**POINT OF
COMMENCEMENT**
NORTHWEST CORNER
OF LOT 2, BLOCK 1
OF EAGLECREST
FOURTH SUBDIVISION
PER PLAT BK. 6
PGS. 38-39
N88°46'10"E 10.00'
**POINT OF
BEGINNING**

N/F
WAL-MART REAL ESTATE
BUSINESS TRUST
PARCEL 1, TRACT C
OF COMMITMENT
NO. KCC231460

PARCEL 1, TRACT C
PARCEL 1, TRACT A

10' UTILITY EASEMENT
PER VOL. 455 PG. 175

10' UTILITY EASEMENT
PER VOL. 455 PG. 175

15' UTILITY
EASEMENT PER
VOL. 511 PG. 616

PROPOSED BUILDING
EXPANSION

15' UTILITY EASEMENT
PER VOL. 509 PG. 577

ELECTRIC EASEMENT TO
WESTERN RESOURCES, INC.
PER VOL. 529 PG. 919

N/F
WAL-MART REAL ESTATE
BUSINESS TRUST
PARCEL 1, TRACT A

N/F
PANDA EXPRESS



- LEGEND**
-  = PORTION OF EXISTING 10' WIDE UTILITY EASEMENT PER VOL. 455 PG. 175 TO BE VACATED
 -  = PORTION OF EXISTING 15' WIDE UTILITY EASEMENT PER VOL. 511 PG. 616 TO BE VACATED

EXHIBIT A
EMPORIA, KS WALMART #00557-277
VACATION OF UTILITY EASEMENTS
SEC. 5, T-19-S, R-11-E
EMPORIA, LYON CO., KS

bfaeng.com Telephone: (636) 239-4751



103 ELM STREET WASHINGTON, MISSOURI 63090

DWN. BY E.J.H.	DATE 10/22/25	PROJ. NO. 8535A	SHEET 1 OF 1
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