



To: Franklin County Board of County Commissioners
From: Kenneth Cook – AICP, CFM
Department: Planning & Building
Date: Wednesday, April 6, 2022

AGENDA ITEM NARRATIVE

Consider the approval of rezoning application #2111-1935 (Shoemaker) to rezone approximately 13.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District.

BACKGROUND

The Planning Commission held a public hearing on December 16, 2021 to consider rezoning application #2111-1935 (Shoemaker). The request was continued until the January Planning Commission meeting to provide the applicant time to submit documentation that the property have a water supply that is adequate to serve the domestic needs of the property that is less than 20-acres. Since no documentation for water was submitted at the January Planning Commission meeting the request was continued until the March Planning Commission meeting. As of the March Planning Commission meeting the required documentation had not been submitted.

After hearing Staff presentation, the Planning Commission did recommend denial of rezoning application #2111-1935 (Shoemaker) to rezone approximately 13.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District. The Planning Department did not receive any comments for or against the rezoning request and no one appeared at any of the public hearings.

STAFF RECOMMENDATION

Staff recommends that the County Commissioners accept the Planning Commission's recommendation and adopt the attached resolution for the denial of rezoning application #2111-1935 (Shoemaker) to rezone approximately 13.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District.

SPECIFIC ACTION REQUESTED

An Affirmative motion in support of this item would read as follows: "I make a motion to deny rezoning application #2111-1935 (Shoemaker) to rezone approximately 13.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District ".

ATTACHMENTS

Planning Commission Staff Report/s
Excerpt of Planning Commission Minutes
Resolution



Franklin
COUNTY KANSAS

] EST. 1855 [

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 22-_____

**A RESOLUTION DENYING REZONING APPLICATION #2111-1935
(SHOEMAKER) TO REZONE APPROXIMATELY 13.00 ACRES FROM "A-1"
AGRICULTURE TO THE "R-E" RESIDENTIAL ESTATE DISTRICT**

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to K.S.A. 19-101; and

WHEREAS, The Franklin County Board of County Commissioners did adopt Resolution # 23-91 creating the Franklin County Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, the Franklin County Planning Commission did publish notice on November 23, 2021 that a public hearing would be held to consider rezoning application #2111-1935 (Shoemaker) as required by K.S.A. 12-757 and Article 23, Section 23-5.02 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on December 16, 2021 hold a public hearing for the consideration of zone change #2111-1935 (Shoemaker) to rezone approximately 13.00 acres from "A-1" Agriculture District to the "R-E" Residential Estate District; and

WHEREAS, the Planning Commission continued the public hearing to allow the applicant time to provide additional information and said continued public hearing was held on January 20, 2022 and March 17, 2022; and

WHEREAS, the Planning Commission, after due consideration of the criteria set forth in Article 23, Section 23-5.04 of the County Zoning Regulations, the relative factors of the Supreme Court case of *Golden vs. City of Overland Park*, together with all written reports and public testimony, recommended with a unanimous vote of six (6) in favor and zero (0) opposed, that the County Commission deny said Rezoning Application based upon the Findings Listed below:

Findings

1. Due to past documentation that an existing dug well located on the property has previously gone dry.
2. Lack of documentation of a water supply report verifying that a source of groundwater suitable for providing potable water is available to serve the parcel, does not overburden the water table, and meets acceptable flow rates and water quality standards.

WHEREAS, the Board of County Commissioners of Franklin County, after duly reviewing the recommendation of the Planning Commission together with all public comments for and against said Rezoning Application finds:

1. That the rezoning from "A-1" to "R-E" is not consistent with the County Zoning Regulations.
2. That the rezoning from "A-1" to "R-E" is not in conformance with and would not further enhance the County Comprehensive Plan.

3. That the rezoning from "A-1" to "R-E" will unduly affect the character of the surrounding community.
4. That the rezoning from "A-1" to "R-E" will impact property values of surrounding properties.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby deny Rezoning Application #2111-1935 (Shoemaker) to rezone approximately 13.00 acres from "A-1" Agriculture District to the "R-E" Residential Estate District.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 6th day of April, 2022. This action shall become effective upon publication in the official county newspaper.

Colton M. Waymire
Chair

Received and recorded this the 6th day of April, 2022.

Janet Paddock
County Clerk