



To: Franklin County Board of County Commissioners
From: Pat Toth
Department: Planning & Building
Date: Wednesday, March 8, 2023

AGENDA ITEM NARRATIVE

Consider the approval of rezoning application #2301-2024 (Doherty) to rezone approximately 75.00 acres, commonly known as 1803 Vermont Road, from the A-1, Agriculture District to the R-E, Residential Estate District.

BACKGROUND

The Planning Commission held a public hearing on February 16, 2023 to consider rezoning application #2301-2024 (Doherty).

After hearing Staff presentation, applicant's presentation and Public Comments, the Planning Commission voted 3-3 for application #2301-2024 (Doherty) to rezone approximately 75.00 acres from the A-1, Agriculture District to the R-E, Residential Estate District. The Planning Department sent notice to twelve (12) property owners. Three (3) property owners spoke at the public hearing and expressed concerns regarding the request. Those concerns were flooding, steep cliffs and ditches, site issues and adding additional entrances onto Vermont Road.

SPECIFIC ACTION REQUESTED

An Affirmative motion in support of this item would read as follows: "I make a motion to approve rezoning application #2301-2024 (Doherty) to rezone approximately 75.00 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to amend the Official County Zoning Map accordingly".

Suggested motion for denial of this item would read as follows: "I make a motion to deny rezoning application #2301-2024 (Doherty) to rezone approximately 75.00 acres from the A-1, Agriculture District to the R-E, Residential Estate District".

ATTACHMENTS

Planning Commission Staff Report
Excerpt of Planning Commission Draft Minutes
Resolutions



Franklin
COUNTY KANSAS
] EST. 1855 [

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

RESOLUTION NO. 23-_____

**A RESOLUTION AMENDING THE
OFFICIAL ZONING DISTRICT MAP OF FRANKLIN COUNTY, KANSAS**

WHEREAS, the Franklin County Planning Commission of Franklin County, Kansas, received an application for a Zone Change from Dennis Doherty to rezone approximately 75.00 acres from the A-1, Agriculture District to the R-E, Residential Estate District. The property described below lies outside any incorporated city and is described as follows:

The West Half of the Northwest Quarter of Section 4, Township 18, Range 21, Franklin County, Kansas.

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the January 24, 2023, notice of public hearing for said Zoning Change; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission held a public hearing on February 16, 2023 regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on February 16, 2023 in regular session had a tie vote of those members present; and

WHEREAS, the Franklin County Board of County Commissioners, after duly reviewing Staff recommendation, the Planning Commission staff report and draft minutes of the Planning Commission meeting concerning all public comments and concerns regarding said Zoning Change, find that the rezoning of said property would not be detrimental to the surrounding properties and would be in compliance with the provisions of K.S.A. 12-753, the purpose and intent of the Franklin County Comprehensive Plan and the general welfare of the citizens of Franklin County.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of County Commissioners does hereby approve the rezoning of the above described tract from the A-1, Agriculture District to the R-E, Residential Estate District and that the Official Zoning District Map of Franklin County, Kansas be amended to reflect the approved zoning change.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8th day of March, 2023. This action shall become effective upon publication in the official county newspaper.

Ianne Dickinson
Chair

Received and recorded this the 8th day of March, 2023.

Janet Paddock



**A RESOLUTION DENYING REZONING APPLICATION #2301-2024 (DOHERTY)
TO REZONE APPROXIMATELY 75.00 ACRES FROM THE A-1, AGRICULTURE
DISTRICT 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, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the January 24, 2023, notice of public hearing for said Zoning Change; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission held a public hearing on February 16, 2023 regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on February 16, 2023 in regular session had a tie vote of those members present; and

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 #2301-2024 (Doherty) to rezone approximately 75.00 acres from the A-1, Agriculture District to the R-E, Residential Estate District.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8th day of March, 2023. This action shall become effective upon publication in the official county newspaper.

Received and recorded this the 8th day of March, 2023.

Janet Paddock
County Clerk