



**To:** Franklin County Board of County Commissioners  
**From:** Pat Toth  
**Department:** Planning & Building  
**Date:** Wednesday, February 11, 2026

### **AGENDA ITEM NARRATIVE**

Consider the approval of rezoning application #2511-0062 (Rodina) to rezone approximately 33.22 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District.

### **BACKGROUND**

The Planning Commission held a public hearing on December 18, 2025, to consider rezoning application #2511-0062 (Rodina).

The property currently known as 950 Delaware Terrace and is located on the West side of Delaware Terrace between Douglas Road and Douglas Terrace, in the East Half (E ½) of the Southwest Quarter (SW ¼) of Section 28, Township 18 South, Range 18 East. A portion of the property to be rezoned along the creek is located within a Special Flood Hazard Area. Aerial photos with the currently effective Special Flood Hazard Area boundaries are attached.

The applicant is requesting the rezoning in order to split the 80.00 acres into one (1) 47.38-acre tract and one (1) 33.22-acre tract. The applicant plans to sell approximately 47.38 acres and would retain the 33.22 acres for agricultural purposes. This is being done in order to assist in nursing home expenses for the owner, Barbara Hermreck.

The proposed 33.22 acres tract will be large enough in size to accommodate an in-ground sanitation system or a lagoon, whichever the soil profile states would need to be installed and does not require proof of an on-site water supply.

After hearing Staff presentation, the Planning Commission did recommend approval of application #2511-0062 (Rodina) to rezone approximately 33.22 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District by a unanimous vote of those members present. Notice was sent to eight (8) surrounding property owners. The Planning Department did receive one (1) phone call inquiring about the rezoning and after discussing the request they had no comments for or against the rezoning. Two (2) people did appear at the public hearing concerned with this being a subdivision and after discussions they had no issues with the rezoning request.

**STAFF RECOMMENDATION**

Staff recommends that the County Commissioners accept the Planning Commission's recommendation and adopt the attached resolution for the approval of rezoning application #2511-0062 (Rodina) to rezone approximately 33.22 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District and to amend the Official County Zoning Map accordingly.

**SPECIFIC ACTION REQUESTED**

An Affirmative motion in support of the Planning Commission's recommendation would read as follows: "I make a motion to approve a rezoning application #2511-0062 (Rodina) to rezone approximately 33.22 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District and to amend the Official County Zoning Map accordingly".

**ATTACHMENTS**

Applicant Site Plan

Excerpt of the Draft December 18, 2025, Planning Commission Public Hearing Minutes

Countywide Map

Zoning Map

Farmland Classification Map & Legend

Floodplain & Road Surface Map

Aerial Photo (2)

Survey

Resolution/s

Douglas Ter

PIERSOL  
BRIAN E  
& AMY J

674.7 yd

276.9 yd

45.3 acres

328.6 yd

439.0 yd



Undo

Drop  
Point



## EXCERPT OF THE DRAFT DECEMBER 18, 2025 PLANNING COMMISSION PUBLIC HEARING MINUTES

B. Rodina recused himself from the board.

Application #2511-0062 (Rodina) to rezone approximately 35.00 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District. Said property to be rezoned is currently known as 950 Delaware Terrace and is located on the West side of Delaware Terrace between Douglas Road and Douglas Terrace, in the East Half (E ½) of the Southwest Quarter (SW ¼) of Section 28, Township 18 South, Range 18 East.

Staff Presentation: The Chair opened Staff Presentation.

P. Toth presented the staff report for consideration of an application #2511-0062 (Rodina) to rezone approximately 35.00-acres from an A-1, Agriculture District to an A-2, Transitional Agriculture District in order to sell the remaining approximately 45.00 acres to assist with nursing home expenses. The proposed 35.00 acres tract will be large enough in size to accommodate an in-ground sanitation system or a lagoon, whichever the soil profile states would need to be installed and does not require proof of an on-site water supply. The layout of the proposed lot split is due to the property lines following an existing fence line. The property to be rezoned is currently known as 950 Delaware Terrace and is located on the West side of Delaware Terrace between Douglas Road and Douglas Terrace, in the East Half (E ½) of the Southwest Quarter (SW ¼) of Section 28, Township 18 South, Range 18 East. A portion of the property to be rezoned along the creek is located within a Special Flood Hazard Area.

P. Toth briefly addressed each of the Golden Criteria enumerated in the staff report for use by the Planning Commission in making the findings necessary to approve or deny the requested rezonings. This included discussion on the issues of compliance with Franklin County's Zoning Regulations and Comprehensive Plan and the character of the surrounding area.

P. Toth concluded that staff was supportive of approving the requested rezoning as the proposed rezonings match the methods of rezoning that have been considered appropriate in Franklin County, does meet the County's desire to provide rural housing to its citizens as expressed in the Comprehensive Plan and matches the zoning of other properties in the area. Staff recommends that the Planning Commission recommend approval of the Rezoning Application #2511-0062 from "A-1" to "A-2" to the Franklin County Board of County Commissioners based upon the findings listed herein.

S. Hornbuckle stated both tracts would be large enough there is no requirement for proof of an adequate potable water supply.

P. Toth had nothing further to add unless the Planning Commission had questions.

The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation.

Brent Rodina was present to represent the applicant. Mr. Rodina stated there is public water available at the road. There is public water in the area, but they haven't done the engineering tests because they don't plan on selling it as a buildable lot. It is 45 acre is what the applicant plans to sell and retain the 35 acres to the North which is directly across from the farmstead. This is a multi-generational decision. The grandson owns the house on the 160 across the road, and then there's about four others 160-acre tracts in the area that are either owned by the grandmother or his father. The aunt is the executor of the POA, and they want to sell the 45 acres to help pay for grandma's nursing home expenses.

The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment.

Ginger Tabares, 2502 La Guna Court in Emporia Kansas and Marjorie Bryant, 1009 Cloud Road in Williamsburg Kansas, they are co-owners of Davis Farm, and they would like to know why the property needs to be rezoned?

P. Toth stated any properties under 40.00 acres in size are zoned A-2, Transitional Agriculture and any property over 40.00 acres are zoned A-1, Agriculture. This property is currently over 40 acres in size and zoned A-1. Since they are requesting to split the tract and create a 35 acres parcel, that 35 acres must be rezoned to the A-2 District. Also, the A-1 District allows more activities by right and by special use permit that aren't allowed in the A-2 District. However, they are still able to farm the 35 acres but not on as large of a scale as the larger tract.

Ms. Tabares asked is the grandson not buying the 40 acres?

P. Toth stated the family is retaining the tillable ground to the north and then selling the 40 acres that is mostly timber ground.

Ms. Tabares stated the buyer could change the timber and tear it all down.

P. Toth stated yes, the new owner of the timbered ground could tear all the trees down if they wanted to.

Ms. Bryant asked if the new buyer would have to come back before the board if they were to tear down the timbered ground?

P. Toth stated the buyers would not have to come back before the board unless they were to request to split or subdivide that 40 acres.

K. Stottlemire stated a large portion of that 40 acres is located in the 100 Year Floodplain so it would be very limited in what could be developed on that land.

Ms. Bryant stated they were concerned that they were requesting a large development.

The Chair closed Public Comment.

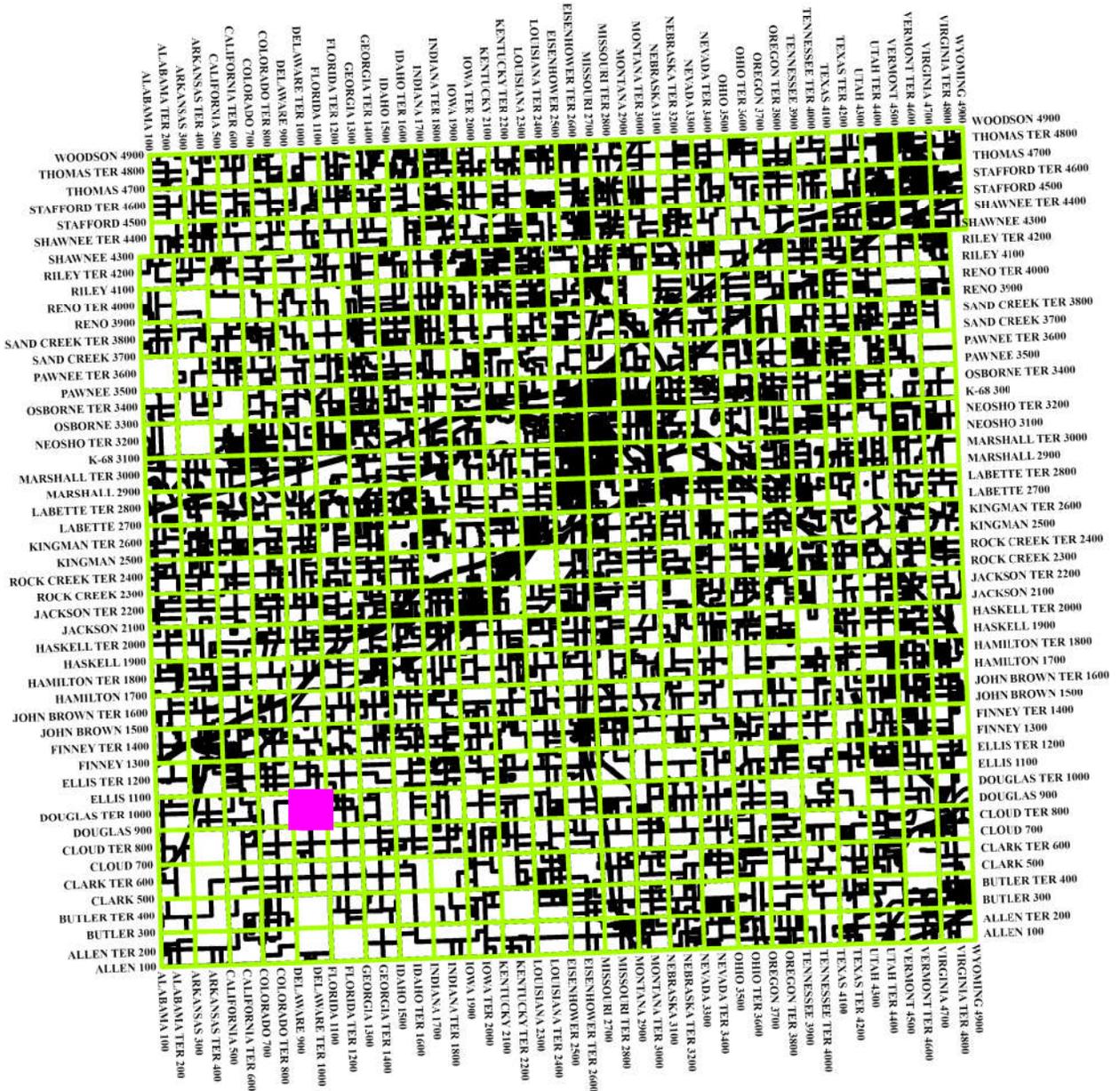
Board Discussion. The Chair opened Board Discussion. There were none. The Chair closed Board Discussion.

The Chair asked for a motion. S. Hornbuckle made a motion to recommend approval of rezoning application #2511-0062 from "A-1" to "A-2" as described by Chair and based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by D. Rayson. The Chair called for roll call vote.

Reed	Yes	Livingston	Yes		
Rodina	Recused	Harris	Yes	Stottlemire	Yes
Hornbuckle	Yes	Rayson	Yes	McMahan	Yes

Motion carried 7-1 recused.

# RODINA COUNTYWIDE MAP



# RODINA ZONING MAP



## Zoning Map

 Agriculture

 Transitional Agriculture

 Commercial

 Highway Commercial

 Light Industrial

 Heavy Industrial

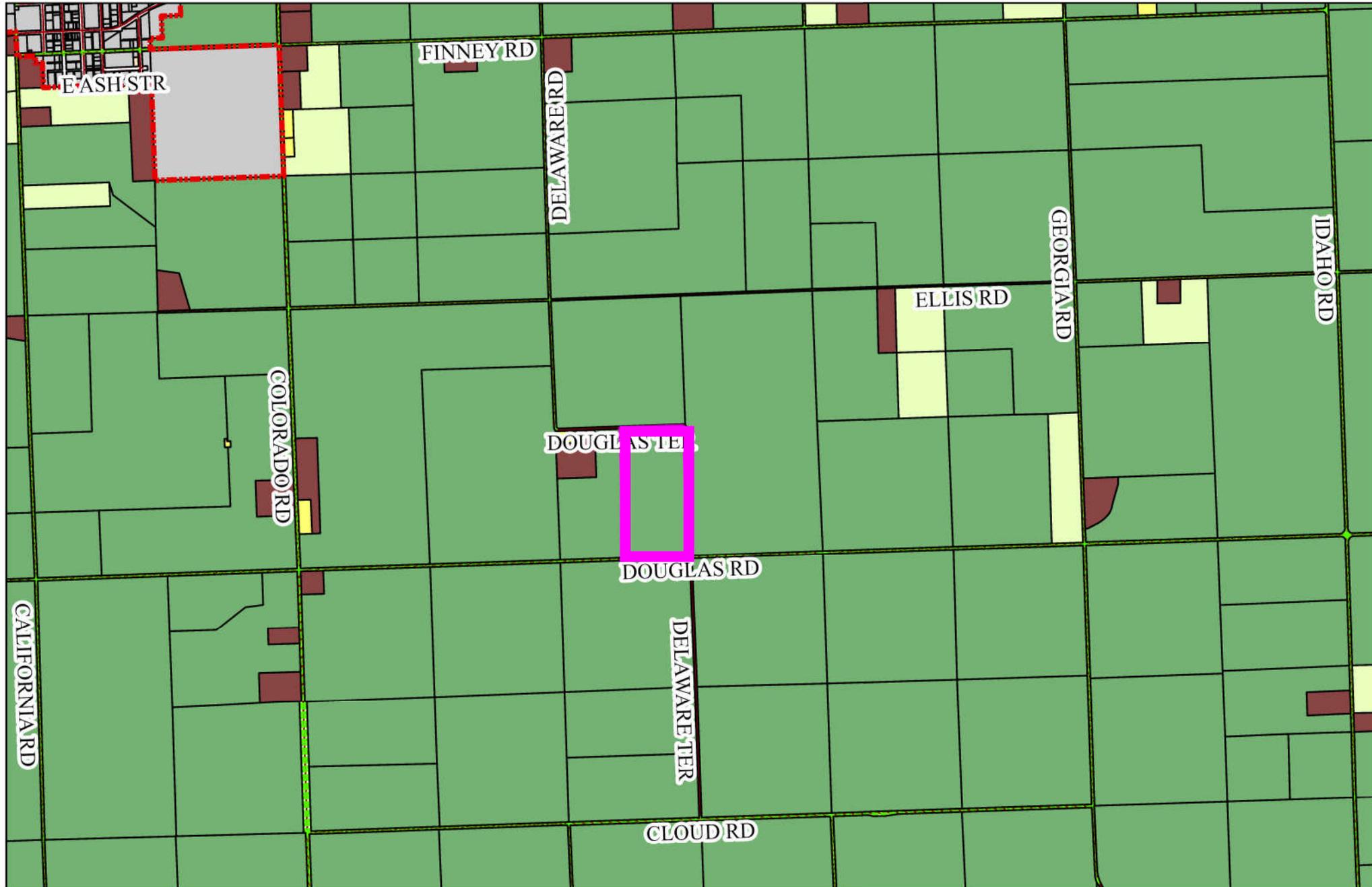
 Mobile Home Park

 Single Family

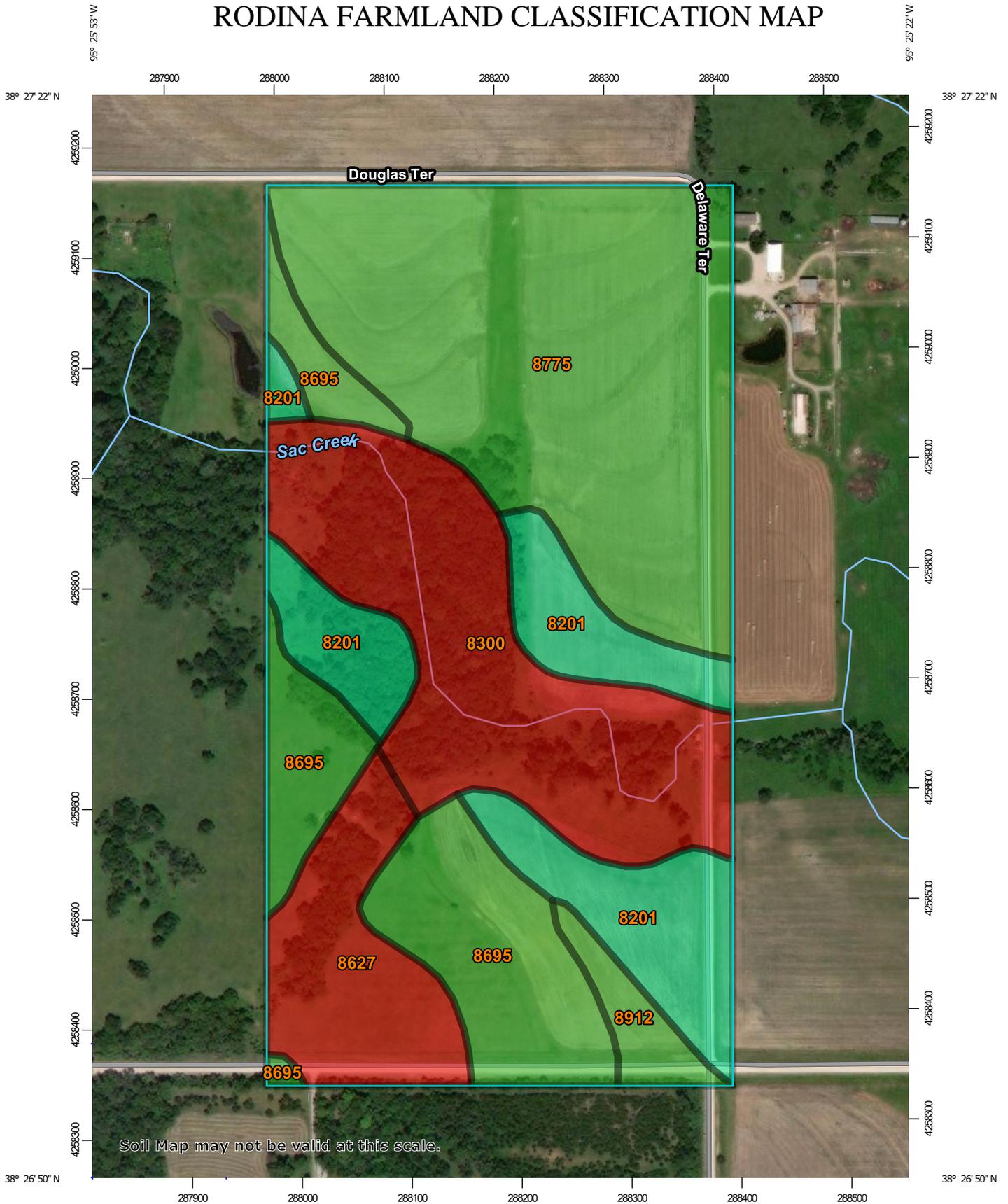
 Single Family Residential Three Acre

 Residential Estate

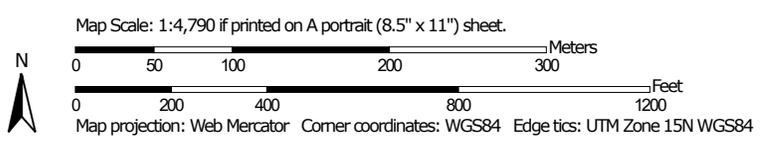
 City Zoning



# RODINA FARMLAND CLASSIFICATION MAP



Soil Map may not be valid at this scale.



## Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
8201	Osage silty clay loam, 0 to 1 percent slopes, occasionally flooded	Prime farmland if drained	13.5	15.7%
8300	Verdigris silt loam, channeled, 0 to 2 percent slopes, frequently flooded	Not prime farmland	19.1	22.2%
8627	Bates-Collinsville complex, 3 to 15 percent slopes	Not prime farmland	8.0	9.4%
8695	Dennis-Bates complex, 3 to 7 percent slopes	All areas are prime farmland	13.7	16.0%
8775	Kenoma silt loam, 1 to 3 percent slopes	All areas are prime farmland	29.5	34.4%
8912	Summit silty clay loam, 3 to 7 percent slopes	All areas are prime farmland	2.1	2.4%
<b>Totals for Area of Interest</b>			<b>85.9</b>	<b>100.0%</b>

### Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

### Rating Options

*Aggregation Method:* No Aggregation Necessary

*Tie-break Rule:* Lower

# Rodina Road Surface & Floodplain Map

## ROAD SURFACE

-  PAVED ROAD
-  MIN. MAINT.
-  GRAVEL

## ROAD\_SURFA

-  Private Drive

## Flood\_Year\_2022

-  500 Year
-  Non Flood Area

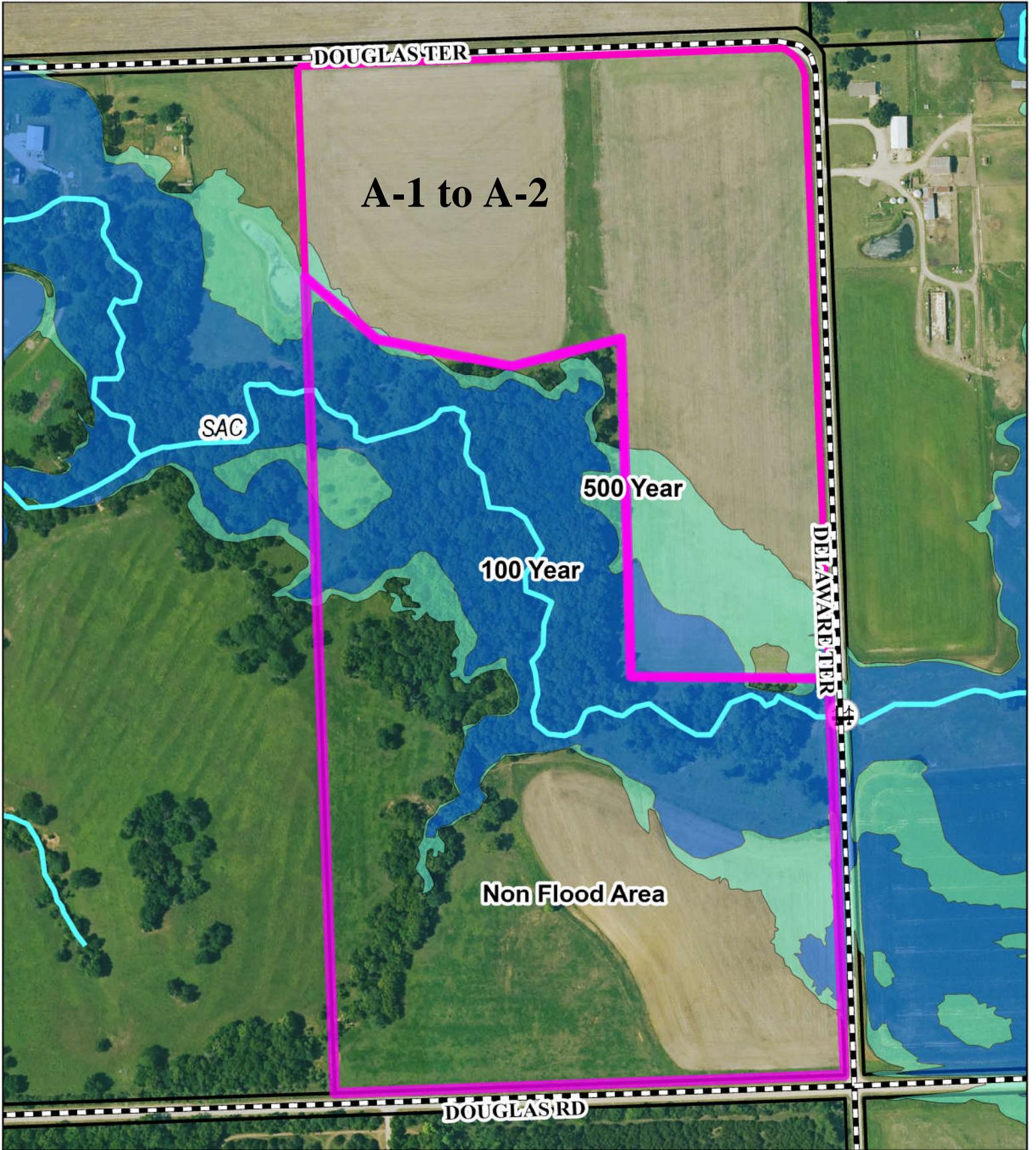
-  Reduced Flood Risk due to Levee

-  100 Year
-  Floodway

-  BRIDGES-1

-  BRIDGES

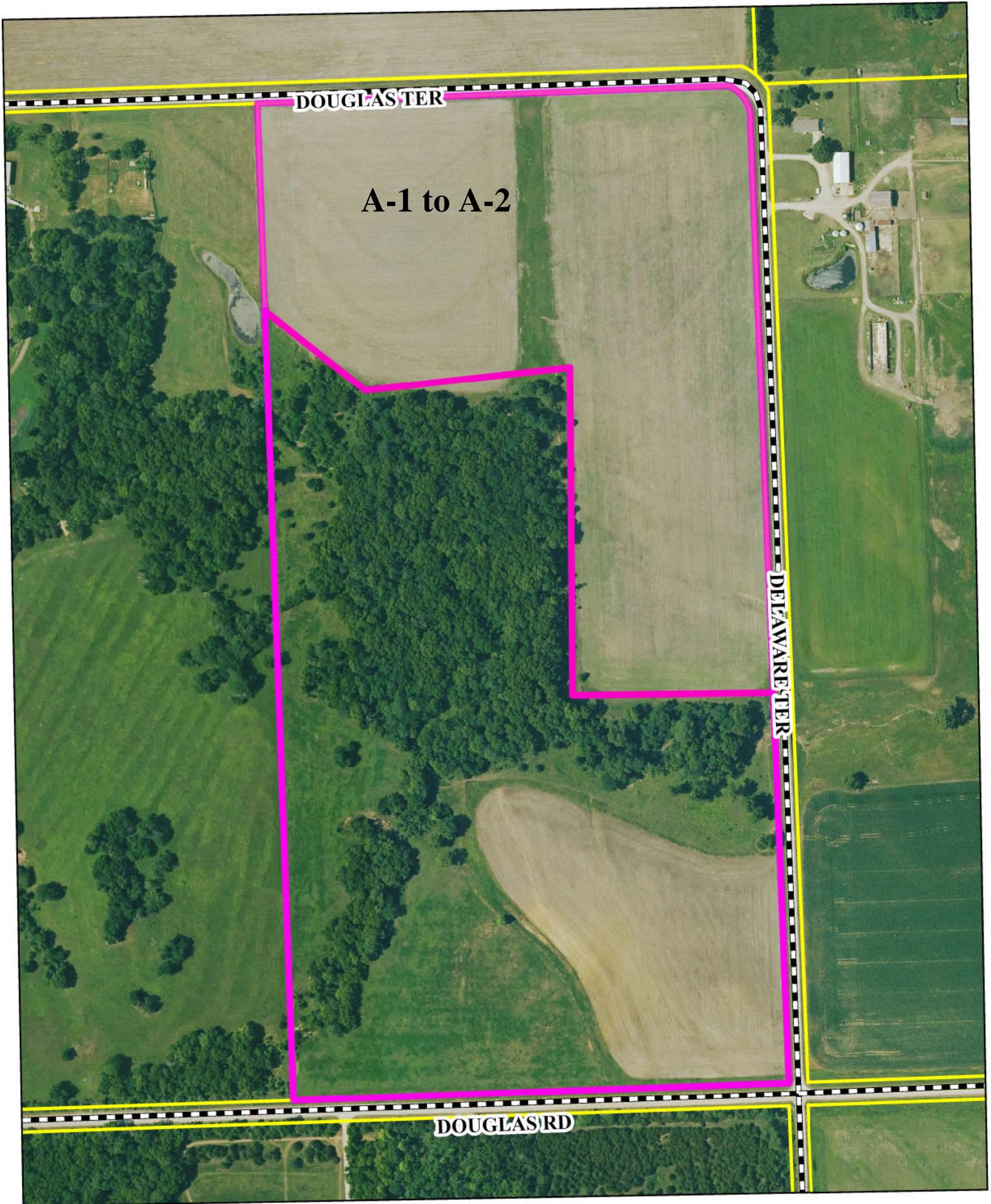
-  LowWaterCrossing



# RODINA BEFORE LOT SPLIT



# RODINA AFTER LOT SPLIT







**Board of County Commissioners  
Franklin County, Kansas**

**Resolution 26-**

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**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 Brent Rodina to rezone approximately 33.22 acres, described as Tract 1, from the A-1, Agriculture District to the A-2, Transitional Agriculture District. The property described below lies outside any incorporated city and is described as follows:

**TRACT 1**

A TRACT OF LAND IN THE EAST HALF OF SOUTHWEST QUARTER OF SECTION 28. TOWNSHIP 18 SOUTH, RANGE 18 EAST OF THE SIXTH P.M., AS WRITTEN BY BRYON K. CATES. PS 1208. DATED JANUARY 25, 2026. AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01°56'48" EAST 1613.76 FEET ON THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89°14'40" WEST 519.29 FEET; THENCE NORTH 46°05'05" WEST 14.66 FEET; THENCE NORTH 01°44'42" WEST 822.45 FEET; THENCE SOUTH 72°54'09" WEST 146.76 FEET; THENCE SOUTH 86°56'38" WEST 260.14 FEET; THENCE NORTH 70°29'24" WEST 425.26 FEET, TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 02°02'23" WEST 645.00 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER; THENCE NORTH 88°05'26" EAST 1324.61 FEET TO THE POINT OF BEGINNING; CONTAINING 33.22 ACRES MORE OR LESS, ALL IN 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 November 26, 2025, 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 December 18, 2025, regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on December 18, 2025, in regular session and by a unanimous vote of those members present, recommended approval of said Zoning Change request based upon certain findings of fact, whereby recommending that the Official Zoning District Map of Franklin County, Kansas be amended; and

WHEREAS, the Franklin County Board of County Commissioners, after duly reviewing the recommendation of the Planning Commission and considering 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 A-1, Agriculture District to the A-2, Transitional Agriculture 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 11<sup>th</sup> day of February 2026. This action shall become effective upon publication in the official county newspaper.

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Sabrina Meador  
Chair

Received and recorded this the 11<sup>th</sup> day of February 2026.

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Janet Paddock  
County Clerk



**Board of County Commissioners  
Franklin County, Kansas**

**Resolution 26-**

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**A RESOLUTION DENYING REZONING APPLICATION #2511-0062 (RODINA) TO REZONE APPROXIMATELY 33.22 ACRES FROM THE A-1, AGRICULTURE DISTRICT TO THE A-2, TRANSITIONAL AGRICULTURE DISTRICT.**

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

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the November 26, 2025, 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 December 18, 2025, regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on December 18, 2025, in regular session and by a unanimous vote of those members present, recommended approval of said Zoning Change request based upon certain findings of fact, whereby recommending that the Official Zoning District Map of Franklin County, Kansas be amended; 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 "A-2" is not consistent with the County Zoning Regulations.
2. That the rezoning from "A-1" to "A-2" is not in conformance with and would not further enhance the County Comprehensive Plan.
3. That the rezoning from "A-1" to "A-2" will unduly affect the character of the surrounding community.
4. That the rezoning from "A-1" to "A-2" 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 #2511-0062 (Rodina) to rezone approximately 33.22 acres from A-1, Agriculture District to A-2, Transitional Agriculture District.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 11<sup>th</sup> day of February 2026. This action shall become effective upon publication in the official county newspaper.

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Sabrina Meador  
Vice Chair

Received and recorded this the 11<sup>th</sup> day of February 2026.

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Janet Paddock  
County Clerk