FRANKLIN COUNTY PLANNING COMMISSION
PUBLIC MEETING MINUTES
6:30 P.M., JUNE 18, 2020 AT THE
COUNTY COMMISSIONERS MEETING ROOM FRANKLIN COUNTY ANNEX

ATTENDANCE:

MEMBERS: M. Wilkins; L. Spencer, Chair; R. Bowers; C. Campbell; S. Valencia; D. Barkley and N. Mast were present. J. Pickett was excused.

STAFF: Larry D. Walrod, Planning Director and Deann Farrell were present

COMMISSIONERS: None were present.

ADMINISTRATOR/CO COUNSELOR: None were present.

PUBLIC: Eight (8) people signed in. Sign-in list is part of the official file copy located in the Planning Office.

NOTES: Chair called the meeting to order at 6:30 p.m.

GENERAL BUSINESS:

ADOPTION OF THE AGENDA: Chair asked if there were any amendments to the June 18, 2020 Agenda. There were none. Chair asked for a motion. R. Bowers made a motion to accept the agenda as presented. S. Valencia seconded the motion. The Chair called for voice vote. All voted in favor. The agenda was approved 7-0 as presented.

APPROVAL OF MINUTES: Chair asked if there were any corrections to the March 19, 2020 Public Meeting Minutes. There were none. Chair asked for a motion. R. Bowers made a motion to approve the minutes of the March 19, 2020 Public Meeting as written. The motion was seconded by M. Wilkins. The Chair called for voice vote. The minutes were approved 7-0 as written.

COMMUNICATIONS: Staff stated that the Board of County Commissioners accepted the letter of resignation from J. Camis resigning from the Planning Commission.

EX PARTE COMMUNICATIONS: There were none.
The Chair opened Public Meeting Items.

1. Application #2003-1747 (Anderson) to rezone approximately 3.00 acres from an R-E (Residential Estate) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District and to rezone approximately 4.75 acres from an R-E (Residential Estate) Zoning District to an A-1 (Agriculture) Zoning District. Said property is located near the intersection of Virginia Road and K-68 Highway, on the South side of K-68 Highway and one-quarter (1/4) mile East of Virginia Road, in the Northwest Quarter (NW 1/4) of Section 34, Township 16 South, Range 21 East.

Staff Presentation: The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 3.00 acres from an R-E (Residential Estate) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District and to rezone approximately 4.75 acres from an R-E (Residential Estate) Zoning District to an A-1 (Agriculture) Zoning District. The property is located near the intersection of Virginia Road and K-68 Highway, on the South side of K-68 Highway and approximately one-quarter (1/4) mile East of Virginia Road, in the Northwest Quarter (NW 1/4) of Section 34, Township 16 South, Range 21 East. The purpose for the rezoning is to permit the division of approximately 3.00 acres, with the existing residence, to be sold to a family member. The applicant would then merge the remaining approximately 4.75 acres with the adjoining agricultural tract for farming purposes. The exhibits that are attached as part of your Staff Report shows the existing conditions and then the resulting conditions if the rezoning request is approved. Staff finds that the rezoning request is substantially in compliance with the goals and objectives of the County Comprehensive Plan and the County Zoning Regulations as well as the provisions set forth in the Supreme Court case of Golden vs. the City of Overland Park. In consideration of the rezoning, the Planning Commission should look at the thirteen (13) findings of fact based on the guidelines that are listed in your Staff Report along with the factors from the Golden Case. This request also meets all of the minimum standards set forth in the Subdivision Regulations regarding lot length-to-width ratio, parcel size and frontage. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan and the statute, K.S.A. 12-757A, which states that the rezoning is generally in compliance with the land use provisions of the Comprehensive Plan is deemed reasonable. Notice was given to nine (9) surrounding property owners. Staff did not receive any comments for or against this rezoning request. Therefore, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #2003-1747 requesting to rezone approximately 3.00 acres from an R-E (Residential Estate) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District and to rezone approximately 4.75 acres from an R-E (Residential Estate) Zoning District to an A-1 (Agriculture) Zoning District based on the findings as set forth in the resolution and forward a recommendation to the County Commissioners to rezone the property and to amend the County Zoning Map accordingly. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation. Ed Anderson, the applicant, was present. Mr. Anderson stated he had nothing further to add unless the Planning Commission had any questions. The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. There were none. 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. R. Bowers made a motion to recommend approval of application #2003-1747 (Anderson) to rezone approximately 3.00 acres from an R-E (Residential Estate) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District and to rezone approximately 4.75 acres from an R-E (Residential Estate) Zoning District to an A-1 (Agriculture) Zoning District as described by Chair and based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by M. Wilkins. The Chair called for roll call vote.
Motion carried 7-0.

2. Application #2004-1751 (Crabtree) for a Special Use Permit for the construction and operation of a private landing strip in an A-1 (Agriculture) Zoning District. Said property is located on the South side of John Brown Road approximately one-half (1/2) mile West of Louisiana Road, in the West Half (W 1/2) of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 16, Township 18 South, Range 19 East.

**Staff Presentation:** The Chair opened Staff Presentation. Staff stated that the applicant is requesting a Special Use Permit in the A-1 (Agriculture) Zoning District, for the construction and operation of a Private Landing Strip. The County Zoning Regulations do have certain activities and uses that are permitted by right within each Zoning District. The County Zoning Regulations provide for certain uses to be permitted by Special Use Permit. Section 4-3.01 addresses uses permitted by Special Use Permit in the A-1 Zoning District. In addition to the listed uses, Section 4-3.01.15 also permits the Planning Commission to approve other similar uses. The aerial photos attached as part of your Staff Report depicts approximately where the proposed private landing strip would be located. This particular tract is a long, linear tract of land and is roughly 40 acres in size. The proposed private landing strip would be similar to other landing strips located in the County. Staff doesn’t know the exact number because some of them are no longer in use but at one time there were fourteen (14) private landing strips that were being utilized in Franklin County. Staff has reviewed this request in accordance with the provisions set forth in the County Zoning Regulations under the provisions for a Special Use Permit. There are some basic issues that have to be addressed and those are set forth in the Supreme Court case of Golden vs. the City of Overland Park. Staff has addressed those various findings that the Supreme Court identified that the Planning Commission should consider when addressing Rezonings or Special Use Permits. There are nine (9) of those criteria and they are identified in the Staff Report. One of those criteria is whether the proposed change in zoning would be in conformance with the County’s Comprehensive Plan. While this isn’t a change in zoning, it is a special type of use that could be permitted in the Agriculture Zone. Staff does feel that the proposed use does satisfy that criteria as far as the Comprehensive Plan is concerned. At the time the Staff Report was written, Staff had not received any comments for or against the proposed request. Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of Special Use Permit #2004-1751 (Crabtree) for a Special Use Permit for the construction and operation of a Private Landing Strip in an A-1 (Agriculture) Zone subject to the conditions set forth in the resolution as long as the Planning Commission can make the findings necessary to support the approval of the Special Use Permit. Subsequent to the Staff Report being written, Staff did receive one (1) letter, which the Planning Commission did receive a copy of, from Mr. Stottlemire opposing the Private Landing Strip. Staff also provided an aerial photo showing the surrounding property owners and where Mr. Stottlemire’s property is located in relation to the proposed Private Landing Strip. The property for the proposed landing strip is outlined in red and the surrounding property lines are depicted in yellow. There is at least one (1) parcel between the proposed site and Mr. Stottlemire’s. The applicant is present to answer any questions the Planning Commission might have. The proposed Private Landing Strip is similar to some of the other ones the County has approved in the last several years. Chair closed Staff Presentation.

**Applicant Presentation:** The Chair opened Applicant Presentation. Andy and April Crabtree, 4138 Eisenhower Road, were present. Mr. Crabtree stated they have lived in the area for almost twelve (12) years. They are hoping to relocate to this property and build the landing strip and a new residence in the future. Regarding the conditions proposed in the draft resolution, he wanted to know what constituted “initiated and utilized by commencing the activity at the specified site within one (1) year of the date of approval” as stated in condition #4?

Staff stated that landing strips are kind of a unique use because they are not used every day. However, the applicant would have to use the landing strip at least once a year or the Special Use Permit would become null and void. So, if the landing strip has not been used for at least once within one (1) year, by operation of law the Special Use Permit would become null and void. Franklin County would not have to take a special action to reject or modify the Special Use Permit because by operation of law it would become null and void. However, if
the Special Use Permit is not in compliance with the other conditions, then the Planning Commission can bring it back for reconsideration and hold a public hearing for revocation or modification. There is a distinction between what is set forth in condition #4, which is an operation of law, and the other 3 which would require a public hearing if there were modifications or possibly revocation.

Mr. Crabtree stated he had no concerns with the landing strip being utilized at least once a year. Right now the property is in crops, so depending on how beans do this year, and the rest of the weather, it is possible they may plant a double crop of wheat. So, it might be a little over a year before it is first used depending on when they are able to start the dirt work for the landing strip.

Staff stated that the applicant could request a time extension and then it can be brought before the Planning Commission that, because of weather conditions or whatever, the applicant was unable to start on the construction of the landing strip and get it completed within the one (1) year timeframe as conditioned in #4 of the adopted resolution. This is not an uncommon occurrence, here in Kansas, to have projects delayed due to weather conditions, especially building permits.

Mr. Crabtree asked what the process would be to file for the time extension?

C. Campbell stated that in one (1) year from the date the resolution is adopted, if you don’t have the landing strip completed, then you would contact the Planning Department and request a time extension.

Staff stated that you would submit a letter prior to the expiration of the one (1) year asking for a time extension of this activity. The applicant would have to submit sound reasoning as to why you were not able to get the landing strip completed within the timeframe.

Mr. Crabtree asked if it would be possible to make an amendment to that resolution tonight and extend the time to two (2) years?

Staff stated that the one (1) year timeframe is structured in the County Zoning Regulations. It would take a modification to the Zoning Regulations to amend that condition to a two (2) year timeframe. That would require another Public Hearing to consider modifying the Zoning Regulations, under the Special Use Permit provisions for this particular condition.

Mr. Crabtree stated that condition #3 states that “The landing strip shall be maintained in good work condition at all times”. That would be his intent, however it will be a grass landing strip, sometimes with snowfall and excessive rain amounts, etc. may make it impossible to maintain a good work condition at all times. Anyone wishing to use the landing strip would have to contact him before they can get permission to land. That should satisfy that portion of the conditions. Condition #3, worded as it is, makes it difficult to stay in compliance with that condition. There is a percentage of the time that even the Ottawa Airport has not been able to remove the snow, etc.

Staff stated that the County realizes that any airport would be subject to those type of weather conditions.

Mr. Crabtree stated he would request that Condition #2 be completely removed since complying with Condition #1 regarding FAA restricted private use permission requirement would satisfy that condition.

Staff asked if Mr. Crabtree was talking about the use of the landing strip or the maintenance of the landing strip?

Mr. Crabtree stated the use and the maintenance would both be covered under Condition #1 but the maintenance as far as the good working condition stated in Condition #3.

C. Campbell asked if the applicant stated that this landing strip would be a grass strip?

Mr. Crabtree stated yes they are proposing a grass landing strip. It will look more like a grass waterway, no lights, and strictly used between sunrise and sunset type of operation. Condition #2 states that “the landing strip shall be limited for use as a private landing strip for family members”. He conferred with Greg Chenoweth,
KDOT State Aviation Planner in Topeka, and he recommends that the regular language that the FAA has for private airstrips. Private landing strips are restricted already because you have to have private permission before landing and that should be enough restriction.

S. Valencia asked who do the pilots get permission from before landing?

Mr. Crabtree stated the owner of the landing strip has to grant permission before landing. Mr. Crabtree stated he had a letter from Greg Maxwell, who has a landing strip up North. Mr. Maxwell estimated that he has had his landing strip since 1999 just East of 59 Highway about ½ mile. He has operated continuously since 2000 under a Conditional Use Permit from Douglas County. During his twenty (20) years of operation he estimated only ten (10) pilots has used his landing strip for a total of twenty-five (25) take off and landings besides himself. Mr. Maxwell stated he uses his private landing strip maybe three (3) to four (4) times per month on average. Mr. Crabtree stated that he flies maybe three (3) to four (4) times per month, it would be double that for operations because of take-off operations and landing operations. He does hope his children would fly someday. He has already started certified training with his daughters because they are getting old enough. Ottawa Airport has been reporting approximately 90 operations a week. Just the nature of a private landing strip being restricted, the operations are so low that it would never be an issue for pilots other than family members to utilize the landing strip. He did consult another friend that has a strip North of Wichita and it is a community and there are about seventy (70) airplanes based on this strip up by Valley Center and they see about thirty (30) operations per month. He believes the intent to have the condition for family members only would be to limit operation and any nuisance noise, etc. Mr. Crabtree’s intent would be to invite other pilots/friends from the area to the hangar for a barbeque and wouldn’t see that as being a problem or nuisance.

April Crabtree, the applicant’s wife, stated that limiting the landing strip to use by family members only, the neighbors directly adjacent to this site have a brother-in-law that owns an aircraft and he has expressed interest in getting his private pilot license. If the neighbor has family that wants to visit, and they are next door, she would hate to deny them the opportunity to land at this landing strip when it is right next door. Mrs. Crabtree stated they did go visit with all the neighbors surrounding the property, just to answer any questions and address any concerns they might have. Most of the neighbors were ok, but Mr. Stottlemire’s primary concern when they visited with him was whether or not it would affect his property value. The runway would be grass and would involve mostly dirt work so in the event they sell the property and the next owners don’t want a runway they could remove the dirt and grass and convert it back to farm ground. Mr. Stottlemire was also concerned about light pollution from the runway lights and header lights. They don’t intend to have any lights, it would only be used during daylight hours. Mr. Stottlemire was also concerned about it being a commercial type operation versus a private landing strip. After we addressed all Mr. Stottlemire’s concerns, I believe it reassured him.

Mr. Crabtree stated that limiting the landing strip to just family members would be like having a nice fishing pond and you would like to allow some people to use it but wouldn’t want a crowd of people there using it all the time. That is more the intent of having the landing strip in the backyard. Also, on Condition #1 he would like for the word “applicant” be changed to “landowner”. It would be a de-evaluation of his property to have the Special Use Permit only in his name. If he would like to transfer ownership to his son when he is done, then the Special Use Permit should be “landowner” instead of “applicant”.

C. Campbell asked how the applicant intends to use the ground that is around the landing strip? How wide is the landing strip going to be?

Mr. Crabtree stated that the landing strip would be approximately 60 feet wide. The wingspan on his plane is 26 feet but a lot of the small cessnas are around 30 feet. He has reference lots of different runways and 60 feet is the narrowest most pilots would be comfortable landing on. It would be 2500 to 2600 feet in length is a good length for small single engine airplanes.

Mrs. Crabtree stated that the ground that is adjacent to Mr. Carey’s land would kept as farm ground. On the other side of the runway that is adjacent to neighbors, because they have cattle as well, would be kept as pasture land and either plant the front in hay and then also build a residence.
Mr. Crabtree stated that it also depends on the dirt work and he would like to do a grass waterway. Right now there is a little bit of erosion going through the property, which the landing strip would help with, then plan a waterway in there. Depending on how that works with the cropland, their daughters horse passed away last year and she wants to get another one so there will probably be some ground fenced for pasture ground and the rest remaining cropland.

C. Campbell asked if there are any existing structures on the property now?

Mr. Crabtree stated there are no structures on the property now. They intend to build a house and a workshop/hanger structure in the middle of the property in the back.

C. Campbell asked if the access to the property would be from John Brown Road?

Mr. Crabtree stated yes the access to the new residence would be from John Brown Road.

Mrs. Crabtree stated they did apply for a water meter and it was approved but they were considering whether they would need to increase the size of the pipes so the water meter has not been installed yet because if they do install new pipes it would be easier for them to do their water meter at the same time.

S. Valencia asked the applicant if his builds airplanes for a living?

Mr. Crabtree stated no he just builds them as a hobby. He started building in 2004 and has been flying since 2013 on the particular one he has now. He has flown it to both coasts and flies about 100 hours per year.

The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. Weldon Harrod, 336 South Willow Street, Ottawa, stated he also owns a landing strip out in the County. As he understood it, there are restrictions to only family members can land on the landing strip. He feels it would be safer for any pilot flying across this country, with a sectional that shows there is a private landing strip, that if he has a problem he has a safe place to land. The FAA puts these private landing strips on the sectional.

Jack Miller, 1807 Labette Road, stated he has been a resident of Franklin County since 2003. He is a AOPA network volunteer for KOWI, which is the Ottawa Airport. Prior to that, he had the distinct honor of serving on the re-instated advisory board when the Ottawa City Commission and Richard Nienstedt recreated it back in 2011. He is present this evening for Andy Crabtree and requesting the Planning Commission to consider everything in a positive manner. The FAA does not actually regulate any private airstrips. The collect data and they have it in the airport data plan and that is basically only if you want the airport depicted on the sectional or regional air map chart. Technically, you don’t have to have the landing strip listed so that it is available to other pilots but most people do. The main reason is so if pilots are flying around and the engine quits it is nice to know there is a place close by to land. He has had the opportunity to utilize Mr. Crabtree as one of the founders of the Crown Flying Club, which was formerly King Radio, and Mr. Crabtree is one of the flight instructors of that flying club. Mr. Crabtree won’t be doing anything stupid or even associate with anybody that does unsafe things. He requests that the Planning Commission consider the individual himself and approve the application.

D. Barkley asked if Mr. Miller stated that the FAA does not regulate the use of private landing strips?

Mr. Miller stated correct the FAA collects data but they do not regulate private landing strips.

Roger Brockus, 708 West 15th Street, Ottawa, stated that Mr. Crabtree is a very serious about flying and is very safety minded. The Chair closed Public Comment.

Board Discussion: The Chair opened Board Discussion. D. Barkely stated on Condition #1, if the FAA doesn’t regulate private landing strips then maybe Condition #1 should be removed. Then that makes Condition #3 remain. On Condition #2 he doesn’t understand why it would be limited to only family members.
Chair stated that the County sets certain conditions for a reason, are they listed in the Zoning Regulations?

Staff stated the Planning Commission can list certain conditions as they see fit. If the Planning Commission doesn’t agree with a condition that was listed then you can delete it or amend it. This is your recommendation going forward to the Board of County Commissioners of how you want this landing strip to operate.

S. Valencia asked if there is a reason the condition for use by family members only was added?

Staff stated that Condition #2 was added so you didn’t have commercial operations coming out of this landing strip.

D. Barkley stated if the Planning Commission wants to limit that, can we put some type of monthly limit of operations. To limit it to only family members doesn’t seem applicable to him.

Staff stated that he doesn’t disagree that limiting it to only family members may be too restrictive because if there is a pilot flying near this location and has problems and sees this landing strip they will utilize it with or without Mr. Crabtree’s permission.

Chair asked if the applicant should need to extend the one (1) year deadline he would have to come back before the Planning Commission and request a time extension?

Staff stated that if there have been any changes to the County Comprehensive Plan or the County Zoning Regulations that might otherwise affect the Planning Commission from approving one, if you were to receive a new application, that would be the whole reason for the applicant to receive a time extension to allow him additional time to get started. Otherwise, it is limited to the one (1) year, which is written in the Zoning Regulations. That is the only condition that is part of the County Zoning Regulations. The other conditions the Planning Commission can add to, modify or delete in terms of the overall operation. The Planning Commission must keep in mind that the purpose and intent is not only to satisfy the criteria the applicant needs to operate but also to protect the surrounding public interest as well as private property values. Those are typically the reasons the County imposes conditions or restrictions and that is why it is called a Special Use Permit, or sometimes a Conditional Use Permit.

Chair asked on Condition #1, the applicant wanted it change from “applicant” to “landowner”. What happens if he sells the property and is no longer the landowner?

Staff stated that in this case the applicant is the landowner, so nothing changes by saying “landowner”. Typically, Special Use Permits go with the applicant. Sometimes the landowner authorizes the applicant to file for the Special Use Permit.

R. Bowers stated the applicant was concerned that if he sold the property, that the new owner would not be able to use the landing strip.

Staff stated that the Special Use Permit transfers with the title. Special Use Permits are just like Rezonings, they transfer with the title of the land. The Special Use Permit goes with the property.

D. Barkley stated that if the FAA doesn’t regulate private landing strips then Condition #1 could be deleted.

R. Bowers stated that Condition #1 should be amended to say “FAA Guidance for the use and operation of a private landing strips”. The FAA does have guidance out there for the operation of a landing strip, there are no actual hard regulation of laws but they do have advisory circulars.

Mr. Miller stated that Mr. Harrod’s landing strip is depicted on the sectional charts but he does have to notify the FAA if he wants to keep that landing strip on the chart. If he doesn’t notify the FAA, they have the option to remove him from the chart. There are no actual operational regulations as to what he should or shouldn’t do as a private landing strip.
R. Bowers stated the FAA Guidance tells them that they need to do that to stay on the charts, how to seed the grass strip, how to level the strip and how to grade the strip. All of that information is out there but it is not a regulation. R. Bowers stated that he is in agreement that Condition #2 that the landing strip should not be restricting the landing strip to family members only. It should be limited to the applicant’s permission and non-commercial use.

S. Valencia asked if family members only was deleted should it state “a private landing strip for non-commercial usage”. Should it emphasize non-commercial part?

Staff stated in Condition #2 if you delete family members and state non-commercial purposes that would be fine.

Mr. Crabtree stated that the wording may be looking for would be “not for hire”. The IKOA definitions, under general aviation, technically flight instruction, if he has to get a bi-annual flight review from somebody, he has to pay for that, that is a commercial operation. If you go under IKOA definitions of general aviation that would cover that condition because it would eliminate your scheduled and non-scheduled pay for hire cargo and transportation.

Staff stated that non-commercial purposes would also be for you to not be able to charge a fee for other pilots to use your landing strip. That is one of the things that would want to emphasize that we are not approving a commercial landing strip, it is a private landing strip that would be used for non-commercial purposes.

Mr. Crabtree stated if a crop duster wanted to use the landing strip, there are farm grounds in this area, he would have farm fields on his property, that is technically a commercial operation but it also fits in with A-1 Zoning.

Staff stated that you would be charging the crop duster for using the landing strip.

C. Campbell asked if this item needed to be tabled so Staff can make the changes?

Staff stated the changes can be made as long as the Planning Commission is satisfied with the changes that have been suggested. The first change would be Condition #1 that the applicant shall comply with all applicable FAA Guidance for the use and operation of a private landing strips. Condition #2 would be modified to state that the landing strip shall be limited for use as a private landing strip for non-commercial purposes only.

C. Campbell asked if the applicant was comfortable with the changes that have been proposed?

Mr. Crabtree asked if Condition #3 was going to remain or be deleted?

S. Valencia stated that she believes it should remain. It is not the intent to state that the landing strip would be in good working condition 365 days a year, because we understand Kansas weather. Rather, that you will do everything in your capabilities to maintain the landing strip.

D. Barkley asked what objection the applicant had to the wording of condition #3?

Mr. Crabtree stated he would like the words “at all times” deleted.

D. Barkley asked if at all times was deleted and it just stated “The landing strip shall be maintained in good working condition”.

Mr. Crabtree stated he would be fine with that modification.

The Chair closed Board Discussion.

The Chair asked for a motion. R. Bowers made a motion to recommend approval of application #2004-1751 (Crabtree) for the construction and operation of a Private Landing Strip in an “A-1” Agriculture Zone as described by Chair and based on Staff recommendations and subject to the conditions listed in the resolution with the change to Condition #1 changing the word regulations to guidance, Condition #2 changing the words family
members to non-commercial purposes only and Condition #3 deleting the words at all times. The motion was seconded by C. Campbell. The Chair called for roll call vote.

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Motion carried 7-0.

3. **Application #2005-1754 (Plank), to rezone approximately 25.10 acres from A-2 (Transitional Agriculture) Zoning District to a R-E (Residential Estate) Zoning District.** Said property is located on the South side of Sand Creek Road approximately one-quarter (1/4) mile East of Vermont Road, in the East Half (E ½) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 21, Township 16 South, Range 21 East.

**Staff Presentation:** The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone a portion of a 25.10 acre tract from an A-2 (Transitional Agriculture) District to an R-E (Residential Estate) Zoning District. The property is located on the South side of Sand Creek Road approximately one-quarter (1/4) mile East of Vermont Road, in the East Half (E ½) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 21, Township 16 South, Range 21 East. When Staff looked at the request it appeared that the resulting tracts did not appear at first to meet all the criteria to meet the minimum lot size. After the survey was conducted, which is attached as part of the Staff Report, resulting tract A would be 20.10 acres in size and can remain in the A-2 Zoning District. The request now is to rezone only tract B, which is a 5.00 acre tract, to the R-E (Residential Estate) Zoning District. The purpose for the rezoning is to permit a family member to construct a new residence. The owner would retain the remaining approximately 20.10 acres, with the existing residence and outbuildings. The existing residence is already served with on-site water by Rural Water District #6 and does have an existing on-site sanitation system. There is a letter on file from Rural Water District #6 stating they do have the capability of providing a water meter to the newly created 5.00 acre tract. Staff finds that the rezoning request is substantially in compliance with the goals and objectives of the County Comprehensive Plan and the County Zoning Regulations as well as the provisions set forth in the Supreme Court case of Golden vs. the City of Overland Park. In consideration of the rezoning, the Planning Commission should look at the thirteen (13) findings of fact based on the guidelines that are listed in your Staff Report along with the factors from the Golden Case. This request also meets all of the minimum standards set forth in the Subdivision Regulations regarding lot length-to-width ratio, parcel size and frontage. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan and the statute, K.S.A. 12-757A, which states that the rezoning is generally in compliance with the land use provisions of the Comprehensive Plan is deemed reasonable. Notice was given to twelve (12) surrounding property owners. Staff did not receive any comments for or against this rezoning request. Therefore, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #2005-1754 requesting to rezone approximately 5.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-E (Residential Estate) Zoning District based on the findings as set forth in the resolution and forward a recommendation to the County Commissioners to rezone the property and to amend the County Zoning Map accordingly. The Chair closed Staff Presentation.

**Applicant Presentation:** The Chair opened Applicant Presentation. Steve Ganther, 4526 Sand Creek Rd., was present to represent the applicant. Mr. Ganther stated that he and his wife own the 25.10 acres. The purpose for the rezoning is so their daughter and son-in-law can construct a new residence on a 5.00 acre tract. He and his wife both have some health issues and this would allow his daughter and son-in-law to live closer to them and help them maintain the property and keep an eye on him and his wife. The Chair closed Applicant Presentation.

**Public Comment:** The Chair opened Public Comment. There were none. 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. M. Wilkins made a motion to recommend approval of application #2005-1754 (Plank) to rezone approximately 5.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-E (Residential Estate) Zoning District as described by Chair and based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by C. Campbell. The Chair called for roll call vote.

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Motion carried 7-0.

4. Application #2005-1757 (Smith) to rezone approximately 1.00 acre from an R-3A (Single Family Residential Three Acre) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 4.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. Said property is located at the intersection of Louisiana Road and Jackson Road, on the West side of Louisiana Road and North side of Jackson Road, in the Southeast Quarter (SE ¼) of Section 28, Township 17 South, Range 19 East.

**Staff Presentation:** The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 1.00 acre from an R-3A (Single Family Residential Three Acre) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 4.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. Said property is located at the intersection of Louisiana Road and Jackson Road, on the West side of Louisiana Road and North side of Jackson Road, in the Southeast Quarter (SE ¼) of Section 28, Township 17 South, Range 19 East. The purpose for the rezoning is to permit the merger of the 4.00 acres with the existing 1.00 acre tract. This would allow the applicant to replace the existing sanitation system that is failing in order to sell the property. The Sanitation Code requires that all properties that have existing residence, that are being sold, must have an inspection of the sanitation system to ensure it is in compliance with the current Sanitation Code. If that system is a failing system it is up to the seller to repair or maintain that system to operational standards. The current 1.00 acre site is too small to accommodate the residence as well as the other facilities that currently exists. The aerial photo that is attached as part of your Staff Report best depicts what is being proposed. The merger of these two (2) tracts would bring the property into compliance with the County Zoning Regulations and also the County Sanitation Code. Staff finds that the rezoning request is substantially in compliance with the goals and objectives of the County Comprehensive Plan and the County Zoning Regulations as well as the provisions set forth in the Supreme Court case of Golden vs. the City of Overland Park. In consideration of the rezoning, the Planning Commission should look at the thirteen (13) findings of fact based on the guidelines that are listed in your Staff Report along with the factors from the Golden Case. This request also meets all of the minimum standards set forth in the Subdivision Regulations regarding lot length-to-width ratio, parcel size and frontage. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan and the statute, K.S.A. 12-757A, which states that the rezoning is generally in compliance with the land use provisions of the Comprehensive Plan is deemed reasonable. Notice was given to twenty-seven (27) surrounding property owners. Staff did not receive any comments for or against this rezoning request. Therefore, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #2005-1754 requesting to rezone approximately 1.00 acre from an R-3A (Single Family Residential Three Acre) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 4.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District based on the findings as set forth in the resolution and forward a recommendation to the County Commissioners to rezone the property and to amend the County Zoning Map accordingly.

C. Campbell asked if the applicant would be installing a lagoon on the newly created 5.00 acre tract.

Staff stated he don’t believe they are installing a lagoon, but they could if they find it is necessary to do so. Most property owners prefer to install in-ground systems rather than a lagoon because of the aesthetics. However, sometimes the conditions of the soil prohibit an in-ground system because it has such a heavy clay content there is no water absorption. There are some areas in Franklin County that, unfortunately, have that kind of soil capabilities. The Chair closed Staff Presentation.
**Applicant Presentation**: The Chair opened Applicant Presentation. There were none. The Chair closed Applicant Presentation.

**Public Comment**: The Chair opened Public Comment. There were none. 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. R. Bowers made a motion to recommend approval of application #2005-1757 (Smith) to rezone approximately 1.00 acre from an R-3A (Single Family Residential Three Acre) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 4.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District as described by Chair and based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by M. Wilkins. The Chair called for roll call vote.

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Motion carried 7-0.

5. **Application #2005-1758 (Hirt) to rezone approximately 3.00 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District. Said property is located on the North side of Cloud Road approximately three-fourths (3/4) mile East of Nebraska Road in the Southwest Quarter (SW ¼) of Section 32, Township 18 South, Range 20 East.**

**Staff Presentation**: The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 3.00 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District. Said property is located on the North side of Cloud Road approximately three-fourths (3/4) mile East of Nebraska Road in the Southwest Quarter (SW ¼) of Section 32, Township 18 South, Range 20 East. The purpose for the rezoning would be to allow for the division of 3.00 acres to be sold for the construction of a new residence. There is an existing residence on this tract of land at the present time. The County Zoning Regulations only allows one (1) residence per lot or tract of land. The aerial photo that is attached as part of your Staff Report depicts what is being proposed. There has been a lot of terracing work done on this property for agricultural purposes so they have attempted to stay away from the waterway system and to limit the area that would be most affected if they divide the tract. There is a letter on file from Franklin County Rural Water District #6 that states they would be able to provide a new water meter to the newly created tract. The soils are capable of handling an in-ground sanitation system. Staff finds that the rezoning request is substantially in compliance with the goals and objectives of the County Comprehensive Plan and the County Zoning Regulations as well as the provisions set forth in the Supreme Court case of Golden vs. the City of Overland Park. In consideration of the rezoning, the Planning Commission should look at the thirteen (13) findings of fact based on the guidelines that are listed in your Staff Report along with the factors from the Golden Case. This request also meets all of the minimum standards set forth in the Subdivision Regulations regarding lot length-to-width ratio, parcel size and frontage. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan and the statute, K.S.A. 12-757A, which states that the rezoning is generally in compliance with the land use provisions of the Comprehensive Plan is deemed reasonable. Notice was given to twelve (12) surrounding property owners. Staff did receive one (1) phone call concerned that his property would be impacted because the setback requirements for the R-3A Zoning District are far less than they would be for the agricultural zones. It would take a minimum of 40 acres to satisfy that minimum lot size. The applicant is attempting to minimize the amount of agricultural land that is being taken away for residential purposes. Therefore, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #2005-1754 requesting to rezone approximately 3.00 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District based on the findings as set forth in the resolution and forward a
recommendation to the County Commissioners to rezone the property and to amend the County Zoning Map accordingly. The Chair closed Staff Presentation.

**Applicant Presentation:** The Chair opened Applicant Presentation. There were none. The Chair closed Applicant Presentation.

**Public Comment:** The Chair opened Public Comment. There were none. 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. M. Wilkins made a motion to recommend approval of application #2005-1758 (Hirt) to rezone approximately 3.00 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District as described by Chair and based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by R. Bowers. The Chair called for roll call vote.

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Motion carried 7-0.

The Chair closed Public Meeting Items.

**NON-PUBLIC MEETING ITEMS:** The Chair opened Non-Public Meeting Items. There were none. The Chair closed Non-Public hearing Items.

**PUBLIC COMMENT SECTION:** The Chair opened Public Comment. There were none. The Chair closed Public Comment.

**GENERAL BOARD DISCUSSION:** The Chair opened General Board Discussion. There were none. The Chair closed General Board Discussion.

**ADJOURNMENT:** With no further business to discuss, D. Barkley made a motion to adjourn. N. Mast seconded the motion. All voted in favor 7-0. The meeting was adjourned at 7:35 p.m.

Attest:  

Linda Spencer, Chair

Larry D. Walden, Planning Director