

FRANKLIN COUNTY

To:	Franklin County	Reviewed:	
	Board Of County Commissioners		
From:	Larry D. Walrod	Extension:	3571
	Planning & Building Dept.		
Date:	March 11 th , 2009	No.	

ITEM:

Rezoning Application #0901-905, for Mike Horn, to rezone from an A-1 to an A-2, located near the intersection of Butler Road and Ohio Road, on the East side of Ohio Road and South of Butler Road.

BACKGROUND:

To rezone approximately 59.89 acres from an A-1 (Agriculture) District to an A-2 (Transitional Agriculture) District.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of rezoning application #0901-905 to rezone approximately 59.89 acres from an A-1 (Agriculture) District to an A-2 (Transitional Agriculture) District.

STAFF RECOMMENDED ACTION:

To adopt the attached resolution approving Rezoning Application #0901-905 rezone approximately 59.89 acres from an A-1 (Agriculture) District to an A-2 (Transitional Agriculture) District and to amend the Official Zoning Map accordingly.

ATTACHMENTS:

Staff Report
Aerial Photo
Survey
Resolution



STAFF REPORT

To: Franklin County
Board Of County Commissioners

From: Larry D. Walrod *L D W*
Planning Director

Case: Application #0901-905
Rezoning

Date: February 24, 2009

GENERAL INFORMATION

Applicant:

Mike Horn
11512 Gillette
Overland Park, KS 66210

Property Owner:

Mike Horn
11512 Gillette
Overland Park, KS 66210

Requested Action:

Approval of a Rezoning Request.

Purpose:

To rezone approximately 59.89 acres from an A-1 (Agriculture) District to an A-2 (Transitional Agriculture) District.

Existing Land Use and Zoning:

A-1, Agriculture.

File Date:

January 26th, 2009

BACKGROUND:

At their meeting of February 19th, 2009 the Planning Commission considered and unanimously approved Rezoning Application #0901-905 requesting to rezone approximately 59.89 acres from an A-1 (Agriculture) to A-2 (Transitional Agriculture) District.

The property is located near the intersection of Butler Road and Ohio Road, on the East side of Ohio Road and South of Butler Road in the Northwest Quarter of Section 15, Township 19 South, Range 20 East and is currently used for agriculture with an existing residence.

The purpose for the rezoning is to permit the division of approximately 25.00 acres, with the existing residence. The remainder tract would be less than the minimum required for the A-1 Zoning District so it would need to be rezoned to the A-2 Zoning District.

Notice was sent to eleven (11) surrounding property owners. There were no comments for or against this application received by the Planning Department and no one appeared at the public hearing

RECOMMENDATION:

Staff recommends that the Board of County Commissioners accept the recommendation of the Planning Commission and adopt the attached resolution to approve Rezoning Application #0901-905 to rezone approximately 59.89 acres from an A-1 (Agriculture) District to an A-2 (Transitional Agriculture) District.

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

RESOLUTION NO. 09- _____

**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 Mike Horn to rezone approximately 59.89 acres from an A-1 (Agriculture) District to an A-2 (Transitional Agriculture) District. The property described below lies outside any incorporated city and is described as follows:

Tract A:

Commencing at a Limestone at the Northwest corner of the Northwest Quarter of Section 15, Township 19 South, Range 20 East of the 6th P.M., Franklin County, Kansas; THENCE South 00 degrees 00 minutes 00 seconds West, 650.00 feet to a ½" rebar on the West line of said Northwest Quarter, being the point of beginning; THENCE South 89 degrees 36 minutes 26 seconds East, 1030.00 feet to a ½" rebar; THENCE North 00 degrees 00 minutes 00 seconds East, 222.48 feet to a ½" rebar; THENCE South 88 degrees 52 minutes 02 seconds East, 1221.84 feet to a ½" rebar; THENCE South 04 degrees 35 minutes 04 seconds West, 294.95 feet to a ½" rebar; THENCE South 88 degrees 22 minutes 17 seconds West, 173.44 feet to a ½" rebar; THENCE South 76 degrees 02 minutes 15 seconds West, 67.28 feet to a ½" rebar; THENCE South 62 degrees 37 minutes 20 seconds West, 480.35 feet to a ½" rebar; THENCE South 89 degrees 22 minutes 28 seconds West, 233.82 feet to a ½" rebar; THENCE South 00 degrees 04 minutes 29 seconds West, 263.50 feet to a ½" rebar; THENCE North 89 degrees 57 minutes 10 seconds West, 628.56 feet to a ½" rebar; THENCE South 01 degrees 43 minutes 28 seconds East, 382.55 feet to a ½" rebar; THENCE North 87 degrees 22 minutes 47 seconds West, 712.34 feet to a ½" rebar on said West line; THENCE North 00 degrees 00 minutes 00 seconds East, 960.15 feet to the Point of Beginning. Together with and subject to covenants, easements and restrictions of record. Said property contains 34.89 acres, more or less, in Franklin County Kansas as shown on survey by Taylor Design Group, P.A. dated January, 2009.

Tract B:

Commencing at a Limestone at the Northwest corner of the Northwest Quarter of Section 15, Township 19 South, Range 20 East of the 6th P.M., Franklin County Kansas; THENCE South 00 degrees 00 minutes 00 seconds West, 1610.15 feet to a ½" rebar on the West line of said Northwest Quarter, being the Point of Beginning; THENCE South 87 degrees 22 minutes 47 seconds East, 712.34 feet to a ½" rebar; THENCE South 01 degrees 43 minutes 28 seconds East, 3.61 feet to a ½" rebar; THENCE South 12 degrees 02 minutes 41 seconds East, 473.81 feet to a ½" rebar; THENCE South 54 degrees 48 minutes 12 seconds East, 97.18 feet to a ½" rebar; THENCE South 87 degrees 46 minutes 22 seconds East, 491.05 feet to a ½" rebar; THENCE South 04 degrees 08 minutes 42 seconds East, 472.70 feet to a ½" rebar on the South line of said Northwest Quarter; THENCE North 89 degrees 38 minutes 56 seconds West 1414.87 feet to a ½" rebar at the Southwest corner of said Northwest Quarter; THENCE North 00 degrees 00 minutes 00 seconds East, 1037.44 feet to the Point of Beginning. Together with and subject to covenants, easements and restrictions of record. Said property contains 25.00 acres, more or less, in Franklin County, Kansas as shown on survey by Taylor Design Group, P.A. dated January 2009.

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the 28th day of January 2009, notice of public hearing for said Zoning Change Request; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission held a public hearing on February 19th, 2009 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on February 19th, 2009 in regular session and by a unanimous vote of those members present, approved 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 rezoning of the above described tract of land from an "A-1" Agriculture District to an "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 11th day of March 2009. This action shall become effective upon publication in the official county newspaper.

John E. Taylor
Commissioner District 1

Received and recorded this the 11th day of March 2009.

Shari Perry
County Clerk