

# FRANKLIN COUNTY

To:	Franklin County	Reviewed:	
	Board Of County Commissioners		
From:	Larry D. Walrod <i>LDW</i>	Extension:	3571
	Planning & Building Dept.		
Date:	June 3 <sup>rd</sup> , 2009	No.	

## ITEM:

Rezoning Application #0904-922, for Calvin Pearson, to rezone from an A-1 to an R-E, located between Nebraska Road and Nevada Road on the North side of Clark Road.

## BACKGROUND:

To rezone approximately 5.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District.

## PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of rezoning application #0904-922 to rezone approximately 5.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District.

## STAFF RECOMMENDED ACTION:

To adopt the attached resolution approving Rezoning Application #0904-922 to rezone approximately 5.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) 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 *LDW*  
Planning Director

Case: Application #0904-922  
Rezoning

Date: May 28, 2009

**GENERAL INFORMATION**

Applicant: Calvin Pearson  
254 Kelsey Dr.  
Ottawa, KS 66067

Property Owner: Calvin Pearson  
254 Kelsey Dr.  
Ottawa, KS 66067

Requested Action: Approval of a Rezoning Request.

Purpose: To rezone approximately 5.00 acres from an A-1  
(Agriculture) District to an R-E (Residential Estate)  
District.

Existing Land Use and Zoning: A-1, Agriculture.

File Date: April 14<sup>th</sup>, 2009

**BACKGROUND:**

At their meeting of May 21<sup>st</sup>, 2009 the Planning Commission considered and unanimously approved Rezoning Application #0904-922 requesting to rezone approximately 5.00 acres from an A-1 (Agriculture) to R-E (Residential Estate) District.

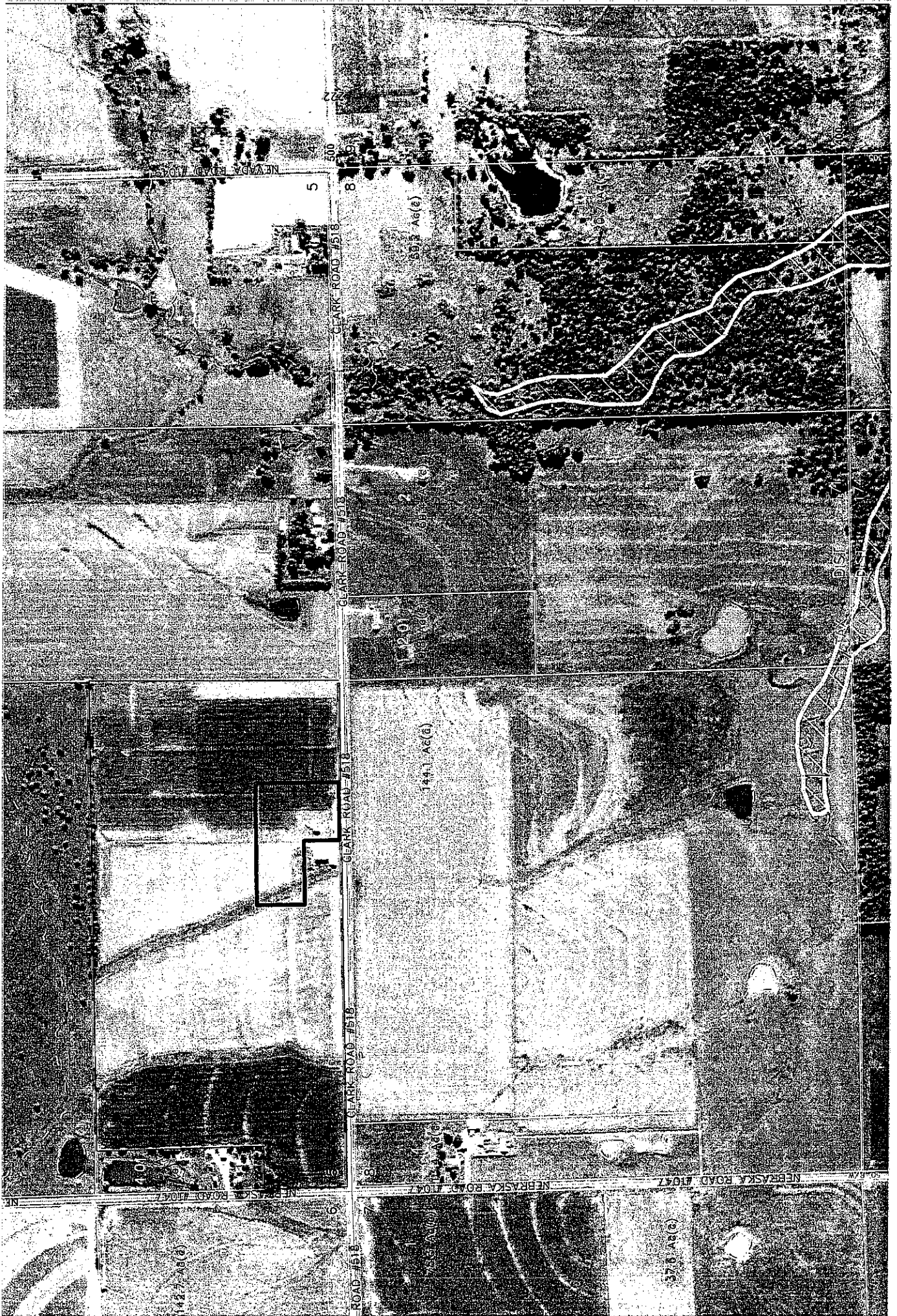
The property is located between Nebraska Road and Nevada Road on the North side of Clark Road in the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 05, Township 19 South, Range 20 East and is currently used for agriculture with an existing residence and outbuildings.

The purpose for the rezoning is to permit the division of approximately 5.00 acres, with the existing residence, from the agricultural land.

Notice was sent to ten (10) 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 #0904-922 to rezone approximately 5.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District.



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NEBRASKA ROAD #1047

CLARK ROAD #518

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**Surveyor's Notes**

- The bearings shown hereon are based on South Line of Southwest Quarter Section 05 Assumed N 89°-09'-42" E
- No underground or above ground utilities were located or shown this survey, by agreement with client.
- There are no known discrepancies between ownership or possession, fences, easements, setback, structures, gaps or overlaps unless shown.

- No Easements or setbacks shown by agreement with client.
- Reference survey BY J.E. TAYLOR PLS 713 SURVEY 1024, 2328 PUBLIC WORKS OFFICE
- REFERENCE REPORTS FROM FRANKLIN COUNTY, PUBLIC WORKS REFERENCE TIES OF RECORD

PARENT TRACT DEED BOOK 270 PAGE 331

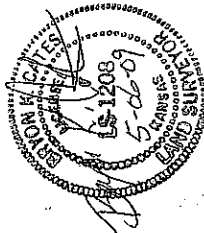
This survey has been reviewed and approved for filing, pursuant to K.S.A. 58-2005 for content only and is in compliance with this act No other warranties are extended or implied.

Approved by: TIMOTHY D. REEVES PLS 1133 Date: \_\_\_\_\_

**CERTIFICATE OF SPLIT APPROVAL**  
STATE OF KANSAS  
FRANKLIN COUNTY

I hereby certify that this lot split has been examined and found to comply with the Subdivision Regulation of Franklin County, Kansas, and is, therefore, approved for recording.  
Signed the \_\_\_\_\_ day of \_\_\_\_\_

LARRY D. WALROD PLANNING DIRECTOR



**CATES SURVEYING INC.**  
Bryon K. Cates  
Professional Surveying Services  
790 Pawnee Rd. Pomona, KS 66076  
Phone 785-566-3391 Fax 785-566-3391

I Bryon K. Cates, A Professional Land Surveyor in the State of Kansas do hereby certify that this Plat represents the true and accurate results of a survey conducted on the ground under my direct supervision on MAY 06, 2009.

SURVEY PERFORMED BY: Bryon K. Cates P.L.S. #1208

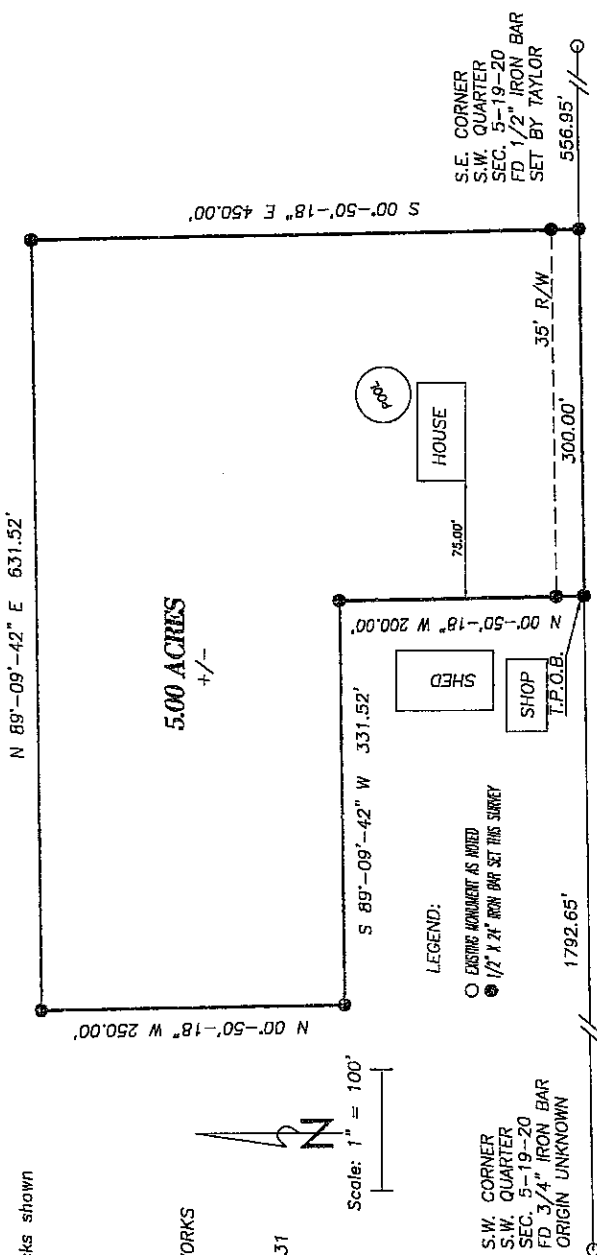
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MAY 06, 2009

LOT SPLIT SURVEY

SURVEY ORDERED BY CALVIN PEARSON  
SOUTHWEST QUARTER OF SECTION 5-19-20

JOB# 09051050  
SCALE: 1" = 100'



**CLARK ROAD**

N 89°-09'-42" E 2649.60'

**LEGAL:**  
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 20 EAST OF THE SIXTH P.M., BEING MARKED WITH A 3/4" IRON BAR; THENCE NORTH 89 DEGREES 09 MINUTES 42 SECONDS EAST 1792.65 FEET ON THE SOUTH LINE OF THE SOUTHWEST QUARTER TO A 1/2" IRON BAR AND THE TRUE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 50 MINUTES 18 SECONDS WEST 200.00 FEET TO A 1/2" IRON BAR; THENCE SOUTH 89 DEGREES 09 MINUTES 42 SECONDS WEST 331.52 FEET TO A 1/2" IRON BAR; THENCE NORTH 00 DEGREES 50 MINUTES 18 SECONDS WEST 250.00 FEET TO A 1/2" IRON BAR; THENCE NORTH 89 DEGREES 09 MINUTES 42 SECONDS EAST 631.52 FEET TO A 1/2" IRON BAR; THENCE SOUTH 00 DEGREES 50 MINUTES 18 SECONDS EAST 450.00 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER, BEING MARKED WITH A 1/2" IRON BAR; THENCE SOUTH 89 DEGREES 09 MINUTES 42 SECONDS WEST 300.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5.00 ACRES MORE OR LESS ALL IN FRANKLIN COUNTY, KANSAS.

**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 Calvin Pearson to rezone approximately 5.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District. The property described below lies outside any incorporated city and is described as follows:

New Tract:

Commencing at the Southwest Corner of the Southwest Quarter of Section 5, Township 19 South, Range 20 East of the Sixth P.M., being marked with a ¾" iron bar; THENCE North 89 degrees 09 minutes 42 seconds East 1792.65 feet on the South line of the Southwest Quarter to a ½" iron bar and the True Point of Beginning; THENCE North 00 degrees 50 minutes 18 seconds West 200.00 feet to a ½" iron bar; THENCE South 89 degrees 09 minutes 42 seconds West 331.52 feet to a ½" iron bar; THENCE North 00 degrees 50 minutes 18 seconds West 250.00 feet to a ½" iron bar; THENCE North 89 degrees 09 minutes 42 seconds East 631.52 feet to a ½" iron bar; THENCE South 00 degrees 50 minutes 18 seconds East 450.00 feet to the South line of the Southwest Quarter, being marked with a ½" iron bar; THENCE South 89 degrees 09 minutes 42 seconds West 300.00 feet to the Point of Beginning containing 5.00 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 29<sup>th</sup> day of April 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 May 21<sup>st</sup>, 2009 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on May 21<sup>st</sup>, 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 "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 3<sup>rd</sup> day of June 2009. This action shall become effective upon publication in the official county newspaper.

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John E. Taylor  
Chairman

Received and recorded this the 3<sup>rd</sup> day of June 2009.

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Shari Perry  
County Clerk