



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

## **AGENDA ITEM NARRATIVE**

Consider the approval of rezoning application #2212-2021 (Fischer) to rezone approximately 10.27 acres from the R-E, Residential Estate District to the A-1, Agriculture District and to rezone 9.91 acres from the A-1, Agriculture District to the R-E, Residential Estate District.

## **BACKGROUND**

The Planning Commission held a public hearing on January 19, 2023 to consider rezoning application #2212-2021 (Fischer).

After hearing Staff presentation, the Planning Commission did recommend approval of rezoning application #2212-2021 (Fischer) to rezone approximately 10.27 acres from the R-E, Residential Estate District to the A-1, Agriculture District and to rezone 9.91 acres from the A-1, Agriculture District to the R-E, Residential Estate District. The Planning Department did not receive any comments for or against the rezoning request and no one appeared at the public hearing.

## **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 #2212-2021 (Fischer) to rezone approximately 10.27 acres from the R-E, Residential Estate District to the A-1, Agriculture District and to rezone 9.91 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to amend the Official County Zoning Map accordingly.

## **SPECIFIC ACTION REQUESTED**

An Affirmative motion in support of this item would read as follows: "I make a motion to approve rezoning application #2212-2021 (Fischer) to rezone approximately 10.27 acres from the R-E, Residential Estate District to the A-1, Agriculture District and to rezone 9.91 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to amend the Official County Zoning Map accordingly".

## **ATTACHMENTS**

Aerial Photos (5)  
Resolution



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 Tracy and Kelli Fischer to rezone approximately 10.27 acres, described as Original Tract 3, from the R-E, Residential Estate District to the A-1, Agriculture District and to rezone 9.91 acres, described as New Cabin Tract, 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:

Original Tract 3:

Original Tract 3 as described in deed book 314 page 792 filed in the Franklin County Register of Deeds Office, Franklin County Kansas as follows: A tract in the S  $\frac{1}{2}$  of the Fr. S.W.  $\frac{1}{4}$  of Sec. 8, Twp. 19 S., Rng. 18 E of the 6<sup>th</sup> P.M., Franklin County, Kansas, being more particularly described as follows: Beginning at the S.W. Corner of the Fr. S.W.  $\frac{1}{4}$  of said Sec. 8; Thence North 89 degrees 39 minutes 29 seconds East (GEOID03) on the South line of said Fr. S.W.  $\frac{1}{4}$  for a distance of 669.27 feet to the S.E. Corner of the S.W.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  of the Fr. S.W.  $\frac{1}{4}$ ; Thence continuing North 89 degrees 39 minutes 20 seconds East for a distance of 31.43 feet; Thence North 01 degrees 47 minutes 51 seconds West for a distance of 519.45 feet; Thence North 88 degrees 29 minutes 06 seconds West for a distance of 13.54 feet to the East line of said S.W.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  of the Fr. S.W.  $\frac{1}{4}$ ; Thence North 00 degrees 10 minutes 32 seconds East on said East line for a distance of 141.15 feet to the N.E. Corner of said S.W.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  of the Fr. S.W.  $\frac{1}{4}$ ; Thence South 89 degrees 35 minutes 04 seconds West on the North line of said S.W.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  of the Fr. S.W.  $\frac{1}{4}$  for a distance of 673.21 feet to the N.W. Corner of said S.W.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  of the Fr. S.W.  $\frac{1}{4}$ ; Thence South 00 degrees 09 minutes 58 seconds East on the West line of said S.W.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  of the Fr. S.W.  $\frac{1}{4}$  for a distance of 660.00 feet to the Point of Beginning, Franklin County Kansas.

New Cabin Tract:

A tract of land in the North Half of the Northwest Quarter of Section 17, Township 19 South, Range 18 East of the Sixth P.M., Franklin County, Kansas written by Bryon K. Cates, PS 1208, dated January 28, 2023. Beginning at the Northwest Corner of the Northwest Quarter of said Section 17; Thence N 89° 39' 29" E 581.58 feet on the North line of said Northwest Quarter; Thence S 00° 22' 02" E 756.10 feet; Thence N 87° 35' 34" W 582.26 feet to the West line of the Northwest Quarter; Thence N 00° 22' 02" W 728.17 feet to the Point of Beginning, containing 9.91 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 December 24, 2022, 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 January 19, 2023 regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on January 19, 2023 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 tracts from the R-E, Residential Estate District to A-1, Agriculture District and 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 8<sup>th</sup> day of February, 2023. This action shall become effective upon publication in the official county newspaper.

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Ianne Dickinson  
Chair

Received and recorded this the 8<sup>th</sup> day of February, 2023.

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Janet Paddock  
County Clerk