



**To:** Franklin County Board of County Commissioners  
**From:** Pat Toth  
**Department:** Planning & Building  
**Date:** Wednesday, April 5, 2023

## **AGENDA ITEM NARRATIVE**

Consider the approval of rezoning application #2211-2017 (Bowling) to rezone approximately 5.125 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to rezone approximately 35.120 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District.

## **BACKGROUND**

The applicant is requesting to rezone approximately 5.125 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to rezone approximately 35.120 acres from A-1, Agriculture District to the A-2, Transitional Agriculture District. The property is currently known as 3958 Louisiana Road and is located on the West side of Louisiana Road and South side of Reno Terrace.

The purpose for the rezoning is to permit the division of approximately 5.125 acres to allow for a lot split in order to construct a new residence. The applicant would retain the remaining 35.120 acres for the new residence. Since the remaining acreage would be less than the minimum required for the A-1 (Agriculture) Zoning District it must be rezoned to the A-2 (Transitional Agriculture) Zoning District.

The Planning Commission held a public hearing on March 16, 2023 to consider rezoning application #2211-2017 (Bowling).

After hearing Staff presentation, the Planning Commission did recommend approval of rezoning application #2211-2017 (Bowling) to rezone approximately 5.125 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to rezone approximately 35.120 acres from A-1, Agriculture District to the A-2, Transitional Agriculture 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 #2211-2017 (Bowling) to rezone approximately 5.125 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to rezone approximately 35.120 acres from 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 this item would read as follows: "I make a motion to approve rezoning application #2211-2017 (Bowling) to rezone approximately 5.125 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to rezone approximately 35.120 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District and to amend the Official County Zoning Map accordingly".

## **ATTACHMENTS**

Aerial Photos (4)

Survey

Resolution



**Franklin**  
COUNTY KANSAS

EST. 1855

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, KANSAS

RESOLUTION NO. 23-\_\_\_\_\_

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 Megan Bowling to rezone approximately 5.125 acres, described as Tract 1, from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 35.120 acres, described as Tract 2, from an A-1 (Agriculture) Zoning District to an A-2 (Transitional Agriculture) Zoning District. The property described below lies outside any incorporated city and is described as follows:

**PARENT DEED IN BK. 283 PG. 568**

The NE/4 of the SE/4 of Sec. 9, Twp. 16, Rng. 19, containing 40 acres, more or less, Franklin County, Kansas.

**TRACT 1:** A tract of land located in a portion of the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section 9, Township 16 South, Range 19 East of the 6th P.M., Franklin County, Kansas, being more particularly described as written by William A. Booe, PS 1046, 1-19-2023: Beginning at the Southeast corner of the NE/4 SE/4; thence S 88°26'23" W, along the South line of the NE/4 of the SE/4, a distance of 477.44 feet; thence N 01°48'33" W, a distance of 467.58 feet; thence N 88°26'23" E, a distance of 477.44 feet to the East line of the NE/4 of the SE/4; thence S 01°48'33" E, along said East line, a distance of 467.58 feet to the Point of Beginning. Containing 5.125 acres, including those portions used for public road right-of-way purposes.

**TRACT 2:** The Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section 9, Township 16 South, Range 19 East of the 6th P.M., Franklin County, Kansas, EXCEPT a tract being more particularly described as written by William A. Booe, PS 1046, 1-19-2023: Beginning at the Southeast corner of the NE/4 SE/4; thence S 88°26'23" W, along the South line of the NE/4 of the SE/4, a distance of 477.44 feet; thence N 01°48'33" W, a distance of 467.58 feet; thence N 88°26'23" E, a distance of 477.44 feet to the East line of the NE/4 of the SE/4; thence S 01°48'33" E, along said East line, a distance of 467.58 feet to the Point of Beginning. Containing 35.120 acres, including those portions used for public road right-of-way purposes.

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the February 21, 2023, 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 March 16, 2023 regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on March 16, 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 tract 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 5<sup>th</sup> day of April, 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 5<sup>th</sup> day of April, 2023.

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Janet Paddock  
County Clerk