



**To:** Franklin County Board of County Commissioners  
**From:** Pat Toth  
**Department:** Planning & Building  
**Date:** Wednesday, May 10, 2023

#### **AGENDA ITEM NARRATIVE**

Consider the approval of rezoning application #2303-2039 (Madl) to rezone approximately 10.01 acres from the A-1, Agriculture District to the R-E, Residential Estate District.

#### **BACKGROUND**

The Planning Commission held a public hearing on April 20, 2023 to consider rezoning application #2303-2039 (Madl).

After hearing Staff presentation, the Planning Commission did recommend approval of rezoning application #2303-2039 (Madl) to rezone approximately 10.01 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 #2303-2039 (Madl) to rezone approximately 10.01 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 #2303-2039 (Madl) to rezone approximately 10.01 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 (4)  
Survey  
Resolution



**Franklin**  
COUNTY KANSAS

EST. 1853

**Board of County Commissioners  
Franklin County, Kansas**

**Resolution 23-**

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**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 Theodore Madl to rezone approximately 10.01 acres, described as Tract 1, 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:

**TRACT 1:**

All that part of the South Half of the Northeast Quarter Section 22, Township 15 South, Range 20 East, Franklin County, Kansas, prepared by Jeff Luthro RLS#1222, March 23<sup>rd</sup> 2023, described as follows: Beginning at the Southeast Corner of the Northeast Quarter of said Section 22; Thence S88° 14'30"W, along the South line of said Northeast Quarter a distance of 905.67 feet; Thence N1° 51'14"W, a distance of 481.16 feet; Thence N88° 13'44"E a distance of 905.72 feet to a point on the East line of said Northeast Quarter; Thence S1° 50'52"E along said East line a distance of 481.37 feet to the Point of Beginning, containing 10.01 acres, more or less, subject to any part thereof in roads..

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the March 29, 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 April 20, 2023 regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on April 20, 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 10<sup>th</sup> day of May, 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 10<sup>th</sup> day of May, 2023.

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Janet Paddock  
County Clerk