



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

AGENDA ITEM NARRATIVE

Consider the approval rezoning application #2307-2077 (Vega) to rezone approximately 45.75 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District, and rezoning application #2307-2078 (Vega) to rezone approximately 32.11 acres from the A-1, Agriculture District to the R-E, Residential Estate District.

BACKGROUND

The Planning Commission held a public hearing on September 21, 2023 to consider rezoning applications #2308-2077 & #2308-2078 (Vega).

The property is commonly known as 2729 Nebraska Road. and is located on the North side of Labette Road and on the East side of Nebraska Road, in the Southwest Quarter (SW ¼) of Section 08, Township 17 South, Range 20 East, in Franklin County, Kansas. No portion of the entire 80-acre tract is located within a Special Flood Hazard Area. Aerial photos with the currently effective Special Flood Hazard Area boundaries are attached.

The applicant is requesting to rezone approximately 32.11-acres from an A-1 (Agricultural) District to an R-E (Residential Estate) District to allow for a lot split to sell two (2) approximately 16.00-acre tracts. Both tracts will be large enough in size to accommodate an in-ground sanitation system or a lagoon, whichever the soil profile states would need to be installed.

The applicant is also requesting to rezone approximately 45.75-acres into one (1) approximately 20.00-acre tract and one (1) approximately 25.00-acre tract. There is an existing residence that would be located on the West 20.00-acre tract that is served with on-site water by Franklin County Rural Water District #2 and has an existing septic tank and pipe & gravel system. The 25.00-acre tract will be large enough in size to accommodate an in-ground sanitation system or a lagoon, whichever the soil profile states would need to be installed and does not require proof of an on-site water supply.

There are letters on file from Bartlett & West, who performed a water study on behalf of Franklin County Rural Water District #2, stating water meters are available for the two (2) 16.00-acre tracts and the East 25.00-acre tract. The letter states that water meters can be added to the system, however existing customers in the area could see minimal lowering of pressures during a peak demand condition because of the additional meters but it should remain within acceptable levels.

After hearing Staff presentation, the Planning Commission did recommend approval rezoning applications #2308-2077 & #2308-2078 (Vega) to rezone approximately 45.75 acres from A-1, Agricultural District to the A-2, Transitional Agriculture District and to rezone approximately 32.11 acres from the A-1, Agriculture District to the R-E, Residential Estate District. Notice was sent to twenty-three (23) surrounding property owners. The Planning Department did not receive any comments for or against the rezoning request and three (3) people 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 #2308-2077 to rezone approximately 45.75 acres from A-1, Agricultural District to the A-2, Transitional Agriculture District and for the approval of rezoning application #2308-2078 (Vega) to rezone approximately 32.11 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 #2307-2077 (Vega) to rezone approximately 45.75 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District and to approve rezoning application #2307-2078 (Vega) to rezone approximately 32.11 acres from the A-1, Agriculture District to the R-E, Residential Estate District and to amend the Official County Zoning Map accordingly".

ATTACHMENTS

Countywide Map

Zoning Map

Future Land Use Map

Farmland Classification Map & Legend

Floodplain and Road Classification Map (2)

Aerial Photos (3)

Excerpt from approved September 21, 2023 Planning Commission Minutes
Resolutions



Franklin
COUNTY KANSAS
EST. 1855

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

Resolution 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 Linda Vega to rezone approximately 45.75 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District. The property described below lies outside any incorporated city and is described as follows:

All that part of the Southwest Quarter Section 8, Township 17 South, Range 20 East, Franklin County, Kansas, prepared by Jeff Luthro RLS#1222, October 24, 2023, described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section 8; Thence $S1^{\circ}57'46''E$ along the West line of said Southwest Quarter, a distance 1758.53 feet to the Point of Beginning; Thence $N87^{\circ}40'02''E$, along the South line of the North 80 acres of the West 120 acres of said Southwest Quarter as established a distance of 1592.45 feet; Thence $N2^{\circ}13'05''W$ a distance of 605.21 feet; Thence $N87^{\circ}41'21''E$ a distance of 396.91 feet to a point on the East line of the West 120 acres of said Southwest Quarter; Thence $S2^{\circ}13'03''E$ along said East line a distance of 605.06 feet; Thence $S2^{\circ}13'03''E$ along said East line a distance of 882.22 feet to a point on the South line of said Southwest Quarter; Thence $S87^{\circ}47'23''W$ along said South line a distance of 1993.25 feet to the Southwest Corner of the Southwest Quarter of said Section 8; Thence $N1^{\circ}57'46''W$ along the West line of said Southwest Quarter a distance of 877.97 feet to the Point of Beginning, containing 45.75 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 August 23, 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 September 21, 2023 regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on September 21, 2023 in regular session and by a majority 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 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 8th day of November 2023. This action shall become effective upon publication in the official county newspaper.

Ianne Dickinson
Chair

Received and recorded this the 8th day of November 2023.

Janet Paddock
County Clerk



Franklin
COUNTY KANSAS
EST. 1853

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

Resolution 23-

**A RESOLUTION DENYING REZONING APPLICATION #2308-2077 (VEGA) TO
REZONE APPROXIMATELY 45.75 ACRES FROM THE A-1, AGRICULTURE
DISTRICT TO THE A-2, TRANSITIONAL AGRICULTURE DISTRICT**

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to K.S.A. 19-101; and

WHEREAS, The Franklin County Board of County Commissioners did adopt Resolution # 23-91 creating the Franklin County Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the August 23, 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 September 21, 2023 regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on September 21, 2023 in regular session and by a majority 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 Board of County Commissioners of Franklin County, after duly reviewing the recommendation of the Planning Commission together with all public comments for and against said Rezoning Application finds:

1. That the rezoning from "A-1" to "A-2" is not consistent with the County Zoning Regulations.
2. That the rezoning from "A-1" to "A-2" is not in conformance with and would not further enhance the County Comprehensive Plan.
3. That the rezoning from "A-1" to "A-2" will unduly affect the character of the surrounding community.
4. That the rezoning from "A-1" to "A-2" will impact property values of surrounding properties.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby deny Rezoning Application #2308-2077 (Vega) to Rezone approximately 45.75 acres from the A-1, Agriculture District to the A-2, Transitional Agriculture District.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8th day of November 2023. This action shall become effective upon publication in the official county newspaper.

Ianne Dickinson
Chair

Received and recorded this the 8th day of November 2023.

Janet Paddock
County Clerk



Franklin
COUNTY KANSAS
EST. 1853

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

Resolution 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 Linda Vega to rezone approximately 32.11 acres 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:

All that part of the Southwest Quarter Section 8, Township 17 South, Range 20 East, Franklin County, Kansas, prepared by Jeff Luthro RLS#1222, October 25, 2023, described as follows: Commencing at the Northwest Corner of the Southwest Quarter of said Section 8; Thence S1°57'46"E along the West line of said Southwest Quarter a distance of 879.05 feet to the Point of Beginning; Thence N87°40'05"E along the South line of the North 40 acres of the West 120 acres of said Southwest Quarter as established a distance of 1588.53 feet; Thence S2°13'05"E a distance of 879.44 feet to a point on the South line of the North 80 acres of the West 120 acres of said Southwest Quarter as established; S87°40'02"W along said South line a distance of 1592.45 feet to a point on the West line of said Southwest Quarter; Thence N1°57'46"W along said West line a distance of 879.48 feet to the Point of Beginning containing 32.11 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 August 23, 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 September 21, 2023 regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on September 21, 2023 in regular session and by a majority 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 8th day of November 2023. This action shall become effective upon publication in the official county newspaper.

Ianne Dickinson
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Janet Paddock
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Franklin
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EST. 1853

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

Resolution 23-

**A RESOLUTION DENYING REZONING APPLICATION #2308-2078 (VEGA) TO
REZONE APPROXIMATELY 32.11 ACRES FROM THE A-1, AGRICULTURE
DISTRICT TO THE R-E, RESIDENTIAL ESTATE DISTRICT**

WHEREAS, Franklin County, Kansas is a county municipal government, organized pursuant to K.S.A. 19-101; and

WHEREAS, The Franklin County Board of County Commissioners did adopt Resolution # 23-91 creating the Franklin County Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the August 23, 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 September 21, 2023 regarding said Zoning Change; and

WHEREAS, the Franklin County Planning Commission, on September 21, 2023 in regular session and by a majority 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 Board of County Commissioners of Franklin County, after duly reviewing the recommendation of the Planning Commission together with all public comments for and against said Rezoning Application finds:

1. That the rezoning from "A-1" to "R-E" is not consistent with the County Zoning Regulations.
2. That the rezoning from "A-1" to "R-E" is not in conformance with and would not further enhance the County Comprehensive Plan.
3. That the rezoning from "A-1" to "R-E" will unduly affect the character of the surrounding community.
4. That the rezoning from "A-1" to "R-E" will impact property values of surrounding properties.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby deny Rezoning Application #2308-2078 (Vega) to rezone approximately 32.11 acres from the A-1, Agriculture District to the R-E, Residential Estate District.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8th day of November 2023. This action shall become effective upon publication in the official county newspaper.

Ianne Dickinson
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Janet Paddock
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