

FRANKLIN COUNTY PLANNING COMMISSION

PUBLIC MEETING MINUTES

6:30 P.M., JANUARY 17, 2019 AT THE COUNTY COMMISSIONERS MEETING ROOM
FRANKLIN COUNTY ANNEX

ATTENDANCE:

MEMBERS: M. Wilkins; D. Barkley; S. Valencia; L. Spencer, Vice Chair; R. Bowers, Chair; N. Mast; C. Campbell and J. Pickett were present. J. Camis was excused.

STAFF: Larry D. Walrod, Planning Director and Deann Farrell were present

COMMISSIONERS: None were present.

ADMINISTRATOR/CO COUNSELOR: None were present.

PUBLIC: No one signed in. Sign-in list is part of the official file copy located in the Planning Office.

NOTES: Chair called the meeting to order at 6:30 p.m.

GENERAL BUSINESS:

ADOPTION OF THE AGENDA: Chair asked if there were any amendments to the January 17, 2019 Agenda. There were none. Chair asked for a motion. S. Valencia made a motion to accept the agenda as presented. D. Barkley seconded the motion. The Chair called for voice vote. All voted in favor. The agenda was approved 8-0 as presented.

APPROVAL OF MINUTES: December 20, 2018 Public Meeting. Chair asked if there were any corrections to the December 20, 2018 Public Meeting Minutes. There were none. Chair asked for a motion. L. Spencer made a motion to approve the minutes of the December 20, 2018 Public Meeting as written. The motion was seconded by M. Wilkins. The Chair called for voice vote. The minutes were approved 8-0 as written.

COMMUNICATIONS: There were none.

EX PARTE COMMUNICATIONS: There were none.

PUBLIC MEETING ITEMS: The Chair opened Public Meeting Items.

1. *Application #1812-1639 (Wray) to rezone approximately 5.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. Said property is located at the intersection of Georgia Road and K-68 Highway, on the East side of Georgia Road and on the North side of K-68 Highway, in the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 35, Township 16 South, Range 18 East.*

Staff Presentation: The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 5.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. The property is located at the intersection of Georgia Road and K-68 Highway, on the East side of Georgia Road and on the North side of K-68 Highway, in the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 35, Township 16 South, Range 18 East. The purpose for the rezoning is to permit the division of approximately 5.00 acres, with the existing residence and outbuildings. The existing residence is currently served with on-site water and has an existing lagoon for the on-site sanitation system. The applicant would retain the remaining 75 acres of agricultural land. The 5.00 acres is the minimum acreage that would be acceptable for lagoons. The rezoning of this property does satisfy the water and sanitation requirements that are set forth in the County Comprehensive Plan for new residential lots. This is a provision that was set as one of the policies several years ago to avoid the situation that was occurring where lots were being created that did not have an adequate water supply and the rural water district could not provide it. The County did not want to create dry lots and so the County created provisions that addressed the requirement for on-site water. Some of the new Planning Commission members may not have known the reason behind requiring proof of an on-site water supply. Those Rural Residential Policies #5 and #6 are listed in the Staff Report. Staff finds that the rezoning request is substantially in compliance with the goals and objectives of the County Comprehensive Plan and the County Zoning Regulations as well as the provisions set forth in the Supreme Court case of Golden vs. the City of Overland Park. In consideration of the rezoning, the Planning Commission should look at the thirteen (13) findings of fact based on the guidelines that are listed in your Staff Report along with the factors from the Golden Case. This request also meets all of the minimum standards set forth in the Subdivision Regulations regarding lot length-to-width ratio, parcel size and frontage. Notice was sent to twenty-one (21) surrounding property owners. The Planning Department did not receive any comments for or against this rezoning request. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan and the statute, K.S.A. 12-757A, which states that the rezoning is generally in compliance with the land use provisions of the Comprehensive Plan is deemed reasonable. Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #1812-1639 requesting to rezone approximately 5.00 acres from an A-1 (Agriculture) Zoning District to the R-E (Residential Estate) Zoning District based on the findings as set forth in the resolution and forward a recommendation to the County Commissioners to rezone the property and to amend the County Zoning Map accordingly. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation. There were none. The Chair closed Applicant Presentation.

Public Comment: The Chair opened Public Comment. There were none. The Chair closed Public Comment.

Board Discussion. The Chair opened Board Discussion. C. Campbell asked if the purpose for the rezoning request is to allow the property owner to sell the property or is it already sold?

Staff stated that he does not believe that the 5.00-acre tract is sold. If it has been sold, then they would be in violation and Staff would have caught the sale because our office receives copies of all deeds filed with the Register of Deeds Office. There may have been a handshake agreement to sell the property but there has been no official sale and no deed conveyed of this property to the new buyer.

J. Pickett stated that paragraph #3 in the Background is a little confusing to him. It states the purpose is to sell and then in the next sentence it states that the applicant would retain the remaining 75 acres of agricultural land with the existing residence and outbuildings. It seems like it is selling it in one sentence and retaining it in the next sentence.

Staff stated that in the aerial photo attached to the Staff Report it depicts that the only residence and only outbuildings are those within the blue envelope and that is the 5.00 acres being considered for rezoning. There was also another little error in that paragraph with capitalization of a portion of the word sell.

J. Pickett asked if the application could move forward if the applicant was going to sell a portion of the land or retain all the land himself, or if he splits the property now can he sell the property 5 years later?

Staff stated that the rezoning and lot split could be done for a variety of reasons. The applicant may want to put the property up as equity for loan purposes. However, the primary purpose Mr. Wray stated was in order to put the property up for sale. Staff suspects that the applicant had a buyer in mind when they submitted the paperwork because the cost of the survey and going through rezoning process are very costly and time consuming. The survey alone is very costly and the property owner would not want to go to that kind of expense without having a purchaser readily available to acquire the property.

C. Campbell asked if anyone is residing on the property now?

Staff stated he does not know if anyone is residing on the property now. There was some people living there a short time ago. The Chair closed Board Discussion.

The Chair asked for a motion. S. Valencia made a motion to recommend approval of application #1812-1639 (Wray) to rezone approximately 5.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District as described by Chair and based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by L. Spencer. The Chair called for roll call vote.

Camis	Excused	Spencer	Yes	Mast	Yes
Wilkins	Yes	Barkley	Yes	Campbell	Yes
Valencia	Yes	Bowers	Yes	Pickett	Yes

Motion carried 8-0.

The Chair closed Public Meeting Items.

NON-PUBLIC MEETING ITEMS:

The Chair opened Non-Public Meeting Items. There were none. The Chair closed Non-Public meeting item.

PUBLIC COMMENT SECTION:

The Chair opened Public Comment. There were none. The Chair closed Public Comment.

GENERAL BOARD DISCUSSION:

The Chair opened General Board Discussion. There were none. The Chair closed General Board Discussion.

CALENDAR:

The next Planning Commission Public Meeting will be held **THURSDAY, FEBRUARY 21, 2019, at 6:30 p.m.** in the **COUNTY COMMISSIONERS MEETING ROOM IN THE ANNEX BUILDING.**

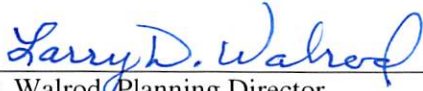
ADJOURNMENT:

With no further business to discuss, L. Spencer made a motion to adjourn. N. Mast seconded the motion. All voted in favor 8-0. The meeting was adjourned at 6:40 p.m.



Robert D. Bowers, Chair

Attest:



Larry D. Walrod, Planning Director