

# FRANKLIN COUNTY PLANNING COMMISSION

## PUBLIC MEETING MINUTES

6:30 P.M., OCTOBER 19<sup>th</sup>, 2017 AT THE COUNTY COMMISSIONERS MEETING ROOM  
FRANKLIN COUNTY ANNEX

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### ATTENDANCE:

**MEMBERS:** L. Spencer, J. Peckham, D. Barkley, R. Bowers, D. Stottlemire, S. Valencia, K. Jones and L. Thurston were present.

**STAFF:** James M. Haag, Jr., Public Works Director and Deann Farrell were present

**COMMISSIONERS:** None were present.

**ADMINISTRATOR/CO COUNSELOR:** D. Brown was present.

**PUBLIC:** Eleven (11) people 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 October 19<sup>th</sup>, 2017 Agenda. Staff stated there were none. R. Bowers made a motion to approve the agenda as presented. The motion was seconded by L. Spencer. The Chair called for voice vote. All voted in favor. The agenda was approved 8-0 as presented.

**APPROVAL OF MINUTES:** September 21, 2017 Public Meeting

**NOTES:** Chair asked if there were any corrections to the September 21, 2017 Public Meeting Minutes. There were none. Chair asked for a motion. R. Bowers made a motion to approve the minutes of the September 21, 2017 Public Meeting as written. The motion was seconded by L. Spencer. 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 #1709-1526 (Peed) to rezone approximately 4.00 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District. Said property is located at the intersection of Georgia Road and Finney Road, on the East side of Georgia Road and on the North side of Finney Road, in the Southwest Quarter (SW ¼) of Section 14, Township 18 South, Range 18 East.*

**Staff Presentation:** The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 4.00 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District. The property is located at the intersection of Georgia Road and Finney Road, on the East side of Georgia Road and on the North side of Finney Road, in the Southwest Quarter (SW ¼) of Section 14, Township 18 South, Range 18 East. The purpose for the rezoning is to allow the applicant to split the approximately 4.00 acres, with the existing residence, to sell. The applicant would retain the remaining approximately 156.00 acres for agricultural purposes. There is a letter on file from Rural Water District #4 stating that they currently supply on-site water to the existing residence. The existing residence is currently served with an on-site pipe & gravel sanitation, so it does satisfy the primary objectives of the County Comprehensive Plan and Zoning Regulations. It also meets the minimum lot size, lot length-to-width ratio and other requirements of the County Subdivision and Zoning Regulations. 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. 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. Notice was sent to eight (8) surrounding property owners. The Planning Department did not receive any comments for or against the proposed rezoning request. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #1709-1526 to rezone approximately 4.00 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) 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. There were none. The Chair closed Board Discussion.

The Chair asked for a motion. R. Bowers made a motion to recommend approval of application #1709-1526 (Peed) to rezone approximately 4.00 acres from an A-1 (Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) 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 D. Barkley. Chair called for a roll call vote.

Stottlemire	Yes	Spencer	Yes	Peckham	Yes
Thurston	Yes	Barkley	Yes	Jones	Yes
Valencia	Yes	Bowers	Yes		

Motion carried 8-0.

2. *Application #1709-1529 (Frieden) 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 K-68 Highway and Delaware Road, on the South side of K-68 Highway and on the West side of Delaware Road, in the Northeast Quarter (NE ¼) of Section 05, Township 17 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) District to an R-E (Residential Estate) District. The property is located at the intersection of K-68 Highway and Delaware Road, on the South side of K-68 Highway and on the West side of Delaware Road, in the Northeast Quarter (NE ¼) of Section 05, Township 17 South, Range 18 East. The purpose for the rezoning is to permit the division of approximately 5.00 acres to allow a relative to build a new residence. The property owner would retain the remaining approximately 285.00 acres. There is a water well record on file stating that the existing well can provide an adequate on-site water supply to meet the domestic needs. There is a soil profile on file stating that the soils are capable of handling an on-site sanitation system. These would be consistent with policies #5 and #6 of the Franklin County Comprehensive Plan that are relative to rural residential developments in Franklin County. It also meets the minimum lot size, lot length-to-width ratio and other requirements of the County Subdivision and Zoning Regulations. 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. 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. Notice was sent to twenty-four (24) surrounding property owners. The Planning Department did not receive any comments for or against the proposed rezoning request. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #1709-1529 to rezone approximately 5.00 acres from an A-1 (Agriculture) Zoning District to an 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. Mr. Frieden, the applicant, was present and stated that he had nothing further to add. 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. There were none. The Chair closed Board Discussion.

The Chair asked for a motion. L. Spencer made a motion to recommend approval of application #1709-1529 (Frieden) 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 D. Stottlemire. Chair called for a roll call vote.

Stottlemire	Yes	Spencer	Yes	Peckham	Yes
Thurston	Yes	Barkley	Yes	Jones	Yes
Valencia	Yes	Bowers	Yes		

Motion carried 8-0.

3. *Application #1709-1530 (Burlingham Roberts) to rezone approximately 17.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 3.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District. Said property is located at the intersection of Nebraska Road and Neosho Road, on the East side of Nebraska Road and on the North side of Neosho Road, in the South Half (S ½) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 32, Township 16 South, Range 20 East.*

**Staff Presentation:** The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 17.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 3.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-3 A (Single Family Residential Three Acre) Zoning District. The property is located at the intersection of Nebraska Road and Neosho Road, on the East side of Nebraska Road and on the North side of Neosho Road, in the South Half (S ½) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 32, Township 16 South, Range 20 East. The purpose for the rezoning is to permit the division of 3.00 acres, with the existing residence and outbuildings, from the approximately 20.00-acre tract. The remaining approximately 17.00 acres would have to be rezoned because it no longer meets the minimum acreage size for the A-2 Zoning District. There is a letter on file that on-site water is provided by Rural Water District No.1. The existing residence is also served by an in ground pipe & gravel sanitation system with an absorption bed. These would be consistent with policies #5 and #6 of the Franklin County Comprehensive Plan that are relative to rural residential developments in Franklin County. It also meets the minimum lot size, lot length-to-width ratio and other requirements of the County Subdivision and Zoning Regulations. 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. 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. Notice was sent to ten (10) surrounding property owners. The Planning Department did receive one (1) letter from Freone Hollinger stating she was in favor of the rezoning request. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #1709-1530 (Burlingham Roberts) to rezone approximately 17.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 3.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) 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.

D. Barkley asked if we are rezoning both the 3.00-acres and the 17.00 acres?

Staff stated yes, the rezoning is for both the 3.00-acre tract to the R-3A Zoning District and the 17.00 acres to the A-2 Zoning District.

Chair stated that this request would be splitting the 20.00 acres into two (2) tracts.

K. Jones asked if the rezoning of the 17.00 acres would be done now or later.

Staff stated that both tracts would be rezoned. The Chair closed Staff Presentation.

**Applicant Presentation:** The Chair opened Applicant Presentation. Mrs. Roberts, the applicant, stated that she would appreciate approval of the rezoning request in order to keep her family there. 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. There were none. The Chair closed Board Discussion.

The Chair asked for a motion. R. Bowers made a motion to recommend approval of application #1709-1530 (Burlingham Roberts) to rezone approximately 17.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-E (Residential Estate) Zoning District and to rezone approximately 3.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) 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. Chair called for a roll call vote.

Stottlemire	Yes	Spencer	Yes	Peckham	Yes
Thurston	Yes	Barkley	Yes	Jones	Yes
Valencia	Yes	Bowers	Yes		

Motion carried 8-0.

4. *Application #1709-1531 (Fehling) to rezone approximately 6.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District and to rezone approximately 5.00 acres from an R-E (Residential Estate) Zoning District to an A-2 (Transitional Agriculture) Zoning District. Said property is located near the intersection of Kentucky Terrace and Riley Road, on the West side of Kentucky Terrace and approximately one-half (1/2) mile North of Riley Road, in the Southwest Quarter (SW 1/4) of Section 04, Township 16 South, Range 19 East.*

**Staff Presentation:** The Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 6.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District and to rezone approximately 5.00 acres from an R-E (Residential Estate) Zoning District to an A-2 (Transitional Agriculture) Zoning District. The property is located near the intersection of Kentucky Terrace and Riley Road, on the West side of Kentucky Terrace and approximately one-half (1/2) mile North of Riley Road, in the Southwest Quarter (SW 1/4) of Section 04, Township 16 South, Range 19 East. The purpose for the rezoning is to permit the division of 3.00 acres, with the existing residence and outbuildings, from the approximately 25.00-acre tract and also another 3.00 acres in order for a family member to construct a new residence. The remaining approximately 19.00 acres would then be merged with the adjoining 5.00-acre tract. That 5.00-acre tract would also have to be rezoned since it would no longer meet the maximum acreage size for the R-E Zoning District. The existing residence is served with on-site sanitation. There is a letter on file from Patchen Pump and Well Drilling, Inc. that states there is a very good chance of drilling an on-site well for the new residence. These would be consistent with policies #5 and #6 of the Franklin County Comprehensive Plan that are relative to rural residential developments in Franklin County. It also meets the minimum lot size, lot length-to-width ratio and other requirements of the County Subdivision and Zoning Regulations. 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. 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. Notice was sent to twelve (12) surrounding property owners. The Planning Department did not receive any comments for or against the proposed rezoning request. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #1709-1531 (Fehling) to rezone approximately 6.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District and to rezone approximately 5.00 acres from an R-E (Residential Estate) Zoning District to an A-2 (Transitional Agriculture) 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.

J. Peckham stated that in the Staff Report, under Background, the first paragraph, it states for the rezoning of approximately 6.00 acres from an A-2 to an R-3A. Then two paragraphs down it states to permit the division of 3.00 acres and then 5.00 acres and then 19.00 acres. She is confused as to what exactly is being rezoned.

Staff stated there are two (2) three (3.00) acres tracts that are being rezoned from A-2 to R-3A. One with the existing residence and one for a future residence. Then the 5.00 acres is being rezoned from the R-E to the A-2 because it is being merged with the adjoining 19.00 acres because it no longer meets the maximum acreage size for the R-E Zoning District. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation. Bryon Cates, Cates Surveying, was present to represent the applicant. Mr. Cates stated they are attempting to split the existing residence with three (3.00) acres and another 3.00 acres for one of the children to construct a new residence. He had nothing further unless the Planning Commission had any questions. 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. K. Jones asked what property the 25 acres adjoining is connected to?

Mr. Cates stated that at present time it is connected to the North three (3.00) acre tract. When the rezoning and survey work is completed the South residence would be on a three (3.00) acre tract. The North existing residence would acquire the back portion of that ground, which would then be a 19.00-acre tract. Then there would be a newly created three (3.00) acre tract located South of the South residence. The Chair closed Board Discussion.

The Chair asked for a motion. L. Spencer made a motion to recommend approval of application #1709-1531 (Fehling) to rezone approximately 6.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-3A (Single Family Residential Three Acre) Zoning District and to rezone approximately 5.00 acres from an R-E (Residential Estate) Zoning District to an A-2 (Transitional Agriculture) 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 K. Jones. Chair called for a roll call vote.

Stottlemire	Yes	Spencer	Yes	Peckham	Yes
Thurston	Yes	Barkley	Yes	Jones	Yes
Valencia	Yes	Bowers	Yes		

Motion carried 8-0.

**NON-PUBLIC MEETING ITEMS:** There were none.

**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 Board Discussion.

**CALENDAR:** The next Planning Commission Public Meeting will be held **Thursday, November 16<sup>th</sup>, 2017, 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. J. Peckham seconded the motion. All voted in favor 8-0. The meeting was adjourned at 6:46 p.m.

  
S. Valencia, Chair

Attest:  
  
James M. Haag, Jr., Public Works Director