



**ATTENDANCE:**

**MEMBERS:** K. Harris, Chair; R. Pearce; L. Reed; D. Rayson; S. Hornbuckle and C. Campbell were present. B. Livingston was excused. K. Stottlemire and K. Singleton were absent.

**STAFF:** Pat Toth, Planning Director and Deann Farrell were present

**COMMISSIONERS:** None were present.

**ADMINISTRATOR/CO COUNSELOR:** None were present.

**PUBLIC:** Three (3) 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 6:31 p.m.

**GENERAL BUSINESS:**

**ADOPTION OF THE AGENDA:** Chair asked if there were any amendments to the August 17, 2023 agenda. There were none. Chair asked for a motion. C. Campbell made a motion to adopt the agenda as presented. R. Pearce seconded the motion. The Chair called for roll call vote.

Reed	Yes	Livingston	Excused	Pearce	Yes
Campbell	Yes	Harris	Yes	Stottlemire	Absent
Singleton	Absent	Hornbuckle	Yes	Rayson	Yes

Motion carried 6-0.

**APPROVAL OF MINUTES:** Chair asked if there were any corrections to the June 15, 2023 Public Meeting Minutes. There were none. Chair asked for a motion. S. Hornbuckle made a motion to approve the minutes of the June 15, 2023 Public Meeting as written. The motion was seconded by L. Reed. The Chair called for roll call vote.

Reed	Yes	Livingston	Excused	Pearce	Yes
Campbell	Yes	Harris	Yes	Stottlemire	Absent
Singleton	Absent	Hornbuckle	Yes	Rayson	Yes

Motion carried 6-0.

**APPROVAL OF MINUTES:** Chair asked if there were any corrections to the July 13, 2023 Study Session Minutes. There were none. Chair asked for a motion. C. Campbell made a motion to approve the minutes of the July 13, 2023 Study Session as written. The motion was seconded by R. Pearce. The Chair called for roll call vote.

Reed	Yes	Livingston	Excused	Pearce	Yes
Campbell	Yes	Harris	Yes	Stottlemire	Absent
Singleton	Absent	Hornbuckle	Yes	Rayson	Yes

Motion carried 6-0.

**COMMUNICATIONS:** There were none.

**EX PARTE COMMUNICATIONS:** There were none.

**PUBLIC HEARING ITEMS:** The Chair opened Public Hearing Items.

1. Application #2307-2072 (Fuller) to rezone approximately 5.00 acres from the A-1, Agriculture Zone to the R-E, Residential Estate Zone. Said property to be rezoned is currently known as 3113 Texas Road and is located on the East side of Texas Road and North of Neosho Road, in the Southwest Quarter (SW ¼) of Section 31, Township 16 South, Range 21 East.

**Staff Presentation:** The Chair opened Staff Presentation.

P. Toth presented the Staff Report for consideration of an application by Eula Fuller to rezone approximately 5.00 acres from the A-1, Agriculture Zone to the R-E, Residential Estate Zone. The subject property is currently known as 3113 Texas Road and is located on the East side of Texas Road and North of Neosho Road, in the Southwest Quarter (SW ¼) of Section 31, Township 16 South, Range 21 East.

P. Toth briefly addressed each of the Golden Criteria enumerated in the Staff Report for use by the Planning Commission in making the Findings necessary to approve or deny the requested rezoning. This included discussion on compliance with Franklin County's Zoning Regulations and Comprehensive Plan. P. Toth concluded that Staff was supportive of approving the requested rezoning as it meets the County's desire to provide rural housing to its citizens as expressed in the Comprehensive Plan and the rezoning matches the character of the neighborhood.

Chair asked is there a reason why the new boundary lines don't go all the way to the corner of the property?

P. Toth stated the aerial photo attached as part of the staff report is a preliminary drawing. There was a survey submitted that shows an exempt split to the South of this tract that would adjust the boundary line to merge the remainder of the property with the tract to the South creating a 51.92-acre tract. Staff won't approve the survey until the rezoning is approved.

Chair asked if the property crosses Neosho Road?

P. Toth stated that Neosho Road dead ends at Texas Road so the property does not cross a road.

P. Toth had nothing further to add unless the Planning Commission had questions.

The Chair closed Staff Presentation.

**Applicant Presentation:** The Chair opened Applicant Presentation. Eula Fuller, the applicant, was present. Ms. Fuller stated she is requesting to split the property for her children in the future when she is no longer living at the residence. She wanted to make sure the children would be able to share the land. The 5.00 acres would include the existing, garage, and shop.

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. Pearce made a motion to recommend approval of application #2307-2072 (Fuller) to rezone approximately 5.00 acres from the A-1, Agriculture Zone to the R-E, Residential Estate Zone as described by

Chair and based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by C. Campbell. The Chair called for roll call vote.

Reed	Yes	Livingston	Excused	Pearce	Yes
Campbell	Yes	Harris	Yes	Stottlemire	Absent
Singleton	Absent	Hornbuckle	Yes	Rayson	Yes

Motion carried 6-0.

2. Consider amendments to the Franklin County Zoning Regulations to Sections 2-1.01; 4-2.01; 5-2.01; 6-2.01; 3-3.01 adding new subsection 3-3.01. W; removing 26-2.01 subsection 7, Temporary Hardship Mobile Homes and renumbering 26-2.01 subsections 8 through 12 accordingly. These changes are primarily for the purpose of addressing Accessory Dwelling Units in the unincorporated areas of Franklin County, Kansas.

Staff Presentation: The Chair opened Staff Presentation.

P. Toth presented the staff report for consideration of amendments to the Franklin County Zoning Regulations regarding allowing ADUs (Accessory Dwelling Units) in the R-E, A-2, and A-1 Zoning Districts of the Franklin County Zoning Regulations. At their meeting of May 15, 2023, the Board of County Commissioners directed Staff to initiate amending the County Zoning Regulations to address Accessory Dwelling Unit (ADU). After the Study Session on July 13, 2023, the Planning Commission, by unanimous vote of those members present, directed Staff to provide Public Notice that the Planning Commission would hold a Public Hearing on August 17, 2023 as provided by K.S.A. 12-757 to consider amending the Franklin County Zoning Regulations to include provisions for Accessory Dwelling Unit (ADU). Staff had nothing further to add to the amendments. Everything that was discussed at the Study Session is in the recommended amendments this evening.

P. Toth had nothing further to add unless the Planning Commission had any questions. He recommended the Planning Commission open the public hearing in order to allow any public interested to make comments regarding the possible amendments. Staff does recommend the Planning Commission make a recommendation for approval of the amendments to the County Zoning Regulations to the Board of County Commissioners.

C. Campbell asked if there were any other County departments that would look at the proposed amendments before they are adopted?

P. Toth stated he would send the proposed amendments to the Appraisers Office for review prior to taking it before the County Commissioners. These amendments would affect the Planning & Building and Environmental Health Departments the most.

C. Campbell stated that the Public Works Department had already looked at the proposed amendments and had no issue with the amendments since no new driveways would be allowed.

P. Toth stated Staff did discuss the proposed changes with the Public Works Director and he had no issues with the proposed amendments since no new entrances would be allowed. Staff would be having discussions with the rural water districts to discuss how they would handle water meters for the accessory dwelling units.

Chair asked won't the utilities for the accessory dwelling units be tied into the utilities serving the primary residence?

P. Toth stated the rural water district may want to have a separate water meter for the accessory dwelling unit. This is fine with Staff as long as the additional meter is on the property.

S. Hornbuckle stated if the building department classifies the accessory dwelling unit as an addition, then the rural water district can't control the issue of the water meter. Basically, an accessory dwelling unit is an addition that is not attached to the primary residence. If it is classified as a separate dwelling, then they would most likely issue a separate water meter and those are costing anywhere from \$7,000 to \$13,000 per meter now.

D. Rayson asked if the health department is involved with the wastewater?

P. Toth stated that wastewater falls under Environmental Health, which is in the same office as Planning & Building. In the future, once the new sanitarian is settled into his new position, Environmental Health and the Health Department would start working more closely together.

The Chair closed Staff 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. S. Hornbuckle made a motion to recommend approval of the amendments to the Franklin County Zoning Regulations to allow ADU (Accessory Dwelling Unit) in the R-E, A-2, and A-1 Zoning Districts. The motion was seconded by D. Rayson. The Chair called for roll call vote.

Reed	Yes	Livingston	Excused	Pearce	Yes
Campbell	Yes	Harris	Yes	Stottlemire	Absent
Singleton	Absent	Hornbuckle	Yes	Rayson	Yes

Motion carried 6-0.

The Chair closed Public Hearing Items.

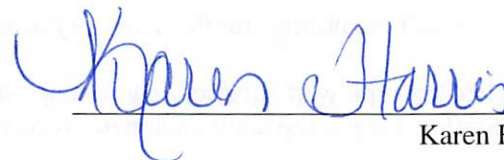
**NON-PUBLIC HEARING ITEMS:** There were none.

**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 General Board Discussion.

**CALENDAR:** The next Planning Commission Public Meeting will be held **THURSDAY, September 21, 2023, at 6:30 p.m.** in the **COUNTY COMMISSIONERS MEETING ROOM IN THE ANNEX BUILDING.**

**ADJOURNMENT:** With no further business to discuss, L. Reed made a motion to adjourn. R. Pearce seconded the motion. All voted in favor 6-0. The meeting was adjourned at 6:50 p.m.

  
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Karen Harris, Chair

Attest:

  
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Pat Toth, Planning Director