

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 07-001

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0611-689 (BEASLEY) TO PERMIT THE OPERATION OF A NEW AND USED TRACTOR, VEHICLES, UTILITY TRAILER, EQUIPMENT, PARTS SALES AND RENTAL FACILITY INCLUDING REPAIR SHOP IN A "C-2" HIGHWAY COMMERCIAL ZONING 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, the Franklin County Planning Commission did publish notice on November 29th, 2006 that a public hearing would be held to consider Special Use Permit application #0611-689 (Beasley) as required by K.S.A. 12-757 and Article 17, Section 17-3 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on December 21st, 2006 hold a public hearing for the consideration of Special Use Permit Application #0611-689 for the operation of a new and used tractor, vehicle, utility trailer, equipment, parts sales and rental facility including repair shop in a "C-2" (Highway Commercial) Zone; and

WHEREAS, the Planning Commission, after reviewing and considering all reports and testimonies did, by a unanimous vote of those present, approved said Special Use Permit based on certain findings and subject to certain conditions; 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 Special Use Permit finds:

1. That the Special Use Permit is consistent with the County Zoning Regulations.
2. That the Special Use Permit is in conformance with and would further enhance the County Comprehensive Plan.
3. That as conditioned, the Special Use Permit will not overburden the County roads and other public services.
4. That as conditioned, the Special Use Permit will not unduly affect the character of the surrounding community.
5. That as conditioned, the Special Use Permit will not impact property values of surrounding properties.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners

does hereby approve Special Use Permit Application #0611-689 (Beasley) to permit the operation of a new and used tractor, vehicles, utility trailer, equipment, parts sales and rental facility including repair shop in a "C-2" Highway Commercial Zone as follows:

Section 1: Special Use Permit #0611-689 (Beasley) is granted for the following described property:

Tract: Beginning at the Northwest Corner of the Northwest Fractional Quarter of Section 18, Township 18 South, Range 18 East of the 6th P.M.; THENCE South 02 degrees 07 minutes 00 seconds East for a distance of 1332.85 feet along the West line of said Quarter Section to the Southwest Corner of the North Half of said Quarter Section; THENCE North 87 degrees 44 minutes 00 seconds East for a distance of 93 feet to a point on the Southeasterly right of way line of FAS Route No. 1066, as relocated; THENCE North 31 degrees 16 minutes 00 seconds West for a distance of 119 feet along said right of way line; THENCE North 02 degrees 07 minutes 00 seconds West for a distance of 229.20 feet along said right of way line; THENCE North 42 degrees 08 minutes 00 seconds East for a distance of 168.90 feet along said right of way line; THENCE North 31 degrees 00 minutes 00 seconds East for a distance of 237.96 feet along said right of way line to the TRUE POINT OF BEGINNING; THENCE North 31 degrees 00 minutes 00 seconds East for a distance of 297.22 feet along said right of way line; THENCE South 42 degrees 54 minutes 51 seconds East for a distance of 162.76 feet; THENCE South 33 degrees 18 minutes 05 seconds West for a distance of 255.07 feet; THENCE North 57 degrees 55 minutes 23 seconds West for a distance of 146.16 feet to the TRUE POINT OF BEGINNING, Franklin County Kansas.

Section 2: The real property described above shall be authorized to operate a new and used tractor, vehicles, utility trailer, equipment, parts sales and rental facility including repair shop pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted for the use of a new and used tractor, vehicle, utility trailer, equipment, parts sales and rental facility including repair shop and similar uses.

2. That the new and used tractors, vehicles, utility trailers and equipment offered for sale shall be clearly identified as being "For Sale" and shall be parked/stored on an all weather surfaced parking area.

3. That the new and used tractors, vehicles, utility trailers and equipment sales/storage area shall be surfaced with an all weather material within six (6) months from the date of approval.

4. The applicant shall maintain and conform to any licensing requirements of the Kansas Department of Revenue.

5. Any sign(s) used in conjunction with this Special use Permit shall conform to the Franklin County Zoning Regulations and the Kansas Highway Advertising Control Act, K.S.A. 68-2234(e).

6. No salvage and junk materials such as, but not limited to, used tires, vehicles, dismantled equipment and parts, shall be stored or maintained on the site.

7. That the Special Use Permit shall be null and void by operation of law if the Special Use Permit has not been initiated and utilized by commencing the activity or use at the site specified in said permit within one (1) year of the date of approval.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8th day of January 2007. This action shall become effective upon publication in the official county newspaper.

/s/ Karen S. Farrell
Karen S. Farrell
Commissioner District 1

/s/ John E. Taylor
John E. Taylor
Commissioner District 2

/s/ Roy C. Dunn
Roy C. Dunn
Commissioner District 3

/s/ Donald C. Hay
Donald C. Hay
Commissioner District 4

/s/ Donald R. Stottlemire
Donald R. Stottlemire
Commissioner District 5

Received and recorded this the 8th day of January 2007.

Shari Perry

/s/ Shari Perry
County Clerk