

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

RESOLUTION NO. 07- 042

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0705-757 (SMITH, JR.) TO PERMIT THE OPERATION OF AN AUTO 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 May 31st, 2007 that a public hearing would be held to consider Special Use Permit application #0705-757 (Smith, Jr.) 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 June 21st, 2007 hold a public hearing for the consideration of Special Use Permit Application #0705-757 for the operation of an auto 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 #0705-757 (Smith, Jr.) to permit the operation of an auto repair shop in a "C-2" Highway Commercial Zone as follows:

Section 1: Special Use Permit #0705-757 (Smith, Jr.) is granted for the following described property:

Tract 1:

Commencing at a ½" rebar at the Southwest corner of the Southeast Quarter of Section 30, Township 15 South, Range 19 East of the 6th Principal Meridian, Franklin County Kansas; THENCE along the West line of said Southeast Quarter, North 00 degrees 04 minutes 30 seconds East for a distance of 1240.62 feet; THENCE departing said West line South 89 degrees 55 minutes 29 seconds East for a distance of 451.52 feet to a ½" rebar, the POINT OF BEGINNING; THENCE North 12 degrees 57 minutes 06 seconds East for a distance of 230.71 feet to a ½" rebar; THENCE North 04 degrees 14 minutes 38 seconds East for a distance of 199.93 feet to a ½" rebar; THENCE North 21 degrees 50 minutes 23 seconds West for a distance of 226.75 feet to a ½" rebar on the centerline of Stafford Road; THENCE along said centerline, along a curve to the right with a radius of 5336.92 feet, for a distance of 65.05 feet, with a chord bearing of South 72 degrees 04 minutes 06 seconds East for a chord distance of 65.05 feet to a ½" rebar; THENCE departing said centerline, South 21 degrees 50 minutes 23 seconds East for a distance of 196.71 feet; THENCE South 04 degrees 14 minutes 38 seconds West for a distance of 144.77 feet to a ½" rebar; THENCE South 89 degrees 39 minutes 05 seconds East for a distance of 191.97 feet to a ½" rebar; THENCE South 10 degrees 08 minutes 53 seconds West for a distance of 292.61 feet to a ½" rebar; THENCE North 89 degrees 39 minutes 17 seconds West for a distance of 246.92 feet to the POINT OF BEGINNING. Together with and subject to the covenants, easements and restrictions of record. Said property contains 2.00 acres, more or less in Franklin County Kansas as shown on survey by Taylor Design Group, P.A. dated April 2007.

Section 2: The real property described above shall be authorized to place additional staff housing pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted for the use of an auto repair shop. Any additional uses will require approval of an amended Special Use Permit.
2. That the applicant shall obtain appropriate building permits for any new construction or reconstruction.
3. That the operation shall be conducted wholly within a building or within an area completely surrounded on all sides by a fence, wall or other screening. The fence, wall or screening shall be uniform in height, ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or screening shall be installed in such a manner as to retain all scrap, junk or other material within the yard.
4. That no junk shall be loaded, unloaded or otherwise placed, whether temporarily or permanently, outside of the enclosed building, fence or wall or within the public right-of-way.
5. No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence, wall or screening.
6. That the access driveway and vehicle parking area shall be improved and maintained with an all weather surface.
7. 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).
8. 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 11th day of July 2007. This action shall become effective upon publication in the official county newspaper.

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

Absent  
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 11th day of July 2007.

Shari Perry

/s/ Shari Perry  
County Clerk