

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

RESOLUTION NO. 06-011

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0511-576 (SAMUEL) TO PERMIT THE OF A BY-PRODUCTS STORE IN AN "R-E" RESIDENTIAL ESTATE 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 December 28th, 2005 that a public hearing would be held to consider Special Use Permit application #0511-576 (Samuel) 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 January 19th, 2006 hold a public hearing for the consideration of Special Use Permit Application #0511-576 for the operation of a by-products store in an "R-E" (Residential Estate) 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 #0511-576 (Samuel) to permit the operation of a by-products store in an "R-E" Residential Estate Zone as follows:

Section 1: Special Use Permit #0511-576 (Samuel) is granted for the following described property:

Tract: Beginning at the Southeast Corner of Section 20, Township 16 South, Range 19 East; THENCE North 660 feet; THENCE West 420 feet; THENCE South 485 feet; THENCE West 407 ½ feet; THENCE South 175 to a point due West of the Point of Beginning; THENCE East to the POINT OF BEGINNING, containing 8 acres, more or less, all in Franklin County, Kansas.

Section 2: The real property described above shall be authorized to operate a Horse Boarding Facility pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the applicant shall obtain appropriate building permits for any new construction or reconstruction.
2. Signs may be permitted subject to the provisions set forth in Article 20 of the County Zoning Regulations.
3. Sale of products and materials shall be limited to items produced from Alpacas. Any expansion of products or material offered for sale shall require an amended Special Use Permit.
4. That the Special Use Permit shall become null and void by operation of law if the Special Use Permit has not been initiated and utilized by commencing the activity at the specified site within one (1) year of the date of approval.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 6th day of February 2006. This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire  
Donald E. Waymire  
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 6th day of February 2006.

/s/ Shari Perry  
Shari Perry  
County Clerk