

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

RESOLUTION NO. 06-048

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0604-624 (TRENARY) TO PERMIT THE CONSTRUCTION AND OPERATION OF A DOG KENNEL AND BREEDING FACILITY IN AN "A-1" AGRICULTURE 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 23rd, 2006 that a public hearing would be held to consider Special Use Permit application #0604-624 (Trenary) 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 15th, 2006 hold a public hearing for the consideration of Special Use Permit Application #0604-624 for the construction and operation of a dog kennel and breeding facility in an "A-1" (Agriculture) 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 #0604-624 (Trenary) to permit the construction and operation of a dog breeding and kennel facility in an "A-1" Agriculture Zone as follows:

Section 1: Special Use Permit #0604-624 (Trenary) is granted for the following described property:

A tract of land in Section 26, Township 16 South, Range 18 East of the 6th P.M. more particularly described as follows: Beginning at an existing ½" iron bar at the Southwest Corner of the Southwest Quarter of Section 26; THENCE North 00 degrees 40 minutes 15 seconds East 1752.23 feet on the West line of the Southwest Quarter to a ½" iron bar; THENCE South 89 degrees 27 minutes 02 seconds East 745.10 feet on a line parallel with the North line of the Southwest Quarter to a ½" iron bar; THENCE South 00 degrees 40 minutes 15 seconds West 883.20 feet on a line parallel with the West line of the Southwest Quarter to a ½" iron bar; THENCE South 88 degrees 53 minutes 39 seconds East 542.10 feet to a ½" iron bar; THENCE South 00 degrees 24 minutes 00 seconds West 888.46 feet to the South line of the Southwest Quarter to a ½" iron bar; THENCE North 88 degrees 21 minutes 17 seconds West 1291.57 feet on said South line of the Southwest Quarter to the Point of Beginning containing 41.16 acres, more or less, including the road right of way, all in Franklin County Kansas.

Section 2: The real property described above shall be authorized to construct and operate dog kennel and breeding facility pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted for the hobby kennel operation. Any additional uses will require approval of an amended Special Use Permit.
2. That the kennel operation shall be limited to fifteen (15) adult Old English Bulldogs.
3. That the applicant shall comply with the requirements of the State of Kansas.
4. That the kennel shall be maintained in sanitary condition subject to the approval of the County Sanitarian and the Kansas Department of Health and Environment.
5. 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 5th day of July 2006. This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire
Donald E. Waymire
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 5th day of July 2006.

/s/ Shari Perry
Shari Perry
County Clerk