

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

RESOLUTION NO. 06-066

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0609-668 (STOTTLEMIRE) TO PERMIT THE OPERATION OF AN AUCTION BARN SALES FACILITY IN AN "A-2" TRANSITIONAL 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 September 27th, 2006 that a public hearing would be held to consider Special Use Permit application #0609-668 (Stottlemire) 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 October 19th, 2006 hold a public hearing for the consideration of Special Use Permit Application #0609-668 for the operation of a Auction Barn Sales facility in an "A-2" (Transitional 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 #0609-668 (Stottlemire) to permit the operation of an Auction Barn Sales Facility in an "A-2" Transitional Agriculture Zone as follows:

Section 1: Special Use Permit #0609-668 (Stottlemire) is granted for the following described property:

Tract: Beginning at the Northwest Corner (NW) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 25, Township 17S, Range 20E; THENCE South 1320 feet along the West line of said Quarter Section; THENCE East 600 feet to the Point of Beginning; THENCE continuing East 900 feet; THENCE South 990 feet; THENCE West 900 feet; THENCE North 990 feet to the Point of Beginning containing 20 acres, more or less, all in Franklin County Kansas.

Section 2: The real property described above shall be subject to the following conditions:

1. That the Special Use Permit is granted for the Auction Barn Sales Facility. Any additional uses will require approval of an amended Special Use Permit.
2. That the applicant shall maintain liability insurance.
3. That a minimum of 80 parking spaces be provided. Each parking space shall be at least nine (9) feet wide and twenty (20) feet in length exclusive of the access drives.
4. That the parking area and access drive be improved with an all weather surface prior to any auction barn and auto & equipment finders business.
5. Access to the parking facility shall comply with the standards of the Franklin County Public Works Department.
6. "No Parking" signs shall be installed on Tennessee Drive in compliance with the standards of the Franklin County Public Works Department.
7. Any sign(s) used in conjunction with this Special Use Permit shall conform to the Franklin County Zoning Regulations
8. That the applicant may provide a "snack bar" facility. Such facility shall comply with the Kansas Department of Health & Environment Food Serving Regulations.
9. On-site sanitation facilities shall be provided and properly maintained at all times.
10. 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 November 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

Abstained
Donald R. Stottlemire
Commissioner District 5

Received and recorded this the 8th day of November 2006.

/s/ Shari Perry
Shari Perry
County Clerk