

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

RESOLUTION NO. 05-01

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0411-416 (WALTERS) TO PERMIT THE OPERATION OF A DOG BREEDING/KENNEL OPERATIONS IN A "R-E" RESIDENTIAL ESTATE ZONE.

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 12, 2004 that a public hearing would be held to consider Special Use Permit application #0411-416 (Walters) as required by K.S.A. 12-757 and Article 17, Section 17-5.03 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on December 16, 2004 hold a public hearing for the consideration of Special Use Permit Application #0411-416 to operate a dog breeding/kennel operation in an "R-E" Residential Estate Zone.; and

WHEREAS, the Planning Commission, after reviewing and considering all reports and testimonies did, by a majority vote of those present, approve 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:

That the Special Use Permit is consistent with the County Zoning Regulations.

That the Special Use Permit is in conformance with and would further enhance the County Comprehensive Plan.

That as conditioned, the Special Use Permit will not overburden the County roads and other public services.

That as conditioned, the Special Use Permit will not unduly affect the character of the surrounding community.

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 #0411-416 (Walters) to permit the operation of a dog breeding/kennel operation in an "R-E" Residential Estate Zone as follows:

Section 1:Special Use Permit #0411-416 (Walters) is granted for the following described property:

Commencing at the Northwest Corner (NW) of the Northwest Quarter (NW ¼) of Section 32, Township 17S, Range 19E of the 6th P.M.; THENCE South along the West line of said Quarter Section on an assumed bearing of South 00 degrees 00 minutes 00 seconds East a distance of 1355.04 feet to a point on the center line of Old Highway 50; THENCE Northeasterly on a curve to the right along said center line, said center line curve having a radius of 5729.587 feet, a chord bearing of North 61 degrees 30 minutes 34 seconds East and an arc length of 269.75 feet; THENCE continuing along said center line on a bearing of North 62 degrees 51 minutes 30 seconds East a distance of 915.68 feet; THENCE continuing along said center line on a bearing of North 62 degrees 45 minutes 10 seconds East a distance of 1113.58 feet to the True Point of Beginning of land to be described; THENCE continuing along said center line on a bearing of North 62 degrees 45 minutes 10 seconds East a distance of 252.02 feet; THENCE along said center line on a curve to the left, said center line curve having a radius of 2873.27 feet, a chord bearing of North 61 degrees 31 minutes 27 seconds East, and an arc length of 87.12 feet; THENCE South 00 degrees 14 minutes 12 seconds West on a line parallel to the East line of said Northwest Quarter (NW ¼), a distance of 1728.55 feet; THENCE South 89 degrees 32 minutes 41 seconds West on a line parallel to the South line of Lots 5 and 6 of the Northwest Quarter (NW ¼) of said Section 32, a distance of 300 feet; THENCE North 00 degrees 14 minutes 12 seconds East on a line parallel to said East line a distance of 1574.02 feet to the Point of Beginning, containing 11.3658 acres, more or less.

Section 2:The real property described above shall be authorized to operate an animal chiropractic

school and veterinarian clinic pursuant to the Franklin County Zoning Regulations and the following conditions:

That the Special Use Permit is granted for the hobby kennel operation. Any additional uses will require approval of an amended Special Use Permit.

That the kennel operation shall be limited to ten (10) "toy breed" adult dogs.

That the kennel operation shall be a Hobby Kennel operation facility only.

That the applicant shall comply with the requirements of the State of Kansas.

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.

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 5th day of January 2005. This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire ; /s/ John E. Taylor
Donald E. Waymire John E. Taylor Commissioner District 1 Commissioner District 2
/s/ Fred E. Ferguson /s/ Donald C. Hay
Fred E. FergusonDonald C. Hay
Commissioner District 3#9; Commissioner District 4
/s/ Donald R. Stottlemire
Donald R. Stottlemire
Commissioner District 5

Received and recorded this the 5th day of January 2005.

/s/ Shari Perry
Shari Perry
County Clerk