

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

RESOLUTION NO. 05-24

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0501-438 (SALLAZ) TO PERMIT THE OPERATION OF A GREENHOUSE/NURSERY 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 January 28, 2005 that a public hearing would be held to consider Special Use Permit application #0501-438 (Sallaz) 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 February 17, 2005 hold a public hearing for the consideration of Special Use Permit Application #0501-438 to operate a greenhouse/nursery 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:

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 #0501-438 (Sallaz) to permit the operation of a greenhouse/nursery in an "R-E" Residential Estate Zone as follows:

Section 1:Special Use Permit #0501-438 (Sallaz) is granted for the following described property:

Beginning at a 3/8" rebar at the Northeast Corner (NE) of the Northeast Quarter (NE ¼) of Section 11, Township 16 South, Range 20 East of the 6th Principal Meridian, Franklin County, Kansas; THENCE South 00 degrees 33 minutes 05 seconds East for a distance of 867.98 feet along the East line of said Northeast Quarter (NE ¼) to a ½" rebar, the TRUE POINT OF BEGINNING; THENCE South 00 degrees 33 minutes 05 seconds East for a distance of 959.00 feet along said East line to a ½" rebar, said point being 822.38 feet North of the Southeast Corner of said Northeast Quarter (NE ¼); THENCE South 89 degrees 26 minutes 56 seconds West for a distance of 455.75 feet to a ½" rebar THENCE North 00 degrees 24 minutes 51 seconds West for a distance of 959.00 feet to a ½" rebar; THENCE North 89 degrees 26 minutes 55 seconds East for a distance of 453.45 feet to the TRUE POINT OF BEGINNING. Said property contains 10.00 acre more or less in Franklin County, Kansas as shown on survey by Taylor Design Group, P.A., dated April 2004.

Section 2: The real property described above shall be authorized to operate a greenhouse/nursery pursuant to the Franklin County Zoning Regulations and the following conditions:

That the applicant shall obtain appropriate building permits for any new construction or reconstruction.

That the greenhouse/nursery shall be owner operated and there shall be no other employees.

Signs may be permitted subject to the provisions set forth in Article 20 of the County Zoning Regulations.

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 7th day of March 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/ Roy C. Dunn /s/ Donald C. Hay
Roy C. Dunn Donald C. Hay
Commissioner District 3#9; Commissioner District 4

/s/ Donald R. Stottlemire
Donald R. Stottlemire
Commissioner District 5

Received and recorded this the 7th day of March 2005.

/s/ Shari Perry
Shari Perry
County Clerk