

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

RESOLUTION NO. 05-32

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0501-445 (HORNBAKER) TO PERMIT THE PLACEMENT AND STORAGE OF PORTABLE TOILETS IN AN "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 February 24, 2005 that a public hearing would be held to consider Special Use Permit application #0501-445 (Hornbaker) 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 March 17, 2005 hold a public hearing for the consideration of Special Use Permit Application #0501-445 for the placement and storage of portable toilets 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 #0501-445 (Hornbaker) to permit the placement and storage of portable toilets in an "R-E" Residential Estate Zone as follows:

Section 1:Special Use Permit #0501-445 (Hornbaker) is granted for the following described property:

The West 691 feet of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 13, Township 17S, Range 17E, except commencing 950 feet North of the Southwest Corner (SW) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 13; THENCE East 665 feet; THENCE South 370 feet; THENCE West 565 feet to the Place of Beginning, in Franklin County, Kansas.

Section 2:The real property described above shall be authorized to place and store portable toilets pursuant to the Franklin County Zoning Regulations and the following conditions:

That all portable toilet units shall be stored within a building except when in transport.

Any signing for the portable toilet business shall comply with the provisions of Article 7 of the Franklin County Zoning Regulations.

That wash down facilities shall comply with the Franklin County Sanitation Code and any requirements of 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 4th day of April 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#9; /s/ Donald C Hay
Roy C. DunnDonald C. Hay
Commissioner District 3#9; Commissioner District 4

/s/ Donald R. Stottlemire
Donald R. Stottlemire
Commissioner District 5
Received and recorded this the 4th day of April 2005.

/s/ Shari Perry
Shari Perry
County Clerk