

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

RESOLUTION NO. 05-52

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0504-484 (GILGES) TO PERMIT THE OPERATION OF A GROUP DAY CARE FACILITY IN A "R-E" RESIDENTIAL ESTATE 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 April 26th, 2005 that a public hearing would be held to consider Special Use Permit application #0504-484 (Gilges) 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 May 19, 2005 hold a public hearing for the consideration of Special Use Permit Application #0504-484 for the operation of a group day care facility 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 #0504-484 (Gilges) to permit the operation of a group day care facility in an "R-E" Residential Estate Zone as follows:

Section 1:Special Use Permit #0504-484 (Gilges) is granted for the following described property:

Tract 1:

Commencing at a point 981 feet North of the Southeast Corner of the Southeast Quarter (SE ¼) of Section 1, Township 16S, Range 18E; THENCE West 610 feet; THENCE in a Northeasterly direction 890.2 feet to a point 330 feet due West of the East line of said Southeast Quarter (SE ¼) of Section 1; THENCE East 330 feet; THENCE South 845 feet to the POINT OF BEGINNING, containing 9.1 acres in Franklin County, Kansas.

Section 2: The real property described above shall be authorized to operate a day care facility pursuant to the Franklin County Zoning Regulations and the following conditions:

That the day care facility shall be limited to a maximum of twelve (12) children.

That the day care facility shall obtain and adhere to all of the licensing requirements of the State of Kansas.

That sanitation facilities shall comply with the Franklin County Sanitation Code and any requirements of the Kansas Department of Health and Environment.

That the day care facility shall comply with all requirements of the State Fire Marshall's Office.

That an on-site loading/unloading parking space area be provided.

That an on-site all weather surface vehicle turn around be provided and maintained.

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 June 2005. This action shall become effective upon publication in the official county newspaper.

/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 8th day of June, 2005.

/s/ Shari Perry

Shari Perry

County Clerk