

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

RESOLUTION NO. 05-53

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0504-476 (FOWLER) TO PERMIT THE OPERATION OF AN EQUESTRIAN CENTER AND BED & BREAKFAST FACILITY IN AN "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 26, 2005 that a public hearing would be held to consider Special Use Permit application #0504-476 (Fowler) 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 May 19, 2005 hold a public hearing for the consideration of Special Use Permit Application #0504-476 for the operation of an Equestrian Facility and a Bed and Breakfast 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 #0504-476 (Fowler) to permit the operation of an Equestrian Facility and a Bed & Breakfast Facility in an "R-E" (Residential Estate) Zone as follows:

Section 1:Special Use Permit #0504-476 (Fowler) is granted for the following described property:

Tract 1B1:

Commencing at a ½" rebar at the Southeast Corner of the Northeast Quarter of Section 32, Township 15 South, Range 21 East of the 6th Principal Meridian, in Franklin County, Kansas; THENCE North 00 degrees 05 minutes 57 seconds East for a distance of 667.76 feet along the East line of said

Northeast Quarter to a ½" rebar, the POINT OF BEGINNING, said point being 1991.34 feet South of the Northeast Corner of said Northeast Quarter; THENCE North 00 degrees 05 minutes 57 seconds East for a distance of 439.40 feet along said East line; THENCE North 89 degrees 54 minutes 03 seconds West for a distance of 1049.45 feet to a ½" rebar; THENCE South 00 degrees 05 minutes 57 seconds West for a distance of 62.57 feet parallel with said East line to a ½" rebar; THENCE North 89 degrees 54 minutes 03 seconds West for a distance of 362.37 feet to a ½" rebar; THENCE South 00 degrees 05 minutes 57 seconds West for a distance of 372.62 feet parallel with said East line to a ½" rebar; THENCE South 89 degrees 43 minutes 49 seconds East for a distance of 1411.83 feet parallel with said South line to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 13.65 acres, more or less, in Franklin County, Kansas as shown on survey by Taylor Design Group, P.A. dated March 2005.

Tract 1B2:

Beginning at a ½" rebar at the Southeast Corner of the Northeast Quarter of Section 32, Township 15 South, Range 21 East of the 6th Principal Meridian, in Franklin County, Kansas; THENCE North 89 degrees 43 minutes 49 seconds West for a distance of 1411.83 feet along the South line of said Northeast Quarter, said point being 1227.81 feet East of the Southwest Corner of said Northeast Quarter; THENCE North 00 degrees 05 minutes 57 seconds East for a distance of 667.76 feet parallel with the East line of said Northeast Quarter to a ½" rebar; THENCE South 89 degrees 43 minutes 49 seconds East for a distance of 1411.83 feet parallel with said South line to a ½" rebar on said East line; THENCE South 00 degrees 05 minutes 57 seconds West for a distance of 667.76 feet along said East line to the POINT OF BEGINNING. Together with and subject to covenants, easements and restriction of record. Said property contains 21.65 acres, more or less, in Franklin County, Kansas as shown on survey by Taylor Design Group, P.A. dated March 2005.

Section 2: The real property described above shall be authorized to operate an Equestrian Facility and a Bed and Breakfast facility pursuant to the Franklin County Zoning Regulations and the following conditions:

That the Bed and Breakfast facility be limited to the existing residence and approved building additions.

The Bed and Breakfast facility shall obtain and adhere to any licensing requirement of the State of Kansas.

That the construction of all buildings and/or additions shall comply with the County Building Code.

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

That all off-street parking for the Bed and Breakfast facility and stable facilities shall be maintained with an all weather surface. Special event parking shall be permitted on the grass/pasture area serving the outdoor riding arenas.

That all vehicle driveways shall be maintained with an all weather surface.

That the Bed and Breakfast facility shall be owner operated by the resident of the home and there shall be no other employees.

That the outdoor riding arenas shall not be lighted.

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 Dunn9; /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 8th day of June 2005.

/s/ Shari Perry

Shari Perry

County Clerk