

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

RESOLUTION NO. 05-54

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0504-478 (TODD) TO PERMIT THE OPERATION OF A USED AUTO SALES FACILITY AND OFFICE IN A "C-2" HIGHWAY COMMERCIAL 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 April 26, 2005 that public hearing would be held to consider Special Use Permit application #0504-478 (Todd) as required by K. S.A. 12-757 and Article 17, Section 17-3.01 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 #0504-478 to permit the operation of a used auto sales facility and office; and

WHEREAS, the Planning Commission, after reviewing and considering all reports and testimonies did, by a unanimous 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:

1. That the Special Use Permit is consistent with the County Zoning Regulations.
2. That the Special Use Permit is in substantial conformance with and would further enhance the County Comprehensive Plan.
3. That as conditioned, the Special Use Permit will not overburden the county roads and other public services.
4. That as conditioned, the Special Use Permit will not unduly affect the character of the surrounding community.
5. 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 #0504-478 (Todd) to permit the operation of a used auto sales facility and office in a "C-2" Highway Commercial Zone as follows:

Section 1: Special Use Permit #0504-478 (Todd) is granted for the following described property:

Commencing at a point 526 feet East and 500 feet North of the Southwest Corner (SW) of the North Half (N) of the Southwest Quarter (SW) of Section 13, Township 17S, Range 19E; THENCE North to the North line of the South 40 acres of the North Half (N) of said Southwest Quarter (SW); THENCE West to the section line; THENCE South to a point due West of the Point of Beginning; THENCE East to the Point of Beginning, Franklin County, Kansas, containing 2 acres, more or less.

Section 2: The real property described above shall be authorized to operate a used auto sales facility including an office in a C-2 Highway Commercial zone pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted for the use of a used auto sales facility including an office. Any additional uses will require approval of an amended Special Use Permit.
2. That used vehicles offered for sale shall be clearly identified as being "For Sale" and shall be parked/stored on an all weather surfaced parking area.

3. That the used car sales/storage area shall be surfaced with an all weather material within six (6) months from the date of approval.

That the applicant shall maintain and conform to the licensing requirements of the Kansas Department of Revenue.

Any sign(s) used in conjunction with this Special Use Permit shall conform to the Franklin County Zoning Regulations and the Kansas Highway Advertising Control Act, K.S.A. 68-2234(e).

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/ 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