

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

RESOLUTION NO. 05-66

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0505-502 (KILLOUGH) TO PERMIT THE OPERATION OF A WELDING SHOP, TIRE SHOP, MECHANICAL REPAIR SHOP, RECYCLING CENTER AND SALVAGE FACILITY IN AN "I-2" HEAVY INDUSTRIAL 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 May 25, 2005 that a public hearing would be held to consider Special Use Permit application #0505-502 (Killough) 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 June 16, 2005 hold a public hearing for the consideration of Special Use Permit Application #0505-502 for the operation of a welding shop, tire shop, mechanical shop, recycling center and salvage facility in an "I-2" (Heavy Industrial) 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 #0505-502 (Killough) to permit the operation of a welding shop, tire shop, mechanical repair shop, recycling center and salvage facility in an "I-2" (Heavy Industrial) Zone as follows:

Section 1:Special Use Permit #0505-502 (Killough) is granted for the following described property:

Tract 1:

The West Half (W ½) of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 30, Township 16S, Range 20E of the 6th P.M. Except the East 265.8 feet +/- of the North 576.2 feet +/-

- thereof, Franklin County, Kansas.

Section 2: The real property described above shall be authorized to operate a tire shop, welding shop, mechanical repair shop, recycling center and salvage facility 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 applicant shall hook up to the public sewer line for sanitation purposes.

That the operation shall be conducted wholly within a non-combustible building or within an area completely surrounded on all sides by a fence, wall or other screening. The fence, wall or other screening shall be uniform in height, ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or screening shall be installed in such a manner as to retain all scrap, junk or other material within the yard.

That no junk shall be loaded, unloaded or otherwise placed, whether temporarily or permanently, outside of the enclosed building, fence or wall or within the public right-of-way.

No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence, wall or screening.

That the Special Use Permit shall become null and void by operation of law if the Special Use Permit has not been initiated and utilized by commencing the activity at the specified site within one (1) year of the date of approval.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 6th day of July 2005. This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire #9; /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 6th day of July 2005.

/s/ Shari Perry  
Shari Perry  
County Clerk