

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

RESOLUTION NO. 05-116

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0510-559 (LIVINGSTON) TO PERMIT THE OPERATION OF A HORSE BOARDING 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 October 26th, 2005 that a public hearing would be held to consider Special Use Permit application #0510-559 (Livingston) 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 November 17th, 2005 hold a public hearing for the consideration of Special Use Permit Application #0510-559 for the operation of a Horse Boarding 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:

1. That the Special Use Permit is consistent with the County Zoning Regulations.
2. That the Special Use Permit is in 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 #0510-559 (Livingston) to permit the operation of a Horse Boarding Facility in an "R-E" Residential Estate Zone as follows:

Section 1: Special Use Permit #0510-559 (Livingston) is granted for the following described property:

Tract: Beginning at the Southwest Corner of the Northwest Quarter of Section 26, Township 16 South, Range 18 East of the 6th P.M.; THENCE North 00 degrees 40 minutes 42 seconds West 990.00 feet along the West line of the Northwest Quarter; THENCE South 89 degrees 28 minutes 14 seconds East 660.00 feet; THENCE South 00 degrees 40 minutes 42 seconds West 990.23 feet (measured) 990.00 feet (deed) parallel with the West line of said Quarter Section to the South line of said Quarter Section; THENCE North 89 degrees 27 minutes 02 seconds West 660.00 feet to the West line of said Quarter Section and the Point of Beginning, containing 15.00 acres, more or less, all in Franklin County, Kansas, including road right of way as recorded.

Section 2: The real property described above shall be authorized to operate a Horse Boarding Facility pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the construction of all buildings and/or additions shall comply with the Franklin County Building Code.
2. There shall be no lighted arenas.
3. That the stable is a boarding stable only and shall be limited to a maximum number of eight (8) horses.
4. That three (3) off-street parking stalls for the stable facilities shall be maintained with an all weather surface.
5. 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 5th day of December 2005. This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire
Donald E. Waymire
Commissioner District 1

/s/ John E. Taylor
John E. Taylor
Commissioner District 2

/s/ Roy C. Dunn
Roy C. Dunn
Commissioner District 3

/s/ Donald C. Hay
Donald C. Hay
Commissioner District 4

/s/ Donald R. Stottlemire
Donald R. Stottlemire
Commissioner District 5

Received and recorded this the 5th day of December 2005.

/s/ Shari Perry
Shari Perry
County Clerk