

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

RESOLUTION NO. 19- 35

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1909-1707 (JOSHUA COOK) APPROVING A SPECIAL USE PERMIT TO PERMIT THE CONSTRUCTION AND OPERATION OF A MINI STORAGE FACILITY 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 September 24, 2019 that public hearing would be held to consider Special Use Permit Application #1909-1707 (Joshua Cook) as required by K.S.A. 12-757 and Article 19, Section 19-3.04 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on October 17, 2019 hold a public hearing for the consideration of Special Use Permit Application #1909-1707 to permit the construction and operation of a mini storage facility; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 2002 which included Article 19, Section 19-1 through 19-5 setting out the procedures and basis for review in considering a Special Use Permit, including the following criteria:

- a. Whether the use is in compliance with, and would further enhance, the implementation of the adopted Comprehensive Plan;
- b. Whether the use complies with the purpose and intent of the adopted Zoning Regulations;
- c. Whether the use complies with other adopted standards of the County;
- d. Whether the use fits the character of the neighborhood;
- e. Whether the use would be unduly detrimental to surrounding properties and uses;
- f. The suitability of the subject property for the proposed use;
- g. Approval of mitigation measures to minimize impacts to surrounding properties or services;
- h. Recommendation of Professional Staff; 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 the surrounding properties
6. That, as conditioned, the Special Use Permit will comply with all other County Codes and Regulations
7. That the subject property is suitable for the proposed use.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby approve Special Use Permit Application #1909-1707 (Joshua Cook) as follows:

Section 1: Special Use Permit #1909-1707 (Joshua Cook) is granted for the following described property:

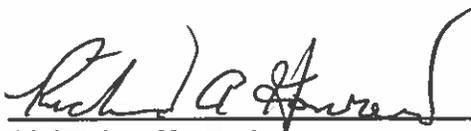
All that part of the Southwest Quarter of Section 25, Township 17 South, Range 18 East, Franklin County Kansas described as follows: Commencing at the Northwest Corner of the Southwest Quarter of said Section 25; THENCE South 00 degrees 21 minutes 14 seconds West along the West line of said Southwest Quarter, a distance of 1319.57 feet to the Northwest Corner of the South Half of said Southwest Quarter, also being the True Point of Beginning; THENCE North 89 degrees 46 minutes 21 seconds East along the North line of the South Half of said Southwest Quarter a distance of 996.60 feet to a point on the Northerly right-of-way line of Interstate Highway 35; THENCE South 52 degrees 51 minutes 14 seconds West along said right-of-way line a distance of 1124.10 feet; THENCE North 53 degrees 46 minutes 46 seconds West along said right-of-way line a distance of 43.00 feet; THENCE North 00 degrees 26 minutes 14 seconds East along said right-of-way line a distance of 350.40 feet; THENCE North 14 degrees 36 minutes 48 seconds West along said right-of-way line a distance of 156.44 feet; THENCE North 89 degrees 38 minutes 46 seconds West along said right-of-way line a distance of 30.00 feet to a point on the West line of said Southwest Quarter said point being 1172.10 feet North of the Southwest Corner of the Southwest Quarter of said Section 25; THENCE North 00 degrees 21 minutes 14 seconds East along said West line a distance of 147.47 feet to the Point of Beginning containing 7.75 acres, more or less, subject to any part thereof in roads.

Section 2: The Special Use Permit for the real property described above shall be subject to the following conditions:

1. That the Special Use Permit is granted for the construction and operation of a mini storage facility. Any additional uses will require approval of an amended Special Use Permit.

2. That the parking and storage areas shall be maintained with an all weather surface and shall be kept in a weed (grass) free condition.
3. That any office building be hooked to a sanitation system and have a potable water supply installed in compliance with the Franklin County Sanitation Code.
4. That the building/s be in compliance with the minimum standards of the 2003 Edition of the International Building Code.
5. That any signing shall comply with the provisions of Article 20 of the County Zoning Regulations.
6. 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 6th day of November, 2019. This action shall become effective upon publication in the official county newspaper.



 Richard A. Howard
 Chairman

Received and recorded this the 6th day of November, 2019



 Janet Paddock
 County Clerk



FILED FOR RECORD
 TIME 10:15 A.M.

(Original compared with record)

Mwai
 NOV 12 2019
 Book 292 Page 174
 REGISTER OF DEEDS, FRANKLIN CO., KS
 INSTRUMENT # 3726