

BOARD OF COUNTY COMMISSIONERS

OF

FRANKLIN COUNTY, KANSAS

OCT 07 2020

RESOLUTION NO. 20- 21Book 296 Page 170 Fee —*D. A. McCarry*
REGISTER OF DEEDS, FRANKLIN CO., KSINSTRUMENT # 3820

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #2008-1776 (KLEITZ) TO PERMIT THE OPERATION OF A MICRO-DISTILLERY WITH TASTING ROOM AND DRINK AND FOOD SERVING FACILITIES IN A C-2 (HIGHWAY COMMERCIAL) 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 August 25, 2020 that public hearing would be held to consider Special Use Permit application #2008-1776 (KleitZ) as required by K.S.A. 12-757 and Article 23, Section 23-5.02 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on September 17, 2020 hold a public hearing for the consideration of Special Use Permit application #2008-1776 to permit operation of a micro-distillery with tasting room and drink and food serving facilities; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 2002 which included Article 23, Section 23-1 through 23-5 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; 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 Planning Commission does hereby approve Special Use Permit Application #2008-1776 (Kleitz) as follows:

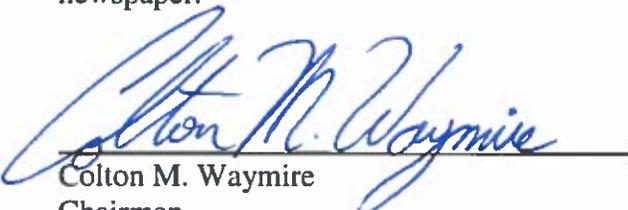
Section 1: Special Use Permit #2008-1776 (Kleitz) is granted for the following described property:

Beginning at a point 827.3 feet South and 60 feet West of the Northeast Corner of the Southeast Quarter of Section 11, Township 16 South, Range 20 East; THENCE Northerly 202.2 feet to a point 30 feet West and 627.3 feet South of the Northeast Corner of the Southeast Quarter of said Section 11; THENCE East 30 feet; THENCE North 212.5 feet; THENCE West 400 feet; THENCE South 732 feet to the Northerly right of way line of I-35 Highway; THENCE Northeasterly along said right of way line 450 feet to the Place of Beginning, except all land taken for highway purposes in Deed Book 257 at Pages 417, 419 and 421, recorded in the office of Register of Deed of Franklin County Kansas. AND Beginning at the Northeast Corner of the Southeast Quarter of Section 11, Township 16 South, Range 20 East; THENCE South 00 degrees 00 minutes 00 seconds West 414.80 feet along the East line of said Quarter Section; THENCE North 90 degrees 00 minutes 00 seconds West 400.00 feet to the True Point of Beginning; THENCE North 90 degrees 00 minutes 00 seconds West 262.52 feet; THENCE South 00 degrees 00 minutes 00 seconds West 945.95 feet parallel with the East line of said Quarter Section to a point on the North right of way line of I-35 Highway; THENCE North 48 degrees 27 minutes 27 seconds East 350.75 feet along said right of way; THENCE North 00 degrees 00 minutes 00 seconds East 732 feet (by deed) 713.34 (measured) to the True Point of Beginning, except all land taken for highway purposes in Deed Book 257 at Pages 417, 419 and 421, recorded in the office of the Register of Deed of Franklin County Kansas except also all minerals in and under and that may be produced from the land.

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 operation of distilling alcohol spirits and serving of alcoholic beverages with food serving facilities. Any additional uses or activities shall require approval of an amended Special Use Permit.
2. That the applicant shall comply with all licensing and manufacturing requirements of the State of Kansas Division of Alcoholic Beverage Control.
3. That the applicant shall comply with the provisions of the Franklin County Building Codes.
4. That the applicant shall comply with the Franklin County Sanitation Code.
5. That parking shall be installed and maintained in accordance with the Franklin County Zoning Regulations and the Franklin County Building Code.
6. That all signs comply with the requirements of the Franklin County Zoning Regulations and applicable State of Kansas standards for signs.
7. That the Special Use Permit shall be null and void by operation of law if the activities or uses have not been initiated and utilized by commencing such uses and activities at the site noted in the application specified in said application within a period of one (1) year.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 7th day of October, 2020. This action shall become effective upon publication in the official county newspaper.


Colton M. Waymire
Chairman

Received and recorded this the 7th day of October, 2020.


Janet Paddock
County Clerk

