



Franklin
COUNTY KANSAS

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VICKI HUGHES
REGISTER OF DEEDS
FRANKLIN COUNTY, KANSAS
INSTRUMENT # 2024-00557

**Board of County Commissioners
Franklin County, Kansas**

Resolution 24- 05

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #2401-2106 (HEGE) TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A USED DIESEL PICKUP REPAIR AND SALES FACILITY 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 January 24, 2024 that public hearing would be held to consider Special Use Permit application #2401-2106 (Hege) 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 February 15, 2024 hold a public hearing for the consideration of Special Use Permit application #2401-2106 (Hege) to allow for the construction and operation of a used diesel pickup repair and sales facility in a C-2, Highway Commercial Zoning District; 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

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WHEREAS, the Planning Commission, after due consideration of the criteria set forth in Article 23, Section 23-5.04 of the County Zoning Regulations, the relative factors of the Supreme Court case of Golden vs. City of Overland Park, together with all written reports and public testimony, the Planning Commission, by majority of its membership did find the following:

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 #2401-2106 (Hege) as follows:

Section 1: Special Use Permit #2401-2106 (Hege) is granted for the following described property:

A tract of land in the East 1/2 of the Southeast 1/4 of Section 15, Township 17 South, Range 19 East of the 6th Principal Meridian, Franklin County Kansas, being more particularly described as follows: Beginning at a point which is South 2° 18' 00" East, along the East line, of the SE 1/4 of said Sec. 15, 1352.71 feet; and South 87° 42' 00" West, 536.23 feet, from the NE corner of the East 1/2 of the SE 1/4 of said Sec. 15, said point being on the Northerly right-of-way of U.S. Highway #50 as now established and the Southeasterly corner of the tract herein described: Thence Southwesterly on a curve to the right having a measured radius of 1665.0 feet (deed radius 1723.18 feet) along the Northerly right-of-way line of said U.S. Highway #50, an arc distance of 177.76 feet; thence North 58° 54' 41" West, 785.76 feet to a point on the West line of the East 1/2 of the Southeast 1/4 of said Section 15, said point being South 2° 07' 00" East, 1040.04 feet from the Northwest corner of the East 1/2 of the Southeast 1/4 of said Sec. 15, and on the Southerly right of way line of Interstate Highway #I-35 as now established; thence North 86° 14" East along said Southerly right of way line of #I-35, 366.23 feet; thence South 54° 51' 46" East, 530.23 feet to the point of beginning of the tract, herein described, containing 128,510.68 square feet or 2.95 acres, more or less, Subject to all easements and restrictions of record.

Section 2: The Special Use Permit for the real property described above shall be authorized for the construction and operation of a used diesel pickup repair and sales facility in a C-2, Highway Commercial Zoning District pursuant to the Franklin County Zoning Regulations and subject to the following conditions:

1. The Special Use Permit is for the operation of used diesel pickup repair and sales facility. Any additional uses will require approval of an amended Special Use Permit.
2. That the applicant shall obtain appropriate building permits for any new construction of buildings subject to the Franklin County Building Codes and shall maintain the minimum front, rear, and side yard setbacks.
3. Hours of operation shall be Monday through Friday from 8:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to 1:00 p.m.
4. All driveways and off-street parking areas shall be maintained with all-weather surfaces.
5. That a minimum of four (4) parking spaces, including one (1) handicap parking space of a solid surface (asphalt or concrete). If ramps are needed, slopes will be required to meet ADA standards. The doorway will be required a minimum of at 32-inch clear width opening.
6. No more than six (6) parts vehicles shall be stored on the property at one time.
7. Any signs used in conjunction with this Special Use Permit shall conform to the Franklin County Zoning Regulations.
8. The operation shall be conducted solely within a building in compliance with all adopted Franklin County Building Codes or within an area completely surrounded on all sides by a fence and/or screening. The fence and/or screening shall be installed in a manner as to retain all scrap, junk, or other material within the yard.
9. The access driveway and vehicle parking area shall be improved and maintained with an all-weather surface.
10. 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 specified site 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 March 2024. This action shall become effective upon publication in the official county newspaper.


Colton Waymire
Chair

Received and recorded this 6th day of March 2024.




Janet Paddock
County Clerk