



Franklin
COUNTY KANSAS

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

FILED FOR RECORD
01/08/2025 10:55 AM
VICKI HUGHES
REGISTER OF DEEDS
FRANKLIN COUNTY, KANSAS
INSTRUMENT # 2025-00049

Resolution 25-01

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #2410-0004 (ZIMMERMAN) TO ALLOW FOR THE OPERATION OF A USED VEHICLE ON-LINE SALES AND STORAGE FACILITY IN AN A-1, AGRICULTURE 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 November 20, 2024 that public hearing would be held to consider Special Use Permit application #2410-0004 (Zimmerman) 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 December 19, 2024 hold a public hearing for the consideration of Special Use Permit application #2410-0004 (Zimmerman) to allow for the operation of a used vehicle on-line sales and storage facility in an A-1, Agriculture 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 #2410-0004 (Zimmerman) as follows:

Section 1: Special Use Permit #2410-0004 (Zimmerman) is granted for the following described property:

Beginning at the intersection of the West line of Section 25, Township 17 South, Range 20 East, Franklin County, Kansas, with the South boundary of the Peoria and Kaskaskia Indian Reserve, said point being 3108.00 feet South of the NW Corner of said Section 25: Thence South 89 deg., 54 min., 47 sec., East, 669.90 feet to the SE Corner of the West 8 acres of Lot #2 in the SW $\frac{1}{4}$ of Sec. 25; Thence North 00 deg., 03 min., 14 sec., East along the East line of Lot #2 a distance of 1542.23 feet to a point on the East line of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 25; Thence North 89 deg., 54 min., 47 sec., West parallel with the South line of the Indian Reserve, 33.46 feet; Thence South 53 deg., 35 min., 34 sec., West 439.46 feet; Thence South 30 deg., 45 min., 06 sec., West 454.30 feet; Thence North 89 deg., 54 min., 47 sec., West parallel with the South line of the Indian Reserve 1568.89 feet to a point on the West Boundary of the Peoria and Kaskaskia Indian Reserve; Thence South 00 deg., 16 min., 19 sec., East 890.11 feet to the SW Corner of said Indian Reserve, said point being the SW Corner of Lot #3 in the SE Fractional $\frac{1}{4}$ of Section 26, Township 17 South, Range 20 East; Thence South 89 deg., 54 min., 47 sec., East 1512.76 feet along the South boundary of said Indian Reserve to the Point of Beginning, containing 50.42 acres, more or less, and being subject to road right-of-ways as recorded.

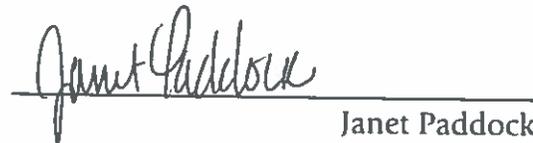
Section 2: The Special Use Permit for the real property described above shall be authorized for the operation of a used vehicle on-line sales and storage facility in an A-1, Agriculture District pursuant to the Franklin County Zoning Regulations and subject to the following conditions:

1. The Special Use Permit is for the operation of a used vehicle on-line sales and storage 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 or remodeling of the building subject to the Franklin County Building.
3. That the used vehicle on-line sales and storage facility shall be owner operated and allowed up to two (2) employees.
4. No mechanical or vehicle service work shall be conducted.
5. No vehicles shall be displayed for sale by the road or outside of the building.
6. All driveways shall be maintained with all-weather surfaces.
7. One (1) wall sign is permitted on the existing building and shall conform to the Franklin County Zoning Regulations. No other signs shall be permitted.
8. 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 8th day of January 2025. This action shall become effective upon publication in the official county newspaper.


Colton Waymire
Chair

Received and recorded this 8th day of January 2025.


Janet Paddock
County Clerk

