

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

RESOLUTION NO. 12-17

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1204-1136 (d' AUGEREAU)  
TO CONSTRUCT AND OPERATE OF A FIREARMS INSTRUCTION AND TRAINING FACILITY IN  
AN "A-2" TRANSITIONAL AGRICULTURE 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 April 25<sup>th</sup>, 2012 that a public hearing would be held to consider Special Use Permit application #1204-1136 (d' Augereau) as required by K.S.A. 12-757 and Article 18, Section 18-3.01 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on May 17<sup>th</sup>, 2012 hold a public hearing for the consideration of Special Use Permit Application #1204-1136 for construction and operation of a firearms instruction and training facility in an "A-2" (Transitional Agriculture) Zone; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14<sup>th</sup>, 2002 which included Article 18, Section 18-1 through 18-5 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 Board of County Commissioners does hereby approve Special Use Permit Application #1204-1136 (d' Augereau) to construct and operate a firearms instruction and training facility in an "A-2" (Transitional Agriculture) Zone as follows:

Section 1: Special Use Permit #1204-1136 (d' Augereau) is granted for the following described property:

Beginning at the Northwest Corner of the Southwest Quarter of Section 36, Township 18 South, Range 20 East of the 6<sup>th</sup> P.M.; THENCE South 660 feet; THENCE East 1485 feet; THENCE North 660 feet; THENCE West 1485 feet to the Point of Beginning, containing 22-1/2 acres, more or less, in Franklin County Kansas.

Section 2: The real property described above shall be authorized to construct and operate a firearms instruction and training facility pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted for the construction and operation of a firearms instruction and training range. Any additional uses will require approval of an amended Special Use Permit.
2. That the applicant shall maintain liability insurance in the amount of at least \$1,000,000.
3. That the parking area and access be improved with an all-weather surface within six (6) months of the start of any instructional or training activities.
4. That on-site sanitation facilities shall be provided and maintained at all times. Sanitation facilities shall be subject to the approval of the County Sanitarian prior to use.
5. Operation shall be limited to daylight hours.
6. Any signs used in conjunction with this Special Use Permit shall conform to the Franklin County Zoning Regulations.

7. That the property shall be secured at all times during use of the range.
8. The firing range shall be constructed to the standards of the National Rifle Association (NRA) prior to use as an instructional/training facility.
9. No overnight camping shall be permitted.
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 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 6<sup>th</sup> day of June 2012. This action shall become effective upon publication in the official county newspaper.

/s/ David J Hood  
David J. Hood  
Chairman

\_\_\_\_\_  
Received and recorded this the 6<sup>th</sup> day of June 2012.

/s/ Shari Perry  
Shari Perry  
County Clerk