

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

RESOLUTION NO. 12-34

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1208-1163 (STEWART) TO OPERATE A USED VEHICLE AND RECREATIONAL VEHICLE REPAIR AND SALES 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 August 29<sup>th</sup>, 2012 that a public hearing would be held to consider Special Use Permit application #1208-1163 (Stewart) as required by K.S.A. 12-757 and Article 18, Section 18-3.04 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on September 20<sup>th</sup>, 2012 hold a public hearing for the consideration of Special Use Permit Application #1208-1163 for the operation of a used vehicle and recreational vehicle repair and sales facility in a "C-2" Highway Commercial 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 #1208-1163 (Stewart) to operate a used vehicles and recreational vehicles repair and sales facility in a "C-2" Highway Commercial Zone as follows:

Section 1: Special Use Permit #1208-1163 (Stewart) is granted for the following described property:

A tract commencing at the Southwest Corner of the Southwest Quarter of the Northwest Quarter of Section 28, Township 15 South, Range 21 East of the 6<sup>th</sup> P.M.; THENCE East along the South line of said Quarter/Quarter section on an assumed bearing of North 90 degrees 00 minutes 00 seconds East a distance of 679.12 feet to the True Point of Beginning; THENCE continuing along said South line on a bearing of North 90 degrees 00 minutes 00 seconds East a distance of 650.34 feet; THENCE North 00 degrees 22 minutes 02 seconds West a distance of 647.50 feet to a point on the center of the former Southern Kansas Railway (now vacated); THENCE South 86 degrees 17 minutes 38 seconds West along said center of the former Southern Kansas Railway a distance of 229.70 feet; THENCE on a curve to the left with a radius of 2,425.00 feet, an arc length of 422.81 feet, a chord that bears South 81 degrees 17 minutes 57 seconds West and a chord length of 422.28 feet; THENCE South 00 degrees 02 minutes 42 seconds East on a line parallel to the West line of said Quarter/Quarter section a distance of 568.76 feet to the Place of Beginning, containing 9.2118 acres, more or less, Franklin County Kansas.

Section 2: The real property described above shall be authorized to operate a used vehicle and recreational vehicles repair and sales facility pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted for the repair and sale of used vehicles and recreational vehicles. Any additional uses will require approval of an amended Special Use Permit.
2. That any salvage and junk material, such as but not limited to used tires and vehicles parts and recreational vehicles parts shall be removed.
3. That the parking and storage areas shall be maintained with an all weather surface and shall be kept in a weed (grass) free condition.
4. That the building be hooked to a sanitation system in compliance with the Franklin County Sanitation Code.

5. That a potable water supply be installed in compliance with the Franklin County Sanitation Code.
6. That the building be in compliance with the minimum standards of the 2003 Edition of the International Building Code.
7. That any signing shall comply with the provisions of Article 20 of the County Zoning Regulations.
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 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 10<sup>th</sup> day of October 2012. This action shall become effective upon publication in the official county newspaper.

/s/ David J Hood  
David J. Hood  
Chairman

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Received and recorded this the 10<sup>th</sup> day of October 2012.

Shari Perry

/s/ Shari Perry  
County Clerk