

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

RESOLUTION NO. 09-21

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #0902-914 (CAIN) TO PERMIT THE OPERATION OF A VETERINARY DIAGNOSTIC LABORATORY AND OFFICE FACILITY IN AN "A-2" TRANSITIONAL AGRICULTURE 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 February 25th, 2009 that a public hearing would be held to consider Special Use Permit application #0902-914 (Cain) as required by K.S. A. 12-757 and Article 17, Section 17-3 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on March 19th, 2009 hold a public hearing for the consideration of Special Use Permit Application #0902-914 for the operation of a Veterinary Diagnostic Laboratory and Office facility in an "A-2" (Transitional Agriculture) Zone; and

WHEREAS, the Planning Commission, after reviewing and considering all reports and testimonies did, by a unanimous vote of those present, approved said Special Use Permit based on certain findings and subject to certain conditions; 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 surrounding properties.
- NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby approve Special Use Permit Application #0902-914 (Cain) to permit the operation of a Veterinary Diagnostic Laboratory and Office facility in an "A-2" Transitional Agriculture Zone as follows:

Section 1: Special Use Permit #0902-914 (Cain) is granted for the following described property:

All North and West of Highway 50-S (Formerly Highway K-33) in the West Half (W ½) of Section 22, Township 17 South, Range 19

East, EXCEPT the following portion theretofore conveyed to the Kansas City Power & Light Company; Beginning at a point of 1240 feet West of the Northeast Corner of the Northwest Quarter of Section 22; THENCE South 770 feet to a line establishing the north right-of-way line of U.S. Highway 50-S; THENCE in a Northeasterly direction along the right-of-way approximately 1060 feet until it intersects the North section line of Section 22; THENCE West approximately 730 feet to the Point of Beginning, containing 5.97 acres, more or less.

Except beginning at the Northwest Corner of Section 22, Township 17 South, Range 19 East; THENCE East 300 feet; THENCE South 2179 feet; THENCE South 45 degrees East 56 feet to the center of Highway 50; THENCE Southwest along the center line of said Highway to the West line of said Section 22; THENCE North 2606 feet, more or less, to the place of beginning containing 16-1/2 acres, more or less.

Except beginning 918 feet South and 628 feet East of the Northwest Corner of Section 22, Township 17 South, Range 19 East; THENCE North 44 degrees East 234 feet; THENCE South 27 degrees and 30 minutes East 400 feet to the center of Highway 50; THENCE Southwest along the center of said Highway 50, 210 feet; THENCE North 32 degrees West 405 feet to the Place of Beginning containing 2 acres;

Except beginning 1300 feet East and 900 feet South of the Northwest Corner of Section 22, Township 17 South, Range 19 East; THENCE South 38 degrees 30 minutes West 411 feet; THENCE North 27 degrees 30 minutes West 426 feet; THENCE Northeast to a point 426 feet North of beginning; THENCE South to beginning and containing 4 acres, more or less.

Except beginning at a point 918 feet South and 628 feet East and North 44 degrees East 234 feet of the Northeast Corner of Section 22, Township 17 South, Range 19 East; THENCE North 44 degrees East 234 feet; THENCE South 27 degrees 30 minutes East 371 feet to the center of Highway 50; THENCE Southwest along the center of said Highway 50, 234 feet; THENCE North 27 degrees 30 minutes West 400 feet to the Place of Beginning containing 2 acres, more or less, all in Franklin County Kansas.

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

1. That the applicant shall obtain appropriate building permits for any new construction or re-construction of buildings subject to the Franklin County Building Codes and there shall be no expansion of the existing building.
2. That the Veterinary Diagnostic Laboratory and Office shall comply with all State and Federal Regulations for Zoonotic diseases.
3. All waste materials shall be properly disposed of in accordance with the Kansas Department of Environmental Health Regulations.
4. The total number of employees (laboratory technicians) shall not exceed five (5).
5. No live animals or animal carcasses shall be brought to the site specifically for testing purposes.
6. One (1) parking place shall be provided for each employee plus one (1) visitor parking space.
7. Signs may be permitted subject to the provisions set forth in 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 8th day of April 2009. This action shall become effective upon publication in the official county newspaper.

/s/ John E Taylor
John E. Taylor
Chairman

Received and recorded this the 8th day of April 2009.

Shari Perry

/s/ Shari Perry

County Clerk