

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

RESOLUTION NO. 13-03

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1211-1179 (KANSAS BELLE DINNER TRAIN) TO PERMIT THE OPERATION OF DINING FACILITIES SERVING ALCOHOLIC BEVERAGES ON THE MIDLAND RAILWAY RIGHT-OF-WAY 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 November 29th, 2012 that a public hearing would be held to consider Special Use Permit application #1211-1179 (Kansas Belle Dinner Train) as required by K.S.A. 12-757 and Article 19, Section 19-3.01 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on December 20th, 2012 hold a public hearing for the consideration of Special Use Permit Application #1211-1179 for operation of dining facilities serving alcoholic beverages in dining cars to be operated on the Midland Railway right-of-way in an “A-2” (Transitional Agriculture) Zone; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 2002 which included Article 19, Section 19-1 through 19-5 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 #1211-1179 (Kansas Belle Dinner Train) for the operation of dining facilities serving alcoholic beverages in dining cars to be operated on the Midland Railway right-of-way in an "A-2" (Transitional Agriculture) Zone as follows:

Section 1: Special Use Permit #1211-1179 (Kansas Belle Dinner Train) is granted for the following described property:

All of the right-of-way for the Midland Railway extending southwesterly from the Douglas County/Franklin County line approximately two (2) miles east of Old US-59 Highway to the Ottawa junction located south of Pawnee Road west of Old US-59 Highway..

Section 2: The real property described above shall be authorized for the operation of dining facilities serving alcoholic beverages on the Midland Railway right-of-way pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted for the operation of dining facilities serving alcoholic beverages on the Midland Railway right-of-way. Any additional uses will require approval of an amended Special Use Permit.
2. The applicant shall comply with all licensing requirements of K.S.A. 41-2646 and the Kansas Liquor Control Act.
3. 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 9th day of January, 2013. This action shall become effective upon publication in the official county newspaper.

/s/ Colton Waymire
Colton Waymire
Vice Chairman

Received and recorded this the 9th day of January 2013.

Shari Perry

/s/ Shari Perry

County Clerk