

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

RESOLUTION NO. 13-04

**A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1210-1173
(FRANKLIN COUNTY RURAL WATER DISTRICT #1) TO OPERATE AN OPERATOR'S
STORAGE/SHOP FACILITY IN AN "R-3A" SINGLE FAMILY RESIDENTIAL THREE
ACRE 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 27th, 2012 that a public hearing would be held to consider Special Use Permit application #1210-1173 (Franklin County Rural Water District #1) 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 #1210-1173 for operation of an Operator's storage/shop facility in an "R-3A" (Single Family Residential Three Acre) 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 #1210-1173 (Franklin County Rural Water District #1) to operate an operator's storage/shop facility in an "R-3A" (Single Family Residential Three Acre) Zone as follows:

Section 1: Special Use Permit #1210-1173 (Franklin County Rural Water District #1) is granted for the following described property:

All of lots 12-13-14-15-16-17 in Block 33, City of Ferguson, Kansas commonly called LeLoup and also Lots 11 and 18 in Block 33, in the Town of Ferguson, commonly called LeLoup, located in Section 2, Township 16 South, Range 20 East of the 6th P.M., all in Franklin County Kansas.

Section 2: The real property described above shall be authorized to operate an operator's storage/shop facility pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted for the use of an operator's storage/shop 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 reconstruction.
3. That the applicant shall obtain appropriate sanitation permits and install any such facilities as required by the County Sanitation Code.
4. That the storage of equipment, other than agricultural equipments, shall be within a building or within an area completely surrounded by a fence, wall or other screening.

5. That the access driveway shall be improved and maintained with an all weather surface.
6. Any sign(s) used in conjunction with this Special Use Permit shall conform to the Franklin County Zoning Regulations.
7. 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