

BOARD OF COUNTY COMMISSIONERS
OF

FRANKLIN COUNTY, KANSAS

FILED FOR RECORD
TIME 11:30 A.M.

(Original compared with record)

RESOLUTION NO. 18- 38

msv. OCT 24 2018
 Book 287 Page 520
 REGISTER OF DEEDS FRANKLIN CO., KS
 INSTRUMENT # 3607

A RESOLUTION APPROVING SPECIAL USE PERMIT #1808-1620 (OTTAWA COOPERATIVE ASSOCIATION) AMENDING SPECIAL USE PERMIT #1112-1124 TO INCLUDE THE SALE AND DISPENSING OF ANHYDROUS AMMONIA TO INDIVIDUAL NURSE TANKS IN AN "I-1" (LIGHT INDUSTRIAL) 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 August 23, 2018 that a public hearing would be held to consider Special Use Permit application #1808-1620 (Ottawa Cooperative Association.) 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 September 20, 2018 hold a public hearing for the consideration of Special Use Permit application #1808-1620 amending Special Use Permit #1112-1124 to include the sale and dispensing of anhydrous ammonia to individual nurse tanks, and after reviewing and considering all reports and testimonies did, by a majority vote of those present, approve said Special Use Permit; 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;
- h. Recommendation of Professional Staff; 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 #1808-1620 (Ottawa Cooperative Association.) as follows:

Section 1: Special Use Permit #1808-1620 (Ottawa Cooperative Association.) is granted for the following described property:

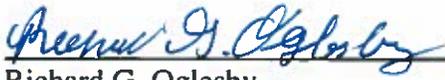
The Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 12, Township 16 South, Range 20 East, Franklin County Kansas being more particularly described as follows: Commencing at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of Section 12 Southerly for a distance of 625 feet; THENCE Westerly, parallel with the North line of the Southeast Quarter of the Southeast Quarter of Section 12 for a distance of 625 feet; THENCE Northerly, parallel with the East line of the Southeast Quarter of the Southeast Quarter of Section 12 for a distance of 625 feet to the North line of the Southeast Quarter of the Southeast Quarter of Section 12; THENCE Easterly along the North line of the Southeast Quarter of the Southeast Quarter of Section 12 for a distance of 625 feet to the Point of Beginning containing 9.00 acres, more or less, all in Franklin County Kansas.

Section 2: The real property described above shall be authorized to sale and dispense anhydrous ammonia pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted to permit the sale and dispensing of anhydrous ammonia to individual nurse tanks in addition to the storage facilities previously approved by Special Use Permit #1112-1124.
2. That a sign be placed on the security fence around the storage tanks to include a telephone number of a responsible party in the event of an emergency.

3. That an eight (8) foot high security fence with a twenty-four (24) hour alarm system be installed and maintained at all times.
4. That the enclosed area, including all valves to the storage tanks and dispensing facility, shall be locked at all times except when being used by company employees.
5. That the access drive and parking area shall be maintained with an all-weather surface.
6. In The Spring, the applicant will contract with the County, at Applicant's expense, to provide for application of 300 feet of dust control in front of each occupied residence within 1,000 feet of the applicant's property and those residences on Reno Road between Tennessee Road and Utah Road, and those on Riley Drive between Texas Road and Utah Road, and those on Utah Road between Riley Drive and Shawnee Road.
7. In the Fall, the applicant will contract with a Private Firm, at the Applicant's expense, to provide for a second application of 300 feet of dust control in front of each occupied residence within 1,000 feet of the applicant's property and those residences on Reno Road between Tennessee Road and Utah Road, and those on Riley Drive between Texas Road and Utah Road, and those on Utah Road between Riley Drive and Shawnee Road.
8. That the Special Use Permit shall be null and void by operation of law if said 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.
9. The applicant will provide 300 feet of dust control twice a year in all directions from the intersection of Texas and Reno Roads.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 24th day of October, 2018. This action shall become effective upon publication in the official county newspaper.



Richard G. Oglesby
Vice Chairman

Received and recorded this the 24th day of October, 2018.



Janet Paddock
County Clerk