

BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS

BOOK 287 PAGE 219

RESOLUTION NO. 18- 39

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1809-1631 (SPENCER FARMS, LLC.) TO PERMIT THE TEMPORARY STORAGE AND SHIPPING BY STORAGE CONTAINERS AGRICULTURAL PRODUCTS AND COMMODITIES NOT PRODUCED BY THE APPLICANT 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 September 25, 2018 that public hearing would be held to consider Special Use Permit Application #1809-1631 (Spencer Farms, LLC.) as required by K.S.A. 12-757 and Article 19, Section 19-3.03 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on October 18th, 2018 hold a public hearing for the consideration of Special Use Permit Application #1809-1631 permit the temporary storage and shipping by storage containers agricultural products and commodities not produced by the applicant; 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 Planning Commission does hereby approve Special Use Permit Application #1809-1631 (Spencer Farms, LLC.) permit the temporary storage and shipping by storage containers agricultural products and commodities not produced by the applicant in an "A-2 Transitional Agriculture Zone as follows:

Section 1: Special Use Permit #1809-1631 (Spencer Farms, LLC.) is granted for the following described property:

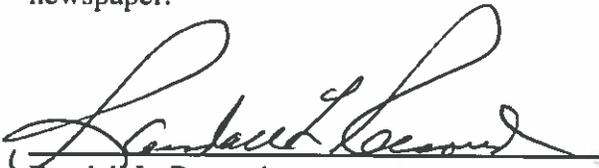
The Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section 27, Township 17 South, Range 20 East, containing 40 acres, more or less, except a right of way along the West side of said 40 acres, Franklin County Kansas.

Section 2: The real property described above shall be authorized for the temporary storage and shipping by storage containers agricultural products and commodities not produced by the applicant pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the Special Use Permit is granted for the temporary storage and shipping by storage containers agricultural products and commodities not produced by the applicant. Any additional uses will require approval of an amended Special Use Permit.
2. That a sign be placed at an entrance to include a telephone number of a responsible party in the event of an emergency.

3. That the access drive and parking area shall be maintained with an all-weather surface.
4. That the access drive and parking area shall be maintained with dust control.
5. That the site shall be maintained free of weeds, brush and trash.
6. The Applicant shall reimburse the County Public Works Department for costs of purchasing and installation of two (2) traffic warning "T" Intersection signs with 45 mph advisory plate to be placed on Rock Creek Road near the intersection of Rock Creek Road and Ohio Terrace.
7. Applicant shall provide dust control on Ohio Terrace as needed per agreement with Kessler and Harrison property owners at 2289 Ohio Terrace.
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.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 7th day of November, 2018. This action shall become effective upon publication in the official county newspaper.



 Randall L. Renoud
 Chairman

Received and recorded this the 7th day of November, 2018.





 Janet Paddock
 County Clerk

FILED FOR RECORD
 TIME 11:00 A.M.

(Original compared with record)

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 NOV 14 2018
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 REGISTER OF DEEDS, FRANKLIN CO., KS
 INSTRUMENT # 3847