

BOARD OF COUNTY COMMISSIONERS BOOK 290 PAGE 855
OF
FRANKLIN COUNTY, KANSAS

RESOLUTION NO. 19- 20

A RESOLUTION APPROVING SPECIAL USE PERMIT #1906-1686 (MOULTHROP) TO PERMIT THE CONSTRUCTION AND OPERATION OF A 90 FOOT GUYED INTERNET TOWER 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 June 25, 2019 that a public hearing would be held to consider Special Use Permit application #1906-1686 (Moulthrop) as required by K.S.A. 12-757 and Article 23, Section 23-5.02 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on July 18th, 2019 hold a public hearing for the consideration of Special Use Permit Application #1906-1686 to permit the construction and operation of a 90 foot Guyed Internet Tower; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 2002 which included Article 23, Section 23-1 through 23-5 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
- 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 #1906-1686 (Moulthrop) as follows:

Section 1: Special Use Permit #1906-1686 (Moulthrop) is granted for the following described property:

A tract in the Southwest Quarter (SW ¼) of Section 24, Township 15 South, Range 17 East of the 6th P.M., described as follows: Beginning at the Southeast Corner of the Southwest Quarter of said Section 24; THENCE, with assumed bearings, North 00 degrees 10 minutes 19 seconds East along the East line of said Southwest Quarter a distance of 1328.70 feet; THENCE North 90 degrees 00 minutes West a distance of 1147.74 feet; THENCE South 00 degrees 09 minutes 38 seconds West a distance of 668.70 feet; THENCE North 90 degrees 00 minutes East a distance of 660 feet; THENCE South 00 degrees 09 minutes 38 seconds West a distance of 660 feet to the South line of said Southwest Quarter; THENCE North 90 degrees 00 minutes East along the South line of said Southwest Quarter a distance of 487.47 feet to the Point of Beginning, containing 25.0 acres, more or less, in Franklin County Kansas.

Section 2: The real property described above shall be authorized for the construction and operation of a 90 foot guyed internet tower pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the tower and any related facilities shall be subject appropriate building permit and shall comply with the adopted Building Codes of Franklin County Kansas.
2. That the tower base and access shall be kept free of noxious weeds and litter.
3. That the tower shall be removed upon termination of the use or abandonment for any reason for a period of 365 days (1 calendar year).

- 4. 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 August, 2019. This action shall become effective upon publication in the official county newspaper.

Richard A. Howard

Richard A. Howard
Chairman

Received and recorded this the 7th day of August, 2019.

Janet Paddock
Janet Paddock
County Clerk



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TIME 12:15 P.M.

(Original compared with record)

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REGISTER OF DEEDS FRANKLIN CO., KS
INSTRUMENT # 2518

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