

BOARD OF COUNTY COMMISSIONERS BOOK 292 PAGE 167
OF
FRANKLIN COUNTY, KANSAS

RESOLUTION NO. 19- 33

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1909-1705 (THE BUCKEYE CORPORATION) APPROVING A SPECIAL USE PERMIT TO PERMIT THE OPERATION OF AN OILFIELD EQUIPMENT SALES, REPAIR, SERVICE AND OUTDOOR STORAGE FACILITY IN AN "I-1" LIGHT INDUSTRIAL 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 24, 2019 that public hearing would be held to consider Special Use Permit Application #1909-1705 (The Buckeye Corporation) as required by K.S.A. 12-757 and Article 19, Section 19-3.04 of the Franklin County Zoning Regulations; and

WHEREAS, the Planning Commission did on October 17, 2019 hold a public hearing for the consideration of Special Use Permit Application #1909-1705 to permit the operation of an oilfield equipment sales, repair, service and outdoor storage facility; 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 #1909-1705 (The Buckeye Corporation) as follows:

Section 1: Special Use Permit #1909-1705 (The Buckeye Corporation) is granted for the following described property:

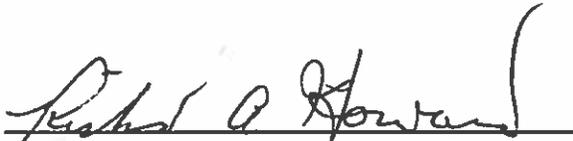
Beginning at the Southeast Corner of the Northeast Quarter of Section 33, Township 15 South, Range 21 East of the Sixth P.M.; THENCE South 89 degrees 47 minutes 39 seconds West for a distance of 33.00 feet, deed & measured, along the South line of said Quarter Section to a point on the I-35 Highway right-of-way, said point being the True Point of Beginning; THENCE North 03 degrees 37 minutes 16 seconds West for a distance of 110.84 feet along said right-of-way; THENCE North 04 degrees 34 minutes 26 seconds West for a distance of 250.80 feet, deed & measured, along said right-of-way; THENCE South 86 degrees 22 minutes 13 seconds West for a distance of 1024.5 feet, by deed, 1023.29 feet, measured, along said right-of-way; THENCE South 70 degrees 31 minutes 25 seconds West for a distance of 907.80 feet, deed & measured, to a point on the South line of said Northeast Quarter, said point being 721.80 feet, deed & measured, East of the Southwest Corner of said Quarter Section; THENCE North 89 degrees 47 minutes 39 seconds East for a distance of 1904.11 feet along said South line to the True Point of Beginning, EXCEPT that part deeded to the Secretary of Transportation of the State of Kansas by the Warranty Deed recorded July 31, 2001, in Deed Book 262, Page 529.

Section 2: The Special Use Permit for the real property described above shall be subject to the following conditions:

1. That the Special Use Permit is granted for the operation of an oil field equipment sales, repair, service and outdoor storage facility.
2. That the applicant shall obtain appropriate building permits for any new construction or reconstruction.

3. That the outside storage area shall be screened by a 6' high fence or earth berm or evergreen trees. The fencing and landscaping must be completed within one (1) year of the date of approval.
4. That no materials shall be loaded, unloaded or otherwise placed, whether temporarily or permanently, outside of the enclosed building, fenced area or within the public right-of-way.
5. That the access driveway, vehicle parking area and outside storage area 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 and the Kansas Highway Advertising Control Act, K.S.A. 68-2234(e).
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 6th day of November, 2019. This action shall become effective upon publication in the official county newspaper.


 Richard A. Howard
 Chairman

Received and recorded this the 6th day of November, 2019




 Janet Paddock
 County Clerk

FILED FOR RECORD
 TIME 10:05 A.M.

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 REGISTER OF DEEDS FRANKLIN CO., KS
 INSTRUMENT # 3724

(Original compared with record)