

BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS

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RESOLUTION NO. 17- 57

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1710-1539 (MIDWEST CONNECTIONS) TO PERMIT THE CONSTRUCTION AND OPERATION OF A 190-FOOT HIGH COMMUNICATION TOWER IN AN "A-1" 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 October 26th, 2017 that public hearing would be held to consider Special Use Permit application #1710-1539 (Midwest Connections) 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 November 16, 2017 hold a public hearing for the consideration of Special Use Permit application #1710-1539 to permit the construction and operation of a 190-foot high communication tower, 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; 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 #1710-1539 (Midwest Connections) as follows:

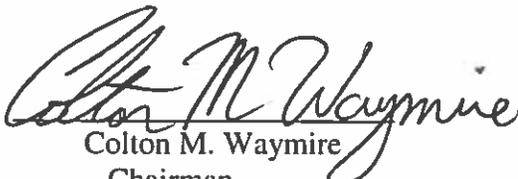
Section 1: Special Use Permit #1710-1539 (Midwest Connections) is granted for the following described property:

The East Half (E ½) of the Southeast Quarter (SE ¼) of Section 24, Township 15 South, Range 20 East of the Sixth P.M., EXCEPT the following tracts: **Tract 1** – Beginning at the Southeast Corner of Section 24, Township 15 South, Range 20 East; THENCE North 1372 feet; THENCE West 418 feet; THENCE 1372 feet; THENCE East 418 feet to the Point of Beginning and containing 13.2 acres, more or less, in Franklin County Kansas. **Tract 2** – Beginning at the Southwest Corner of the East Half of the Southeast Quarter of Section 24, Township 15 South, Range 20 East of the Sixth P.M.; THENCE North 89 degrees 16 minutes 00 seconds East 383.00 feet along the South line of said Quarter Section; THENCE North 00 degrees 04 minutes 53 seconds East 568.73 feet parallel with the West line of the East Half of said Quarter Section; THENCE South 89 degrees 16 minutes 00 seconds West 383.00 feet parallel with the South line of said Quarter Section to a point on the West line of the East Half of said Quarter Section; THENCE South 00 degrees 04 minutes 53 seconds West 568.73 feet along said West line to the Point of Beginning, containing 5.00 acres, more or less, including road right-of-way as recorded in Franklin County Kansas. Said tract of land contains 61.29 acres, more or less, after deducting said exceptions, including road right-of-way as recorded in Franklin County Kansas.

Section 2: The real property described above shall be authorized to construct and operate a 190-foot high communication tower pursuant to the Franklin County Zoning Regulations and the following conditions:

1. That the tower base be enclosed with a 6' high chain link fence with security barbed wire. Access to the enclosed area shall be locked at all times except when being used by company employees.
2. That lighting on the tower shall be in compliance with Federal Aviation Administration lighting standards.
3. That the communication facilities comply with all requirements of the Federal Communication Commission.
4. That a sign be placed on the security fence around the tower base to include a telephone number of a responsible party in the event of an emergency.
5. That the tower base be kept free of noxious weeds, litter and debris.
6. That the tower and related facilities comply with the County Building Codes and Permits.
7. That the tower be located 190 feet from any property line or buildings.
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 6th day of December, 2017. This action shall become effective upon publication in the official county newspaper.


 Colton M. Waymire
 Chairman

Received and recorded this the 6th day of December, 2017.



FILED FOR RECORD
 TIME 8:20 A.M.


 Janet Paddock
 County Clerk

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 REGISTER OF DEEDS, FRANKLIN CO., KS
 INSTRUMENT # 4211

(Original compared with record)