



Franklin
COUNTY KANSAS
EST 1855

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, KANSAS

RESOLUTION NO. 22- 22

A RESOLUTION APPROVING A ZONING OF LESSOR CHANGE FOR REZONING APPLICATION #2204-1964 (DAN BARROW TRADING CO., INC.) TO A PLANNED DEVELOPMENT OVERLAY DISTRICT WITH A BASIC ZONING DISTRICT OF C-2, HIGHWAY COMMERCIAL DISTRICT WITH ADDITIONAL SPECIFIC USES LIMITED TO A LOG YARD; SCALE; SMALL SCALE SAWMILL; WOOD PRODUCT MANUFACTURING, PROCESSING OR SALE; FUMIGATION; OFFICES; AND AUXILIARY RESIDENTIAL USES AND AMENDING THE OFFICIAL ZONING DISTRICT MAP OF FRANKLIN COUNTY, KANSAS.

WHEREAS, the Franklin County Planning Commission of Franklin County, Kansas, received a rezoning application from Dan Barrow Trading Co., Inc. to rezone approximately 29.7-acres from C-2, Highway Commercial District to I-2, Heavy Industrial District. The subject request pertains to the following real property as described in Section 1 below.

Section 1:

Tract 1:

Commencing at the S.E. corner of the S.E. ¼ of Sec. 15, Twp. 17S., Rng. 19E., thence West on Section line 766.53 feet, thence North parallel with the East line of said Section 1011.55 feet, more or less, to the center of Highway No. 33-1-586, also previously known as highway 50-S, thence in a Northeasterly direction up center of said Highway 337.78 feet, more or less, to the center of a public road produced, running in a Northwesterly and Southeasterly direction, thence in a Southeasterly direction along the center of said public road 701 feet, more or less, to a point on the East line of said Section 759 feet North of the place of beginning, thence South 759 feet to the place of beginning, excepting therefrom Highway No. 33-1-586, also previously known as Highway 50-S and containing in the aggregate 18 acres, more or less, except land described in that certain deed for Highway purposes recorded in Deed Book "137" page 96, and land described in that certain condemnation for Highway purposes recorded in Book "Misc. 27" page 309, in the Register of Deeds office of Franklin County, Kansas.

Tract 2:

Commencing at a point 766.53 feet West of the S.E. corner of the S.E. ¼ of Sec. 15, Twp. 17S, Rng. 19, thence West 675.4 feet, thence North parallel with the East line of said Sec. 15, 420 feet, thence East 100 feet, thence North parallel with the East line of Sec. 15, to the center of Highway 50-S, thence in a Northeasterly direction along the center of said Highway 50-S to a point due North of the place of beginning, thence South 1011.55 feet, more or less, to the place of beginning, except land described in that certain deed for Highway purposes recorded in Deed Book 137, page 94, and land described in that certain condemnation for highway purposes recorded in Book "Misc. 27" page 309, in said Register of Deeds office.

Tract 3:

Commencing 46 rods North of the S.E. corner of Sec. 15, Twp. 17S, Rng. 19E, thence in a Northwesterly direction up center of a road 34 rods and 7 links to the center of old state road running in a Northeasterly and Southwesterly direction, thence Northeasterly up the center of said old State Road to the East line of said Sec. 15, thence South to the place of beginning, containing 5 ½ acres, more or less, except land described in that certain condemnation for Highway purposes recorded in Book "Misc. 27" page 309, in the Register of Deeds office, and condemnation Case No. 20-502 in the District Court of said County, all in Franklin County, Kansas.

Section 2:

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 April 23, 2022 that a public hearing would be held to consider Rezoning Application #2204-1964 (Dan Barrow Trading Co., Inc) to rezone approximately 30.00 acres from a C-2 (Highway Commercial) Zoning District to an I-2 (Heavy Industrial) Zoning District and to consider Special Use Permit Application #2204-1965 for the approval of a Special Use Permit to allow the operation of a Log Yard including a saw mill, fumigation, offices and auxiliary residential uses 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 May 19, 2022 hold a public hearing for the consideration of Rezoning Application #2204-1964 (Dan Barrow Trading Co., Inc) to rezone approximately 29.7-acres, described in Section 1, from a C-2 (Highway Commercial) Zoning District to the I-2 (Heavy Industrial) Zoning District and to consider Special Use Permit Application #2204-1965 to allow operation of a Log Yard including a saw mill, fumigation, offices and auxiliary residential uses; and

WHEREAS, the Franklin County Planning Commission, after reviewing all written and oral testimony at the hearing, and after reviewing the Golden Criteria, recommended by a unanimous vote of those members present, that the County Commission approve a Zoning of Lessor Change, as provided by Section 23-5.05 of the Franklin County Zoning Regulations, for Rezoning Application #2204-1964 (Dan Barrow Trading Co., Inc.) to a Planned Development Overlay District with a basic zoning district of C-2, Highway Commercial District and subject to the uses and conditions as specified on the Barrow Logging Planned Development Master Plan and as specified in the General Requirements included in Section 3 below and recommending the Official Zoning District Map of Franklin County, Kansas be amended; and

WHEREAS, the Franklin County Board of County Commissioners, after duly reviewing the recommendation of the Planning Commission and considering all public comments and concerns regarding said Rezoning, find that the Rezoning of the property described in Section 1 would not be detrimental to the surrounding properties and would be in compliance with the provisions of K.S.A. 12-753, the purpose and intent of the Franklin County Comprehensive Plan and the general welfare of the citizens of Franklin County.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby approve the rezoning of the property described in Section 1 above from the C-2, Highway Commercial District to a Planned Development Overlay District with a basic zoning district of C-2, Highway Commercial District and that the Official Zoning District Map of Franklin County, Kansas be amended to reflect the approved rezoning, the resolution number shall be fixed upon said map and subject to the following conditions and restrictions as specified in Section 3, as follows:

- Section 3: The Planned Overlay District for the real property described above shall be authorized for development in accordance with the C-2 Zoning Classification with other specific uses limited to a Log Yard with subordinate and incidental uses including indoor and outdoor storage; scale; small scale sawmill; wood product manufacturing, processing or sale; fumigation; offices; and auxiliary residential uses, in a manner compatible with surrounding zoning and land use pursuant to the Franklin County Zoning Regulations and the following requirements:
- (1) The standards applicable to the basic zoning of C-2 shall apply unless otherwise stated.
 - (2) Proposed Zoning: Planned Development Overlay District with a basic zoning of C-2, Highway Commercial District with other specific uses limited to Log Yard including indoor and outdoor storage; scale; small scale sawmill; wood product manufacturing, processing or sale; fumigation; offices; and auxiliary residential uses.
 - (3) A fumigation facility is permitted and shall comply with all State and Federal Regulations.
 - (4) Auxiliary residential uses are limited to the two mobile homes currently located on the site and to house individuals who oversee, maintain and provide security for the property and the operations conducted thereon.
 - (5) The existing approval of a Special Use Permit (2009-1792) for a Propane Storage Facility is not impacted by the approval of this PD Development Plan and all conditions of approval of said Special Use Permit as adopted by Resolution 20-34 shall remain in effect. Any modifications proposed to said Special Use Permit shall require approval of an amended Special Use Permit.
 - (6) The applicant must record the PD Development Plan with the Franklin County Register of Deeds within Sixty (60) days upon approval of the Governing Body. Failure by the applicant to record the plan within the prescribed time period and provide the Planning Department with the required number of copies of the recorded plan within Ninety (90) days of the date of action by the Governing Body shall render the Zoning Petition Null and Void.

- (7) All regulations of the Franklin County Zoning Regulations shall apply unless stated otherwise herein.
- (8) Outdoor storage shall be limited to operable and licensed vehicles; storage uses specifically enumerated in the C-2 District; and, materials incidental to the operation of a Log Yard.
- (9) Any outdoor use of the property as part of a Log Yard or associated and incidental uses shall comply with the following setback and screening requirements:
- a. No outdoor storage of materials and equipment shall be located within 20-feet of a front property line. The right-of-way line/easement to any public road shall be considered the front property line.
 - b. No use of the property for a Log Yard or associated and incidental uses shall occur within 20-feet of a property zoned for Residential or Agricultural purposes with the exception of entrances and driveways.
 - c. All fumigation activities associated with the operation of a Log Yard must be located a minimum of 300-feet from any front, side or rear property line.
 - d. All activities permitted in the C-2 District shall comply with specific requirements provided for said use in the C-2 District regulations.
 - e. All landscaping and screening currently installed on the property shall be maintained and if any portion dies shall be replaced by the next planting season.
- (10) All lighting shall be arranged, located or screened to direct light away from adjoining or abutting properties, shall utilize a fixture such as a shoebox design (fully shielded), that directs light downward and prevents light from traveling out above a horizontal plane relative to the bulb; overall lighting shall not exceed 0.5 lumens per square foot.
- (11) All parking and loading spaces, including drive aisles shall comply with Article 21 (Parking and Loading Regulations) of the Franklin County Zoning Regulations. Surfaces of parking and loading spaces and drive aisles may be gravel.
- (12) All signage shall comply with Article 22 (Sign Regulations) of the Franklin County Zoning Regulations as provided for Commercial Districts.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8th day of June, 2022. This action shall become effective upon publication in the official county newspaper.

Roy C. Dunn
Roy C. Dunn
Chair

Received and recorded this the 8th day of June, 2022.

Janet Paddock
Janet Paddock
County Clerk



FILED FOR RECORD
TIME 8:15 AM

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J. A. Mc-Coy
REGISTER OF DEEDS, FRANKLIN CO., KS

INSTRUMENT # 2290