



Franklin
COUNTY KANSAS
— 1858 —

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, KANSAS

RESOLUTION NO. 22- 43

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #2209-1998 (KLEITZ) TO PERMIT THE OPERATION OF A MICRO-DISTILLARY IN AN A-2, TRANSITIONAL AGRICULTURE ZONING DISTRICT

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 27, 2022 that a public hearing would be held to consider Special Use Permit application #2209-1998 (Kleitz) 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 October 20, 2022 hold a public hearing for the consideration of Special Use Permit application #2209-1998 (Kleitz) to allow for the operation of a Micro-Distillery in an A-2, Transitional Agriculture Zoning District; 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 conformance 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 Planning Commission, after due consideration of the criteria set forth in Article 23, Section 23-5.04 of the County Zoning Regulations, the relative factors of the Supreme Court case of Golden vs. City of Overland Park, together with all written reports and public testimony, recommended with a vote of six (6) in favor and one (1) opposed, that the County Commission approve Special Use Permit #2209-1998, based on the following Findings and subject to the Conditions listed in Section 2 below:

1. The proposed special use permit, as conditioned, adheres to Franklin County Zoning Regulations and can be considered as compatible with uses allowed in the district based upon the intensity described by the applicant.
2. The limited nature of the proposed operation and conditions imposed adequately reduce negative impacts on the surrounding neighborhood.
3. There is no evidence to suggest that the requested use will detrimentally affect nearby property values.
4. The proposed special use permit, as conditioned, adheres to the Franklin County Comprehensive Plan as an objective for Industrial allows consideration for small-scale home-based industries that have reasonable access to major arterials and the use is compatible with and sensitive to the surrounding neighborhood.

NOW, THEREFORE, Be It Resolved, that the Franklin County Board of County Commissioners does hereby approve Special Use Permit Application #2209-1998 (Kleitzi) as follows:

Section 1: Special Use Permit #2209-1998 (Kleitzi) is granted for the following described property:

Commencing at the S.W. Corner of the N.W.1/4 of Sec. 29, Twp. 16 S., Rng. 21 E. of the 6th P.M., thence North 0 degrees 00 minutes 00 seconds East 306.33 feet along the West Line of said Quarter Section to the True Point of Beginning, thence continuing North 0 degrees 00 minutes 00 seconds East 693.97 feet along the West Line of said Quarter Section; thence South 89 degrees 53 minutes 02 seconds East 1202.20 feet along a line parallel to the South Line of said Quarter Section; thence South 0 degrees 00 minutes 00 seconds West 29 feet along a line parallel to the West line of said Quarter Section; thence North 89 degrees 53 minutes 02 seconds West 601.10 feet along a line parallel to the South Line of said Quarter Section; thence South 0 degrees 00 minutes 00 seconds West 664.97 feet along a line parallel to the West Line of said Quarter Section; thence North 89 degrees 53 minutes 02 seconds West 601.10 feet along a line parallel to the South Line of said Quarter Section to the Point of Beginning, in Franklin County, Kansas.

And

Commencing 276.33 feet North of the S.W. Corner of the N.W.1/4 of Sec. 29, Twp. 16 S., Rng. 21 E., of the 6th P.M., thence North 30 feet along the West Line of said Quarter Section, thence South 89 degrees 53 minutes 02 seconds East 601.10 feet along a line parallel to the South Line of said Quarter Section; thence North 644.97 feet along a line parallel to the West Line of said Quarter Section; thence South 89 degrees 53 minutes 02 seconds East 601.10 feet along a line parallel to the South Line of said Quarter Section; thence South 694.97 feet along a line parallel to the West Line of said Quarter Section; thence North 89 degrees 53 minutes 02 seconds West 1202.20 feet along a line parallel to the South Line of said Quarter Section to the Point of Beginning, containing 10 acres, more or less, in Franklin County, Kansas.

Section 2: The Special Use Permit for the real property described above shall be authorized for the operation of a Micro-Distillery in an A-2, Transitional Agriculture Zoning District pursuant to the Franklin County Zoning Regulations and the following conditions:

1. This Special Use Permit allows for the operation of a Micro-Distillery of Bourbon, Whiskey, Vodka, Rum, Brandy, Gin, Ready to Drink Cocktails, assorted beverage products, Ethanol, Sanitizer and Distillate byproduct as described in the applicant's narrative (Exhibit A) and shall be developed according to the submitted Site Plan (Exhibit B), except as amended by the following conditions. The operation shall not include any retail sales, tasting room, event venue or other similar public access/use.
2. The applicant shall comply with all licensing and manufacturing requirements of the State of Kansas Division of Alcoholic Beverage Control.
3. Development shall comply with all sanitary, building, fire and other applicable county and state codes and permit requirements.
4. Wastewater and other waste generated from the distillery process shall be disposed of in compliance with all local and state regulations. Such material shall not be discharged into the residential wastewater system located on the property unless documentation is submitted by a competent wastewater professional that said discharge will not cause any malfunction or failure of the on-lot sewage disposal system.
5. All material, equipment, storage and distilling operations shall be located within the building or cargo containers located adjacent to the building. A maximum of six (6) cargo containers may be located on the subject property.
6. All signs shall comply with the requirements of the Franklin County Zoning Regulations.
7. Hours of outside operation and deliveries shall be limited to between the hours of 7:00 AM and 7:00 PM.
8. Owners of the business shall reside on the property. Employees shall be limited to no more than six (6) full time employees and six (6) part time employees.
9. The Term of this Special Use Permit shall be ten (10) years, at which time the Special Use Permit will expire and any continuation of the Special Use Permit shall require submittal of a new application as required for the original request. Upon expiration, all equipment and materials shall be removed within thirty (30) days and the structure shall be limited to those uses permitted by the zoning district.
10. 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 9th day of November, 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 9th day of November, 2022.



Janet Paddock
Janet Paddock
County Clerk

FILED FOR RECORD
TIME 8:30 A.M.

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Book 306 Page 815 Fee — ?
Shirley A. McCoy
REGISTER OF DEEDS, FRANKLIN CO., KS
INSTRUMENT # 4260