



Franklin
COUNTY KANSAS

**Board of County Commissioners
Franklin County, Kansas**

FILED FOR RECORD
04/17/2025 10:04 AM
VICKI HUGHES
REGISTER OF DEEDS
FRANKLIN COUNTY, KANSAS
INSTRUMENT # 2025-01019

Resolution 25-08

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION #2410-0003 (EDWARDS) FOR THE CONSTRUCTION AND OPERATION OF A COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM IN AN A-1 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 December 18, 2024 that a public hearing would be held to consider Special Use Permit Application #2410-0003 (Edwards) 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 January 16, 2024 hold a public hearing for the consideration of Special Use Permit Application #2410-0003 (Edwards) for the construction and operation of a Commercial Solar Energy Conversion System in an A-1 Agriculture Zoning District; and

WHEREAS, the Planning did on February 13, 2025 hold a study session to allow for continued discussion of Special Use Permit Application #2410-0003 (Edwards) for the construction and operation of a Commercial Solar Energy Conversion System in an A-1 Agriculture Zoning District; and

WHEREAS, the Planning Commission did on March 20, 2025 hold a public hearing for the continued consideration of Special Use Permit Application #2410-0003 (Edwards) for the construction and operation of a Commercial Solar Energy Conversion System in an A-1 Agriculture Zoning District, and after reviewing and considering all reports and testimonies did, by a unanimous vote of those members present, recommend denial said Special Use Permit based on certain findings; and

WHEREAS, the Board of County Commissioners has determined the following conclusions of law:

1. Special Use Permits are based upon the zoning power granted by the State empowering governing bodies to adopt zoning laws for the protection of the public health, safety and general welfare.

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2. The Board of County Commissioners of Franklin County did adopt Zoning Regulations on August 14, 2002 which included a section (Article 23, Sections 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 approval of the special use would be consistent with the intent and purpose of these regulations;
 - b. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;
 - c. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, can such additional facilities be provided;
 - d. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;
 - e. Whether the applicants' property is suitable for the proposed use;
 - f. Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan;
 - g. Whether the relative gain to the public health, safety and general welfare outweighs the hardship imposed on the applicant by not approving the proposed special use;
 - h. Whether the proposed use, if in compliance with specified conditions, would be consistent with the character of the neighborhood and surrounding uses; and
3. In addition to the criteria set out in the County Zoning Regulations, the Board of County Commissioners has noted and reviewed the following additional factors regarding Special Use Permits as set out by the Kansas Supreme Court in *Golden vs. City of Overland Park* that were applied in the *K-S Shopping Center vs. City of Kansas City, KS* case:
 - a. Is the proposed use consistent with the zoning and uses of properties nearby, as the permit will not change the underlying zoning of the subject property.
 - b. Is the proposed use in conformance with the suitability of the land for the requested uses.
 - c. Will the proposed use detrimentally affect nearby property.
 - d. The length of time the property has remained vacant for use/s as currently zoned.
 - e. Does the proposed use create a benefit to the public health, safety, and welfare.

- f. Is the proposed use recommended for approval by the County's professional staff.
- g. Is the proposed use in conformance with the County's Comprehensive Plan.

WHEREAS, the Board of County Commissioners did on April 9, 2025 hold a public hearing for the continued consideration of Special Use Permit Application #2410-0003 (Edwards) for the construction and operation of a Commercial Solar Energy Conversion System in an A-1 Agriculture Zoning District, and after duly reviewing the recommendation of the Planning Commission together with all public comments for and against said Special Use Permit and having reviewed the criteria set forth in Article 19 of the County Zoning Regulations and the factors of the Supreme Court case of Golden vs. City of Overland Park, that were determined applicable to the Special Use Permit application by K-S Shopping Center vs. City of Kansas City, KS case, have concluded that the applicant has not met the criteria of the County Zoning Regulations and applicable factors of the Golden vs. City of Overland Park case finds:

- 1. That the Special Use Permit would not benefit the health, safety and general welfare of the citizens of Franklin County Kansas.
- 2. The applicant did not provide adequate information to address potential Environmental Impacts and potential Water Contamination concerns.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 9th day of April 2025. This action shall become effective upon publication in the official county newspaper.


Rodney L. Harris
Chair

Received and recorded this the 9th day of April 2025.


Janet Paddock
County Clerk

