



**Franklin**  
COUNTY KANSAS

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

**Resolution 25-48**

FILED FOR RECORD  
12/18/2025 12:15 PM  
VICKI HUGHES  
REGISTER OF DEEDS  
FRANKLIN COUNTY, KANSAS  
INSTRUMENT # 2025-04000

**A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #2510-0010  
(DIAMOND COMMUNICATIONS, LLC) TO ALLOW FOR CONSTRUCTION,  
OPERATION AND MAINTENANCE OF A 195 FOOT SELF-SUPPORTING  
COMMUNICATION TOWER IN AN I-2, HEAVY INDUSTRIAL DISTRICT**

WHEREAS Franklin County, Kansas is a county municipal government, organized pursuant to K.S.A. 19101; 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 29, 2025 that public hearing would be held to consider Special Use Permit application #2510-0010 (Diamond Communications, LLC) as required by K.S.A. 12757 and Article 23, Section 23-5.02 of the Franklin County Zoning Regulations; and

WHEREAS the Planning Commission did on November 20, 2025 hold a public hearing for the consideration of Special Use Permit Application #2510-0010 (Diamond Communications, LLC) to allow for construction, operation, and maintenance of a 195-foot self-supporting communication tower in an I-2, Heavy Industrial District; and

WHEREAS the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14<sup>th</sup>, 2002 which included Article 23, Section 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 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

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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, the Planning Commission, by majority of its membership present did find the following:

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 #2510-0010 (Diamond Communications, LLC) as follows:

Section 1: Special Use Permit #2510-0010 (Diamond Communications, LLC) is granted for the following described property:

Beginning at the S.W. corner of the S.W. 1/4 of Sec. 24, Twp. 16 S., Rng. 19 E. of the 6th P.M., thence North 89 degrees 55 minutes 14 seconds East for a distance of 150 feet along the South line of said S.W. 1/4 to a point on the East Right-of-Way line of Highway 59 said point being the true point of beginning, thence North 00 degrees 11 minutes 09 seconds East for a distance of 76.06 feet along said Right-of-Way, thence North 05 degrees 02 minutes 15 seconds West for a distance of 582.17 feet along said Right-of-Way, thence North 89 degrees 55 minutes 14 seconds East for a distance of 1739.14 feet to a point on the North Right-of-Way line of A.T. & S.F. Railroad, thence South 54 degrees 16 minutes 42 seconds West for a distance of 1125.83 feet along said Right-of-Way to a point on the South line of said S.W. 1/4, thence South 89 degrees 55 minutes 14 seconds West for a distance of 774.24 feet along said South line to the true point of beginning, containing 18.88 acres, more or less, Franklin County, Kansas..

Section 2: The Special Use Permit for the real property described above shall be authorized for the construction, operation, and maintenance of a 195-foot self-supporting communication tower in an I-2, Heavy Industrial District pursuant to the Franklin County Zoning Regulations and subject to the following conditions:

1. That the tower base be enclosed with a 6'6" 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 and access easement 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. Two (2) on-site parking spaces shall be provided and maintained on an all-weather surfaced area in accordance with the standards set forth in Article 21 of the County Zoning Regulations.
8. The location of the entrance must be approved through the Public Works Department.
9. 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 17<sup>th</sup> day of December 2025. This action shall become effective upon publication in the official county newspaper.



Rodney L. Harris  
Chair

Received and recorded this 17<sup>th</sup> day of December 2025.



Janet Paddock  
County Clerk