

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

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RESOLUTION NO. 17- 17

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1702-1459 (KANSAS CITY POWER & LIGHT) TO PERMIT THE CONSTRUCTION AND OPERATION OF A 199-FOOT COMMUNICATION TOWER 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 February 21, 2017 that public hearing would be held on March 16, 2017 to consider Special Use Permit application #1702-1459 (Kansas City Power & Light) 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 March 16, 2017 hold a public hearing for the consideration of Special Use Permit application #1702-1459 to permit the construction and operation of a 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 #1702-1459 (Kansas City Power & Light) as follows:

Section 1: Special Use Permit #1702-1459 (Kansas City Power & Light) is granted for the following described property:

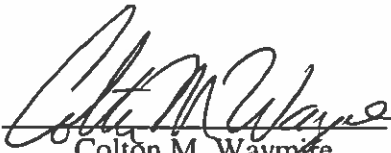
A tract of land in the Northwest Quarter of the Northwest Quarter of Section 22, Township 17 South, Range 20 East described as follows: Beginning on the West line of said Section 22 at a point 30 feet South of the North line of said Section; THENCE East parallel with and adjoining the South right-of-way line of a certain County Road, as now established along the North side of said Section 22, a distance of 480 feet; THENCE South parallel to the West line of said Section a distance of 450 feet; THENCE West parallel to said South right-of-way line of said County Road to a point on the West line of said Section; THENCE North to point of beginning, containing 4.95 acres, more or less, Franklin County Kansas.

Section 2: The Special Use Permit for the real property described above shall be subject to 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 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 20 of the County Zoning Regulations.
8. That the applicant agrees to provide space for County emergency and safety users, at no cost to the County, in the event that such services are deemed necessary to provide service to Franklin County.
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 5th day of April, 2017. This action shall become effective upon publication in the official county newspaper.


Colton M. Waymire
Chairman

Received and recorded this the 5th day of April, 2017.




Janet Paddock
County Clerk

FILED FOR RECORD
TIME 12:20 P.M.

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REGISTER OF DEEDS FRANKLIN CO., KS
INSTRUMENT # 1081

(Original compared with record)