

BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS

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RESOLUTION NO. 17- 42

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1706-1502 (KILLOUGH) TO PERMIT OPERATION OF A ROCK, BRICK AND CONCRETE RECYCLING FACILITY IN AN I-2 (HEAVY INDUSTRIAL) 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 July 25, 2017 that public hearing would be held to consider Special Use Permit application #1706-1502 (Killough) 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 August 17, 2017 hold a public hearing for the consideration of Special Use Permit application #1706-1502 to permit the operation of a rock, brick and concrete recycling facility, 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 #1706-1502 (Killough) as follows:

Section 1: Special Use Permit #1706-1502 (Killough) is granted for the following described property:

All that part of the Southwest Quarter of the Northwest Quarter of Section 24, Township 16 South, Range 19 East of the 6th P.M., lying East of the railroad right-of-way, 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 recycling facility and material storage shall be limited to the Easterly 25.96 acres located East of the Midland Railway Property. Any expansion of the plant operations shall require an amendment of the Special Use Permit.
2. Recycling operations shall comply with all Federal and State air quality requirements.
3. The recycling plant operator shall maintain all Federal and State licenses and permits.
4. The recycling plant operator shall maintain adequate insurance coverage and shall provide the County with a copy of such coverage.
5. That the hours of operation of the recycling facility shall be limited to 6:00 a.m. to 6:00 p.m. Monday thru Saturday.
6. That the West boundaries of the subject property be screened. Said screening may include a solid fence, landscaping or earthen berm and shall be installed/planted within six (6) months of commencement of the operations.

7. Access to the subject property shall be directly from Old US-59 Highway.
8. That topsoil shall be removed for recycling plant operations and shall be maintained on-site.
9. The operator shall maintain dust control at the site.
10. The operator shall maintain a setback of 100 feet from the front property line for storage of materials and all structures associated with the recycling facility operations.
11. Upon termination of the recycling operations, the owner/operator shall reclaim all areas disturbed by any recycling operations and any materials used in the operations. Said reclamation shall return top soil to all disturbed areas and shall be seeded with native grasses.
12. Failure of the operator to comply with the conditions of this Special Use Permit shall give cause for reconsideration or revocation provided in Section 19-5.03 of the County Zoning Regulations.
13. The Special Use Permit shall automatically expire, be considered abandoned and become invalid by operation of law when the activity or use has ceased for three hundred and sixty-five (365) continuous days for any reason.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 6th day of September, 2017. This action shall become effective upon publication in the official county newspaper.


 Colton M. Waymire
 Chairman

Received and recorded this the 6th day of September, 2017.




 Janet Paddock
 County Clerk

FILED FOR RECORD
TIME 3:05 P.M.

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 REGISTER OF DEEDS, FRANKLIN CO. KS
 INSTRUMENT # 3089

(Original compared with record)