

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

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RESOLUTION NO. 17- 43

A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #1706-1492 (WENGER (OBO OF OTTAWA COOP) TO PERMIT THE CONSTRUCTION, PLACEMENT AND OPERATION OF TWO (2) BULK STORAGE CONTAINERS FOR GRAIN 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 June 22, 2017 that public hearing would be held to consider Special Use Permit application #1706-1492 (Wenger (obo of Ottawa COOP) 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 #1706-1492 to permit construction, placement and operation of two (2) bulk storage containers for grain, 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 #1706-1492 (Wenger (obo of Ottawa COOP) as follows:

Section 1: Special Use Permit #1706-1492 (Wenger (obo of Ottawa COOP) is granted for the following described property:

The East Half of the Southeast Quarter of Section 12, Township 16 South, Range 20 East, EXCEPT Commencing at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 12; THENCE South 625 feet; THENCE West 625 feet; THENCE North 625 feet; THENCE East 625 feet to the Place of Beginning, Franklin County Kansas, said tract containing, after the exception, 71 acres more or less.

Section 2: The Special Use Permit for the real property described above shall be subject to the following conditions:

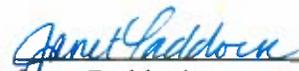
1. That the Special Use Permit is granted for the construction and placement of two (2) bulk storage containers for grain. Any additional uses will require approval of an amended Special Use Permit.
2. That a sign be placed on the security fence to include a telephone number of a responsible party in the event of an emergency.
3. That the access drive, interconnecting roads and parking area shall be maintained with an all-weather surface.
4. That the access drive, interconnecting roads and parking area shall be maintained with dust control.

5. That the site shall be maintained free of weeds, brush and trash.
6. That the enclosed area shall be locked at all times, except when being used by company employees.
7. Applicant will contract with the County, at Applicant's expense, to provide for application of 300 feet of dust control in front of each occupied residence within 1,000 feet of the applicant's property and those residences on Reno Road between Tennessee Road and Utah Road, and those on Riley Drive between Texas Road and Utah Road, and those on Utah Road between Riley Drive and Shawnee Road.
8. Applicant will post signage at the facility that directs all of its drivers and contractors leaving the facility to follow all posted traffic laws including bridge weights and speed limits.
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 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 3:10 P.M.

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 REGISTER OF DEEDS, FRANKLIN CO., KS
 INSTRUMENT # 3090

(Original compared with record)