



To: Franklin County Board of County Commissioners
From: Pat Toth
Department: Planning & Building
Date: Wednesday, April 5, 2023

AGENDA ITEM NARRATIVE

Approval of Special Use Permit Application #2301-2034 (PK Towing & Recovery II, LLC) to allow for the operation of a tow lot and public auction facility in an I-1, Light Industrial Zoning District.

BACKGROUND

The applicant is requesting approval of a Special Use Permit to allow for the operation of a tow lot and public auction facility in an I-1, Light Industrial Zoning District. The project site is commonly known 2216 E. 15th Street and is located on the South side of East Fifteenth Street/Marshall Road and West of I-35 Highway, in the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 7, Township 17 South, Range 20 East.

The applicant is proposing to operate a 24/7 on call towing service. The office would be located on the North side of the property, near the electric pole, in a mobile office. Employees will be on site by appointment only. The hours for appointments would be Monday thru Friday 8:00 am to 4:30 pm. During the Public Hearing the Planning Commission recommended that the hours of operation be Monday thru Saturday, 8:00 am to 4:30 pm and by appointment only for after hours.

The applicant states that there would only be a maximum of thirty (30) cars stored at the site at one time which would take approximately 3 months to achieve. Once they reach that maximum they would hold a public action, about every 4 months, in order to sell and remove the vehicles. When the auctions are held there would be port-a-potties delivered for public use. During the Public Hearing the Planning Commission recommended the applicant be held to a maximum of four (4) auctions per year and the auctions would only be held on Sundays between 8:00 am and 2:00 pm.

The existing building would be used for inside storage of vehicles towed on police calls. The applicant states they will install a fence for screening around the lot and will install outside solar street lights for security lighting at night. There will also be cameras installed for additional security. There will be a 4x4 business sign installed on the fence stating the company name, phone number and hours for appointments.

Notice of the hearing letters were sent to six (6) surrounding property owners as well as various County Departments and other interested agencies requesting comments on how the proposed application might affect their operation. Comments received as part of this request are attached and one (1) person appeared at the public hearing (see draft minutes attached).

The Planning Commission has recommended approval of the Special Use Permit to allow for the operation of a tow lot and public auction facility in an I-1, Light Industrial Zoning District based on the findings and subject to the conditions listed in the Resolution with a 4-1 vote (see draft minutes

attached).

STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners approve Special Use Permit Application #2301-2034 (PK Towing & Recovery II, LLC) to allow for the operation of a tow lot and public auction facility in an I-1, Light Industrial Zoning District based on the findings and subject to the twelve (12) conditions recommended by the Planning Commission.

SPECIFIC ACTION REQUESTED

An Affirmative motion in support of this item would read as follows: "I make a motion to approve Special Use Permit Application #2301-2034 (PK Towing & Recovery II, LLC) to allow for the operation of a tow lot and public auction facility in an I-1, Light Industrial Zoning District based on the findings and subject to the twelve (12) conditions cited in the attached Resolution".

ATTACHMENTS

Comments Received

Site Plan

Zoning Map

Aerial Photo (2)

Excerpt of Draft Planning Commission Minutes

Resolution



A RESOLUTION APPROVING SPECIAL USE PERMIT APPLICATION #2301-2034 (PK TOWING & RECOVERY II, LLC) TO ALLOW FOR THE OPERATION OF A TOW LOT AND PUBLIC AUCTION FACILITY IN AN I-1, LIGHT 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 February 21, 2023 that public hearing would be held to consider Special Use Permit application #2301-2034 (PK Towing & Recovery II, LLC) 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 March 16, 2023 hold a public hearing for the consideration of Special Use Permit application #2301-2034 (PK Towing & Recovery II, LLC) to allow for the operation of a tow lot and public auction facility; and

WHEREAS, the Franklin County Board of County Commissioners did adopt Zoning Regulations on August 14th, 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

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 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 #2301-2034 (PK Towing & Recovery II, LLC) as follows:

Section 1: Special Use Permit #2301-2034 (PK Towing & Recovery II, LLC) is granted for the following described property:

A rectangular tract of land in the Northwest 1/4 of the Southwest 1/4 of Section 2, Township 17, Range 19, that is 360 feet north and south by 363 feet east and west and the west line of which fronts on Eisenhower Avenue and the south line of which is 50 feet south of the south side of the residence currently located thereon, Franklin County, Kansas, along with an easement for a water line to the residence over the remaining portion of said Northwest 1/4 of the Southwest 1/4 and over the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 17, Range 19, where such line is currently located; and The Northwest 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 2, Township 17, Range 19, Franklin County, Kansas.

Section 2: The Special Use Permit for the real property described above shall be authorized for the operation of a tow lot and public auction facility pursuant to the Franklin County Zoning Regulations and the following conditions:

1. Development of the site shall comply with all building, fire and other applicable county and state codes and permit requirements.
2. Hours of operation with the public shall be Monday through Saturday between the hours of 8:00 a.m. and 4:30 p.m. Any operations with the public needing to be conducted after hours shall be by appointment only
3. Screening shall be installed on the existing fence.
4. No outside storage of materials, equipment or vehicles outside of the screened fenced area.
5. All driveways and parking areas shall be maintained with all weather, dust-free surfaces. The applicant shall be responsible for the treatment of all parking and drive aisle surfaces with a dust control product on a regular basis sufficient to control dust created by the operation
6. That a sign be placed on the security fence to include a telephone number of a responsible party in the event of an emergency.
7. All security lighting shall be arranged, located or screened to direct light away from adjoining or abutting properties and the traveling public, shall utilize a fixture such as a

shoebox design (fully shielded), that directs light downward and prevents light from traveling out above a horizontal plane relative to the bulb.

8. Cameras shall be installed for added security.

9. Any sign(s) used in conjunction with this Special Use Permit shall conform to the Franklin County Zoning Regulations.
10. All public vehicular auctions shall be held only on Sundays between the hours of 8:00 a.m. and 2:00 p.m. with a maximum of four (4) auctions per calendar year.
11. Minimum of three (3) portable toilets and one (1) hand-washing station are required on-site during the public auctions.
12. The Special Use Permit shall be null and void by operation of law if the Special Use 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, 2023. This action shall become effective upon publication in the official county newspaper.

Ianne Dickinson
Chairman

Received and recorded this the 5th day of April, 2023.

Janet Paddock
County Clerk