

RESOLUTION 2016- 12

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for Disposal or storage of waste materials; landfill, incinerator, transfer station, etc. and recycle centers for a Materials Recovery Facility for Honey Creek Disposal Service, Inc/Hamm, Inc. on the following described property:

A tract of land That part of the west One-Half (W 1/2) of the Southwest Quarter (SW 1/4) of Section Fifteen (S15), Township Twelve (T12), Range Twenty (R20), lying South of Kansas Highway No. 32, in Leavenworth County, Kansas; and described by metes and bounds, beginning at the Southwest corner of said Section Fifteen (S15); thence North, along the West line of said Section Fifteen (S15), a distance of 589.64 feet to the South right of way line of Kansas Highway No. 32; thence Southeasterly along said Highway right of way, 704.45 feet; thence Southeasterly, along said Highway right of way 487.78 feet; thence Southeasterly on a curve to the left and along said Highway right of way 236.15 feet to the East line of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of said Section Fifteen (S15); thence South, along the East line of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of said Section Fifteen (S15); thence South, along the East line of the West Half of the Southwest Quarter (SW 1/4) of Section Fifteen (S15), a distance of 58.10 feet to the South line of said Section Fifteen (S15); thence West along the South line of said Section Fifteen (S15), a distance of 1,320.03 feet to the point of beginning. LESS that portion of land condemned by the authorities for the Mud Creek and/or Lawrence Flood Protection Program, in Leavenworth County, Kansas more commonly known as 26195 Linwood Road.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 22nd day of February, 2016, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 13th day of April, 2016; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 28th day of April, 2016, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

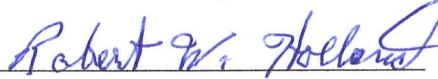
1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 28th day of April, 2016, and incorporated herein by reference;

That Case No. DEV-16-017, Special Use Permit for Disposal or storage of waste materials; landfill, incinerator, transfer station, etc. and recycle centers for a Materials Recovery Facility for Honey Creek Disposal Service, Inc/Hamm, Inc. approved subject to the following conditions:

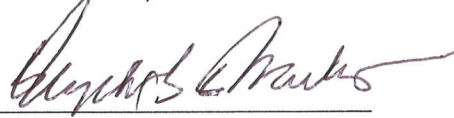
1. The SUP shall be limited to a period of twenty (20) years.
2. The business shall be limited to the hours of 5 am to 8 pm, Monday through Friday and 6 am to 1 pm on Saturday.
3. All activities related to the sorting and bailing of recyclable raw materials shall be conducted within the building.
4. All truck maintenance and repair shall be conducted within the building and shall be screened from view of the public road and adjacent properties at all times.
5. No refuse shall be deposited on the site; all trash shall be taken to a licensed landfill or transfer station for proper disposal.
6. The applicant shall keep any trash or recyclable materials picked up from the site.
7. Landscape screening installed as a condition of approval with SUP 11-004 shall be maintained for the duration of the SUP. Dead plant material shall be replaced on a yearly basis.
8. The applicant shall pay a Traffic Impact Fee (TIF) of \$4,566.96.
9. The applicant shall adhere to the following memorandums:
 - a. See attached comments – Memo – James Kraatz – Planning and Zoning, March 25, 2016
 - b. See attached comments – Memo – Trevor Huhn – Public Works, March 9, 2016
 - c. See attached comments – Memo – Chuck Magaha – Emergency Management, March 16, 2016
 - d. See attached comments – Memo – Gary Bennett – Rural Water District #10, March 01, 2016
10. No signage is allowed in the right-of-way. No additional signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
11. No on-street parking shall be allowed.
12. The applicant shall comply with all regulations as required by Douglas County.
13. The applicant shall submit a site plan for all changes to the site prior to commencing any construction activities.
14. The applicant shall obtain a building permit for any additions to the building prior to commencing construction activities.
15. Applications for other Special Use Permits shall be as required by Article 19 of the Leavenworth County Zoning and Subdivision Regulations.
16. The applicant shall screen the red/green lights on the weigh station so that they are not visible from Highway 32.
17. This SUP shall be limited to the Narrative dated February 22, 2016 submitted with this application.
18. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
19. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office within 30 days.

located in Section 15, Township 12 Range 20, also known as 26195 Linwood Road,
parcel no. 215-15-0-00-00-017.00 in Leavenworth County, Kansas.

Adopted this 28th day of April, 2016
Board of County Commission
Leavenworth, County, Kansas



Robert W. Holland, Chairman

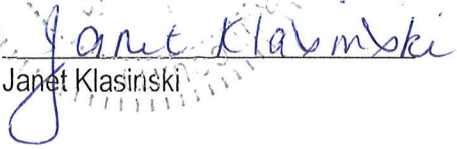


Clyde D. Graeber, Member



Dennis Bixby, Member




Janet Klasinski