

RESOLUTION 2016-20

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Tower, Radio, Television, Commercial Satellite Earth Stations and Microwave on the following described property:

A tract of land in the Northwest ¼ of Section 34, Township 11 South, Range 21 East of the 6th Principal Meridian, described as follows: Commencing at the Northwest corner of said Section 34; Thence South 00°05'45" West, 1743.44 feet along the Section line to the Point of Beginning of this tract; Thence North 89°53'35" East, 650.86 feet; Thence South 85°30'09" East, 498.63 feet, along an existing fence line; Thence South 00°33'23" West, 85.00 feet to the Kansas Turnpike North right-of-way; Thence Southwesterly on a curve to the left, along the North right-of-way of the Turnpike to the West line of Section 34, said curve having a chord bearing South 63°47'14" West, 1278.94 feet, Thence North 00°05'45" East, 687.80 feet to the Point of Beginning, less any part thereof taken or used for road purposes, in Leavenworth County, Kansas more commonly known as 15228 214th Street.

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 21st day of April, 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 8th day of June, 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 23rd day of June, 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 23rd day of June, 2016, and incorporated herein by reference;

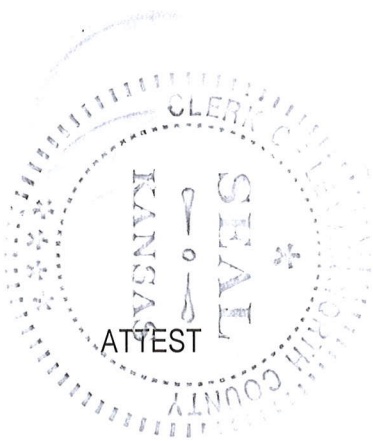
That Case No. DEV-16-041, Special Use Permit for a Tower, Radio, Television, Commercial Satellite Earth Stations and Microwave is approved subject to the following conditions:

1. The SUP shall be limited to a period of twenty-five (25) years.
2. The SUP shall have no limit on hours of operation.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$6.78.
4. The applicant shall adhere to the following memorandums:
 - a. Chuck Magaha – Emergency Management, May 20, 2016
 - b. Melissa Johnson - Code Enforcement, May 20, 2016
 - c. Steve Taylor, KDOT, May 20, 2016
5. If the tower is not operated for a continuous period of two (2) years, it shall be considered abandoned, and the owner shall remove it within ninety (90) days of a receipt of notice from the governing authority notifying the owner of such abandonment. If such tower is not removed within ninety (90) days, the governing authority may remove the tower at the owner's expense.
6. Applicant shall file and maintain a security bond, letter of credit or other such security acceptable to the County. Such security shall be in the amount equal to twenty (20) percent of the cost of construction to the tower as disclosed by the applicant. Such security shall be used to pay for removal of the tower if the owner fails to

remove the tower as provided in #3. The security shall be returned to the applicant upon proper removal of the tower.

7. Pad sites shall be surrounded by a minimum six-foot tall chain linked fence that may use screening inserts or other material that block direct view of the site. Vegetation shall be removed and controlled around the pad site if the property is not used for agricultural purposes.
8. The tower shall have a day light to night time light (light is red in color at night on a dimmer).
9. A 24-hour emergency contact number shall be posted at the facility in the event of an emergency.
10. The tower shall be designed to accommodate at least two (2) additional PCS/Cellular platforms.
11. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
12. No on-street parking shall be allowed.
13. This SUP shall be limited to the Narrative dated April 21, 2016 submitted with the application.
14. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
15. After an 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 Department within 30 days.

Located in Section 34, Township 11 S, Range 21 E, also known as 15228 214th Street, parcel no. 198-34-0-00-00-005.01 in Leavenworth County, Kansas.



Janet Klasinski by D. Cox
Janet Klasinski

Adopted this 23th day of June, 2016
Board of County Commission
Leavenworth, County, Kansas

Robert W. Holland
Robert W. Holland, Chairman

Clyde D. Graeber
Clyde D. Graeber, Member

Dennis Bixby
Dennis Bixby, Member