

RESOLUTION 2016-38

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a landscaping, lawn care, lawn maintenance, snow removal and related business on the following described property:

A tract of land in the Southeast corner of the Southeast Quarter of Section 33, Township 9 South, Range 22 East, Leavenworth County, Kansas described as follows: Beginning at a point 1320.00 feet North 00° 44' 40" East of the Southeast corner of the Southeast Quarter of said Section 33; thence continuing North 00° 44' 40" East 220.00 feet along the East line of the said Southeast Quarter; thence South 90° West 1065.00 feet; thence South 00° 44' 40" West 220.00 feet; thence North 90° East 1065.00 feet to the point of beginning, less any part taken or used for road. In Leavenworth County, Kansas more commonly known as 24619 163rd 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 12th day of August, 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 12th day of October, 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 31st day of October, 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 27th day of October, 2016, and incorporated herein by reference;

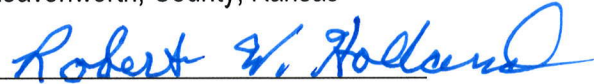
That Case No. DEV-16-090, Special Use Permit for a landscaping, lawn care, lawn maintenance, snow removal and related business approved subject to the following conditions:

1. The SUP shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 7 AM to 7 pm, Monday – Saturday with the exception of snow and ice events.
3. There shall be no storage of commercial waste except firewood.
4. The applicant shall not store materials or equipment, other than commercial vehicles and trailers, outside.
5. The business shall be limited to three (3) full-time employees and up to five (5) seasonal employees.
6. Signs installed on top of the fence shall be removed.
7. The applicant shall maintain the existing landscaping and screening.
8. No lawn waste from outside of Leavenworth County shall be disposed of at the Leavenworth County Transfer Station.

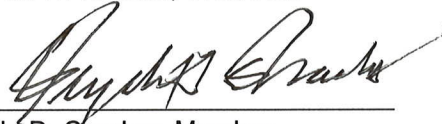
9. The applicant shall abide by the Permanent Emerald Ash Borer Quarantine as established by the Kansas Department of Agriculture.
10. The applicant shall pay a Traffic Impact Fee (TIF) of \$574.00
11. The applicant shall adhere to the following memorandums:
 - a. David Lutgen – Public Works, September 12, 2016
 - b. Chuck Magaha – Emergency Management, September 20, 2016
12. 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.
13. No on-street parking shall be allowed.
14. This SUP shall be limited to the Narrative dated August 12, 2016 submitted with this application.
15. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. 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 33, Township 9 Range 22, also known as 24619 163rd Street, parcel no. 108-33-0-00-00-025.00 in Leavenworth County, Kansas.

Adopted this 31st day of October, 2016
Board of County Commission
Leavenworth, County, Kansas



Robert W. Holland, Chairman


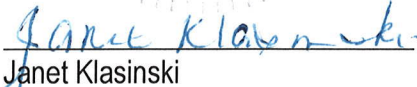


Clyde D. Graeber, Member



Dennis Bixby, Member

ATTEST

Janet Klasinski