

RESOLUTION 2017-14

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for an agriculturally-related business on the following described property:

A tract of land in the Northwest Quarter of Section 26, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, described as follows: Beginning at the West Quarter corner of said Section 26; thence North 00° 00' 00" East (Assumed), 559.10. feet along the West line of the Northwest Quarter of said Section 26; thence South 89° 48' 15" East, 249.65 feet; thence North 00° 00' 00" East, 263.75 feet; thence North 90.° 00' 00" East (Deeded), North 89° 57' 00" East (Measured), 500.02 feet; thence North 00° 00' 00" East, 599.90 feet (Measured), 600.00 feet (Deeded); thence South 89° 58' 29" West, 749.67 feet (Measured), South 90° 00' 00" West, 750.00 feet (Deeded) to the West line of the Northwest Quarter of Section 26; thence North 00° 00' 00" East 255.79 feet along said West line; thence North 89° 19' 36" East, 1321.65 feet; thence North 00° 01' 14" East, 952.78 feet to the Northwest corner of the East Half of the Northwest Quarter of said Section 26; thence North 89° 24' 21" East, 1321.95 along the North line of said Northwest Quarter to the North Quarter corner of said Section 26; thence South 00° 30' 08" West, 1029.95 feet along the East line of said Northwest Quarter as established to the centerline of Hillside Road; thence South 81° 20' 43" West, 177.34 feet along said centerline to the centerline of 151st Street; thence South 00° 06' 48" East, 446.22 feet along said centerline; thence South 00° 30' 08" West 788.40 feet along said centerline; thence South 89° 46' 32" West, 350.00 feet; thence South 00° 30' 08" West 360.00 feet to the South line of the Northwest Quarter of said Section 26; thence South 89° 46' 32" West, 2100.25 feet along said South line to the point of beginning, in Leavenworth County, Kansas more commonly known as 25761 151st Street Leavenworth, Kansas 66048

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 29th day of November, 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 March, 2017; 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 March, 2017, 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 March, 2017, and incorporated herein by reference;

That Case No. DEV-16-121, Special Use Permit for an agriculturally-related business approved subject to the following conditions:

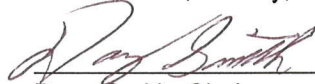
1. The SUP shall be limited to a period of five (5) years.
2. The seasonal operation of the pumpkin patch shall be limited to the hours of 9am to 7pm, Monday through Sunday, from September 15th through November 15th for the duration of the Special Use Permit.
3. Events held at the facility shall be limited in the hours of operation of 8:00 a.m. to 10:00 p.m., Sunday through Thursday and 8:00 a.m. to 12:00 a.m. (midnight) Friday and Saturday.

4. Noise generated from an event held at this facility including, but not limited to: live music, DJ, and noise from guests shall be limited to 60 decibels at the property line.
5. The facility shall be permitted to host events for no more than 200 attendees for any single event.
6. An inspection performed by the State Fire Marshall's Office shall take place annually. The facility shall pass the inspection for the intended use and for the number of attendees expected to occupy the facility. The inspection reports shall be submitted annually by May 1st to the Planning and Zoning Department
7. The facility shall also be inspected annually by the responding fire department. This inspection report shall be submitted annually by May 1st to the Planning and Zoning Department.
8. All areas where food is prepared for service to the public shall pass an inspection by the State of Kansas Department of Health. The final inspection report shall be submitted to the Planning and Zoning Department.
9. The applicant shall provide portable restrooms for any event that is expected to have more than 150 attendees. The portable toilets must be maintained by a county-licensed septic hauler.
10. The fencing around the existing waste stabilization pond (lagoon) shall be maintained in accordance with the Leavenworth County Sanitary Code.
11. The pumpkin patch shall be closed if an event is scheduled that will use all available parking.
12. The applicant shall provide a copy of liability insurance for a minimum coverage of \$1,000,000 with Leavenworth County listed as a policy holder.
13. The applicant shall pay a TIF, Traffic Impact Fee, fee of \$995.89
14. The applicant shall post a sign with emergency contact numbers in the event of severe weather, fire or medical emergency events.
15. No on-street parking shall be allowed.
16. No signage shall be permitted in the public right-of-way. The applicant is permitted one business sign at the entrance into the property from 151st Street, and one business sign at the intersection of 4-H Road and 151st Street. The signs shall not be greater than six (6) feet in height and shall not exceed sixteen (16) square feet in area. No other signage is permitted with the exception of directional signage for parking. These signs shall not exceed six (6) feet in height and shall not be greater than four (4) square feet in area.
17. 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.
18. Buildings and areas on the farm that are not open to the public shall be identified as "NO PUBLIC ACCESS" and the perimeter around the existing barn at the southwesterly group of buildings shall be restricted by a safety fence at least two (2) feet from the exterior walls of the building.
19. The SUP shall be limited to ten (10) employees and volunteers other than immediate family members.
20. The applicant shall adhere to the following memorandums:
 - a. Chuck Magaha – Emergency Management, January 19, 2017

- 21. This SUP shall be limited to the Narrative dated November 29, 2016 submitted with this application.
- 22. 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 Department within 30 days.

located in Section 26, Township 9 Range 22, also known as address, 25761 151st Street parcel no. 107-26-0-00-00-002.00 in Leavenworth County, Kansas.

Adopted this 23rd day of March, 2017
Board of County Commission
Leavenworth, County, Kansas



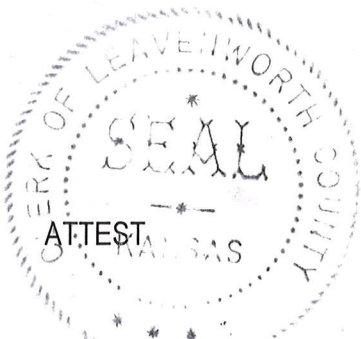
Doug Smith, Chairman

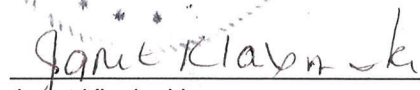


Clyde D. Graeber, Member



Robert W. Holland, Member





Janet Klasinski