

RESOLUTION 2017- 48

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Communication Tower on the following described property:

A tract of land in the SE Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas

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 27 day of April, 2017, 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 July, 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 27th day of July, 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 27th day of July, 2017, and incorporated herein by reference;

That case no. DEV-17-051, Special Use Permit for a Communication Tower 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 \$27.12.
4. The applicant shall adhere to the following memorandums:
 - a. David Lutgen, P.E. – Public Works, July 6, 2017
 - b. Chuck Magaha – Emergency Management, June 27.2017
 - c. Mollie Hill, County Counselor, June 30, 2017
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. All proposed towers 150 feet or less, not including lightning rod, shall be designed to accommodate at least one (1) additional PCS/Cellular platform. All proposed towers in excess of 150 feet shall be designed to accommodate at least two (2) additional PCS/Cellular platforms.
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 unless leased parcel has agriculture use surrounding it.
8. Vegetation shall be removed and controlled around the pad site if the property is not used for agricultural purposes.
9. Prior to the issuance of a building permit, the applicant must file and receive approval of a site plan.
10. A 24-hour emergency contact number shall be posted at the facility in the event of an emergency.

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 & Subdivision Regulations.
12. No on-street parking shall be allowed.
13. This SUP shall be limited to the Narrative dated April 27, 2017 submitted with this application.
14. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
15. 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 & Zoning Department within 30 days.

located in Section 20, Township 10 South, Range 22 East, parcel no. 154-20-0-00-00-025.00 in Leavenworth County, Kansas.

Adopted this 27th day of July, 2017
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman



Clyde D. Graeber, Member



Robert W. Holland, Member

