

RESOLUTION 2019-17

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a contractor's yard for Angell's Excavating on the following described property:

A tract of land in the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 6, Township 11 South, Range 21 East of the Sixth P.M., more fully described as follows: Beginning at a point that is South 20.00 feet and East 40.00 feet of the Northwest corner of the Southeast $\frac{1}{4}$ of said Section; thence East 281.03 feet parallel to the North Section line; thence South 330.00 feet; thence West 281.03 feet to a point on the East right of way of K-16 Highway; thence North 330.00 feet to the point of beginning, in Leavenworth County, Kansas. More commonly known as 19230 McLouth 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 2nd day of February, 2019, 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 May, 2019; 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 29th day of May, 2019, 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 29th day of May, 2019, and incorporated herein by reference;

That Case No. DEV-19-017, Special Use Permit for a contractor's yard, Angell's Excavating is approved subject to the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours 6:00 am to 6:00 pm.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$1,767.86.
4. The SUP shall be limited to 4 employees other than the business owners.
5. Noise levels at the property line shall not exceed 60 decibels.
6. The applicant shall adhere to the submitted project narrative for the contractor's yard. Any modifications, alterations or additions to the written description of the use shall require a revision to the approved special use permit.
7. All vehicles, parts, equipment, machinery, and similar materials shall be kept enclosed in the perimeter fencing around the storage yard portion of the site and shall be maintained in good condition.


8. The applicant shall adhere to the following memorandums:
 - a. Christa McGaha – Planning and Zoning, March 21, 2019
 - b. Melissa Johnson – Codes Enforcement Officer, March 12, 2019
 - c. Chuck Magaha – Emergency Management, March 11, 2019
 - d. David Van Parys, County Counselor, March 5, 2019
 - e. Tim Smith, Tonganoxie Township Fire District, March 11, 2019
 - f. Amanda Holloway, FreeState Electric, March 11, 2019
 - g. Bob Weber, County Appraiser, March 22, 2019
9. 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.
10. No on-street parking shall be allowed.
11. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
12. 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 6, Township 11 South, Range 21 East, also known as 19230 McLouth Road, parcel no. 193-06-0-00-00-022.00 in Leavenworth County, Kansas.

Adopted this 29th day of May, 2019
 Board of County Commission
 Leavenworth, County, Kansas



 Doug Smith, Chairman



 Jeff Culbertson, Member



 Vicky Kaaz, Member

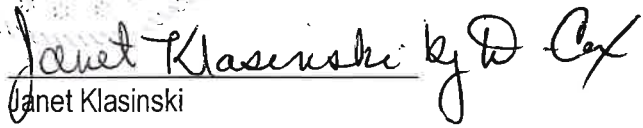
absent

 Chad Schimke, Member



 Mike Stieben, Member





 Janet Klasinski