

RESOLUTION 2023-07

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Retail Sales and Services Business – Rock Hard Yard Art on the following described property:

All that part of the East ½ of the Southeast ¼ of Section 15, Township 12 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, lying South of the Kansas City Kaw Valley Railroad right of way now abandoned and is now Kansas Highway K-32, less any part thereof taken or used for road purposes more commonly known as 20624 Golden 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 16th day of February, 2023, 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 April, 2023; 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 3rd day of May, 2023, 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 3rd day of May, 2023, and incorporated herein by reference;

That Case No. DEV-23-027, Special Use Permit for a Retail Sales and Services Business – Rock Hard Yard Art approved subject to the following conditions:

1. The Special Use Permit shall be subject to the written narrative and site plan provided on February 17, 2023 and additional information provided on March 6, 2023.
2. The business shall operate from 10:00AM until 4:00PM, Friday through Sunday.
3. Outdoor storage of materials shall be screened from view with either landscaping or fencing.
4. The fencing and landscaping shall remain in working and appropriate order.
5. An updated site plan removing the two parking spaces from the circle drive shall be provided to the Planning & Zoning Department prior to Special Use Permit taking effect.
6. The applicant must comply with the following memorandums:
 - a. Kansas Department of Transportation – Steve Taylor, dated February 22, 2023

7. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
8. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations. No Attention-getting device shall be permitted with this approval.
9. No on-street parking shall be allowed.
10. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
11. Any noise generated from the proposed business shall be limited to 60 dBs, as measured from the property line.
12. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
13. Applicant shall not cause or allow any public nuisance to exist on the subject property
14. That the Special Use Permit granted herein is subject to revocation upon the breaching of the conditions set forth herein, or any substantial change in the use of the subject property. Rock Hard Yard Art, and its assigns or successors in interest, hereby consent to, and authorize, entry onto the subject property by employees or agents of the county for the purpose of inspecting the subject property for compliance with the conditions set forth herein.
15. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
16. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

located in Section 15, Township 12 South, Range 21, also known as 20624 Golden Road, parcel no. 225-15-0-00-00-010.00 in Leavenworth County, Kansas.

Adopted this 3rd day of May, 2023
Board of County Commission
Leavenworth, County, Kansas



Vicky Kaaz, Chairman



Jeff Culbertson, Member

ATTEST

Janet Klasinski
Janet Klasinski



Mike Smith
Mike Smith, Member

Doug Smith
Doug Smith, Member

Mike Stieben
Mike Stieben, Member