ORDINANCE NO. 684

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A KENNEL AND BOARDING FACILITY TO BE LOCATED AT 14428 PARALLEL ROAD

WHEREAS, Fat Cat's Dog Boarding filed an application for a Conditional Use Permit to allow a kennel and boarding facility to be located at 14428 Parallel Road (the "Property"); and

WHEREAS, the Property is zoned I-1, Light Industrial, which allows kennel and boarding facilities with a conditional use permit; and

WHEREAS, the Basehor Zoning Ordinance requires a public hearing be held prior to the granting of a conditional use permit; and

WHEREAS, the Basehor Zoning Ordinance imposes the following conditions upon the granting of a conditional use permit for kennel and boarding facilities:

1. The minimum lot size shall not be less than one (1) acre
2. No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property line
3. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or the excitement of the dogs. Such screening shall be either a solid or semi-solid fence or wall at least six (6) feet, but not more that eight (8) feet tall, and having a density of not less than eighty percent (80%) per square foot; and

WHEREAS, the Basehor Zoning Ordinance provides that conditional use permits shall be valid for a period not more than five (5) years and the rights granted in such conditional use permit shall extend to the owner or his agent or licensee of said owner requesting such permit and shall not run with the land; and

WHEREAS, a public hearing was held by the Basehor Planning Commission on October 11th, 2016, and notice of such public hearing was provided in accordance with Kansas state law and the Basehor Zoning Ordinance; and

WHEREAS, on October 11th, 2016 the Basehor Planning Commission considered the application and recommended approval of the conditional use permit for the kennel and boarding facility for the Property with the following additional conditions:

1. The minimum lot size shall not be less than one (1) acre
2. No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property line

3. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or the excitement of the dogs. Such screening shall be either a solid or semi-solid fence or wall at least six (6) feet, but not more that eight (8) feet tall, and having a density of not less than eighty percent (80%) per square foot.

4. Platting Requirements-A short-form plat process shall be utilized by the developer/owner and approved by the City prior to a building permit being issued. The final plat shall be recorded with the Leavenworth County Register of Deeds upon approval.

5. Park Impact Fee-per city ordinance applicants for new buildings shall be required to pay a park impact fee (Parkland Fee) on all buildings at time of building permit issuance. This fee shall be $200.00 per individual building.

6. The applicant shall be required to dedicate an additional twenty feet (20') of right of way along Parallel Road for the entirety of the property line for the future widening of said street, on above mentioned plat.

7. Transportation Improvements Impact Fee- per Ordinance 387, a total of $13,163.31 in excise tax shall be paid in full at the time of building permit issuance or prior to issuance.

8. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all of the ordinances of the City of Basehor.

; and

WHEREAS, the Planning Commission's recommendation was presented to the Governing Body at its regularly scheduled meeting on November 16th, 2016, for consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1: That the conditional use permit is hereby granted to allow a kennel and boarding facility on the Property with the following additional conditions:

1. The minimum lot size shall not be less than one (1) acre.

2. No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property line.

3. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or the excitement of the dogs. Such screening shall be either a solid or semi-solid fence or wall at least six (6) feet, but not more that eight (8) feet tall, and having a density of not less than eighty percent (80%) per square foot.

4. Platting Requirements-A short-form plat process shall be utilized by the developer/owner and approved by the City prior to a building permit being issued. The final plat shall be recorded with the Leavenworth County Register of Deeds upon approval.

5. Park Impact Fee-per city ordinance applicants for new buildings shall be required to pay a park impact fee (Parkland Fee) on all buildings at time of building permit issuance. This fee shall be $200.00 per individual building.

6. The applicant shall be required to dedicate an additional twenty feet (20') of right of way along Parallel Road for the entirety of the property line for the future widening of said street, on above mentioned plat.

7. The conditional use permit shall expire five (5) years from the effective date of this ordinance.

8. The rights granted in the conditional use permit shall extend to the owner or his agent or licensee of said owner requesting such permit and shall not run with the land.

9. In addition to the stipulations listed in this report, the owner agrees to abide by all of the ordinances of the City of Basehor.

Section 2: That this ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Basehor, Kansas as provided by law.

PASSED by the City Council this 16th day of November, 2016.

APPROVED by the Mayor this 16th day of November, 2016.

SEAL

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE
SEAL

David K. Breuer, Mayor

ATTEST:

Katherine M. Renn, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney