

## **Ordinance No. 567**

### **AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR REPLACEMENT AND ENLARGEMENT OF A WATER STORAGE FACILITY AT 1310 N. 155<sup>th</sup> STREET, CITY OF BASEHOR, KANSAS, FOR CONSOLIDATED RURAL WATER DISTRICT #1.**

**WHEREAS**, under the Zoning Ordinance of the City of Basehor, Kansas, as amended, the Governing Body of the City of Basehor, Kansas, has the power to locate conditional uses in each zoning district by ordinance; and

**WHEREAS**, the City Planning Commission, after fully complying with the requirements of the ordinances of the City of Basehor, Kansas, held a public hearing on the 5th day of January, 2010 in the Basehor City Hall, Basehor, Kansas, the official date was published in the Basehor Sentinel; and

**WHEREAS**, the City Planning Commission, made findings that the proposed conditional use complies with all the applicable provisions of the City Ordinance, the proposed conditional use at the specified location will contribute to and promote the economic development, welfare, and convenience of the community; that the conditional use will not cause substantial injuries to the value of other property in the neighborhood in which it is located; and, that the conditional use will not dominate the neighborhood or be of such nature as to significantly impact other development in the neighborhood; and

**WHEREAS**, upon a motion made, duly seconded, and passed, the Planning Commission recommended that the City Governing Body issue a permit as a conditional use, on the property hereinafter described in accordance with the provisions of the Zoning Ordinance of the City of Basehor, Kansas;

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

**Section 1:** That, after considering the criteria for issuance of Conditional Use Permits set forth in the City's Zoning Regulations and as required by Kansas law, the recommendation by the City Planning Commission is adopted, and a conditional use permit shall be issued to permit the replacement and enlargement of a water storage facility for Consolidated Rural Water District #1 on the following described property:

**A tract of land in the Southwest Quarter of Section 2 Township 11 South, Range 22 East, in the City of Basehor, Leavenworth County, Kansas, more fully described as follows: Beginning at a point 3030.4 feet South and (S89°50'29" W) 446.0 feet West from a point where the centerline of Highway #72 (24/40, State Avenue) intersects the North line of said Section 2, the point of beginning. Thence (S89°50'29"W) 208.0 feet, thence South 208.0 feet, thence (N89°50'29"E) 208.0 feet, thence North 208.0 feet to the point of beginning. Containing 1 acre, more or less;**

**Or more commonly known as 1310 N. 155<sup>th</sup> Street, Basehor, Ks.**

**Section 2:** That the replacement and enlargement of the water storage facility shall be maintained in accordance with the provisions of the Zoning Ordinance of the City of Basehor, Kansas as well as all State and Federal rules and regulations and shall be subject to the following conditions:

1. This conditional use permit shall be valid for a period of thirty (30) years with review periods every ten (10) years, from the date of publication of this ordinance from the date of publication of this ordinance, to ensure compliance with the terms and conditions of the permit; and
2. The water storage facility shall be built per the site plans submitted.
3. There shall be no additional uses on or of the tower unless expressly authorized by the city.
4. The city shall have the final authorization of the color scheme and any other graphics, messages and/or wording placed upon the water storage facility.
5. The water storage facility shall be constructed as either a composite or steel fluted tower as submitted by Consolidated Rural Water District #1.
6. The land where tower is to be constructed shall be platted prior to construction of tower.

**Section 3:** That this ordinance shall take effect and be in force from and after it's passage, approval, and publication in the official newspaper of the City of Basehor, Kansas as provided by law.

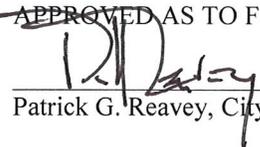
Passed by the Governing Body of the City of Basehor, Kansas this 25<sup>th</sup> day of January, 2010.

  
Terry Hill, Mayor

ATTEST:

  
MARY MOGDE, City Clerk

APPROVED AS TO FORM:

  
Patrick G. Reavey, City Attorney

