

(Published in Basehor Sentinel – 6/24/04)

Ordinance No. 443

An Ordinance issuing an Extension of the Conditional Use Permit for a Telecommunications Tower and Related Equipment at 1216 N. 155th Street , City of Basehor, Kansas.

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 4th. day of May, 2004 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 shall 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 resolved to extend a permit as a Conditional Use, on the following described 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 the Conditional Use Permit for a Telecommunications Tower and Related Equipment on the following described property owned by Raphael and Ann Breuer be extended:

A tract of land in the Southwest ¼ of Section 2, Township 11, Range 22 of the 6th P.M. more fully described as follows:

Commencing at the intersection of the North line of Section 2, Township 11, Range 22 with Highway 72 (now known as 155th Street) and said point also known as the Southwest corner of the Southwest quarter of Section 35, Township 10, range 22; thence, South 3,446.40 feet; thence, West 30.00 feet to the West right-of-way of 155th. Street

SCANNED

1-12-07 *BA*

Agenda Item Summary
June 7, 2004

Submitted By: Mike Hooper, Code Administrator

Subject: Conditional Use Permit – Breuer Cell Tower

Council Action: **Consideration and Action on the extension of the Conditional Use Permit for the tower.**

The Conditional Use Permit for the Tower located on the Breuer property is required to be renewed on or before September 20, 2005. In an effort to make all the Conditional Use Permits for antennas on the tower run concurrent with the tower, Mr. Breuer has chosen to complete the renewal process at this time. The Planning Commission has held the public hearing and does recommend approval of the extension of the Conditional Use Permit for the tower. Attached is a copy of the draft minutes of the May 4, 2004 meeting.

**Minutes
Basehor Planning Commission
May 4, 2004
Basehor City Hall**

Call To Order

Chairperson John Matthews called the meeting to order at 7:00 p.m.

Roll Call

Present: Chairperson John Matthews, Commissioner Rick Hogue, Commissioner Jason Logsdon, Commissioner George Smith, Commissioner Burl Gratny, and newly appointed Commissioners Julie Cogley and Ed Bush.

Staff: Mike Hooper, Code Administrator, Angela Solberg, Planner, and Carole Dickey, Planning Clerk

Approval of Minutes

A motion was made by Commissioner Gratny and seconded by Commissioner Logsdon to approve the minutes of the April 6, 2004, meeting as written. Motion carried 5-0, with Commissioners Cogley and Bush abstaining.

Old Business

1. Public hearing on the application for the extension of a Conditional Use Permit for a Telecommunications Tower on Property owned by Raphael and Ann Breuer.

Chairperson Matthews opened the public hearing and asked for comments from the petitioner. Mr. Ray Breuer explained his request for an extension of the already existing Conditional Use Permit on the telecommunications tower on his property.

Commissioner Gratny mentioned the letter from Consolidated Rural Water District #1 stating that they do not want to be liable for interference should they enlarge their present water tower. Mr. Hooper said he did not think the water tower would affect the telecommunications tower.

Chairperson Matthews called for additional comments in favor of the request, and there were none.

Chairperson Matthews called for comments in opposition to the request, and there were none.

The public hearing was closed at 7:05 p.m.

Ms. Solberg summarized her staff report (attached).

A motion was made by Commissioner Smith and seconded by Commissioner Gratny to approve the extension of the Conditional Use Permit as requested. A vote was taken and the motion carried 7-0.

New Business

None.

Open Agenda

None.

Reports from Special Committees:

Commissioner Smith reported on actions of the Leavenworth County Planning Commission.

Notices and Communications

Mr. Hooper reminded Commissioners of the MARC training on May 6. He also stated that he has ordered information on "Pyramid Zoning" for Commissioners to study. He said the City Council has expressed an interest in "Pyramid Zoning" for the City and will most likely ask the Planning Commission to make a recommendation. Discussion followed on the pros and cons of this type of zoning.

Adjournment

There being no further business to discuss, the meeting was adjourned at 8:00 p.m.

Submitted for approval with/without additions or corrections this _____ day of _____, 2004.

John Matthews, Chairman

Carole Dickey, Secretary

and point of beginning of the tract; thence, West 416.00 feet; thence, South 242.94 feet; thence, East 416.00 feet; thence, North 242.94 feet more or less; to the point of beginning of this tract. All in the City of Basehor, Leavenworth County, Kansas.

More commonly known as 1216 N. 155th Street.

Section 2: That the Telecommunications Tower and Related Equipment 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:

- (a) This conditional use permit shall be valid until September 20, 2010 from the date of publication of this ordinance; and

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 14th day of June, 2004.

Joseph Scherer, Mayor

ATTEST



Mary A. Mogle, City Clerk

