

(Published in the Basehor Sentinel 7-28-11)

**Ordinance No. 598**

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER AND RELATED EQUIPMENT AT 1216 N. 155<sup>TH</sup> STREET, BASEHOR, LEAVENWORTH COUNTY, 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 telecommunications towers as conditional uses in each zoning district by ordinance; and

**WHEREAS**, an existing Conditional Use Permit for a telecommunications tower and related equipment located on the property described in Section 1 of this ordinance was approved with the adoption of Ordinance No. 443 and expired in September, 2010; and

**WHEREAS** application was made for a new Conditional Use Permit for a telecommunications tower and related equipment located on the property described in Section 1 of this ordinance in accordance with the Basehor Zoning Ordinance; and

**WHEREAS**, after due and lawful notice, the Planning Commission held a public hearing on June 7, 2011 and made findings that the approval of a Conditional Use Permit for a telecommunications tower and related equipment located on the property described in Section 1 of this ordinance complies with Article II of the Zoning Ordinance, that the approval of a Conditional Use Permit for a telecommunications tower and related equipment located on the property described in Section 1 of this ordinance will contribute to and promote the economic development, welfare, and convenience of the community, that the approval of a Conditional Use Permit for a telecommunications tower and related equipment located on the property described in Section 1 of this ordinance will not cause substantial injuries to the value of other property in the neighborhood in which it is located, and that the approval of a Conditional Use Permit for a telecommunications tower and related equipment located on the property described in Section 1 of this ordinance shall not dominate the neighborhood or be of such nature as to significantly impact other development in the neighborhood; and

**WHEREAS**, the Planning Commission recommended approval of a Conditional Use Permit for a telecommunications tower and related equipment located on the property described in Section 1 of this ordinance subject to the following stipulations of approval:

1. The Conditional Use Permit shall expire on July 18, 2016, five (5) years from the date of approval.
2. The telecommunications tower and related equipment shall be maintained in accordance with the provisions of the Basehor Zoning Ordinance and all state and federal rules and regulations; and

**WHEREAS**, the Planning Commission's recommendation was presented to the Governing Body on July 18, 2011.

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

**Section 1:** That a Conditional Use Permit for a telecommunications tower and related equipment on the following described property be approved for a period of five (5) years:

**A tract of land in the Southwest ¼ of Section 2, Township 11, Range 22 of the 6<sup>th</sup> 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 155<sup>th</sup> 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 155<sup>th</sup>. Street 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. 155<sup>th</sup> Street.**

**Section 2:** That the Conditional Use Permit shall be subject to the following conditions:

1. The Conditional Use Permit shall expire on July 18, 2016, five (5) years from the date of approval.
2. The telecommunications tower and related equipment shall be maintained in accordance with the provisions of the Basehor Zoning Ordinance and all State and Federal rules and regulations.

**Section 3:** 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 18th day of July, 2011.

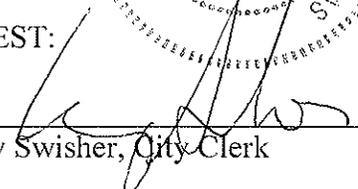
APPROVED by the Mayor this 18<sup>th</sup> day of July, 2011.

SEAL



  
\_\_\_\_\_  
Terry Hill, Mayor

ATTEST:

  
\_\_\_\_\_  
Corey Swisher, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Shannon M. Marcano, City Attorney