

ORDINANCE NO. 186

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE LINN VALLEY PLANNING COMMISSION AND GRANTING A SPECIAL USE PERMIT TO CERTAIN PROPERTY WITHIN THE CITY OF LINN VALLEY, KANSAS:

WHEREAS, the Planning Commission of the City of Linn Valley did enact its Resolution No. 2-2016, recommending the granting of a Special Use Permit to certain property within the City of Linn Valley; and

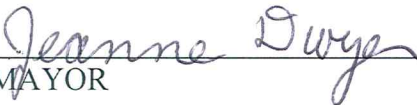
WHEREAS, the City Council has reviewed the recommendation of the Planning Commission and has become fully informed as to the reasoning behind said recommendation; and

WHEREAS, the City Council agrees that the recommended Special Use Permit is in the best interest of the City;


NOW THEREFORE, it is Ordained by the City Council of the City of Linn Valley, Kansas,

1. The findings and recommendations made by the Planning Commission and memorialized in its Resolution No. 2-2016, which is attached hereto, are hereby adopted and enacted by this Ordinance and incorporated herein by reference.
2. The Special Use Permit recommended in said Resolution No. 2-2016 is hereby granted with the conditions recommended by said Resolution.
3. Said Special Use Permit shall be made effective upon the publication of this Ordinance pursuant to State Law and City Ordinance.

ORDAINED this 24<sup>th</sup> day of October, 2016.

  
MAYOR

ATTEST:

  
CITY CLERK

**CITY OF LINN VALLEY  
PLANNING COMMISSION**

RESOLUTION NO 02-2016

A RESOLUTION OF THE CITY OF LINN VALLEY PLANNING COMMISSION APPROVING A  
SPECIAL USE PERMIT APPLICATION RIDGEWOOD PARTNERS TO PERMIT THE  
CONSTRUCTION AND OPERATION OF A SENIOR HOUSING FACILITY WITH  
INDEPENDENT LIVING UNITS IN AN “R-1” SINGLE FAMILY RESIDENTIAL ZONING  
DISTRICT

WHEREAS, City of Linn Valley, Kansas is a City municipal government, organized pursuant to K.S.A. 12-101; and

WHEREAS, the City of Linn Valley City Council did create the City of Linn Valley Planning Commission as provided in K.S.A. 12-744; and

WHEREAS, the City of Linn Valley City Council did adopt a Zoning Ordinance for the City of Linn Valley as provided in K.S.A. 12-747; and

WHEREAS, the City of Linn Valley Planning Commission did publish notice on August 24, 2016 that a public hearing would be held to consider special use permit application (Ridgewood Partners) as required by K.S.A. 12-757 and Article 16, Section 16.3 of the Linn Valley Zoning Ordinance; and

WHEREAS, the Planning Commission did on September 19, 2016 hold a public hearing for the consideration of special use permit application (Ridgewood Partners) to permit the construction and operation of a Senior Housing Facility with Independent Living Units; and

WHEREAS, after due consideration of written reports, public testimony and the criteria set forth in Article 16, Section 16-3 of the City Zoning Ordinance, the Planning Commission, by a majority of its membership, did find the following:

1. That the Special Use Permit is consistent with the City Zoning Ordinance.
2. That the Special Use Permit is in conformance with and would further enhance the City Comprehensive Plan.
3. That as conditioned, the Special Use Permit will not overburden the streets/roadways and other public services.
4. That as conditioned, the Special Use Permit will not unduly affect the character of the surrounding community.
5. That as conditioned, the Special Use Permit will not unduly impact property values of surrounding properties.
6. That as conditioned, the Special Use Permit will comply with all other City Codes and Ordinances.

7. That the subject property is suitable for the proposed use.

NOW, THEREFORE, Be It Resolved, that the City of Linn Valley Planning Commission does hereby approve Special Use Permit Application (Ridgewood Partners) to permit the construction and operation of a Senior Housing Facility with Independent Living Units in an R-1 (Single Family Dwelling) Zone as follows:

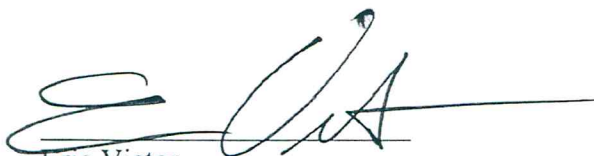
Section 1: Special Use Permit (Ridgewood Partners) is granted for the following described property:

*Linn Valley Lakes Plat 3, Lots #1655, 1656 and 1657 in Section 23, Township 19 South, Range 24 East, Linn County Kansas.*

Section 2: The Special Use Permit for the real property described above shall be subject to construct and operate a Senior Housing Facility with Independent Living Units pursuant to the City of Linn Valley Zoning Ordinance and the following conditions:

1. That the facility shall be limited to a maximum of eight individual living units.
2. That the Senior Housing Facility shall obtain and adhere to the covenants, restrictions and bylaws of the Linn Valley Lakes Property Owners Association.
3. That all sanitation facilities shall be connected to the public sewer system.
4. That the existing residence and Senior Housing Facility shall comply with all requirements of the City Building Codes.
5. That there shall be a minimum of 14 parking spaces provided and maintained at all times or as subject to state statute for dwelling of this type.
6. That the Special Use Permit shall be null and void by operation of law if the Special Use Permit has not been initiated and utilized by commencing the activity or use at the specified site as shown on the site plan within one (1) year of the date of approval.

PASSED AND ADOPTED by the City of Linn Valley Planning Commission this 19<sup>th</sup> day of September, 2016.

  
Eric Victor  
Chairman