

**Planning Commission
City of Basehor, Kansas**

Tuesday, March 6, 2012



City Hall Council Chambers

Regular Meeting – 7:00 p.m.

AGENDA
BASEHOR PLANNING COMMISSION
March 6, 2012
7:00 P.M.
Basehor City Hall

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of the Preceding Meeting
 - 1. **Minutes of the November 8, 2011 Planning Commission meeting.**
- D. Unfinished Business
- E. New Business
 - 1. **Public Hearing: Consider the Preliminary Wolf Creek Junction 3rd Plat submitted by Midamerican Investments, LLC.**
 - 2. **Consider the Final Wolf Creek Junction 3rd Plat submitted by Midamerican Investments, LLC.**
- F. Open Agenda
- G. Reports from Special Committees
- H. City Engineer's Report
- I. Adjournment

**Minutes of the November 8, 2011
Planning Commission Meeting**

MINUTES
BASEHOR PLANNING COMMISSION
November 8, 2011
BASEHOR CITY HALL

PLANNING COMMISSION MEETING
7:00 P.M.

A. Call to Order

Ed Bush, Chair, called the meeting to order at 7:00 p.m.

Pledge of Allegiance

B. Roll Call

Members Present: Commissioners Brian Healy, Russell Jacobson, John Matthews, Ed Bush. *Absent: Jon Gallion, Kevin Istas and Vernon Fields.*

Staff Present: Mitch Pleak, City Engineer, and Corey Swisher, City Clerk.

C. Approval of Minutes

A motion was made by Commissioner Matthews and seconded by Commissioner Jacobson to approve the October 4, 2011 minutes. Chair Bush asked for a vote. Motion passed 3-0. *Commissioner Healy abstained since absent from previous meeting.*

D. Unfinished Business – None

E. New Business –

1. Consider deviations to the Architectural Design Standards for the proposed Country Place Living building to be located on Lot C-1 within Pinehurst North Third Plat.

Commissioner Matthews motioned to approve Item E1 denying their request for Section 5.65 keeping the hard exterior material to be at least window sill high and granting a variance for their request of Section 5.92 breaking up 93 foot of wall to allow it to run straight without any deviations.

Commissioner Healy seconded. Chair Bush called for vote. Motion passed 4-0.

F. Open Agenda – None

G. Reports from Special Committees – Commissioner Matthews gave an update from the Leavenworth County Planning Commission meeting regarding special use permits.

H. City Engineer's Report – None

I. Adjournment -

Commissioner Healy made the motion to adjourn and Commissioner Jacobson seconded. Chair Bush called for vote. Motion passed 4-0. There being no further discussion, the meeting was adjourned at 7:38 p.m. from Chair Bush.

Submitted for approval with/**without** additions or corrections this 10th day of January, 2012.

Ed Bush, Chairperson

Katherine M. Renn, Planning Secretary

Unfinished Business

New Business

**Agenda Item No. E1
Planning Commission – March 6, 2012**

**Public Hearing: Consider the Preliminary Wolf Creek Junction 3rd Plat submitted by
Midamerican Investments, LLC.**

Narrative

A staff report and other supporting information is provided in the agenda packet.

Staff will be available for discussion at the meeting.

The City Council may consider this item on April 2, 2012.

Staff Recommendation

Staff recommends approval of the preliminary plat with the following conditions:

1. Applicant shall provide dimensions of Wolf Creek Parkway from the centerline to the right-of-way line.
2. Applicant shall show an existing Suburban Water Inc. easement across replatted Lots 4, 5, 6, 7, and Tract B.

Staff Report

Date: February 13, 2012

Subject: Consideration of a Preliminary Plat for Wolf Creek Junction, 3rd Plat a replat of Wolf Creek Junction - Phase 2 Plat submitted by Midamerican Investments, LLC on the following described property:

A parcel of land in the Southeast ¼ and part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 11 South, Range 22 East, in the City of Basehor, Leavenworth County, Kansas containing 33.20 acres.

GENERAL INFORMATION

Applicant: Midamerican Investments, LLC

Owner: Midamerican Investments, LLC

Address: 400 Bury Street
Tonganoxie, Kansas 66086

Engineer: MHS

SITE INFORMATION

Location: North side of US 24/40 between 155th Street and 150th Street.

Current Zoning: "CP-1" Neighborhood Business District and "CP-2" General Business District.

Background

Midamerican Investments, LLC has submitted a preliminary plat for Wolf Creek Junction 3rd Plat located on the north side of US 24/40, between 155th Street to 150th Street. The property is currently platted under Wolf Creek Junction – Phase 2 Plat containing 33.20 acres. The proposed plat contains 8 lots. Lot 3 is developed and owned by Orscheln Farm & Home, LLC. The remaining lots are vacant.

Surrounding Property

Property surrounding the proposed plat contains vacant and single family residential zoning toward the north and east. US 24/40 lay on the south side of the plat. Commercially zoned properties are located toward the west of the plat.

Traffic

Access to the proposed plat will be thru Wolf Creek Parkway. Wolf Creek Parkway is constructed and runs between 155th Street to 150th Street. 153rd Street is constructed from the north subdivision line to the south right-of-way line of Wolf Creek Parkway. Vacated right-of-way within the proposed plat includes 153rd Street from Wolf Creek Parkway to the south subdivision line and Wolf Creek Parkway right-of-way corrected alignment located at the east subdivision line. Wolf

Creek Parkway alignment correction matches the existing Wolf Creek Parkway. No new streets are being proposed for construction with the Wolf Creek Junction 3rd Plat.

Stormwater Management

Stormwater infrastructure is already in place as part of the Wolf Creek Junction – Phase 2 Plat.

Utilities

No new utilities will be proposed with the Wolf Creek Junction 3rd Plat.

Comprehensive Plan/Zoning

The property located in the proposed plat is zoned "CP-1" Neighborhood Business District and "CP-2" General Business District. Per the Comprehensive Plan, the area is designated to be commercial. The proposed plat meets the Comprehensive Plan.

Lot Configuration

Lots 4-13 of the Wolf Creek Junction – Phase 2 will be changed with the proposed plat. With the lot changes, all lots will be in accordance to the zoning regulations for "CP-1" and "CP-2" zoning.

Preliminary Plat Contents

a.

1. **The name of the proposed subdivision.** Provided within the submitted plat.
2. **Location of the subdivision by reference to a section corner.** Provided within the submitted plat.
3. **The name(s) and address(s) of the owner(s)/developer(s) and the licensed land surveyor who prepared the plot.** Provided within the submitted plat.
4. **North arrow.** Provided within the submitted plat.
5. **Date prepared and scale of the drawing.** Provided within the submitted plat.
6. **The legal description of the property.** Provided within the submitted plat.

b.

1. **All of the land to be platted as well as all platted or unplatted adjacent properties within 1,000 feet shall be shown.** This is not shown.
2. **Existing contours with the contour intervals not more than 2 feet.** This is not provided due to the plat being already platted with stormwater infrastructure in place.
3. **The location, width, and names of all existing platted or private ways within or adjacent to the tract, together with easements, railroad and utility right-of-way, parks and other significant features such as city limit lines and survey monuments.** This is provided.
4. **Environmental features.** The proposed plat is not within the 100-yr flood plain.
5. **All airports, sanitary landfills, feedlots, or other similar uses located within two miles of the proposed plat shall be shown on a vicinity map.** This is not shown.

c.

1. **Layout and names of streets with general dimensions and appropriate grades shall be shown.** 153rd Street and Wolf Creek Parkway already exist. Grades of the streets are not needed. Applicant shall provide dimensions of Wolf Creek Parkway from the centerline to the right-of-way line.
2. **Intended layout, numbers and dimensions of lots.** Provided within the plat.

3. **Parcels of land intended to be dedicated or reserved for parks, schools, or other public uses, or to be reserved for the use of property owners with the subdivision.** This is provided within the submitted plat.
 4. **Location and type of utilities to be installed.** This was provided and constructed per the Wolf Creek Junction – Phase 2 Plat.
 5. **Utility and other easements indicating width and purpose.** Suburban Water Inc. has indicated an existing easement across replatted Lots 4, 5, 6, 7, and Tract B is missing. Applicant shall show the existing easement.
 6. **A statement or other indication of phasing of the development and an appropriate timetable if applicable.** Not applicable.
 7. **Vicinity sketch with indicates the relationship between the proposed subdivision and surrounding properties within 1,000 feet, showing streets and other features.** This is not provided.
- d.
1. **The names and addresses of all owners of property within 1,000 feet of the proposed platted area. The applicant may submit the same list of owners of property within 1,000 feet submitted for the zoning application.** This has been submitted by the applicant.
 2. **For subdivisions proposed to contain single family development, the minimum dwelling size shall be met.** Single Family development is not being proposed.

Recommendation by Planning Staff

Staff recommends approval of the preliminary plat with the following conditions:

1. Applicant shall provide dimensions of Wolf Creek Parkway from the centerline to the right-of-way line.
2. Applicant shall show an existing Suburban Water Inc. easement across replatted Lots 4, 5, 6, 7, and Tract B.



SUBURBAN WATER, INC.

http://suburbanwaterinc.com
1716 N. 155TH STREET, P.O. BOX 147
BASCHOR, KS 66007
TELEPHONE 913.221.1800 FAX 913.734.1805

February 1, 2012

Mitch Pleak, PE
City Engineer
City of Baschor
2620 N. 155th Street
Baschor, KS 66007

RE: Wolf Creek Junction - 3rd Plat

This is to acknowledge receipt of you January 26, 2012 letter to us. Thank you for keeping us informed about the activities on this project. We have reviewed the Enclosures & Final Plat which accompanied your letter. This plat does not indicate Suburban Water's existing easement across replatted Lots 4, 5, 6, 7 and Tract B. Within this easement is an existing 12 inch water transmission main which may impact the development of some of these lots/tract. We suggest that as this project develops, the City's consulting engineer coordinate activities with Suburban Water.

SUBURBAN WATER

Bruce E. Hall PE
Director of Engineering

Affidavit in Proof of Publication

STATE OF KANSAS
Leavenworth County

(Published in the Basehor Sentinel, Thursday, February 16, 2012)

**PUBLIC HEARING NOTICE
CITY OF BASEHOR
PLANNING COMMISSION**

Erika Gray of the Legal Dept. of the Basehor Sentinel being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Leavenworth County, Kansas, with a general paid circulation on a weekly basis in Leavenworth County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Basehor Sentinel

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than one year prior to the first publication of said notice and been admitted at the post office of Basehor in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 02/16/2012 with publications being made on the following dates:

02/16/2012

Subscribed and sworn to before me this _____ day of _____, 2012

Notary Public

My Appointment expires _____



Publication Charges	\$63.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	\$63.00

Notice is hereby given that the Planning Commission of the City of Basehor, Kansas will hold a public hearing on Tuesday, March 6, 2012, at 7:00 PM, in the meeting room of City Hall, located at 2620 N. 155th Street, Basehor, Kansas to consider Wolf Creek Junction 3rd Plat submitted by Midamerican Investments, LLC. The proposed plat is located on the north side of US 24/40 between 150th Street and 155th Street. The property description is:

A parcel of land in the Southeast 1/4 and part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 11 South, Range 22 East, in the City of Basehor, Leavenworth County, Kansas being more particularly described as follows:

Commencing at the Southwest Corner of said Southeast 1/4 of said Section 2, thence along the South line of said Quarter Section N 88°29'35" E a distance of 523.52 feet, N 01°30'25" W, a distance of 126.92 feet to a point on the North right-of-way line of US Highway 24/40 as now established and the True Point of Beginning, said point being also the Southeast plat corner of "Wolf Creek Junction Phase 2", a subdivision of record at Plat Book 15, Page 97 at the Leavenworth County Register of Deeds office; thence N 01°51'07" W, a distance of 300.52 feet; thence S 88°30'12" West, a distance of 374.70 feet; thence along a curve to the right, having a radius of 470.00', an initial tangent bearing of N 58°41'49" W, an arc length of 269.04 feet to a point of reverse curve; thence along a curve to the left having a radius of 530.00 feet, an initial tangent bearing of N 58°41'49" W, an arc length of 57.96 feet; thence N 01°51'07" W, a distance of 310.90 feet; thence N 88°31'33", a distance of 1475.30 feet; thence S 00°46'36" W, a distance of 29.28 feet; thence N 88°11'09" E, a distance of 450.00 feet; thence S 74°50'40" E, a distance of 122.29 feet; thence S 60°32'39" E, a distance of 297.28 feet; thence N 88°11'09" E, a distance of 403.69 feet; thence S 23°05'35" W, a distance of 33.96 feet; thence along a non tangent curve to the right, having a radius of 395.00 feet, an initial tangent bearing of S 59°37'06" W, an arc length of 262.15 feet; thence S 59°37'06" W, a distance of 204.55 feet; thence along a curve to the left, having a radius of 280.00 feet, an initial bearing of S 59°37'06" W, an arc length of 228.04 feet to a point on said North Highway 24/40 right-of-way; thence along said right-of-way line S 86°12'59" W, a distance of 403.87 feet; thence N 82°53'33" W, a distance of 202.24 feet; thence S 82°40'21" W, a distance of 201.57 feet; thence S 88°31'28" W, a distance of 710.76 feet to the True Point of Beginning, containing 33.20 acres more or less.

All persons who desire to comment for or against said application are invited to appear at the time and place mentioned above. Copies of the application and full legal description are available for review during normal business hours at Basehor City Hall. Questions about the application may be directed to Mitch Pleak, City Engineer at 913-724-1370.

PLANNING COMMISSION
CITY OF BASEHOR, KANSAS

CITY OF BASEHOR

Planning & Zoning Department
 2620 N. 155th Street, PO Box 406, Basehor, KS 66007
 Phone: 913-724-1370 Fax: 913-724-3388
 www.basehor.org



APPLICATION FORM

Project Name & Description Replat of Wolf Creek Junction - Phase 2		Total Site Acreage 33.20	Present Zoning CP 2
Legal Description (May be attached as separate sheet) All of Wolf Creek Ph 2 - Lots 1,2,3,4,5,6,7,8,9,10,11, Tract A and Tract B		Proposed Zoning CP-2	
Project Address / General Location NW Corner of US 24-40 and 150th Street		Presubmittal Date 1/9/2012	
Parcel ID Number (CAMA Number) 181020000027300		Floor Area Classification	
Property Owner Name Midamerican Investments	Phone	Fax	
Property Owner Address 400 Buy Street, Tonganoxie, Kansas 66086-9501	City	State	Zip
Applicant's Name (if different from above) Damon New	Phone 913.845.2500	Fax 913.845.2991	
Applicant's Address Same	City	State	Zip
Applicant's mobile phone	Property Owner and/or Applicant's E-mail address damonn@firststateks.com		

APPLICATION TYPE	
<input type="checkbox"/> Annexation	<input type="checkbox"/> Preliminary Development Plan (Submit Sheet A)
<input type="checkbox"/> Rezoning (Submit Sheet A)	<input type="checkbox"/> Final Development Plan (Submit Sheet A)
<input type="checkbox"/> Conditional Use Permit (Submit Sheet A)	<input type="checkbox"/> Lot Split
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Variance (Submit Sheet B)	<input checked="" type="checkbox"/> Final Plat / Replat

PROJECT INFORMATION	
Existing Use <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____	
Proposed Use <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Other _____	

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)			
Total Site Area	Existing Floor Area	Existing Building Footprint	Open Space Area
No. of Buildings	Proposed Floor Area	Proposed Building Footprint	Pavement Coverage

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY			
Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size

Property Owner/Agent Consent – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

X M. Midamerican Investments, LLC
1-25-12
 Signature Date

Office Use Only	[] Filing Fee \$ <u>1000</u>	[] Received by <u>Kolmo</u>	[] # of Plans _____
	[] Attached Legal Description	[] Property Ownership List	

CITY OF BASEHOR

Planning & Zoning Department
2620 N. 155th Street, PO Box 406, Basehor, KS 66007
Phone: 913-724-1370 Fax: 913-724-3388
www.basehor.org



Please respond to the following questions to the best of your knowledge (Attach additional sheets if needed)

1. Reason for This Request? Re-platting property for right of way to match public road as-built.

2. What Is the Suitability of Subject Property for the Uses to Which it Has Been Restricted? _____
Unchanged from existing zoning

3. To What Extent Will Removal of Restrictions Detrimentally Affect Nearby Property? _____
Unchanged from existing zoning.

4. What Is the Relative Gain to the Public Health, Safety, and Welfare by the Destruction of the Value of the Petitioner's Property as Compared to the Hardship Imposed upon the Individual Landowners? _____
Re-platting property for right of way to match public road as-built.

5. How Does Your Request Conform with the Comprehensive Plan? _____

If the application is for a Development Plan (Planned Residential, Planned Industrial or Mixed Use) please provide the following additional information.

1. Please provide a statement regarding why the development plan would be in the public interest. _____

2. Please provide a statement with regard as to why the PUD would be consistent with the statement of Objectives for Planned Unit Development as found in Section 20-1002. _____

**Agenda Item No. E2
Planning Commission – March 6, 2012**

Consider the Final Wolf Creek Junction 3rd Plat submitted by Midamerican Investments, LLC.

Narrative

A staff report and other supporting information is provided in the agenda packet.

Staff will be available for discussion at the meeting.

The City Council may consider this item on April 2, 2012.

Staff Recommendation

Staff recommends approval of the final plat with the following conditions:

1. City Council approves the preliminary plat.
2. Title insurance certification shall be submitted by the applicant and verified by the City Clerk.
3. Certification by the County Treasurer showing that all due or unpaid taxes have been paid in full.
4. Applicant shall revise the City Council and City Engineer certificate to reflect the City of Basehor.
5. The error of closer shall not be more than 1 in 10,000.
6. City Council approve a subdivision improvement agreement.
7. Applicant shall provide dimensions of Wolf Creek Parkway from the centerline to the right-of-way line.
8. Applicant shall show an existing Suburban Water Inc. easement across replatted Lots 4, 5, 6, 7, and Tract B.
9. A bearing shall be added to complement the distance of 523.52' after the point of commencement.
10. A distance shall be added to complement N2°04'33"W to the center section north of Lot 1.

Staff Report

Date: February 13, 2012

Subject: Consideration of a Final Plat for Wolf Creek Junction, 3rd Plat a replat of Wolf Creek Junction – Phase 2 Plat submitted by Midamerican Investments, LLC on the following described property:

A parcel of land in the Southeast ¼ and part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 11 South, Range 22 East, in the City of Basehor, Leavenworth County, Kansas containing 33.20 acres.

GENERAL INFORMATION

Applicant: Midamerican Investments, LLC

Owner: Midamerican Investments, LLC

Address: 400 Bury Street
Tonganoxie, Kansas 66086

Engineer: MHS

SITE INFORMATION

Location: North side of US 24/40 between 155th Street and 150th Street.
Current Zoning: "CP-1" Neighborhood Business District and "CP-2" General Business District.
Future Land Use Map: Commercial.

STAFF ANALYSIS

Site Characteristics:

The proposed plat is located on the north side of US 24/40, between 155th Street to 150th Street. The property is currently platted under Wolf Creek Junction – Phase 2 Plat containing 33.20 acres. The proposed plat contains 8 lots. Lot 3 is developed and owned by Orscheln Farm & Home, LLC. The remaining lots are vacant.

Character of Neighborhood:

Property surrounding the proposed plat contains vacant and single family residential zoning toward the north and east. US 24/40 lay on the south side of the plat. Commercially zoned properties are located toward the west of the plat.

Adjacent Property:

	<u>Zoning</u>	<u>Use</u>
North:	"R-0" & "R-1"	Suburban and Single Family Residential
South:	"CP-2", "R-3", "NBHD", & "RR 2_5"	Commercial, Multifamily, Business, & Rural Residential
East:	"R-0"	Suburban Residential
West:	"CP-2"	Commercial

Conformance with the Comprehensive Plan:

The property located in the proposed plat is zoned "CP-1" Neighborhood Business District and "CP-2" General Business District. Per the Comprehensive Plan, the area is designated to be commercial. The proposed plat meets the Comprehensive Plan.

Traffic Impact:

Access to the proposed plat will be thru Wolf Creek Parkway. Wolf Creek Parkway is constructed and runs between 155th Street to 150th Street. 153rd Street is constructed from the north subdivision line to the south right-of-way line of Wolf Creek Parkway. Vacated right-of-way within the proposed plat includes 153rd Street from Wolf Creek Parkway to the south subdivision line and Wolf Creek Parkway right-of-way corrected alignment located at the east subdivision line. Wolf Creek Parkway alignment correction matches the existing Wolf Creek Parkway. No new streets are being proposed for construction with the Wolf Creek Junction 3rd Plat.

Drainage Impact:

Stormwater infrastructure is already in place as part of the Wolf Creek Junction – Phase 2 Plat.

Subdivision Regulation Requirements:

The items to be included on the final plat per the Subdivision Regulations requirements:

1. The lines and names of all proposed streets or other ways or easements, and other open spaces intended to be dedicated for public use or granted for use of inhabitants of the subdivision. **This was provided by the applicant and shown on the plat.**
2. Lines and names of all adjoining streets within 200 feet. **This is shown within the submitted plat.**
3. Metes and bounds describing the plat and the contents within the plat associated with any lots, easements, and tracts of lands. This information shall be represented in a way that any lot line can be located in the field. **This is provided within in the submitted.**
4. The location of all building setback lines. **This is provided within the submitted plat.**
5. Suitable primary control points. **This is provided within the submitted plat.**
6. Location and elevation of a permanent benchmark. **A permanent benchmark is described on the plat.**
7. The location of all permanent monuments with the distances and bearings plainly marked. **This is provided within the submitted plat.**
8. Date of preparation, title, north point, and scale shall be included with the plat. **This is provided within the submitted plat.**
9. Error of Closure. **The perimeter of the plat is under 10,000 feet. Per the subdivision regulations the error allowed is 1 ft in 10,000 ft. The error of closure for the plat is 1 ft in 855.4546 ft, which is not adequate.**
10. Identification system for all lots and blocks, and the area in square feet of each lot. **This is provided within the submitted plat.**

11. Certification of the land surveyor preparing the plat, seal, and signature. **This is provided within the submitted plat.**
12. Acknowledgement of a notary. **This is provided within the submitted plat.**
13. A certification of the Planning Commission showing its approval of the plat. **Applicant shall revise the City Council and City Engineer certificate to reflect the City of Basehor.**
14. The approval of the City Council. **Action has not been taken.**
15. The certificate of the Register of Deeds. **This is provided.**
16. The title insurance certification showing that the proposed sub divider owns all the property within the plat and that it is free from encumbrances and liens. **The applicant has yet to submit the title insurance certification.**
17. Statement by the owner dedicating streets, rights-of-way, and sites for public use. **This is shown within the submitted plat.**
18. Such other certificates, affidavits, endorsements, or dedication as may be required by the Planning Commission in the enforcement of these Regulations. **Action has not been taken by the Planning Commission.**
19. Purpose for which sites, other than residential lots, are dedicated or reserved. **Not applicable.**
20. Proper margins and lettering on the sheet that contains the plat. **Margins and lettering are properly shown.**
21. Legal description of the subdivision. **This was submitted with the plat.**
22. Public improvement plans associated with the final plat. **Not applicable.**
23. Certification by the County Treasurer showing that all due or unpaid taxes have been paid in full. **Applicant has yet to submit certification by the County showing that all due or unpaid taxes have been paid in full.**
24. A copy of the homeowners association. **Not applicable.**
25. Subdivision Improvements Agreement. **A subdivision improvement agreement exists with the Wolf Creek Junction, Phase 2 Plat. Staff recommends a subdivision improvement agreement be adopted for the Wolf Creek Junction, 3rd Plat.**

Recommendation by Planning Staff

Staff recommends approval of the final plat with the following conditions:

1. City Council approves the preliminary plat.
2. Title insurance certification shall be submitted by the applicant and verified by the City Clerk.
3. Certification by the County Treasurer showing that all due or unpaid taxes have been paid in full.
4. Applicant shall revise the City Council and City Engineer certificate to reflect the City of Basehor.
5. The error of closer shall not be more than 1 in 10,000.
6. City Council approve a subdivision improvement agreement.
7. Applicant shall provide dimensions of Wolf Creek Parkway from the centerline to the right-of-way line.
8. Applicant shall show an existing Suburban Water Inc. easement across replatted Lots 4, 5, 6, 7, and Tract B.
9. A bearing shall be added to complement the distance of 523.52' after the point of commencement.
10. A distance shall be added to complement N2°04'33"W to the center section north of Lot 1.

CITY OF BASEHOR

Planning & Zoning Department
 2620 N. 155th Street, PO Box 406, Basehor, KS 66007
 Phone: 913-724-1370 Fax: 913-724-3388
 www.basehor.org



APPLICATION FORM

Project Name & Description Replat of Wolf Creek Junction - Phase 2		Total Site Acreage 33.20	Present Zoning CP 2
Legal Description (May be attached as separate sheet) All of Wolf Creek Ph 2 - Lots 1,2,3,4,5,6,7,8,9,10,11, Tract A and Tract B		Proposed Zoning CP-2	
Project Address / General Location NW Corner of US 24-40 and 150th Street		Presubmittal Date 1/9/2012	
Parcel ID Number (CAMA Number) 181020000027300		Floor Area Classification	
Property Owner Name Midamerican Investments	Phone	Fax	
Property Owner Address 100 Bury Street, Tonganoxie, Kansas 66086-9501	City	State	Zip
Applicant's Name (if different from above) Damon New	Phone 913.845.2500	Fax 913.845.2991	
Applicant's Address Same	City	State	Zip
Applicant's mobile phone	Property Owner and/or Applicant's E-mail address damonn@firststateks.com		

APPLICATION TYPE	
<input type="checkbox"/> Annexation	<input type="checkbox"/> Preliminary Development Plan (Submit Sheet A)
<input type="checkbox"/> Rezoning (Submit Sheet A)	<input type="checkbox"/> Final Development Plan (Submit Sheet A)
<input type="checkbox"/> Conditional Use Permit (Submit Sheet A)	<input type="checkbox"/> Lot Split
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Variance (Submit Sheet B)	<input checked="" type="checkbox"/> Final Plat / Replat

PROJECT INFORMATION	
Existing Use <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____	
Proposed Use <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Other _____	

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)			
Total Site Area	Existing Floor Area	Existing Building Footprint	Open Space Area
No. of Buildings	Proposed Floor Area	Proposed Building Footprint	Pavement Coverage

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY			
Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size

Property Owner/Agent Consent – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

X <u>M. Midamerican Investments, LLC</u> Signature <u>1-25-12</u> Date	Office Use Only <input checked="" type="checkbox"/> Filing Fee \$ <u>1000</u> <input checked="" type="checkbox"/> Received by <u>Kohler</u> <input type="checkbox"/> # of Plans _____ <input type="checkbox"/> Attached Legal Description <input type="checkbox"/> Property Ownership List
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CITY OF BASEHOR

Planning & Zoning Department
2620 N. 155th Street, PO Box 406, Basehor, KS 66007
Phone: 913-724-1370 Fax: 913-724-3388
www.basehor.org



Please respond to the following questions to the best of your knowledge (Attach additional sheets if needed)

1. Reason for This Request? Re-platting property for right of way to match public road as-built.

2. What Is the Suitability of Subject Property for the Uses to Which it Has Been Restricted? Unchanged from existing zoning

3. To What Extent Will Removal of Restrictions Detrimentally Affect Nearby Property? Unchanged from existing zoning.

4. What Is the Relative Gain to the Public Health, Safety, and Welfare by the Destruction of the Value of the Petitioner's Property as Compared to the Hardship Imposed upon the Individual Landowners? _____

Re-platting property for right of way to match public road as-built.

5. How Does Your Request Conform with the Comprehensive Plan? _____

If the application is for a Development Plan (Planned Residential, Planned Industrial or Mixed Use) please provide the following additional information.

1. Please provide a statement regarding why the development plan would be in the public interest. _____

2. Please provide a statement with regard as to why the PUD would be consistent with the statement of Objectives for Planned Unit Development as found in Section 20-1002. _____

Affidavit in Proof of Publication

STATE OF KANSAS
Leavenworth County

(Published in the Basehor Sentinel, Thursday, February 16, 2012)

**PUBLIC HEARING NOTICE
CITY OF BASEHOR
PLANNING COMMISSION**

Erika Gray of the Legal Dept. of the Basehor Sentinel being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Leavenworth County, Kansas, with a general paid circulation on a weekly basis in Leavenworth County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Basehor Sentinel

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than one year prior to the first publication of said notice and been admitted at the post office of Basehor in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks the first publication thereof being made as aforesaid on 02/16/2012 with publications being made on the following dates:

02/16/2012

Erika Gray
Subscribed and sworn to before me this 16th day of Feb 2012
[Signature]
Notary Public
My Appointment expires 3-15-2015



Notice is hereby given that the Planning Commission of the City of Basehor, Kansas will hold a public hearing on Tuesday, March 6, 2012, at 7:00 PM, in the meeting room of City Hall, located at 2620 N. 155th Street, Basehor, Kansas to consider Wolf Creek Junction 3rd Plat submitted by Midamerican Investments, LLC. The proposed plat is located on the north side of US 24/40 between 150th Street and 155th Street. The property description is:

A parcel of land in the Southeast 1/4 and part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 11 South, Range 22 East, in the City of Basehor, Leavenworth County, Kansas being more particularly described as follows:

Commencing at the Southwest Corner of said Southeast 1/4 of said Section 2, thence along the South line of said Quarter Section N 88°29'35" E a distance of 523.52 feet, N 01°30'25" W, a distance of 126.92 feet to a point on the North right-of-way line of US Highway 24/40 as now established and the True Point of Beginning, said point being also the Southeast plat corner of "Wolf Creek Junction Phase 2", a subdivision of record at Plat Book 15, Page 97 at the Leavenworth County Register of Deeds office; thence N 01°51'07" W; a distance of 300.52 feet; thence S 88°30'12" West, a distance of 374.70 feet; thence along a curve to the right, having a radius of 470.00', an initial tangent bearing of N 58°41'49" W, an arc length of 269.04 feet to a point of reverse curve; thence along a curve to the left having a radius of 530.00 feet, an initial tangent bearing of N 58°41'49" W, an arc length of 57.96 feet; thence N 01°51'07" W, a distance of 310.90 feet; thence N 88°31'33", a distance of 1475.30 feet; thence S 00°46'36" W, a distance of 29.28 feet; thence N 88°11'09" E, a distance of 450.00 feet; thence S 74°50'40" E, a distance of 122.29 feet; thence S 60°32'39" E, a distance of 297.28 feet; thence N 88°11'09" E, a distance of 403.69 feet; thence S 23°05'35" W, a distance of 33.96 feet; thence along a non tangent curve to the right, having a radius of 395.00 feet, an initial tangent bearing of S 59°37'06" W, an arc length of 262.15 feet; thence S 59°37'06" W, a distance of 204.55 feet; thence along a curve to the left, having a radius of 280.00 feet, an initial bearing of S 59°37'06" W, an arc length of 228.04 feet to a point on said North Highway 24/40 right-of-way; thence along said right-of-way line S 86°12'59" W, a distance of 403.87 feet; thence N 82°53'33" W, a distance of 202.24 feet; thence S 82°40'21" W, a distance of 201.57 feet; thence S 88°31'28" W, a distance of 710.76 feet to the True Point of Beginning, containing 33.20 acres more or less.

All persons who desire to comment for or against said application are invited to appear at the time and place mentioned above. Copies of the application and full legal description are available for review during normal business hours at Basehor City Hall. Questions about the application may be directed to Mitch Pleak, City Engineer at 913-724-1370.

PLANNING COMMISSION
CITY OF BASEHOR, KANSAS

Publication Charges	\$63.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	\$63.00

* 2 0 0 9 R 0 1 1 4 9 7 *
Doc #: 2009R01149
STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY
RECORDED ON
02/04/2009 02:38PM
RECORDING FEE: 32.00
INDEBTEDNESS: 0.00
PAGES: 7

SUBDIVISION IMPROVEMENTS AGREEMENT

THIS AGREEMENT, entered into on the 17th day of Sept., 2007, by and between the City of Basehor, Kansas, hereinafter known as the "City" and Benchmark Management, LLC./Basehor Properties, LLC., hereinafter known as the "Developer", witnesseth that;

WHEREAS, the developer has requested the City to permit the platting of a tract of land known as Final Plat of Wolf Creek Junction, Phase II, and further described as a 33.20 acre tract of land located mostly in the Southeast Quarter of Section 2, Township 11 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas.

WHEREAS, the City has approved such platting as being in compliance with requirements of the Zoning Ordinance and Subdivision Regulations in force by the City; and,

WHEREAS, the developer, its vendors, grantees, assigns, successors, trustees, and all others holding any interest now or in the future, agree and enter into this contract which shall operate as a covenant running with the land and be binding upon the developer and his/her representatives;

NOW, THEREFORE, the City and developer, in consideration of the mutual covenants and agreements contained herein do mutually agree as follows:

A. Description of Public Improvements:

1. Sanitary Sewer:

Construction of approximately two thousand, five hundred and seventy-eight (2,578) lineal feet of eight-inch (8") gravity sewer; fourteen (14) manholes and one hundred twenty-five (125) lineal feet of service lines.

2. Streets, Curb and Gutter:

Wolf Creek Parkway

Construction of approximately one thousand eight hundred forty-seven (1,847) lineal feet of street, which will be thirty-six (36) feet wide, back-of-curb to back-of-curb (BOC) and ten inch (10") depth asphaltic concrete, over six-inch (6") compacted subgrade.

153rd Street

Construction of approximately five hundred seventy-one (571) lineal feet of street, which will be thirty (30) feet wide BOC and nine-inch (9") depth asphaltic concrete, over six-inch (6") compacted subgrade.

18' 7 1/2"
BC 14 7/11

3. Storm Sewer:

Storm sewers and storm drainage structures consist of twenty (20) curb inlets of various sizes; and twelve (12) end sections of various sizes. Underground piping shall consist of approximately one thousand six hundred and twenty-nine (1,629) linear feet of reinforced concrete piping and approximately one thousand four hundred sixty-eight (1,468) linear feet of HDPE pipe.

4. Sidewalks:

Wolf Creek Parkway

Construction of approximately three thousand five hundred and sixty (3,560) lineal feet of five (5) foot sidewalk, which will include sidewalk on both sides of the street. Sidewalks will be ADA compliant and contain handicap ramps at all intersections with streets. All sidewalks are to be constructed at the time of public improvement construction or with the construction of individual lots.

153 Street

Construction of approximately five hundred ninety (590) lineal feet of five (5) foot sidewalk, which will include sidewalk on one side of the street. Sidewalks will be ADA compliant and contain handicap ramps at all intersections with streets. All sidewalks are to be constructed at the time of public improvement construction or with the construction of individual lots.

B. Engineering Drawings:

Drawings shall be prepared in accordance with Chapter IV, Sections 4-101, 4-102, 4-106, and 4-107 of the Subdivision Regulations and the most recent adopted edition of the City of Basehor Technical Specifications for Public and Private Improvements. All drawings shall be submitted, reviewed, and approved before a construction permit will be issued for construction of the public improvements.

C. Bonding:

The developer, through his contractors, has elected to provide a performance bond in the form of a corporate surety in the amount of 125% (one-hundred-twenty-five percent) of the construction costs as based on the City Engineer's estimate, or as based upon the actual construction contract amount if provided by the developer and agreed upon by the City Engineer. Once the improvements have been completed, a maintenance bond in the amount of 25% (twenty-five percent) of the construction costs shall be filed with the City Clerk, prior to the acceptance of the improvements by the city. The maintenance bond will be in effect for a period of two years following the date of acceptance of the public improvements. At the end of the two-year period of the maintenance bond, a subsequent inspection of the public improvements will be conducted prior to the release of the maintenance bond.

Sept, 2007

The maintenance bond will not be released until any deficiencies have been corrected and all sidewalks across vacant lots, where sidewalks are required, have been constructed.

D. Construction of Public Improvements:

All public improvements will be constructed in accordance with Chapter IV, Sections 4-102, 4-106, and 4-107 of the Subdivision Regulations of the City of Basehor and the most recent adopted edition of the City of Basehor Technical Specifications for Public and Private Improvements. No construction shall begin until all the below requirements have been met:

1. This Subdivision Improvements Agreement has been properly executed;
2. The engineering drawings have been approved by the City and City Engineer;
3. The required fees have been paid;
4. A five-day notice has been provided to the City Engineer and the City before commencement of construction activities.

E. Inspection of Public Improvements:

1. Quality control of the sanitary sewer system shall be the responsibility of the developer and will be accomplished in accordance with the requirements of the Kansas Department of Health and Environment. Continuous observation of all active phases of construction and quality assurance inspections shall be performed by the City Engineer or his/her designee. The City Superintendent will be notified prior to air testing of the new sewer line sections, vacuum testing of manholes, mandrel testing of new lines. All new lines installed and existing sewer lines which require a tap and saddle connection in association with this phase of the development shall have a videotape inspection done prior to the release of the maintenance bond. All costs associated with the inspection, videotaping, and testing of the sewer lines shall be bore by the developer. Such testing shall proceed only after permission is granted by the City Superintendent, and will only be accomplished with the City Superintendent or a designated representative present during the actual testing and video-taping.
2. Quality control for construction of the public improvements to include storm sewer, drainage, street sub-base, curb and gutter, pavement of the streets and cul-de-sacs, and sidewalks constructed as part of the public improvements, will be the responsibility of the developer. Quality assurance inspections will be performed by the City Engineer or his/her designee. **The developer shall pay for inspection personnel furnished by the City, under the supervision of the City Engineer, on all improvements constructed by the developer as contractor or subcontractor. The fees shall be as billed per invoices supplied to the City from the personnel providing the quality assurance inspections.** The developer shall keep the City informed as to what work is in progress, and will specifically notify the City and City Engineer prior to:
 1. Placement of any storm drain collection and junction boxes;
 2. Placement and backfilling of any storm sewer piping;

Sept, 2007

3. Placement of any asphalt, whether it be base course or final course;
4. Placement of any curb and gutter, and sidewalks.

F. Erosion Control:

Control of erosion during all phases of construction of the Public and Private Improvements shall be the responsibility of the developer. Control of erosion during the construction of structures within the development shall be the responsibility of the developer and builder until an occupancy certificate is issued. Erosion control measures shall include silt fencing, straw bale silt protection, gravel filter bags, and drainage swales. A design and layout of the erosion control measures have been included in the engineering drawings. Silt fences and straw bale silt protection will be installed to prevent silt from entering all creek tributaries, as needed and as required per plans.

During the construction of the sanitary sewer and storm sewers, erosion control will be provided to prevent siltation in all manholes, drainage piping, and inlet boxes. Upon completion of the streets, gravel filter bags will be installed and maintained at all storm box inlets. Additional silt fencing and straw bale silt protection shall be installed at any location where silt is likely to wash into a completed street. Such erosion protection shall be maintained until a suitable ground cover has been established.

Once construction has started on individual lots, the City will insure that the developer and builders construct erosion protection for each individual lot as necessary, and maintain such until the residence or commercial structure is completed and the ground cover is established throughout the entire yard area.

Erosion control measures will be routinely inspected by the City Superintendent and/or Planning Department. Failure to maintain adequate erosion control will be reason to direct that work in process be ceased until such protection measures have been properly installed or repaired.

G. Parkland Fee Assessment:

The developer shall contribute to the Park Fund a sum as set out by separate Resolution of the Governing Body as per Chapter IV, Section 4-109 of the Subdivision Regulations of the City of Basehor. Developer has elected to have the Parkland Fee collected at the time of issuance of a building permit for each lot.

H. Transportation Excise Tax:

The developer shall pay to the City of Basehor for all real property with a single-family residential, duplex residential, multi-family residential, commercial, or industrial zoning, a tax equal to the areas of the real property (square footage) included in the plat multiplied by the current tax rate. The tax owed for all real property with a multi-family residential, commercial, or industrial zoning or use shall pay the appropriate amount before Governing Body approval.

Sept, 2007

**Total Transportation Excise Tax due for Wolf Creek Junction, Phase II is
\$41,791.46, calculated as follows:**

10.66 acres of sellable property (464,350 sq. ft.) @ .09 per sq. ft.
(This includes only the property known as the Cole property that was rezoned in 2006 and excludes public street rights-of-way and Tracts A and B, which are dedicated for stormwater management. The excise tax on the remaining property was paid previously with Wolf Creek Junction, Phase I).

The excise tax will be collected prior to recording of the final plat.

I. Landscaping:

All landscaping shall be in accordance with Section 21 of the City of Basehor Zoning Ordinance and the City of Basehor Commercial Development Guidelines. All landscaping shall be installed in conjunction with the installation and construction of all public and private improvements. **No Occupancy Permit shall be issued until all required landscaping is complete.**

J. Maintenance of Lots and Common Areas (Medians and Detention Area):

The developer is responsible for the ownership and maintenance of all fixtures, signage, and landscaping in all areas designated as common areas, private improvement areas, or constructed as a type of median. The owner will be responsible for the maintenance of all lots in the subdivision, until such time as an occupancy certificate is issued to the individual homeowners or property owner. This will include:

1. Providing a suitable ground cover to prevent erosion, the mowing of the ground cover, and control of weeds in the development;
2. Maintaining all building lots in such a manner as to eliminate the build-up of trash and construction debris;
3. Providing and maintaining appropriate erosion control measures such as silt fences, bale ditch checks, and gravel-filled bags to prevent mud and trash from entering the public streets and storm sewers.

K. Protection of Existing Improvements:

The developer shall be required to designate all roadways to be used as access to the site by construction equipment for the construction of all improvements in the development. The City Superintendent shall videotape all roadways designated by the developer for the purpose of verifying the existing condition of the designated roadways. This videotape shall then be used to determine if deterioration of the roadbed and surface has occurred due to the construction traffic created by the development. The developer shall be responsible for any damage, labor, materials, and costs necessary to restore the roadbed and surface to its condition prior to the initiation of development construction.

Sept, 2007

L. Building Permits:

Building Permits will be issued when **all** of the following conditions have been met:

1. The Final Plat has been filed at the Leavenworth County Register of Deeds Office.
2. Sanitary sewers have been installed, inspected, and accepted.
3. All storm sewer systems, and curb and gutter are in place.
4. Water lines and fire hydrants are installed and operational.
5. All erosion control measures are in place.
6. The individual residential and commercial building plans and site plans have been reviewed and approved and all fees have been paid.
7. **All fees for plan review (including preliminary & final plats, development plans, improvement plans, etc.) and quality assurance construction inspections are paid current to date of Building Permit Application.**

Foundation permits may be issued prior to the completion of item #4 above provided all other conditions have been met. No wood construction will be allowed to take place prior to all of the above conditions being met.

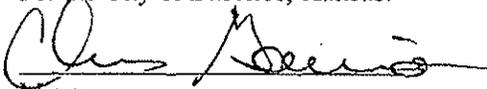
M. Occupancy Permits:

No Temporary or Final Certificate of Occupancy will be issued to any builder or homeowner in the development until all required work on the structure has been completed and the structure has passed final inspection by the City, all public improvements have been accepted by the City, and all inspection fees have been paid.

This agreement is not all-inclusive of the requirements of the City, nor does it relieve the developer from the requirements not expressly identified in this agreement that are required by the Zoning Ordinance, Subdivision Regulations, and the Basehor City Code.

If any legal action or other proceeding is brought for the enforcement or interpretation of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions of this agreement, the prevailing party in any such action or proceeding shall be entitled to recover its costs of suit, including reasonable attorneys' fees.

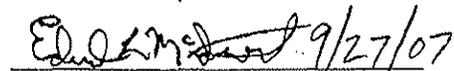
For the City of Basehor, Kansas:



Mayor

9/27/07
Date

For the developer:

 9/27/07

Signature/Title Date

Signature/Title Date

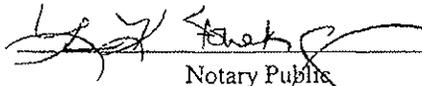
Wolf Creek Junction Subdivision Agreement

STATE OF Kansas

COUNTY OF Leavenworth

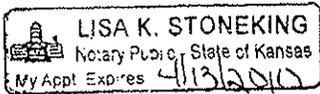
BEFORE ME, the undersigned authority, on this day personally appeared Edward L. McIntosh, known to me to be the person/s whose name/s is/are subscribed to the foregoing instrument and who acknowledged to me that he/she/they executed the same for the uses, purposes and considerations therein expressed as his/her/their free and voluntary act and deed.

Given under my hand and seal of office this the 21th day of September, 2007



Notary Public

My Commission Expires



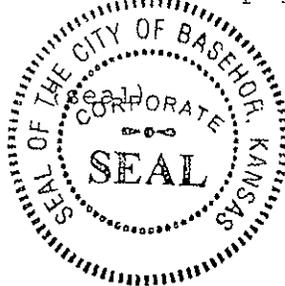
CERTIFICATION

I, Mary A. Mogle, city clerk for the city of Basehor, Kansas hereby certify the attached Wolf Creek Junction Subdivision to be a true and original document. I further certify that I attested the mayor's signature shown on page 6 of 6.

ATTEST



Mary A. Mogle, City Clerk



Open Agenda

Reports from Special Committees

City Engineer's Report

Adjournment

