

**Planning Commission
City of Basehor, Kansas**

Tuesday, June 3, 2014



City Hall Council Chambers

Regular Meeting – 7:00 p.m.

AGENDA
BASEHOR PLANNING COMMISSION
June 3, 2014
7:00 P.M.
Baschor City Hall

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of the Preceding Meeting
 - 1. **Minutes of the May 6, 2014 Planning Commission meeting.**
- D. Unfinished Business
- E. New Business
 - 1. **Public Hearing: Honeycreek Farms North – Request for Approval of a Zoning Change from CP-2 – General Business District to PR – Planned Residential District and Preliminary Development Plan – Located within Honeycreek Farms Plat – South of US-24/40 between 170th Street and 166th Street**
- F. Open Agenda
- G. Reports from Special Committees
- H. City Engineer's Report
- I. Adjournment

**Minutes of the May 6, 2014
Planning Commission Meeting**

MINUTES
BASEHOR PLANNING COMMISSION
May 6, 2014
BASEHOR CITY HALL

PLANNING COMMISSION MEETING
7:00 P.M.

A. Call to Order

Vice Chair Fred Farris called the meeting to order at 7:00 p.m.

Pledge of Allegiance

B. Roll Call

Members Present: Commissioners Ed Bush, John Matthews, John Flower, Terry Gall, Fred Farris.

Members Absent: Chair Jon Gallion, Tracey Hannah

Staff Present: Mitch Pleak, City Engineer and Connie Leggett, Utility Billing Clerk/Planning Secretary

C. Approval of Minutes

A motion was made by Commissioner Flower and seconded by Commissioner Gall to approve the January 7, 2014 minutes. Councilman Farris asked for a vote. Motion passed 5-0.

D. Unfinished Business – None

E. New Business –

1. Consider a short-form plat for the replat of Lot 5 and 6 of Parallel Park Subdivisions, submitted by Charles Breuer

Mark Breuer from 20041 Evans Road in Tonganoxie, representing the company Westland Construction, spoke on behalf of the two existing platted lots and combining the lots to meet the requirements of Basehor's Subdivision Regulations.

Commissioner John Flower asked about the drainage that used to be there and if there was a pipe that used to go through there and if it was filled over.

Commissioner Ed Bush made the motion to open the public hearing at 7:06 p.m. with Commissioner Terry Gall seconding the motion. Vice Chair asked for a vote and the motion passed 5-0.

Commissioner John Flower made the motion to close the public hearing and seconded by Commissioner Ed Bush. Vice Chair Fred Farris asked for a vote and the motion passed 5-0 and public hearing closed at 7:07 p.m.

Mitch Pleak presented the staff report regarding the application.

Commissioner John Matthews made the motion to approve the short-form plat and the motion was seconded by Commissioner Ed Bush. Vice Chair called the motion to a vote and the motion passed 5-0.

F. Open Agenda –

Mayor David Breuer addressed the Council and public about the retirement of Commissioner John Matthews from the Planning Commission. Mayor Breuer presented Commissioner Matthews with a plaque congratulating him for his 21 years of service on the Basehor Planning Commission.

Councilman Vernon Fields addressed the Planning Commission and the public on behalf of the City Council to express their “Thanks and Gratitude” to Commissioner Matthews for his years of service.

Commissioner Matthews stated that he would stay on until a replacement was found to take his position on the Planning Commission.

G. Reports from Special Committees –

Commissioner Matthews stated that he missed the last meeting and will be attending the next meeting for the Leavenworth County Planning Commission and that they have the same concerns and issues as the City of Basehor.

H. City Engineer’s Report –

Mitch gave his congratulations to Commissioner Matthews for serving on the Planning Commission.

Mitch stated that the pavement management is to start on the 1st of June for resealing the roads.

Commissioner Ed Bush expressed his thanks to Commissioner Matthews for serving on the Planning Commission.

Commissioner Flower wanted to express his concerns on the matter of 24/40 Corridor Study, also surrounding areas of influence when the permit for the Vet shop was approved, that is in the area of influence and that the County should have notified the City of Basehor about this and is asking to revisit with the County about the rules and regulations guidelines from both the County and KDOT.

Mayor Breuer expressed that there needs to be better communication between the County and the City of Baschor.

Mitch Pleak stated that he would research into the matter and report back to the Planning Commission.

I. Adjournment -

Commissioner Ed Bush made the motion to adjourn and Commissioner Jon Flower seconded. Vice Chair Fred Farris called for vote. Motion passed 5-0. There being no further discussion, the meeting was adjourned at 8:29 p.m. from Vice Chair Farris.

Submitted for approval with/**without** additions or corrections this 3th day of June, 2014.

Jon Gallion, Chair

Connie Leggett, Planning Secretary

Unfinished Business

New Business

**Agenda Item No. E1
Planning Commission – June 3, 2014**

Public Hearing: Honeycreek Farms North – Request for Approval of a Zoning Change from CP-2 – General Business District to PR – Planned Residential District and Preliminary Development Plan – Located within Honeycreek Farms Plat – South of US-24/40 between 170th Street and 166th Street submitted by Silver Lake Bank.

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 at their meeting on July 7, 2014.

Staff Recommendation

Staff recommends that the Planning Commission approve Honeycreek Farms North – request for approval of a zoning change “CP-2” to “PR” and Preliminary Development Plan, with the stipulations stated in the staff report.

HONEYCREEK FARMS NORTH – REQUEST FOR APPROVAL OF A ZONING CHANGE FROM CP-2- GENERAL BUSINESS DISTRICT TO PR- PLANNED RESIDENTIAL DISTRICT AND PRELIMINARY DEVELOPMENT PLAN - Located within Honeycreek Farms Plat - South of US-24/40 between 170th Street and 166th Street.

MEETING DATE: June 3, 2014
REPORT WRITTEN: May 28, 2014

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Honeycreek Farms North – request for approval of a zoning change “CP-2” to “PR” and Preliminary Development Plan, with the stipulations stated in the staff report.

APPLICANT:

- The applicant/owner is Silver Lake Bank.
- The engineer is Landplan Engineering.

REQUEST:

- The applicant is requesting approval to rezone 26 acres from “CP-2” General Business District to “P-R” Planned Residential District and Preliminary Development Plan to allow a mix of single family homes, townhomes and multifamily units.

ZONING:

- The property is currently zoned “CP-2” General Business District.

COMPREHENSIVE PLAN/FUTURE LAND USE MAP:

- The Comprehensive Plan designates this property as “CP-2” General Business District.

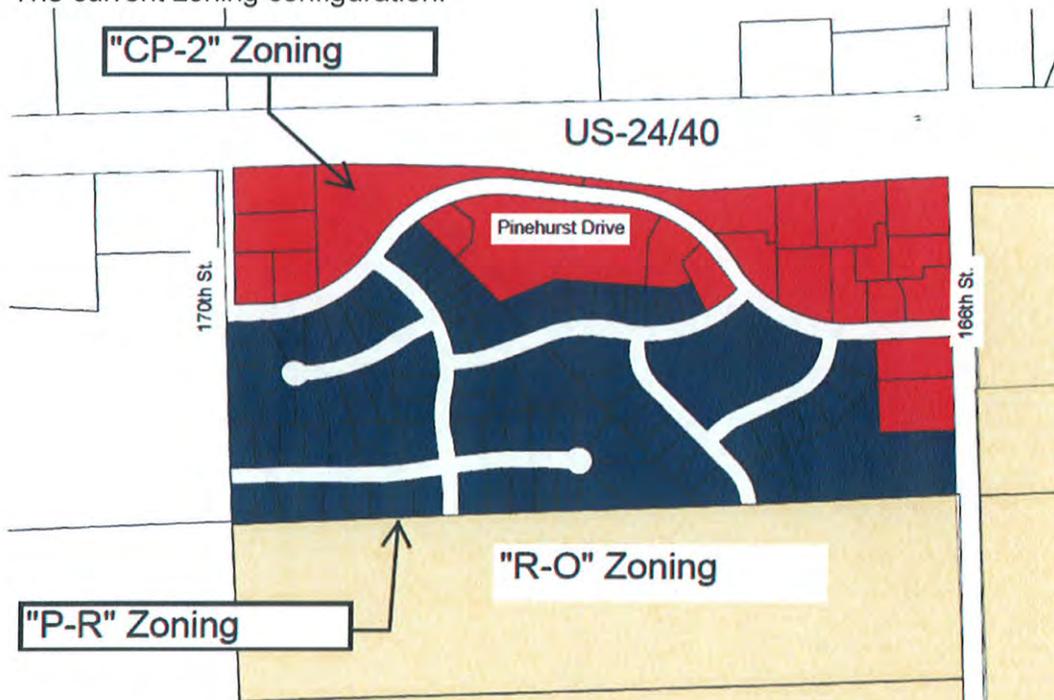
SURROUNDING ZONING:

- North The north property line abuts US-24/40. North of US-24/40 is zoned “RR-2.5” County Rural – Agricultural and Residential (2.5 acre minimum lots).
- South “R-O” Suburban Residential (1.0 acre minimum lots).
- East “R-O” Suburban Residential (1.0 acre minimum lots).
- West “PUD” County Planned Unit Development and “RR-2.5” County Rural – Agricultural and residential (2.5 acre minimum lots).

BACKGROUND:

Honeycreek Farms development was originally zoned in October of 2003 (Ordinance 426 and 427). The development contains approximately 48 acres of “P-R” Planned Residential District and 24 acres of “CP-2” General Business District (excluding right-of-way). The “P-R” Planned Residential District contains 83 single-family lots and 14 two-family lots (28 units). The “CP-2” General Business District contains 22 commercial lots.

The current zoning configuration:



Currently, the “CP-2” General Business District property within Honeycreek Farms is vacant. The subject property generally slopes to the east, toward Hog Creek on the east side of 166th St. The subject property abuts US-24/40, Pinehurst Drive, 170th St., and 166th St.

REZONING:

According to Article 18, Section 8 of the Basehor Zoning Ordinance, the factors to be used in determining approval or denial of an application for rezoning are as follows:

- **CHARACTER OF THE IMMEDIATE AREA** – The general character of the area outside of Honeycreek Farms is rural residential and agricultural. Honeycreek Farms consists of single-family homes, townhomes (2-plex), and vacant commercial lots. US-24/40 abuts the north side of Honeycreek Farms.
- **THE ZONING AND USES OF THE PROPERTY NEARBY** – The properties to the north are within the County and zoned “RR-2.5” Rural Residential (2.5 acre). The properties to the east are within the City and zoned “R-0” Suburban Residential. The properties to the south are within the City and zoned “P-R” Planned Residential. The properties to the west are within the County and zoned “PUD” Planned Unit Development/”RR-2.5” Rural Residential (2.5 acre). The Planned Unit Development towards the west is scheduled for single-family homes.
- **THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** – The property was zoned “CP-2” General Business District in 2003 as part of the Honeycreek Farms development. Areas surrounding the development have not been developed to date. Both Commercial and “P-R” Planned

Residential uses can be considered suitable given the surrounding zoning and location of US-24/40.

- **THE EXTENT TO WHICH REMOVAL OF THE PRESENT ZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** – Rezoning the property from “CP-2” General Business District to “P-R” Planned Residential District is generally positive due to the abutting property being “P-R” Planned Residential District. “P-R” Planned Residential District is more restrictive than “CP-2” General Business District, and the allowed uses will have less of an impact, even though several different dwelling types are allowed.
- **THE LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED** – The property has been vacant since it was platted in 2003.
- **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** – Denial of the request would not destroy the value of the petitioner’s property as it could continue to be marketed for a variety of commercial uses allowed under the current commercial zoning classification. However, approval of the request would not impose a hardship on the individual landowners when compared to the current zoning, and instead may have a beneficial impact on the individual landowners.
- **THE CONFORMANCE OF THE REQUESTED REZONING TO THE DULY ADOPTED COMPREHENSIVE PLAN** – The Comprehensive Plan’s future land use map identifies the subject property as “CP-2” General Business District.

The Comprehensive Plan states:

Planned Residential Districts shall contain a minimum 40 acres of land.

Planned Residential Districts shall contain a minimum of three (3) dwelling unit types (minimum ten percent (10% of the overall housing units to count). The different dwelling units include the following:

1. *Multi-family dwelling containing more than 4 units per building;*
2. *Single-family detached dwellings;*
3. *Single-family units served by alleys;*
4. *Two-family dwellings;*
5. *Triplexes, or four-plexes;*
6. *Assisted living;*
7. *Elderly housing.*

The existing development plan includes 83 single-family units, 28 two-family units, and 22 commercial lots. 33% of Honeycreek Farms Plat is currently commercial property.

With the proposed change Honeycreek Farms would include 90 single-family units, 66 two-family units, 120 multi-family units, and 2 commercial lots (2.22 acres) zoned "CP-2". The application would meet the dwelling unit requirements defined in the Comprehensive Plan.

PRELIMINARY DEVELOPMENT PLAN:

- Article 7, Section 5 of the Basehor Zoning Ordinance states that: *the purpose of the Planned Residential District is intended to provide for elements of flexibility in design, placement, arrangement, bulk, and other consideration; to provide a framework within which the buildings and uses in the planned district may be interrelated and compatible with the residential character of these developments areas and adjacent developments; and to maintain the desired overall intensity, efficiency in the provision of public facilities and services, and to provide protection for existing development while allowing new construction in accordance with current development and performance standards and density objectives.*
- The following is provided within the preliminary development plan:
 - 7 single-family homes located at the northwest side of the development. The proposed single-family homes abut existing single-family homes towards the south, County Rural Residential towards the west, and US-24/40 towards the north.
 - 19 Two-Family homes (38 units) are located at the north center of the development. The proposed Two-Family homes abut existing Two-Family homes toward the south and west, proposed Multi-Family towards the east, and US-24/40 towards the north.
 - 120 Multi-Family units are located at the northeast corner of the development. The proposed Multi-Family abuts the proposed Two-Family units and existing Single-Family homes towards the west and south, US-24/40 towards the north, rural residential towards the east, and vacant commercial property/single-family towards the south.
 - The extension of 169th Street to locate the proposed Single-Family homes.
 - Proposed Silver Circle Street to locate the proposed Two-Family homes.
 - 5' sidewalks proposed:
 - Pinehurst Drive.
 - 169th Street.
 - Silver Circle.
 - Decorative Fence along US-24/40.
 - Clubhouse and swimming pool for the Multi-Family development.

Density:

- There are 7 single-family homes on 4.89 acres which provides a density of 1.43 dwelling units/acre. A comparable density is "R-1" Single-Family Residential District with a density maximum of 3.5 dwelling units per acre.
- There are 19 townhomes (2-plex) (or 38 dwelling units) on 5.24 acres which provides a density of 7.25 dwelling units/acre. A comparable density is "R-2" Two-Family Residential district with a density maximum of 7 dwelling units per acre.
- There are 120 multi-family units on 10.20 acres which provides a density of 11.77 dwelling units/acre (15 buildings). A comparable density is "R-3" Multi-Family Residential District with a density maximum of 12 dwelling units per acre.

Bulk Regulations:

- The following table outlines the required bulk regulations per Article 7, Section 5 (c) of the Basehor Zoning Ordinance and what is provided with the application:

Criteria	Required	Provided
Front Setback Single-Family	35'	25'*
Front Setback Two-Family	35'	25'*
Front Setback Multi-Family	35'	35'
Side Setback Single-Family	12'	10'**
Side Setback Two-Family	12'	10'**
Side Setback Multi-Family	12'	25'
Rear Setback Single-Family	30'	30'
Rear Setback Two-Family	30'	30'
Rear Setback Multi-Family	30'	30'
Minimum District Size	2 Acres	26.1 Acres
Minimum Open Space %	25%	25%
Height Limit Single-Family	35'	29'
Height Limit Multi-Family	50'	32'

*A modification is requested as part of this application to reduce the front setback from 35' to 25' in coordination with the remaining development.

**A modification is requested as part of this application to reduce the side setback from 12' to 10' in coordination with the remaining development.

The yard regulations are proposed to be modified in accordance with Article 7, Section 5 (c) of the Basehor Zoning Ordinance.

Traffic:

- A traffic impact study was provided with the application. The study compared the development with no changes and with the proposed development plan. The study identifies the site-generated trips would significantly be reduced (65% during morning peak-hour and 80% during afternoon peak-hour) due to the property changing from commercial to planned residential. The study recommends:
 - The construction of a northbound right-turn lane on 166th Street at US-24/40.
 - Lengthening the existing westbound left-turn lane on US-24/40 at 166th Street.
 - Due to the reduction in site-generated trips, connection to 171st Street is not necessary in order for the revised development to function efficiently. Therefore, no improvements to the intersection of 171st Street and US-24/40 are recommended as the result of this development.
 - The construction of a northbound right-turn lane on 166th Street and lengthening the existing westbound left-turn lane on US-24/40 at 166th Street will alleviate the need for the installation of a traffic signal at 166th Street. The need for a signal, however, should be examined periodically as US-24/40 traffic corridor grows.

- Plans for the improvements to US-24/40 and 166th Street will be part of the Final Plat approval process and incoordination with KDOT.

Parking:

- Per Article 7, Section 5 (e) of the Basehor Zoning Ordinance, 2 off-street parking spaces shall be provided on the premises for each dwelling unit. The application provides 2 off-street parking spaces on the premises for each dwelling unit.

Signage:

- The applicant is proposing one monument sign for the Multi-Family development. The proposed sign is six (6) feet in height and sixty (60) square feet. The sign will be located at the entrance of Multi-Family development. The text consists of “The Reserve at Honeycreek Farms”. Per Article 8, Section 9 (6.2) of the Basehor Zoning Ordinance, one (1) monument sign shall be allowed per subdivision entrance. The sign shall not exceed six (6) feet in height and sixty (60) square feet.
- There is an existing subdivision sign located at 166th and Pinhurst Drive. There are no proposed changes to the existing sign.

Landscaping:

- The following table outlines the required landscaping per Article 21, Section 6 of the Basehor Zoning Ordinance and what is provided with the application:

Criteria	Required	Provided
Base Trees (16 trees per acre of usable open space)	105	111
Street Trees (1 every 50')	147	147
US 24/40 Street Trees (1 every 25')	106	107

Usable Open Space:

- 25% of the site shall be maintained as usable open space per Article 7, Section 5 (e) of the Basehor Zoning Ordinance. The application encompasses 26.08 acres and reports 6.80 acres or 25% of usable open space is provided.
- Article 6 of the Basehor Zoning Ordinance defines usable open space as: *Usable open space is land which is free of buildings, structures and other substantial improvements. The following examples are listed by way of illustration to indicate what may be counted as usable open with this definition: (1) outdoor swimming pool, swimming pool areas, hard surfaced recreation areas, and other recreation areas, provided these areas are not enclosed except for fences, canopies, bath houses, or other minor structures; (2) driveways that do not serve three or more parking spaces; (3) recreational facilities with ready access on flat roofs; (4) a maximum of one-half of the open space requirement may be satisfied by that portion of public or private right-of-way adjacent to the site and which at the ultimate expected pavement width for the classification of street will remain unpaved; (5) enclosed open space areas in shopping malls, including walkways.*

The following are examples of what may not be counted as usable open space: (1) roofs; (2) open parking areas; (3) parking structures; (4) slopes in excess of fifty percent (50%).

- It is Staff's opinion the location north of Pinchurst Drive between the east lot line of Lot 13 of Block 2 to 100 feet east of the west lot line of Lot 20 of Block 2 should not be counted as usable open space. The area is approximately 0.45 acres. However, the application did not include public right-of-way adjacent to the site that is not paved, which includes approximately 1.11 acres, and as a result, the application meets the open space requirements.

Drainage:

- The subdivision has an existing stormwater detention facility located at the southeast corner of the subdivision which included capacity for the commercial lots. Stormwater analysis report and design will be submitted with the final development plan.

Elevations:

- Preliminary elevations have been provided with the preliminary development plan. Final elevations will be provided with the final development plan application. Elevations shall be in accordance with Article 8, Section 8 of the Basehor Zoning Ordinance.
- Multi-Family
 - Three building forms are provided.
 - Each building side shall display 40 percent masonry materials as required.
 - Each building has an approximate height of 32 feet.
 - Clubhouse elevations will be submitted with the final development plan.
- Two-Family
 - Three building forms are provided.
 - Each building side shall display 40 percent masonry materials as required.
 - Each building has an approximate height of 29 feet.
 - A deviation is requested as part of this application to increase the allowed 9 feet garage door width and the allowed garage door length compared to the total length of the building front. The deviations are proposed in accordance with Article 8, Section 8 (3.2.2) of the Basehor Zoning Ordinance.
- Single-Family
 - No elevations are provided with the preliminary development plan, and not required under Article 8, Section 8 of the Basehor Zoning Ordinance.

Lighting:

- Location, number, and direction of illumination and intensity of all exterior lighting fixtures shall submitted with the final development plan.

Park Fees:

- The developer will be required to pay \$200 per residential unit for park fees, as required by the City's Subdivision Regulations. The total park fees associated with the development will be approximately \$33,000.

Transportation Excise Tax:

- May 10, 2004, Honeycreek Farms Subdivision plat and subdivision improvement agreement was approved by City Council. Per the subdivision improvement agreement, the total transportation excise tax due for the commercial zoned property within the plat was \$90,953.28 (23.2 acres excluding 4.81 acres of right of way and 43.82 acres of residential). \$90,953.28 was paid to the City on July 1, 2004.
- Transportation excise tax is collected at the final plat approval. At the time of final platting for the current application, staff will compare the all ready paid transportation excise tax to the proposed plat.
- Per Ordinance 387, payments previously made for the same land as part of a final plat shall be credited.

STAFF RECOMMENDATION:

Staff recommends approval of the application, with the following stipulations:

1. Prior to the issuance of a building permit for any buildings on the site, improvements to the intersection of 166th Street and US 24/40 shall be constructed. All improvements shall be approved by the City and Kansas Department of Transportation.
2. Prior to the issuance of a building permit for any buildings on the site, all public sidewalks within the development plan shall be constructed.
3. Prior to the issuance of a building permit for any buildings on the site, a final development plan shall be approved by the Planning Commission and City Council.
4. Prior to the issuance of building permit for any buildings the site, the property shall be preliminary and final platted, and the final plat recorded with the Leavenworth County Register of Deeds.

"CP-2" Permitted Uses Per Appendix A of the Baschor Zoning Ordinance.

CP-2 GENERAL BUSINESS PERMITTED USES	CP-2 GENERAL BUSINESS CONDITIONALLY PERMITTED USES
<ol style="list-style-type: none"> 1. ACCOUNTING and BOOKKEEPING SERVICES 2. ADVERTISING SERVICES 3. AIR CONDITIONING, REFRIGERATION EQUIP. and SUPPLIES - WHOLESALE 4. ALCOHOLIC BEVERAGES - WHOLESALE 5. AMPHITHEATERS 6. ANTIQUES - RETAIL 7. APPLIANCES -RETAIL and WHOLESALE 8. APPLIANCE REPAIR SERVICES 9. ARCADES 10. ARMED FORCES RESERVE CENTERS 11. AUDITORIUMS and EXHIBITION HALLS 12. AUTOMOBILE REPAIR SERVICES 13. AUTOMOBILE and TRUCK RENTAL 14. AUTOMOBILE PARTS - RETAIL 15. BAIT SHOPS 16. BANKING SERVICES 17. BARBER and BEAUTY SERVICES 18. BOOKS and NEWSPAPER DISTRIBUTING - WHOLESALE 19. BOWLING 20. BUILDING CONSTRUCTION CONTRACTORS 21. BUSINESS CONSULTING SERVICES 22. BUSINESS OFFICES NOT ELSEWHERE LISTED 23. BUSINESS ASSOCIATIONS 	<ol style="list-style-type: none"> 1. ADULT ENTERTAINMENT BUSINESSES 2. AMUSEMENT PARKS 3. ART GALLERIES 4. ARTIST STUDIOS 5. BAKERIES - RETAIL 6. BOOKS - RETAIL 7. BUS GARAGE and MAINTENANCE 8. CONFECTIONERY - RETAIL 9. CIGARETTES and CIGARS - RETAIL 10. DAIRY PRODUCTS - RETAIL 11. DRUG STORES 12. EXTERMINATING SERVICES 13. CARPET CLEANING and REPAIR 14. FISH and SEAFOOD - RETAIL 15. FLORISTS - RETAIL 16. GIFTS and NOVELTIES - RETAIL 17. GROCERIES and MEAT - RETAIL 18. HARDWARE and FARM SUPPLIES - RETAIL 19. HOBBY SUPPLIES - RETAIL 20. ICE - MANUFACTURING 21. LIQUOR - RETAIL 22. MAGAZINES and NEWSPAPERS - RETAIL 23. MOTOR VEHICLES and EQUIP. - RETAIL 24. PETS and PET GROOMING 25. PRODUCE - RETAIL 26. RACE TRACKS 27. WATER STORAGE FACILITIES

CP-2 GENERAL BUSINESS PERMITTED USES	CP-2 GENERAL BUSINESS PERMITTED USES
<p>24. BUS TERMINALS</p> <p>25. CAR WASH</p> <p>26. CEMETERIES and MAUSOLEUMS</p> <p>27. CHURCHES, SYNAGOGUES, and TEMPLES</p> <p>28. CIVIC, SOCIAL and FRATERNAL ASSOCIATIONS</p> <p>29. COMMERCIAL and INDUSTRIAL EQUIP. - WHOLESALE</p> <p>30. CONSTRUCTION EQUIP. - RETAIL</p> <p>31. COUNTRY and ATHLETIC CLUBS</p> <p>32. CREDIT and COLLECTION SERVICES</p> <p>33. DEPARTMENT STORES - RETAIL</p> <p>34. DETECTIVE SERVICES</p> <p>35. DISCOUNT STORES - RETAIL</p> <p>36. DRUGS and SUNDRIES - WHOLESALE</p> <p>37. DRY GOODS - RETAIL and WHOLESALE</p> <p>38. DUPLICATING and MAILING SERVICES</p> <p>39. ELECTRICAL REPAIR SERVICES (except radio and tv)</p> <p>40. ELECTRICAL SUPPLIES - RETAIL</p> <p>41. ELECTRONIC PARTS - WHOLESALE</p> <p>42. EMPLOYMENT SERVICES</p> <p>43. ENGINEERING and ARCHITECTURAL SERVICES</p> <p>44. EQUIPMENT and SUPPLIES FOR SERVICE ESTABLISHMENTS - WHOLESALE</p> <p>45. EQUIPMENT RENTAL and LEASING SERVICES</p> <p>46. FARM MACHINERY - RETAIL</p>	<p>47. FARMERS MARKET</p> <p>48. FOOD LOCKERS and REFRIGERATED STORAGE</p> <p>49. FREIGHT TERMINALS</p> <p>50. FUNERAL and CREMATORY SERVICES</p> <p>51. FURNITURE - RETAIL</p> <p>52. FURNITURE REPAIR and UPHOLSTERY SERVICES</p> <p>53. FUR REPAIR and STORAGE</p> <p>54. GARDEN and NURSERY - RETAIL</p> <p>55. GASOLINE STATIONS - RETAIL</p> <p>56. GOLF COURSES</p> <p>57. GOLF DRIVING RANGES</p> <p>58. GREENHOUSES</p> <p>59. HARDWARE - WHOLESALE</p> <p>60. HEALTH SPAS</p> <p>61. HVAC EQUIP. and SUPPLIES - RETAIL</p> <p>62. HOME FURNISHINGS - WHOLESALE</p> <p>63. ICE - RETAIL</p> <p>64. INSURANCE SERVICES</p> <p>65. INVESTMENT SERVICES</p> <p>66. JANITORIAL SERVICES</p> <p>67. LANDSCAPE SERVICES</p> <p>68. LAPIDARY WORK</p> <p>69. LAUNDERING SERVICES</p> <p>70. LAWN CARE SERVICES</p> <p>71. LEGAL SERVICES</p>

CP-2 GENERAL BUSINESS PERMITTED USES	CP-2 GENERAL BUSINESS PERMITTED USES
72. LUMBER YARDS - RETAIL	94. RESTAURANTS
73. MAIL ORDER - RETAIL	95. RADIO and TV STUDIOS
74. MASSAGE SERVICES	96. RESTAURANTS, DRIVE-IN
75. MEDICAL and DENTAL LABORATORIES	97. ROAD and UTILITY MAINTENANCE YARDS
76. MOBILE HOMES and ACCESSORIES - RETAIL	98. SCHOOLS - ART, MUSIC, DANCE
77. MONUMENTS - RETAIL	99. SCHOOLS, PRIMARY and SECONDARY
78. MOTELS, HOTELS, and TOURIST COURTS	100. SCHOOLS, BUSINESS
79. MOVIE DISTRIBUTION SERVICES	101. SCHOOLS, TRADE and VOCATIONAL
80. MOTOR FREIGHT GARAGING and MAINTENANCE	102. SCHOOLS, COLLEGES
81. MUSEUMS	103. SECURITY and COMMODITY BROKERS
82. NEWS SERVICES	104. SKATING RINKS
83. NURSERY PLANTS - RETAIL	105. SOCIAL, CORRECTIONAL, TREATMENT, and COUNSELING SERVICES
84. OUTDOOR ADVERTISING SERVICES	106. SPORTING GOODS - RETAIL
85. PAINT and WALLPAPER - RETAIL	107. STADIUMS
86. PAPER and PRODUCTS - WHOLESALE	108. STUDIOS - RADIO and TV
87. PARKS and PLAYGROUNDS, PUBLIC	109. TAVERNS
88. PHOTOCOPYING and BLUEPRINTING SERVICES	110. TAXI DISPATCH and MAINTENANCE
89. PRIVATE CLUBS	111. TELE-COMMUNICATIONS EXCHANGE STATIONS
90. PROFESSIONAL EQUIPMENT and SUPPLIES - WHOLESALE	112. TELE-COMMUNICATIONS RELAY TOWERS
91. PROFESSIONAL OFFICES NOT ELSEWHERE LISTED	113. THEATERS, INDOOR
92. REAL ESTATE and ABSTRACTING SERVICES	114. TRAVEL AGENTS
93. RESEARCH and TESTING SERVICES	115. VENDING MACHINE OPERATORS - RETAIL

CP-2 GENERAL BUSINESS
PERMITTED USES

116. VETERINARIAN SERVICES - INDOOR ONLY

117. WAREHOUSING OF NONHAZARDOUS MATERIALS

118. WAREHOUSING OF HOUSEHOLD GOODS

119. WATER TREATMENT FACILITIES

120. WELL DRILLING SERVICES

121. WELFARE SERVICES

122. ZOOS, AQUARIUMS, and BOTANICAL GARDENS

“PR” Permitted Uses Per Article 7, Section 5 (b) of the Baschor Zoning Ordinance.

b. Permitted Uses:

- I. Residential – only those permitted uses specified in Appendix A of the Baschor Zoning Ordinance for the zoning districts “R-1”, “R-2”, and “R-3” are allowed.
- II. Commercial – only those commercial businesses which are accessory and compatible with residential neighborhoods shall be permitted. Following is a list of permitted commercial uses:
 - a. Arts and Craft Shop
 - b. Bakery
 - c. Bank, Credit Union, Savings and Loan Offices including ATM’s
 - d. Beauty/Barber Shop
 - e. Car washes (as an accessory to a convenience store or gas sales)
 - f. Cards, Gifts, Books, or Curio Shop
 - g. Child Care Center
 - h. Churches, Temples, and Synagogues
 - i. Convenience Store with Fuel Sales (limited to 3 gas pumps)
 - j. Copy Center/Mail Center
 - k. Drug Store (not larger than 15,000 sq. ft.)
 - l. Dry Cleaners (pick-up and delivery only)
 - m. Fabric Shop
 - n. Florist (without greenhouse)
 - o. Grocery Store (not larger than 15,000 sq. ft.)
 - p. Hardware Store (not larger than 15,000 sq. ft.)
 - q. Health Spa, Figure Salon, Martial Arts Studio
 - r. Insurance/Real Estate Office
 - s. Key Shop
 - t. Laundries
 - u. Lawn and Garden Stores
 - v. Liquor or Specialty Food Stores
 - w. Medical/Optical/Dental Office
 - x. Office Buildings (not larger than 5,000 sq. ft. per floor or as approved by the Planning Commission and Governing Body)
 - y. Office Supplies
 - z. Paint and Wallpaper Stores
 - aa. Photographer Studio
 - bb. Public and Private Utility Offices
 - cc. Restaurants (no drive thru)
 - dd. Sporting Goods Store
 - ee. Telephone Store
 - ff. Veterinary Clinic for small animals (no outside boarding)
 - gg. Other uses Deemed Appropriate By the Planning Commission and/or City Planner

"PR" Permitted Uses Per Article 7, Section 5 (b) of the Basehor Zoning Ordinance.

R-1 SINGLE FAMILY RESIDENTIAL PERMITTED USES	R-1 SINGLE FAMILY RESIDENTIAL CONDITIONALLY PERMITTED USES
<ol style="list-style-type: none"> 1. CEMETERIES and MAUSOLEUMS 2. CHURCHES, SYNAGOGUES and TEMPLES 3. DWELLING, SINGLE-FAMILY DETACHED 4. GOLF COURSES 5. PARKS and PLAYGROUNDS, PUBLIC 6. SCHOOLS, PRIMARY and SECONDARY 7. HOME OCCUPATIONS 	<ol style="list-style-type: none"> 1. BEAUTY / BARBER SHOP (limited to one station) 2. DAYCARE CENTERS (seven or more unrelated children or adults)

R-2 TWO-FAMILY RESIDENTIAL PERMITTED USES	R-2 TWO-FAMILY RESIDENTIAL CONDITIONALLY PERMITTED USES
<ol style="list-style-type: none"> 1. CEMETERIES and MAUSOLEUMS 2. CHURCHES, SYNAGOGUES, and TEMPLES 3. DWELLING, SINGLE-FAMILY DETACHED 4. DWELLING, TWO-FAMILY 5. GOLF COURSES 6. PARKS and PLAYGROUNDS, PUBLIC 7. SCHOOLS, PRIMARY and SECONDARY 8. HOME OCCUPATIONS 	<ol style="list-style-type: none"> 1. DWELLING, SINGLE-FAMILY ATTACHED 2. DWELLING, SINGLE-FAMILY-ZERO LOT LINE 3. DAY CARE CENTERS (seven or more unrelated children or adults)

R-3 MULTI-FAMILY RESIDENTIAL PERMITTED USES	R-3 MULTI-FAMILY RESIDENTIAL CONDITIONALLY PERMITTED USES
<ol style="list-style-type: none"> 1. BOARDING and ROOMING HOUSES 2. CEMETERIES and MAUSOLEUMS 3. CHURCHES, SYNAGOGUES and TEMPLES 4. DWELLING, MULTI-FAMILY 5. DWELLING, TWO-FAMILY 6. DWELLING, SINGLE-FAMILY ATTACHED 7. GOLF COURSES 8. MONASTERIES and CONVENTS 9. NURSING, CONVALESCENT, and REST HOMES 10. ORPHANAGES 11. PARKS and PLAYGROUNDS, PUBLIC 12. SCHOOLS, PRIMARY and SECONDARY 13. HOME OCCUPATIONS 	<ol style="list-style-type: none"> 1. DWELLING, SINGLE-FAMILY DETACHED 2. DWELLING, SINGLE-FAMILY-ZERO LOT LINE 3. DAY CARE CENTERS (seven or more unrelated children or adults) 4. DORMITORIES, COLLEGE 5. FRATERNITY and SORORITY HOUSES 6. GROUP HOMES 7. SOCIAL SERVICE AGENCIES RELATING TO FAMILY SERVICES (except residential, correctional, rehabilitation, and treatment facilities)

Affidavit in Proof of Publication

STATE OF KANSAS
Leavenworth County

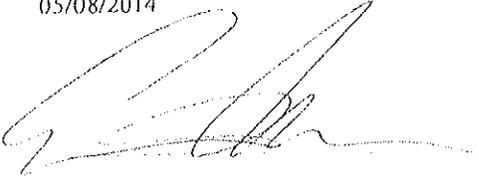
Eric Moore of the Legal Dept. of the Basehor Sentinel being first duly sworn, deposes and says:

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

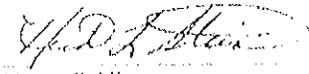
Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than one year prior to the first publication of said notice and been admitted at the post office of Basehor in said County as second class matter.

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 05/08/2014 with publications being made on the following dates:

05/08/2014



Subscribed and sworn to before me this


Notary Public

My Appointment expires: March 15, 2015

Notary And Affidavit	\$0.00
Additional Copies	\$0.00
Publication Charges	\$55.40
	<u> </u>
	\$55.40

(Published in The Chief-
lain, May 8, 2014)

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

Notice is hereby given that the Planning Commission of the City of Basehor, Kansas will hold a public hearing on Tuesday, June 3, 2014 at 7:00 PM, in the meeting room of City Hall, located at 2620 N. 155th Street, Basehor, Kansas to consider a change of zoning and preliminary development plan on property generally located south of US-24/40 between 170th Street and 166th Street. The property is currently zoned CP-2, General Business District. The proposed zoning is P-R, Planned Residential District. The property description is:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 01 47'07" EAST, ALONG THE EAST LINE OF SAID QUARTER SECTION, 194.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 47'07" EAST, 528.02 FEET; THENCE SOUTH 88 12'53" WEST, 405.58 FEET; THENCE ON A 500.00 FOOT RADIUS CURVE TO THE RIGHT WITH A 408.71 FOOT CHORD BEARING NORTH 67 39'42" WEST, AN ARC DISTANCE OF 421.04 FEET; THENCE SOUTH 46 27'43" WEST,

33.39 FEET; THENCE ON A 500.00 FOOT RADIUS CURVE TO THE RIGHT WITH A 136.67 FOOT CHORD BEARING SOUTH 54 19'03" WEST, AN ARC DISTANCE OF 137.10 FEET; THENCE NORTH 27 49'37" WEST, 151.00 FEET; THENCE SOUTH 60 02'42" WEST, 67.27 FEET; THENCE NORTH 85 42'41" WEST, 418.87 FEET; THENCE SOUTH 67 25'02" WEST, 220.14 FEET; THENCE NORTH 44 32'38" WEST, 439.93 FEET; THENCE ON A 500.00 FOOT RADIUS CURVE TO THE LEFT WITH A 185.88 FOOT CHORD BEARING SOUTH 42 09'59" WEST, AN ARC DISTANCE OF 166.65 FEET; THENCE ON A 500.00 FOOT RADIUS CURVE TO THE RIGHT WITH A 467.83 FOOT CHORD BEARING SOUTH 60 30'42" WEST, AN ARC DISTANCE OF 486.83 FEET; THENCE SOUTH 88 24'19" WEST, 138.32 FEET TO THE WEST LINE OF SAID QUARTER SECTION; THENCE NORTH 01 35'41" WEST, ALONG SAID WEST LINE, 538.66 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF US 24/40; THENCE NORTH 88 34'38" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 469.55 FEET; THENCE SOUTH 88 31'32" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 500.65 FEET; THENCE SOUTH 83 42'43" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 706.42 FEET; THENCE NORTH 88 33'34" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 964.47 FEET TO THE POINT OF BEGINNING. CONTAINS 26.081 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



APPLICATION FORM

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



Project Name & Description HONEYCREEK FARMS NORTH		Total Site Acreage 26.081	Present Zoning CP-2
Legal Description (May be attached as separate sheet) SEE ATTACHED		Proposed Zoning FR	
Project Address / General Location SW CORNER 24th HIGHWAY @ 166th ST.		Presubmittal Date 11/21/2013	
Parcel ID Number (CAMA Number)		Floor Area Classification	
Property Owner Name SILVER LAKE BANK	Phone 785-232-0102	Fax 785-232-4010	
Property Owner Address P.O. BOX 8330	City TOPEKA	State KS	Zip 66608
Applicant's Name (if different from above) LANDPLAN ENGINEERING	Phone 785-843-7530	Fax 785-843-2410	
Applicant's Address 1310 WAKARUSA DR.	City LAWRENCE	State KS	Zip 66049
Applicant's mobile phone 785-691-8663	Property Owner and/or Applicant's E-mail address br3ns@landplan-pa.com		

APPLICATION TYPE	
<input type="checkbox"/> Annexation	<input checked="" 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 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 checked="" type="checkbox"/> Vacant <input type="checkbox"/> Other _____	
Proposed Use <input checked="" 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 26.081	Existing Floor Area 0	Existing Building Footprint 0	Open Space Area 6.523
No. of Buildings 43	Proposed Floor Area 3.024	Proposed Building Footprint 3.024	Pavement Coverage 7.649

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><i>Scott Anderson</i></u> Signature	<u>3/7/14</u> Date	Office-Use Only <input checked="" type="checkbox"/> Filing Fee \$ <u>390.</u> <input type="checkbox"/> Received by <u><i>CAH</i></u> <input type="checkbox"/> # of Plans _____ <input type="checkbox"/> Attached Legal Description <input type="checkbox"/> Property Ownership List
---	-----------------------	---





Civil Engineering
Landscape Architecture
Community Planning
Surveying

Landplan Engineering, P.A.

1310 Wakarusa Drive
Lawrence, Kansas 66049

tele 785.843.7530
fax 785.843.2410
email info@landplan-pa.com

Sheet A

1. Reason for this request? ***The subject property has remained vacant since it was zoned CP-2 in 2003. The current property owner wishes to increase the marketability of this property by rezoning to the PR district. PR zoning will provide for greater flexibility in future development of this property by permitting residential uses similar to those already existing within Honeycreek Farms and, as the market dictates, neighborhood commercial uses, as well.***
2. What is the suitability of the subject property for the uses to which it has been restricted? ***The subject property is generally unsuitable for the development of commercial land uses permitted within the CP-2 zoning district. This statement is borne out by the fact that the property has remained vacant for more than a decade since being zoned as such in 2003. Moreover, when considered with the vast amount of acreage either already zoned or planned for commercial land uses within the 24/40 highway corridor between Kansas City and Tonganoxie, it is unlikely that significant demand for commercial development on this ground will materialize in the future.***
3. To what extent will removal of restrictions detrimentally affect nearby property? ***The overall impact of this request to nearby property will be positive. Removal of the restrictions imposed by CP-2 zoning will facilitate the development of residential land uses of a scale and type similar to the existing Honeycreek Farms neighborhood to the south. As shown in the attached Concept Plan, rezoning to the PR district will provide for an expansion of this successful residential neighborhood to the north while still maintaining ample open space and a landscaped buffer adjacent to 24/40 Highway.***
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? ***Denial of this request will perpetuate the vacancy of this property. There are no gains to be had for the public health, safety and welfare as a result of such a denial.***
5. How does your request conform with the comprehensive plan? ***This request seeks to promote the ultimate vision of the City of Basehor which is to build a vibrant community where life and business flourish. This request generally proposes to expand an already successful residential neighborhood by removing vacant commercial ground from the City's***

zoning map. It should be noted that this request directly conforms to two (2) strategies explicitly listed in the Comprehensive Plan. This request proposes to reshape a gateway into the community by replacing vacant highway frontage with an expansion of the vibrant Honeycreek Farms residential neighborhood. This request also encourages a variety of residential developments and styles that incorporate sufficient open space.

While the Future Land Use Map does depict the subject property as CP-2, its current zoning, this property is not generally suitable for such commercial land uses. The proposed PR zoning district would permit commercial uses compatible with the residential neighborhood, should market demand arise. However, as is depicted in the attached Preliminary Development Plan, it is likely that single-family, two-family and multi-family residential units will be the best uses for the subject property. This expansion of planned residential development is a logical progression of existing zoning to the south. Moreover, the added residential units that result from approval of this request will further support nearby commercially-zoned properties.

In an effort to engage the community on this proposed change, the applicant conducted a meeting with surrounding property owners on Tuesday, February 18th, 6:30 pm at the Basehor Community Library. That meeting was attended by eight (8) neighbors who asked many questions and conveyed several concerns such as: sanitary sewer capacity, neighborhood traffic volumes, improvements to the intersections of 171st and 166th Street with Highway 24/40, and the possibility of low income housing being inserted into the future development. The applicant looks forward to discussing these topics and others with City staff and Planning Commissioners as the review process continues.

1. **Please provide a statement regarding why the development plan would be in the public interest.** The attached PDP facilitates the conversion of approximately 26 acres of vacant commercially-zoned land into a vibrant PR-zoned residential neighborhood. Approval of this PDP removes CP-2 zoning designation from this piece of land which has hampered the development of this sector of the City. Approval of this PDP will allow the property owner to proceed with a residential development that better compliments the character of the existing Honeycreek Farms neighborhood. Approval of this PDP facilitates a more efficient use of the existing public infrastructure in this subdivision that is already maintained by City staff.

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.** As you and I discussed over the phone, this question appears to reference a previous edition of the City's Zoning Regulations. Nevertheless, Article 7-5(a) of the current Zoning Regulations states the purpose of the Planned Residential District as *"intended to provide for elements of flexibility in design, placement, arrangement, bulk, and other considerations; to provide a framework within which the buildings and uses in the planned district may be interrelated and compatible with the residential character of these development areas and adjacent developments; and to maintain the desired overall intensity, efficiency in the provision of public facilities and services, and to provide protection for existing development while allowing new construction in accordance with current development and performance standards and density objectives."* The proposed PR district depicted in the attached PDP conforms to all of these aforementioned purposes. It establishes lots and blocks that will afford the future developer(s) flexibility in how this half of the neighborhood develops. The PDP features three (3) distinct residential use types which compliment not only each other but the existing Honeycreek Farms neighborhood, as well. This proposed PR district will rest between the existing homes to the south and the busy highway corridor to the north and its proposed density is planned accordingly. It will reduce traffic traveling through this neighborhood from that associated with the existing CP-2 zoning. It will make efficient use of the existing public streets and associated infrastructure built to serve this subdivision. Further review by City staff during subsequent Final Development Plan, Preliminary Plat, Final Plat and Public Improvement Plan applications will help to ensure that this addition to Honeycreek Farms conforms to the latest design standards of the City of Basehor.

LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

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Open Agenda

Reports from Special Committees

City Engineer's Report

Adjournment