

**Planning Commission  
City of Basehor, Kansas**

**Tuesday, August 5, 2014**



**City Hall Council Chambers**

**Regular Meeting – 7:00 p.m.**

**AGENDA**  
**BASEHOR PLANNING COMMISSION**  
**August 5, 2014**  
**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 June 3, 2014 Planning Commission meeting.**

**D.** Unfinished Business

**E.** New Business

**1. Public Hearing: 2824 North 155<sup>th</sup> Street- Request for Approval of a Zoning Change from CP-1- Neighborhood Business District to R-1- Single Family Residential District.**

**F.** Open Agenda

**G.** Reports from Special Committees

**H.** City Engineer's Report

**I.** Adjournment

**Minutes of the June 3, 2014  
Planning Commission Meeting**

**MINUTES**  
**BASEHOR PLANNING COMMISSION**  
**June 3, 2014**  
**BASEHOR CITY HALL**

**PLANNING COMMISSION MEETING**  
**7:00 P.M.**

***A. Call to Order***

Chair Jon Gallion called the meeting to order at 7:00 p.m.

***Pledge of Allegiance***

***B. Roll Call***

Members Present: Commissioners John Flower, Terry Gall, Fred Farris, Tracey Hannah, and Jon Gallion.

Members Absent: Commissioners Ed Bush and John Matthews

Staff Present: Lloyd Martley, Chief of Police/City Administrator, Mitch Pleak, City Engineer, Gene Myracle, City Superintendent, and Connie Leggett, Utility Billing Clerk/Planning Secretary

***C. Approval of Minutes***

A motion was made by Commissioner Ferris and seconded by Commissioner Hannah to approve the May 6, 2014 minutes. Chair Gallion called for a vote. Motion passed 5-0.

***D. Unfinished Business – None***

***E. New Business –***

- 1. Public Hearing: Honeycreek Farms North – Request for Approval of a Zoning Change from CP-2 – General Business District PR – Planned Residential District and Preliminary Development Plan – Located within Honeycreek Farms Plat – South of US-24/40 between 170<sup>th</sup> Street and 166<sup>th</sup> Street**

Mitch Pleak – Staff summarization of comments and recommendations to request approval of a zoning change CP-2 General Business District to P-R Planned Residential District with a Preliminary Development Plan.

Brian Sturm from Landplan Engineering of Lawrence, KS spoke on behalf of the property owner, Silver Lake Bank and the bank intentions are for the property.

Commissioners Farris asked why they did not consider continuing the current residential plan along with traffic flow reduction.

Commissioner Flower had questions pertaining to the traffic flow with the apartments and new homes.

Chair Gallion called to open the Public Hearing with Commissioner Ferris making the motion and Commissioner Flower seconded. Commissioner Gallion called for vote. Motion passed 5-0 and the public hearing was open at 7:28 p.m.

Catherine Sarsen – 16802 Juniper Drive addressed the commissioners and the public and presented the commissioners with a petition from the residents of Honeycreek Farms.

Robert Baska – 816 168<sup>th</sup> Street addressed the commissioners about the safety issues.

Lori Palmgren – 16803 Juniper Drive addressed the commissioners about population density and home values.

Gene Tate – 16905 Tucker Court addressed the commissioners and gave a handout about the traffic report and traffic concerns pertaining to the intersection going to Honeycreek Farms.

Jim Owen – 16804 Juniper Drive addressed the commissioners and gave a handout concerning the traffic flow.

Clay Kahler – 16706 Sheehan Road addressed the commissioners and gave a handout about “High Density Housing & Increased Crime Rates”.

Elaine Owen – 16804 Juniper Drive addressed the commissioners and gave her thoughts on apartments and the issues that come with apartments and the value of the land.

Pat Grindle – 16662 State Avenue (Leavenworth County resident) addressed the commissioners concerning accidents that have occurred and will occur.

Catherine Sorensen – 16802 Juniper Drive addressed the commissioners once again pertaining to the deceleration lane on 24/40 highway.

Mark Baska – Owns property south of the property in question and lives in Tonganoxie, addressed the commissioners about drainage issues, fire issues on the roads in the development and the matter of 170<sup>th</sup> Street.

Clay Kahler – 16706 Sheehan Road asked for permission to address Chief Lloyd Martley pertaining to any future plans to expand the police and fire departments.

Chair Gallion called to close the Public Hearing with Commissioner Ferris making the motion and Commissioner Hannah seconded. Chair Gallion called for vote. Motion passed 5-0 and the public hearing was closed at 8:16 p.m.

Rob Heise, Heise-Meyer, LLC – 10561 S. Glenview Olathe addressed the commissioners and public about the history and how they came to decide on the plans that were presented.

Commissioner Flower made the motion to approve the request for Approval of a Zoning Change from CP-2 – General Business District to PR – Planned Residential District and Preliminary Development Plan with the following stipulations:

1. Prior to the issuance of a building permit for any buildings on the site, improvements to the intersection of 166<sup>th</sup> 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 a building permit for any buildings on the site, the property shall be preliminary and final platted, and the final plat recorded with the Leavenworth County Register of Deeds.
5. The side yard setbacks within the preliminary development plan shall be twelve (12) feet.
6. The multifamily units within the preliminary development plan shall be reduced.
7. Prior to the issuance of a building permit for any buildings on the site, the right-in and out at 170<sup>th</sup> Street and US 24/40 shall be constructed.

Motion was seconded by Commissioner Hannah. Chair Gallion called the motion to a vote and the motion passed 5-0.

***F. Open Agenda –***

None

***G. Reports from Special Committees –***

None

***H. City Engineer's Report –***

None

***I. Adjournment -***

Commissioner Ferris made the motion to adjourn and Commissioner Flower seconded. Chair Gallion called for vote. Motion passed 5-0. There being no further discussion, the meeting was adjourned at 9:40 p.m. from Chair Gallion.

Submitted for approval with/without additions or corrections this 8th day of July, 2014.

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Jon Gallion, Chair

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Connie Leggett, Planning Secretary

## **Unfinished Business**

## **New Business**

**Agenda Item No. E1**  
**Planning Commission – August 5, 2014**

**Public Hearing: 2824 North 155<sup>th</sup> Street- Request for Approval of a Zoning Change from CP-1- Neighborhood Business District to R-1- Single Family Residential District.**

**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 September 8, 2014.

**Staff Recommendation**

Staff recommends that the Planning Commission approve the rezoning of 2824 North 155<sup>th</sup> Street (Lot 1, Block 2 of the Town of Basehor Subdivision) from CP-1- Neighborhood Business District to R-1- Single Family Residential District.

**2824 NORTH 155<sup>TH</sup> STREET - REQUEST FOR APPROVAL OF A ZONING CHANGE FROM CP-1- NEIGHBORHOOD BUSINESS DISTRICT TO R-1- SINGLE FAMILY RESIDENTIAL DISTRICT**

**MEETING DATE:** August 5, 2014

**REPORT WRITTEN:** July 3, 2014

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission approve the zoning change at 2824 North 155<sup>th</sup> Street from CP-1- Neighborhood Business District to R-1- Single Family Residential District.

**APPLICANT:**

- The applicant/owner is Robin L. Runnels.

**REQUEST:**

- The applicant is requesting approval to rezone 2824 North 155<sup>th</sup> Street from CP-1- Neighborhood Business District to R-1- Single Family Residential District.

**ZONING:**

- The property is currently zoned CP-1- Neighborhood Business District.

**COMPREHENSIVE PLAN/FUTURE LAND USE MAP:**

- The Future Land Use Map designates this property as CP-1- Neighborhood Business District.

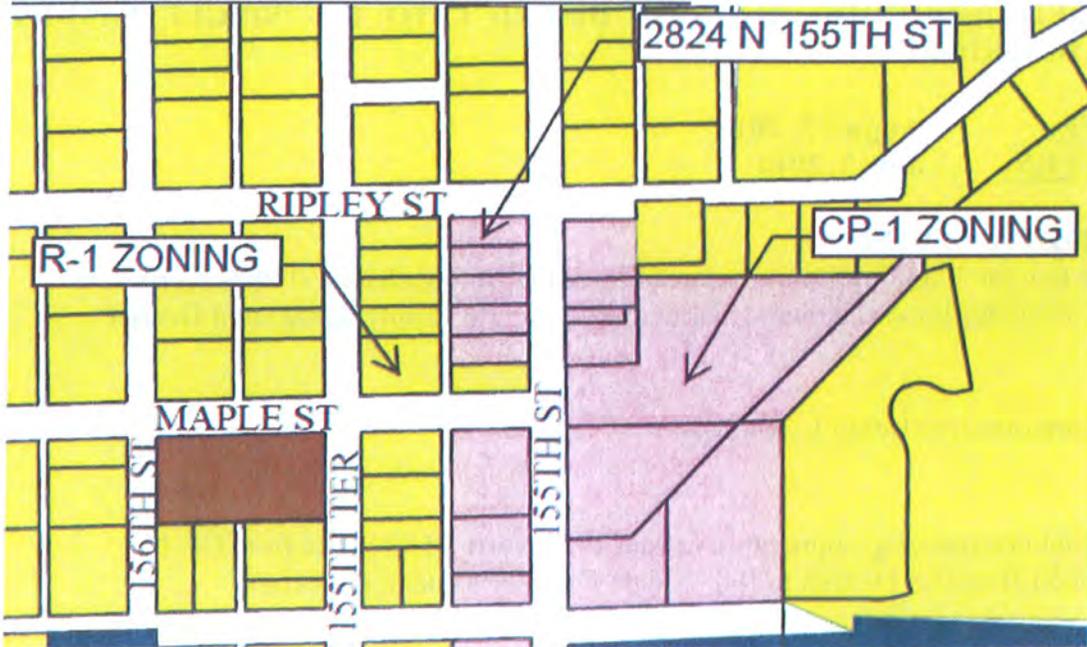
**SURROUNDING ZONING:**

- North R-1- Single Family Residential District.
- South CP-1- Neighborhood Business District.
- East CP-1- Neighborhood Business District and R-1- Single Family Residential District.
- West R-1- Single Family Residential District.

**BACKGROUND:**

2824 N 155<sup>th</sup> Street is located on Lot 1, Block 2 within the Town of Basehor Subdivision. The property is the first plat within the City (platted in 1889). The property contains a house and a detached garage. The property is currently utilized for single family residential purposes.

**THE CURRENT ZONING CONFIGURATION:**



**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 immediate area consists of single family homes, a neighborhood business, Basehor VFW, and the Basehor Historical Museum.
- **THE ZONING AND USES OF THE PROPERTY NEARBY** – The properties to the north and west are zoned R-1- Single Family Residential District. The properties to the east are zoned R-1- Single Family Residential District and CP-1- Neighborhood Business District. The properties to the south are zoned CP-1- Neighborhood Business District and include single family home, neighborhood commercial, and civic uses.
- **THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED** – The property currently contains a single family house with a detached garage. Under the current zoning of CP-1- Neighborhood Business District a single family house is not an allowed use. The single family house operates as a non-conforming use. Per Article 14 of the Basehor Zoning Ordinance, if the existing house were to experience damage over 50%, the home could not be rebuilt.
- **THE EXTENT TO WHICH REMOVAL OF THE PRESENT ZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY** – Rezoning the property from CP-1- Neighborhood Business District to R-1- Single Family Residential District is positive due to 50% of the abutting properties being R-1- Single Family Residential District. R-1-

Single Family Residential District is more restrictive than CP-1- Neighborhood Business District, and will have a less of an impact.

- **THE LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED** – The property contains a house and a detached garage built in 1900.
- **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 destroy the value of the petitioner’s property. Approval of the request would not impose a hardship on the individual landowners and instead may have a beneficial impact to the surrounding individual landowners due to R-1- Single Family Residential District being more restrictive than CP-1- Neighborhood Business District.
- **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-1- Neighborhood Business District.

The Comprehensive Plan states:

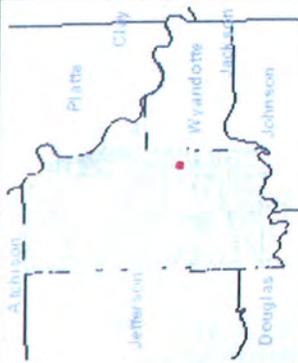
*Single Family Residential is considered Low Density residential consisting mainly of single-family detached dwellings. This category is also appropriate for planned public and semi-public uses which are generally considered compatible with residential uses. Low Density Residential neighborhoods are typically located away from major shopping centers and major thoroughfares, such as Highway 24 and 7; however they still remain connected to these services with convenient access and interconnected roadway systems. Low Density Residential neighborhoods are within walking distance to community facilities and services that will be utilized by residents of the neighborhood, including schools, parks, and other community facilities.*

The requested rezoning will conform to the adopted comprehensive plan.

**STAFF RECOMMENDATION:**

**Staff recommends approval of the rezoning of 2824 North 155<sup>th</sup> Street (Lot 1, Block 2 of the Town of Baschor Subdivision) from CP-1- Neighborhood Business District to R-1- Single Family Residential District.**

# Leavenworth County, KS



## Legend

- Address Point
- Address Points Leavenworth
- Parcel
- Parcel Number
- Subdivisions
- Lot Line
- City Limit Line
- Major Road
- <small>call other values>
- 70
- Road
- Railroad
- Section
- County Boundary

## Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



1: 1,644



# CITY OF BASEHOR

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



## APPLICATION FORM

Project Name & Description 2824 N 155 <sup>th</sup> St.		Total Site Acreage 6,600 SF	Present Zoning CA-1
Legal Description (May be attached as separate sheet) Block 2, Lot 1 Town of Basehor Plat			Proposed Zoning R-1
Project Address / General Location 2824 N 155 <sup>th</sup> St.			Presubmittal Date
Parcel ID Number (CAMA Number) 052-158-34-0-10-09-001.01-0			Floor Area Classification
Property Owner Name Robin L. Runnels	Phone 913 724 3915	Fax —	
Property Owner Address 2824 N 155 <sup>th</sup> St	City Basehor	State KS	Zip 66007
Applicant's Name (if different from above) Robin L. Runnels	Phone 913-724-3915	Fax —	
Applicant's Address 2824 N 155 <sup>th</sup> St.	City Basehor	State KS	Zip 66007
Applicant's mobile phone 913-406-3915	Property Owner and/or Applicant's E-mail address rrunnels@SunFlower.com		

APPLICATION TYPE	
<input type="checkbox"/> Annexation	<input type="checkbox"/> Preliminary Development Plan (Submit Sheet A)
<input checked="" 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 checked="" 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 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	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 Robin L. Runnels 6/25/14  
 Signature Date

Office Use Only

Filing Fee \$ \_\_\_\_\_  Received by \_\_\_\_\_  # of Plans \_\_\_\_\_  
 Attached Legal Description  Property Ownership List

CITY OF BASEHOR

Planning & Zoning Department  
2620 N. 155<sup>th</sup> 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)

- Reason for This Request? Residential home built in 1900, has been used as a resident since it was built. Upon trying to refinance was advised zoned commercial. Want to keep as resident and rezone R-1.
- What Is the Suitability of Subject Property for the Uses to Which it Has Been Restricted? Currently if home sustains 50% or greater damage would not be able to rebuild.
- To What Extent Will Removal of Restrictions Detrimentially Affect Nearby Property? There will no detriment to surrounding properties as residential is more restrictive than commercial and majority of property surrounding this is residential.
- 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? The property has a resident and the proposed change will cause no impact.
- How Does Your Request Conform with the Comprehensive Plan? Per the future land use map my property borders single family toward the west, east and north. The request will provide a seamless transition to existing surroundings. Per the comprehensive plan neighborhood commercial is required to be on 1-3 acres. This property cannot meet those requirements.

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

- Please provide a statement regarding why the development plan would be in the public interest. \_\_\_\_\_
- 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 Chief-tain, July 10, 2014)

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

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

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

Notice is hereby given that the Planning Commission of the City of Basehor, Kansas will hold a public hearing on Tuesday, August 5, 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 at 2824 North 155th Street. The property is currently zoned CP-1 Neighborhood Business District. The proposed zoning is R-1 Single-Family Residential District. The property description is:

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.

LOT 1, BLOCK 2 IN THE TOWN OF BASEHOR, A SUBDIVISION IN THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS.

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 07/10/2014 with publications being made on the following dates:

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.

07/10/2014

PLANNING COMMISSION  
CITY OF BASEHOR, KANSAS

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	\$23.00
	<u>                    </u>
	\$23.00



**Open Agenda**

**Reports from Special Committees**

**City Engineer's Report**

**Adjournment**