

**Planning Commission
City of Basehor, Kansas**

February 2, 2016



City Hall Council Chambers

Work Session – 6:15 p.m.

Regular Meeting – 7:00 p.m.

**Multi-Use Trail Plan
for
The City of Basehor, Kansas**



prepared by

**The City of Basehor Planning Commission
and
Planning Department**

History and Background on the Trail Plan

The City of Basehor adopted a new Comprehensive Plan in June, 2006. One of the components of the future land use map (FLUM) within the plan included a trail loop around the city, which included several proposed park locations. Links were provided from each park to the main trail loop, but were not linked together thru the urban core of the city.

As part of the comprehensive planning process, a survey was conducted of the city residents to obtain input on the direction of the plan. A portion of the questionnaire was dedicated to determining interest in establishing a walking/bike trail in Basehor. A large percentage of those that took the survey indicated that they would support the development of a trail system and would possibly support the development of some means of financial support for the trail development.

The city has been a participant in a County-wide trail committee that was created to coordinate a trail system throughout Leavenworth County that would also connect with the Mid-America Regional Council (MARC) MetroGreen Trail that is in the development stages. That committee recently reformed and began meeting in July, 2009 after a two-year hiatus.

Rationale for Trail System

In a survey of the Basehor residents conducted as part of the development of the Comprehensive Plan in 2005-2006, a question specifically related to the development of trails was included. This question asked if the respondent would “support the construction of a bicycle/pedestrian path system throughout the city”. Fifty-one percent (51%) of the respondents indicated “yes”, that they would support a trail system, while only 30% said that they would not support it, and about 8% indicated that they may support a trail system depending on some other factor, such as funding, etc. The remaining percentage of the surveys had no answer to the trail question. **Therefore, approximately 60% of the survey respondents are at least somewhat supportive of the development of a trail system.**

Communities that have walking/biking/recreational trails tend to have a higher quality of life than communities that do not (all else being equal). These amenities and the open spaces than compliment them are shown to be a consumer demanded factor in many “liveability indexes”. Therefore, communities that have these types of amenities may have an economic development advantage over communities that do not, as major employers have indicated their preference to locate in communities that can offer their employees a better quality of life.

In addition, there is proven economic development data indicating that trails attract tourism that would not otherwise be possible in the community. The Katy Trail, between Clinton, Missouri and St. Louis, Missouri is an example. Several communities along the Katy Trail have businesses that cater specifically to trail users.

Objectives of the Trail System

1. To provide additional recreational opportunities for the residents of the City of Basehor.
2. To provide alternative routes of transportation within the Basehor area.
3. To link the many neighborhoods within the city by a means of alternative transportation.
4. To provide safe routes to school.
5. To promote the city's parks and other amenities by providing better access via alternative modes of transportation.
6. To promote the history of the Basehor area by identifying and connecting points of interest (historical or otherwise).
7. To promote economic development within the city.
8. To promote awareness of the natural environment.
9. To promote an increased level of health among the city's residents by providing additional opportunities for exercise and recreation.
10. To provide additional options for family-oriented activity.
11. To provide a greater sense of connection to the natural environment.

Benefits of the Trail System

The benefits of a trail system will be greater mobility options, increased recreational opportunities, added environmental protection for habitat and wildlife and for urban development from flooding, and an enhanced economic climate through added community amenities and tourism. A trail system will offer increased opportunities for safe non-motorized vehicular access to public, historic and cultural destinations in the Basehor area. The system will assist businesses to attract and retain a skilled technical and professional work force by offering an enhanced quality of life. Residents will have additional opportunities for exercise and recreation. Finally, the system is expected to promote increased tourism by linking important historical, cultural and environmental assets in the Basehor area.

Trail System

The City of Basehor has recognized the importance of a regional trail system that will link the city with other cities in Leavenworth County, the Kansas City metropolitan area and other parts of the region. Therefore, the trail system is comprised of an hierarchy that includes:

1. The MetroGreen trail – This trail system is designated by the Mid-America Regional Council (MARC) and is shown on the regional MetroGreen trail plan.

2. The County trail system – The Leavenworth County Development Corporation (LCDC) and the County have been working in conjunction with the cities to create a County trail plan.
3. The City trail system – This component is shown on the City’s trail map and will be planned and implemented by the City of Basehor that may include construction of trail section through new development or funding from the city budget or outside agencies.
4. The City sidewalk system – The city sidewalk system is an important component of the trail system for purpose of providing off-street, non-motorized access to the trail system, especially from residential areas. The sidewalk system will also serve as connectors between trail segments. The sidewalk system should not be used as a major route of the trail.
5. Nature trails - This component of the system will be mostly unimproved trails in wooded areas that are intended for recreational use and not for transportation between points on the trail. These types of trails may not be maintained by the City.

Trail Routes/Locations

Strategy: **Develop the trail system to provide the best outdoor experience as is practical based on natural features, abandoned railroad right-of-way and the location of destination/points of interest.**

Action: Trail routes should be generally placed at locations that coincide with the following:

1. Adjacent to defined stream channels of perennial or intermittent streams, such as Wolf Creek, Hog Creek, Ginger Creek, Stranger Creek and other unnamed creeks/streams throughout the Basehor urban growth management area (UGMA).
2. Adjacent to significant natural or manmade water bodies or other natural features.
3. Within former rail corridors where authorization has been granted, or the land has been acquired from the adjacent property owners.
4. Within major utility easements where authorization has been granted by the respective utility company.
5. In designated bike lanes on city streets.

6. In association with new development where it is determined by the City that a trail route would be appropriate.

Strategy: The trail system should contain points of interest that will serve as destination points or rest areas along the trail route. These can include:

1. Historic sites
2. Cemeteries
3. Churches
4. Library
5. Downtown
6. Unique land features
7. Major commercial areas
8. Museums
9. Parks

Amenities

Strategy: Enhance the functionality of the trail system and provide reasonable accommodations to trail users.

Action: Consider requiring the following amenities along the trail.

1. Seating/Benches – Seating/benches should be provided for purposes of rest areas along the trail and to promote the enjoyment of the natural settings and points of interest along the trail.

- A. Type – the type of seating provided should be practical, durable and low-maintenance. Examples are shown:

Picture

Picture

Picture

- B. Locations – Seating facilities/benches should be strategically placed to provide for resting points along the trail and at designated areas of scenic or natural interest. Some generally recommended locations for seating placement are as follows:

1. Hill tops adjacent to grades of six percent (6%) or more.
2. Points of interest.
3. Within parks near activity areas such as playgrounds and sports facilities.
4. Overlooking view sheds
5. Adjacent to lakes/ponds
6. At designated points along stream ways.

2. Drinking (Fountains) - Water fountains should be provided for convenience and safety of human users and pets.

A. Type - the type of water fountains provided should be practical, durable and low-maintenance. Examples are shown:

Picture

Picture

Picture

B. Locations – Water fountains should be placed where they can be easily connected to the public water system. Locations should be optimized where they can serve trail users and other recreational areas such as sports facilities, parks, etc.

3. Information Kiosks – Information kiosks should be provided at significant locations along the trail to enhance the enjoyment of the trail, promote the history of the Basehor area or provide information about a feature on the trail.

Picture

Picture

Picture

4. Trash Receptacles

Picture

Picture

Picture

5. Lighting

Lighting should be provided in specific locations such as street crossings, seating areas, at bridges, points of interest or other points along the trail where abrupt changes in direction will occur.

Solar lighting should be used to minimize costs of extending power lines along the trail.

Picture

Picture

Picture

6. Restrooms

Picture

Picture

Picture

7. Animal waste bag dispensers – Provided at trailheads.

Picture

Design and Construction

General

Strategy: The general design of the trail system should take into consideration the minimum specifications of state and federal agencies to allow for government funding from outside the City of Basehor, especially for those segments of the trail that will potentially be constructed by the city.

Action: All trail segments that will potentially receive funding from state and federal agencies must be a minimum of ten feet (10') in width. The design width of other segments constructed as part of private development projects should be determined by the city as part of the development plan reviews.

Action: Design trail segments for multi-use, including walking and bicycling, skating, etc.

Action: Consideration should be given to design for emergency access for small emergency vehicles without excessively loading or damaging the soft trail edge or perimeter plantings.

Action: Create a set of technical specifications for the construction of the various types of acceptable trail surfaces.

1. With the exception of those segments that will be designated as nature trails, the trail surfaces should be designed to accommodate wheelchair traffic with the following materials.

Trail Surface Materials – Per the design cross-sections shown in Section 6, three (3) surface treatments are anticipated, each depending on the anticipated level of use, existing soil conditions and location of the particular trail segment. The treatments discussed below proceed from that of lowest-cost and anticipated impact to that of highest cost and use.

- **Proposed Treatment – Stone Dust Surface**

Sections of the trail that are anticipated to receive a light level of use are proposed to remain in a natural-appearing condition through the use of a “Stone Dust Surface.” These sections of the trail will first be graded and compacted. Then 2” of stone dust will be placed over 4” of dense graded aggregate to provide a firm, multi-use surface.

The surface will look natural in appearance (i.e., sand or grey colored), but its “action” will be faster, firmer and far more efficient for bicyclists, pedestrians and walkers and wheelchairs. The surface will shed water and support maintenance and emergency vehicles.

- Treatment Option A – Stabilized Stone Surface

Sections of the trail that are anticipated to receive a medium-level of use are proposed for a surface composite of stone and sand over 4” of dense graded aggregate. This section of the trail will first be graded and compacted. A stabilizing agent will then be mixed with a nominal 1/4” minus aggregate and installed on the surface at a depth of approximately 3”. This layer will be supported by 4” of dense graded aggregate and will produce a hard surface capable of receiving considerable use.

- Treatment Option B – Bituminous Pavement

The bituminous pavement section of the trail is essentially a typical asphalt sidewalk common in many parks and natural areas. The trail surface will be graded and compacted, receive 4” of a dense-graded aggregate sub-base and topped with 1½” of asphalt. This treatment, while common, is the most costly of the three recommended alternatives. However, construction techniques are widely understood and this type of walkway will accommodate considerable use.

Strategy: To the greatest extent possible, the trail should be designed to be accessible by those individuals with disabilities. However, the lack of accessibility should not be a barrier to building any portion of the trail.

Action: Accessibility should be considered in the selection of the amenities associated with the trail, such as drinking fountains, restrooms, information kiosks, etc.

Strategy: Trail segments that are designed as nature trails should include a clearly worn path that is supplemented by signage or painted markings on trees, large rocks or other objects to designate the trail route.

Strategy: Segments of the trail that are designated with striping on city streets should be a minimum of four feet (4’) in width and the street should be designed to accommodate the additional pavement requirements.

Trail Access Point Locations

Strategy: Trailheads should be located to maximize access to the trail system and serve dual uses with locations that have existing parking areas.

Action: Locate trailheads at the following locations:

1. community parks that are located on the trail system.

2. destinations that have existing parking areas, such as the library, Town Center (future).
3. Other

Trail Signage/Wayfinding

Strategy: Maximize the safety of the trail system by reducing the potential for traffic conflict at street crossings.

Action: Provide eye-level “Stop” signs or other necessary trail traffic signage at each street crossing.

Picture

Strategy: Maximize simple navigation between the different hierarchies of the trail system, including the sidewalk system.

Action: Provide low-level directional signage at the intersection of two trail segments or a trail segment and a public sidewalk to provide direction to destinations or other trail segments.

Picture

Strategy: Maximize the use of the trail for recreational and exercise purposes.

Action: Locate distance markers along the trail every ¼ mile. This could be in the form of low-level signage or painted or embedded markings on the trail surface.

Picture

Trail Maintenance

Trail maintenance is an important aspect of the trail plan that could be the difference between the success and failure of the long-term function of Basehor’s portion of the trail system.

Strategy: The City of Basehor will have ultimate responsibility for maintenance of the trail surface and the right-of-way corridors. However, other options for general trail maintenance are available.

Action: The City should consider adding an employee to the Public Works staff at a point when trail related duties becomes a significant function, as determined by the City Superintendent.

Action: Pursue private programs with the business community and civic groups for litter removal along the trail route. This can be modeled after the Adopt-a-Highway program.

Action: Encourage trail users to maintain the trail as needed (i.e. pick-up trash along their route when necessary.)

Action: Create a schedule for the following maintenance functions that will be provided on a regular basis. Regular maintenance should be scheduled and may include:

1. **Trail user safety.** Safety is central to all maintenance operations and is the single most important trail maintenance concern. Items for consideration include scheduling and documentation of inspections, the condition of railings, bridges and trail surfaces, proper and adequate signage, removal of debris, and coordination with others who may be associated with trail maintenance.
2. **Trail inspection.** Trail inspections are integral to all trail maintenance operations. Inspections should occur on a regularly scheduled basis, the frequency of which will depend on the amount of trail use, location, age, and the type of construction. All trail inspections should be documented.
3. **Trash removal.** Trash removal from trail corridors is important from both a safety and an aesthetic viewpoint and includes the removal of ground debris and emptying of trash containers. Trash removal should take place on a regularly scheduled basis, the frequency of which will depend on trail use and location.
4. **Tree and shrub pruning.** Tree and shrub pruning should be performed for the safety of trail users. Pruning should be performed to established specifications on a scheduled and as needed basis.
5. **Mowing of vegetation.** Trail maintenance personnel should mow vegetation within three feet (3') on both sides of the trail on a scheduled basis.
6. **Scheduling maintenance tasks.** Inspections, maintenance and repair of trail-related concerns should be regularly scheduled. Inspection and repair priorities should be dictated by trail use, location, and design. Scheduling

maintenance tasks is a key item towards the goal of consistently clean and safe trails.

Action: Irregular maintenance that should occur on an as-needed basis may include:

- 1. Trail Repair.** Repair of asphalt or concrete trails should be closely tied to the inspection schedule. Setting priorities for repairs is part of the process. The time between observation and repair of a trail will depend on whether the needed repair is deemed a hazard, to what degree the needed repair will affect the safety of the trail user, and whether the needed repair can be performed by the trail maintenance crew or if it is so extensive that it needs to be repaired by contracted services.
- 2. Trail Replacement.** The decision to replace a trail and the type of replacement depends on many factors. These factors include the age of the trail and the money available for replacement. Replacement involves a new crushed limestone surface, completely overlaying a crushed limestone or asphalt trail with a new asphalt surface, or replacement of an asphalt trail with a concrete trail.
- 3. Snow and Ice Removal.** Removal of ice and snow is important for safety reasons and long term life expectancy of the trail system, even if the trail is closed for the winter months. Particular attention must be paid to those areas where there is a grade change and/or curves. The maintenance under these conditions can utilize removal, ice melt, or gravel; use of gravel necessitates its removal as soon as possible after the snow has melted.
- 4. Weed Control.** Weed control along trails can be limited to areas in which certain weeds create a hazard to users. Environmentally safe weed removal methods should be used, especially along waterways.
- 5. Trail Edging.** Trail edging maintains trail width and improves drainage. Problem areas include trail edges where berms tend to build up and where uphill slopes erode onto the trails. Removal of this material will allow proper draining of the trail surface, allow the flowing action of the water to clean the trail and limit standing water on trail surfaces. Proper drainage of trail surfaces will also limit ice build-up during winter months.
- 6. Trail Drainage Control.** In places where low spots on the trail catch water, trail surfaces should be raised, or drains built, to

carry water away. Some trail drainage control can be achieved through the proper edging of trails. If trail drainage is corrected near steep slopes, the possibility of erosion must be considered.

7. **Trail Signage.** Trail signs fall into two categories: safety and information. Trail users should be informed of their location, where they are going, and how to safely use trails. Signs related to safety are most important, thus they should receive the highest priority. Information signage can enhance the trail users experience. A system of trail information signage should also be a high priority.
8. **Revegetation.** Areas adjacent to trails that have been disturbed for any reason should be revegetated to minimize erosion.
9. **Habitat Enhancement and Control.** Habitat enhancement is achieved by planting vegetation along trails - mainly trees and shrubs. This can improve the aesthetics of the trail, help prevent erosion and provide habitat for wildlife. Habitat control involves mitigation of damage caused by wildlife. An example is the protection of trees along waterways from damage caused by beavers.
10. **Graffiti Control.** The key to graffiti control is prompt observation and removal. During scheduled trail inspections, graffiti should be noted and the graffiti removed as soon as possible.
11. **Trail sweeping.** Trail sweeping is one of the most important aspects of trail maintenance, helping ensure trail user safety. The type of sweeping to be performed depends on trail design and location. Sweeping should be performed on a regular schedule.

Trail Identification

Strategy: Develop a trail system map showing the proposed Basehor trail route, including any connections to a County trail or the Metrogreen trail system.

Action: The map should show existing, planned and proposed sections of the trail; amenities along the trail and destinations along the trail and within the city that can be accessed by the trail and sidewalks.

Land Acquisition

Large portions of the proposed trail will traverse private property. In most cases, these trail sections are envisioned to be dedicated as part of a development plan/plat when the

property develops. Other sections may need to be acquired through negotiations with the property owner.

Strategy: All parts of the trail system should be open to the public.

Action: Locate the trail surfaces, appurtenances and amenities within public right-of-way that is owned and maintained by the City of Basehor.

Action: Acquire right-of-way for the trail in association with plats and development plans that are submitted for any property that contains a trail segment.

Action: Restrict private trails from being connected to the public trail system unless the private trail becomes open to the public, is located on public right-of-way and is constructed to city standards.

Strategy: The City wishes to avoid the use of eminent domain/condemnation to acquire trail easements, but recognizes that in some cases, it may be necessary. This method of acquisition should only be used after exhausting all other reasonable methods of negotiation with property owner(s) and the following criteria should be present to justify the pursuit of eminent domain:

Action: Pursue donation of the right-of-way from the property owner.

Action: Use eminent domain/condemnation when necessary after other negotiations to acquire right-of-way for trail segments.

- 1. The segment of trail for which the city will pursue eminent domain should be a connector of two sections, eliminating a “dead-end” on the trail.**
- 2. The segment of trail is a major portion of the trail, without which the trail does not function to serve the interests of the general public.**
- 3. The city has made a good faith effort to negotiate the acquisition of the trail easement from the property owner.**
- 4. Other reasons as determined by the City Council for pursuing eminent domain.**

Funding Options

In 2005, the city conducted a survey of the existing residents pursuant to the development of the Comprehensive Plan. The survey participants were asked if they were willing to support the development of a trail system in the city. Out of approximately 285 respondents, 145 indicated that they would be willing to support the trail system and an additional 24 respondents that they may be willing to support it. Therefore, approximately 59% of the respondents have an interest in developing a trail system.

Strategy: Non-local funding should be considered as a first option for trail development based on those programs listed in Appendix A and other that may be applicable to trail development.

Appendix A

Funding options may include:

Federal

USDOT Congestion Mitigation & Air Quality Improvement Program
USDOT Federal Lands Highway Program
USDOT Hazard Elimination / RR-Hwy Crossing Highway
USDOT Safety Research and Development (Section 403)
USDOL Job Access & Reverse Commute Grants

National Scenic Byways Program

The U.S. Army Corps of Engineers (USACE) Missouri River Restoration Program
Conservation Reserve Program (CRP), the Farm and Ranchland Protection
Program (FRPP), and the Environmental Quality Incentive Program(EQIP).
USACE Programs - Sections 514, 206, 1135 programs.

Land and Water Conservation Fund

USACE - Sections 514, 206, 1135 programs
U.S. Environmental Protection Agency (EPA) grant programs
Federal Highway Administration transportation bills
National Park Service, Rivers, Trails and Conservation Assistance
Threatened and Endangered Species Act
Fish and Wildlife Service technical support

State

State Recreational Trails Program (someday!)
State Safe Routes to School
State Highway Safety Grants
State Funds Surface Transportation Program (STP)
State Transportation Enhancements (TE) Grants
Kansas Watershed Restoration and Protection Strategies (WRAPS)
KDHE Section 319 Grants
Community Development Block Grant (CDBG)

Local

Development Extractions
Sales Tax Initiatives
Property Taxes
Development Districts
City & County Cost Matches
Mitigation Exchanges

Sales Taxes
Fees In-lieu of Construction
General Obligation and Revenue Bonds
Impact Fees
Real Estate Transfer Tax/Fees

Real Estate Transfer Tax/Fees
Stormwater User Fees
Plan Review and Inspection Fees
Tax Increment Financing
Transportation Development Districts
Special Inspection Fees
Developer Extensions/Latecomer Fees

Private

The Business Community
Private Endowments
Health Foundations
Advocacy Groups
Fundraisers

Non-Profit

KC Wildlands
Kansas Land Trust
The Trust for Public Lands
Ducks Unlimited
Audubon Society
The Nature Conservancy – purchases undisturbed land for preservation and restoration throughout North America



AGENDA
BASEHOR PLANNING COMMISSION
February 2, 2016 7:00 p.m.
Basehor City Hall

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes** of the preceding meeting
 - a. **Minutes of the December 8, 2015 Planning Commission Meeting**
4. **Unfinished Business**
 - a. **None**

New Business

5. **Public Hearing:** Request for approval of a zoning change from CP-2 General Business District to CP-1 Neighborhood Business District for Lot C-12 & C-13 in the Pinehurst North Subdivision.
6. **By-Law Amendments:** Review and approval of updated Planning Commission By-Laws, reflecting meeting day change, grammatical errors and other miscellaneous items as indicated by the City Attorney.
7. **Open Agenda**
 - a. **None**
8. **Reports from Special Committees**
 - a. **None**
9. **Planning Directors Report**
 - a. **None**
10. **Adjournment**

**MINUTES
BASEHOR PLANNING COMMISSION
December 8, 2015
BASEHOR CITY HALL**

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

1. Call to Order

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

Pledge of Allegiance

2. Roll Call

Members Present: Commissioners Terry Gall, Jon Gallion, Dennis Haag, Ed Bush, Cecil Swenson, Jennifer Bizzell and Fred Farris

Staff Present: Mark Lee, Planning and Zoning Director; Connie Leggett, Planning Commission Secretary; Shannon Marcano, City Attorney; Chief Lloyd Martley, City Administrator

3. Approval of Minutes

Chair Gallion called for a motion to approve the October 6th, 2015 minutes. Motion was made by Commissioner Haag to approve the minutes with the correction of page 3 to state, "Submitted for approval without additions or correction this 8th day of December, 2015" to accept the minutes and seconded by Commissioner Gall. Chair Gallion called for a vote, Motion passed 7-0.

4. Unfinished Business – None

5. New Business –

- a. E1 – Public Hearing: High Point Downs 2nd Phase Preliminary Plat** – Request approval of a preliminary plat – A preliminary plat for the addition of seven lots in the High Point Downs Subdivision, submitted by Landplan Engineering, on behalf of the Albert J. Treff Trust.

Mark Lee explained the property location, requirements for this project and about staff recommendations and what they might pertain to what is being requested for preliminary plat for High Point Downs and that the staff approves the request and that the staff recommendations are met.

Chair Gallion called for a motion to open the public hearing. Commissioner Bush made the motion and Commissioner Gall seconded. Chair Gallion called for a vote and the motion to open the public hearing was passed 7-0 at 7:06 p.m.

Chris Nicholson - 3724 N. 152nd Terrace, expressed his concern regarding the Treff house and was wondering if it was going to be torn down or remain as is and how would it fall into the covenants and restrictions or will it be exempted.

Mark Lee replied that the city would have no say in that matter.

Commissioner Gall replied that it would be determined by the home owners association.

Chris Nicholson then asked if Dan Lynch is going to be involved with this development.

Brian Sturm, Landscape Architect with Landplan Engineering, 1310 Wakarusa Drive, Lawrence KS – Spoke on behalf of the Treff family regarding the land and the interest of the Treff family working with Landplan to try to reshape the original parcel and give it a proper plat plan to sell in the future. And they also want to finish out the cul-de-sac with the land that is not in use anymore.

Stacy Bequette, 3722 N. 153rd Terrace – wanted to verify what type of properties were going to be developed and that they are single family homes that look like the homes already there in the subdivision and not condos or duplexes.

Mark Lee replied that this subdivision is zoned for only single family homes.

Chris Nicholson asked if the Treff lot will be able to be sub-divided when sold.

Commissioner Ferris replied that they would have to come back and apply to replat the property.

Matt Speer, 3724 N. 153rd Terrace – Asked if the home owners association agrees to pick up the lots, are they going to follow the minimum square footage for houses in that development.

Commissioner Gall replied that any questions pertaining to Home Owners Association is separate from the city's planning guides. Fences, cosmetics or anything pertaining to appearance is something that the city cannot provide guidance.

Craig Coleman, across the street from development – Speaking of lot size and the HOA having a certain size of home on the lot and how big it can be.

Shannon Marcano replied the city is able to enforce the zoning category and the plat requirements but the HOA requires the size of home and what is required and that is between the HOA and the homeowner which means it is separate from the cities requirements.

Chair Gallion called for a motion to close the public hearing. Commissioner Ferris made the motion and Commissioner Haag seconded. Chair Gallion called for a vote 7-0 and the public hearing closed at 7:25 p.m.

Chair Gallion called for a motion to approve the request and Commissioner Haag made the motion to approve the Second Phase Plat as requested with the staff stipulation that the applicant shall adhere to the requirements of submittal for a Final Plat, after approval and contingent upon, any recommendations from the Planning Commission. Commissioner Swenson seconded the motion. Chair Gallion called for a vote and the motion passed 7-0.

- b. E2 – Public Hearing: Prairie Lake Estates Phase 3 Replat** – Request for approval of a final plat – A replat of lots 71 and 72 within the Prairie Lake Estates Phase 3 Subdivision with an approximate location of Josh Street and 150th Street, submitted by Community National Bank.

Chair Gallion called for a motion to open the public hearing. Commissioner Gall made the motion and Commissioner Haag seconded. Chair Gallion called for a vote and the motion to open the public hearing was passed 7-0 at 7:29 p.m.

Mark Lee explained the property location, requirements for this project and about staff recommendations and what they might pertain to what is being requested for Prairie Lake Estates and that the staff approves the request and that the staff recommendations are met.

Joe Herring, Herring Surveying Company, 315 N. 5th Street Leavenworth - Explained the property location, requirements for this project and about the requirements.

Chair Gallion called for a motion to close the public hearing. Commissioner Haag made the motion and Commissioner Bush seconded. Chair Gallion called for a vote 7-0 and the public hearing closed at 7:31 p.m.

Chair Gallion called for a motion to approve the request and Commissioner Ferris made the motion to approve the replat of lot 71 and 72 within Prairie Lake Estates Phase 3 with an approximate location of Josh Street and 150th Street as submitted by the applicant with any staff recommendations. Commissioner Bush seconded the motion. Chair Gallion called for a vote and the motion passed 7-0.

- c. E3 – Consider a special use permit for a monument sign to be located at 15602 Leavenworth Road** – Request approval of a special use sign permit at the Basehor Elementary School – The request is to approve an automatic changeable copy sign in a residential zoned district.

Mark Lee explained the property location, requirements for this project and about staff recommendations and what they might pertain to what is being requested for the Basehor Elementary School and that the staff approves the request and that the staff recommendations are met.

Scott Hazel, HTK Architects – Explained that they are working with ACME Signs and that the sign they would like to use is just a general scrolling marquee that will have a back lit sign that states the elementary school and how big it the sign would be.

Chair Gallion called for a motion to approve the request and Commissioner Haag made the motion to approve the special use permit for the automatic changeable copy portion of the monument sign to be located at 15602 Leavenworth Road at the Basehor Linwood Elementary School with inclusion of the stipulation that the proposed sign will not interfere with the proposed city sidewalk project. Commissioner Gall seconded the motion. Chair Gallion called for a vote and the motion passed 7-0.

6. Open Agenda – None at this time

7. Reports from Special Committees – None

8. Planning Directors' Report –

Mark Lee wanted to extend a welcome to the newest Planning Commissioner member Jennifer Bizzell.

9. Adjournment -

Chair Gallion called for a motion to adjourn; Commissioner Bush made the motion and Commissioner Swenson seconded. Chair Gallion called for a vote. Motion passed 7-0. There being no further discussion, the meeting was adjourned at 7:43 p.m. from Chair Gallion.

Submitted for approval without additions or corrections this 4th day of February, 2016.

Jon Gallion, Chair

Connie Leggett, Utility Billing Clerk

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 5

Topic: Public Hearing: Item 1-Public Hearing: Request for approval of a zoning change from CP-2 General Business District to CP-1 Neighborhood Business District for Lot C-12 & C-13 in the Pinehurst North Subdivision.

Action Requested: Approval of the rezoning request as presented

Narrative: Seele Properties, LLC has been in talks with AAT Enterprises regarding the purchase of Lots C-12 & C-13 of Pinehurst North Subdivision for some time now. The ultimate goal of Seele Properties is to purchase the two lots, rezone to CP-1 Neighborhood Business District, continue through the replatting process to combine the two lots into one and construct a 6,000-7,000 square foot early childhood learning academy. This facility will have the potential to provide education opportunities for up to 100 children ages six (6) weeks to six (6) years old.

Presented by: Mark Lee-Planning & Zoning Director

Administration Recommendation:

Staff recommends approval of the rezoning change from CP-2 General Business District to CP-1 Neighborhood Business District

Committee Recommendation: N/A

Attachments:

Public Hearing Notice (1 page)
Application and Receipt (3 pages)
Staff report (3 pages)
Copy of Final Plat of Pinehurst North (11x17 page)
Copy of 2nd Plat of Pinehurst North (11x17 page)
Aerial satellite image indicating zoning (11x17 page)
Aerial satellite image indicating notification radius (11x17 page)

Projector needed for this item?

Yes



The City of Basehor

PUBLIC HEARING NOTICE CITY OF BASEHOR PLANNING COMMISSION

Notice is hereby given that the Planning Commission of the City of Basehor, Kansas will hold the following public hearings on February 2, 2016 at 7:00 PM, in the meeting room of City Hall, located at 2620 N. 155th Street, Basehor, Kansas for the following items.

1. Consider a change of zoning request for Lots C-12 & C-13 in the Pinehurst North 2nd Plat and Pinehurst North Plat. The current zoning is CP-2 (General Business District), the requested zoning change is CP-1 (Neighborhood Business District).

All persons who desire to comment for or against said applications are invited to appear at the time and place mentioned above. Copies of the applications and full legal descriptions are available for review during normal business hours at Basehor City Hall. Questions about the applications may be directed to Mark Lee, Planning & Zoning Director at 913-724-1370.

PLANNING COMMISSION
CITY OF BASEHOR, KANSAS

THE WORLD COMPANY®

New Hampshire
 Box 888
 Lawrence, KS 66044
 Phone: (785) 832-2222
 Fax: (785) 832-7232
 Email: classifieds@ljworld.com

Advertising Receipt

CITY OF BASEHOR
 CITY CLERK
 PO BOX 406
 BASEHOR, KS 66007

Customer No.: 10004252
 Customer Phone: 913-724-1370
 Order No.: 10567072
 Ad Type: Classified
 Ad Number: 11461143
 Category: Public Notices

Ad Taker: **svarnado** Key Words: PHN 1231

Description	Start	Stop	Insertions	Total
Classified Advertising				32.40
Bonner	12/31/15	12/31/15	1	
LJWorld.com	12/31/15	12/31/15	1	

Total: 32.40
 Prepaid: 0.00

Total Due: \$32.40

(First published in the
 Bonner Springs Chieftain
 December 31, 2015)

(Neighborhood Business
 District).

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

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 Hall. Questions about the
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 ing & Zoning Director at
 913-724-1370.

PLANNING COMMISSION
 CITY OF BASEHOR, KANSAS

1. Consider a change of
 zoning request for Lots
 C-12 & C-13 in the
 Pinehurst North 2nd Plat
 and Pinehurst North Plat.
 The current zoning is CP-2
 (General Business Dis-
 trict), the requested zon-
 ing change is CP-1

(First published in the
Bonner Springs Chieftain
December 31, 2015)

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

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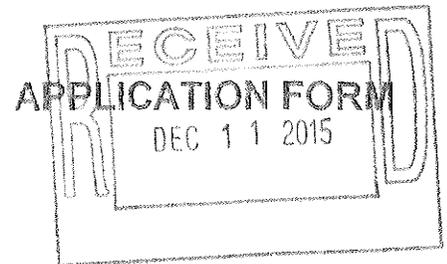
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**PLANNING COMMISSION
CITY OF BASEHOR, KANSAS**

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



Project Name & Description Cedar Nile Homes, Inc. / Early Childhood Academy		Total Site Acreage	Present Zoning CP-2
Legal Description (May be attached as separate sheet)			Proposed Zoning CP-2
Project Address / General Location Pinhurst C12 and C13			Presubmittal Date 12/11/15
Parcel ID Number (CAMA Number) 181-11-0-00-00-004.63.0 / 181-11-0-00-00-004.52.0			Floor Area Classification
Property Owner Name Aladdin Ashkar	Phone 913-704-7551	Fax	
Property Owner Address PO Box 312	City Basehor	State KS	Zip 66007
Applicant's Name (if different from above)	Phone	Fax	
Applicant's Address 18740 Cedar Nile Rd	City Gardner	State KS	Zip 66030
Applicant's mobile phone 913-915-0788	Property Owner and/or Applicant's E-mail address		

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 type="checkbox"/> Residential <input checked="" 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.

Signature <i>Aladdin Ashkar</i>	Date 12-11-15	Office Use Only <input checked="" type="checkbox"/> Filing Fee \$ 150.00 <input checked="" type="checkbox"/> Received by SA <input type="checkbox"/> # of Plans _____ <input type="checkbox"/> Attached Legal Description <input checked="" type="checkbox"/> 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)

- Reason for This Request? Current Zone is not zoned for an Early Childhood facility.
- What Is the Suitability of Subject Property for the Uses to Which it Has Been Restricted? Current lot has been vacant for years. Bringing in a child care facility will be beneficial to the area. It will open jobs for residents, and it will bring revenue to the city. Traffic in such area will generate business to existing adjacent businesses.
- To What Extent Will Removal of Restrictions Detrimentially Affect Nearby Property? It will not affect nearby property, for rezoning from commercial to commercial will still provide business growth.
- 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 gain to property/homeowners will drive traffic for the area and provide quality education for residents. Residents will stay in the area opposed to leaving the city to get education for youth.
- How Does Your Request Conform with the Comprehensive Plan? We are changing the grade and reformatting from one commercial zone to another commercial zone.

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

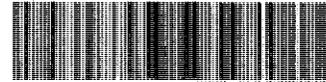
- Please provide a statement regarding why the development plan would be in the public interest. Providing adequate education and structure for the public to take their children will substantially help the growth of students and the Basehor-Linwood school system.
- Please provide a statement with regard as to why the PUD would be consistent with the statement of Objectives for Planned Unit Development as found in Section 20-1002.

City of Basehor

2620 N 155th St
Basehor, KS 66007
Phone: (913) 724-1370
Fax: (913) 724-3388

CEDAR NILE HOMES INC
18740 S CEDAR NILES RD
GARDNER, KS 66030

Pay by Account In Full



TOTAL AMOUNT DUE

\$ 150.00

Pay by Invoice Code	Type	Record No.	Invoice No.	Address	Amount Due
	PZE Process	PRZ-001-16	00000512	PINEHURST DR	\$ 150.00
	Effective Date:	01/07/2016	Amount Cost:	\$150.00	
Total Amount Due					\$ 150.00

City of Basehor

Received From: CEDAR NILE HOMES, INC.
Date: 12/11/2015 Time: 10:25:30 AM
Receipt: 49659
Cashier: shernandez

ITEM REFERENCE	AMOUNT
PLAT PLAT FEES	
PINEHURST C12 AND C13	\$150.00
TOTAL	\$150.00
Check 3203	\$150.00
Total Tendered:	\$150.00
Change:	\$0.00

REQUEST FOR APPROVAL OF A ZONING CHANGE FROM CP-2- GENERAL BUSINESS DISTRICT TO CP-1- NEIGHBORHOOD BUSINESS DISTRICT FOR LOTS C-12 AND C-13 IN THE PINEHURST NORTH SUBDIVISION.

MEETING DATE: February 2, 2016
REPORT WRITTEN: January 12, 2016

APPLICANT:

- Seele Properties, LLC.

REQUEST:

- The applicant is requesting approval to rezone lots C-12 & C-13 of the Pinehurst North subdivision from CP-2 General Business District to CP-1 Neighborhood Business District. The full intent of the applicant is to rezone, replat and construct an early childhood learning center/daycare.

COMPREHENSIVE PLAN/FUTURE LAND USE MAP:

- The Future Land Use Map designates this property as CP-2- General Business District.

SURROUNDING ZONING:

- North CP-2 General Business District (across US 24/40)
- South CP-2 General Business District
- East CP-2 General Business District
- West CP-2 General Business District.

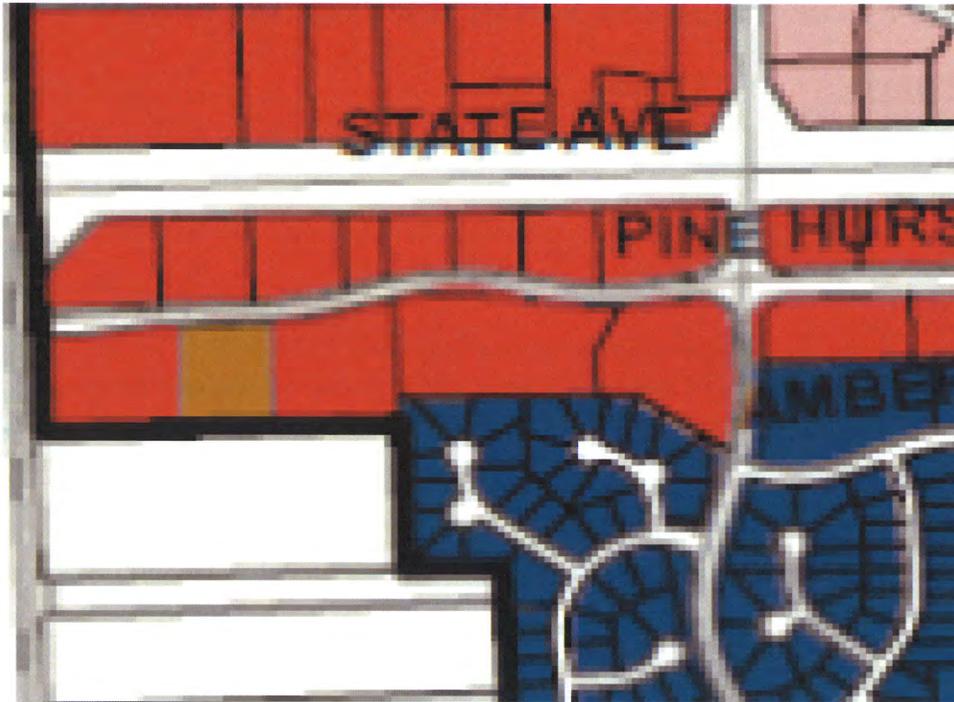
BACKGROUND:

The Pinehurst North subdivision was first platted in 2003. In 2006, lots C-12 and C-11 were replatted in order to increase the size of lot C-11 for a larger commercial structure. Lots C-12 & C-13 have been vacant since the Pinehurst North subdivision was platted in 2003.

The applicant plans to consolidate Lots C-12 and C-13 into one lot and construct a commercial structure in which to house an early childhood academy offering educational opportunities for up to one-hundred children from 6 weeks to 6 years of age. The proposed early childhood academy falls into the day care center use under the Basehor Zoning Ordinance. Day care centers are not currently allowed in CP-2 Zoning Districts.

The purpose of the CP-1 Zoning District is to provide a zone which is suitable for small scale, retail shopping, service oriented businesses and offices that are typically located in the core area of a city and serve primarily local needs. In comparison, the purpose of the CP-2 Zoning District is to provide for those commercial uses which are intensive in nature, require large lots and direct access to major streets.

THE CURRENT ZONING CONFIGURATION:



REZONING:

According to Article 18, Section 8 of the Basehor Zoning Ordinance and the *Golden* case, 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 several vacant lots, an assisted living center and several strip mall buildings housing small businesses.

THE ZONING AND USES OF THE PROPERTY NEARBY – The properties immediately surrounding these lots are zoned CP-2 General Business District. The assisted living center in the general vicinity is located on property zoned R-3, Multi-family Residential.

THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED – The property is currently vacant. The current zoning district, CP-2 General Business District, does not allow early childhood learning centers/day care centers.

THE EXTENT TO WHICH REMOVAL OF THE PRESENT ZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY – Rezoning the property from CP-2 General Business District to CP-1 Neighborhood Business District will maintain the commercial character of the property, and will have a minimal impact on nearby property.

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 – Because the applicant is requesting a rezoning from one commercial district to another, denial of the request would not affect the value of the land, and would not impose a great hardship on the applicant as the property could be utilized for a commercial use allowed in the current zoning district. However, as the property is already zoned to a commercial district, there would be little gain to the public health, safety and welfare if the rezoning request were denied.

RECOMMENDATION OF PROFESSIONAL STAFF- Staff recommends approval of the request to rezone the property to 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-2 General Business District. Although the rezoning to CP-1 Neighborhood Business District is a zoning to a less intense district, it still maintains the commercial character of the area and allows uses that are compatible with the uses allowed in the CP-2 General Business District.

The Comprehensive Plan states:

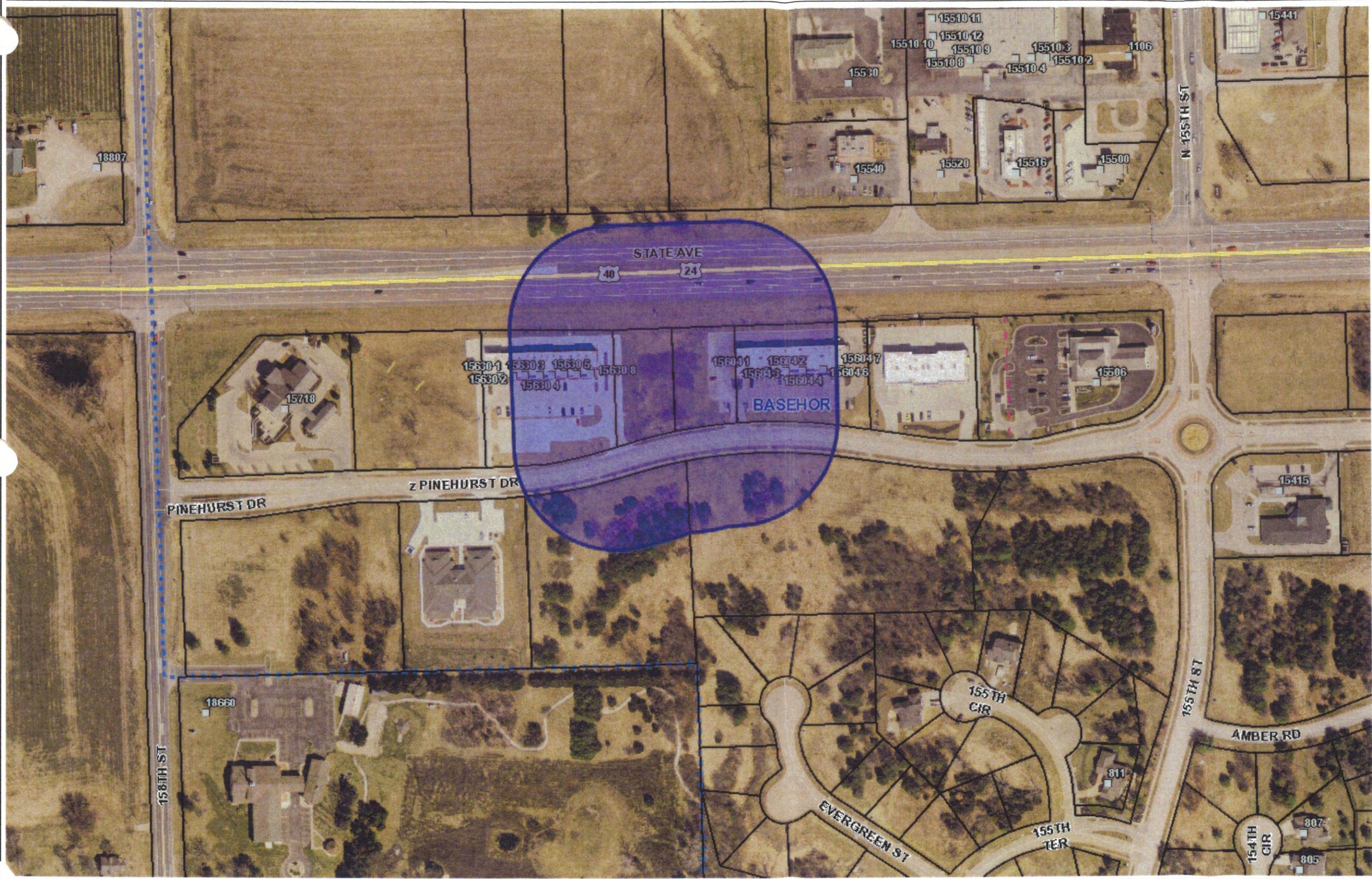
Neighborhood Business District Centers are intended to provide a range of services, including supermarkets, restaurants, movie rentals, drycleaners, drugstores, filling stations, smaller specialty shops, retail and health services and business and professional offices, for residential areas. Neighborhood centers will vary in scale and character. Smaller, limited use centers may be fully integrated into the surrounding neighborhood and be accessed primarily by pedestrian or bicycle; while larger centers will function more independently, providing ample parking and numerous stores. Neighborhood Centers often serve more than one nearby neighborhood in order to maintain sufficient economy of scale.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning of Lots C-12 & C-13 from CP-2 General Business District to CP-1 Neighborhood Business District with the following stipulations.

- 1. Contingent upon approval of rezoning request by the Planning Commission, the applicant shall adhere to the requirements of the replatting process as presented to staff.**

Pinehurst Rezoning

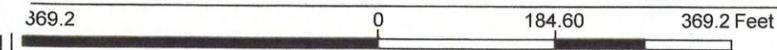


- Legend**
- Address Point
 - Address Points Leavenworth
 - Parcel
 - Subdivisions
 - Lot Line
 - City Limit Line
 - Major Road
 - <all other values>
 - 70
 - Road
 - ⊕ Railroad
 - Section
 - County Boundary

1:2,215

Notes

Highlighted area indicates 200' notification radius.



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

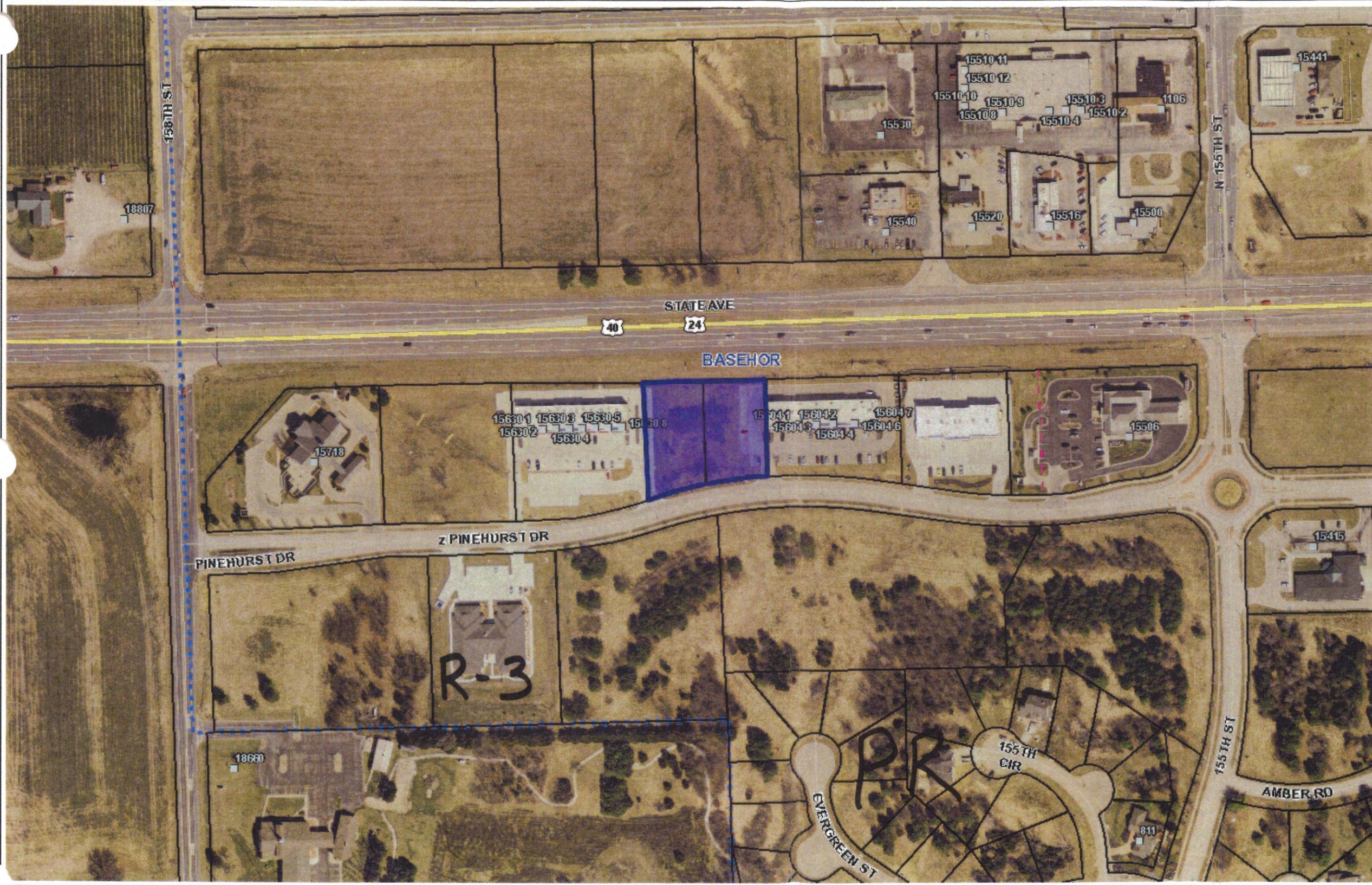
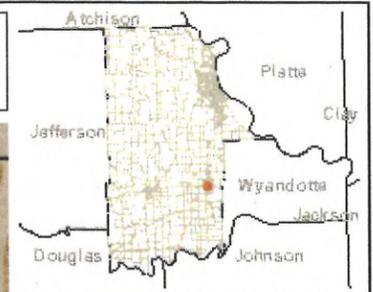
R STUFF LLC
17850 S REFLECTION AVE
BENNINGTON, NE 68007

COMMUNITY NATIONAL BANK
231 MAIN ST
TONGANOXIE, KS 66086

COMMUNITY NATIONAL BANK
231 MAIN ST
TONGANOXIE, KS 66086

AAT ENTERPREISES LLC
21098 W 120TH ST
OLATHE, KS 66061

Pinehurst Rezoning



- Legend**
- Address Point
 - Address Points Leavenworth
 - Parcel
 - Subdivisions
 - Lot Line
 - ⋮ City Limit Line
 - Major Road
 - <all other values>
 - 70
 - Road
 - + Railroad
 - Section
 - County Boundary

1:2,215

Notes

Highlighted area indicates Lot C-12 & C-13 of the Pinehurst North Subdivision

369.2 0 184.60 369.2 Feet

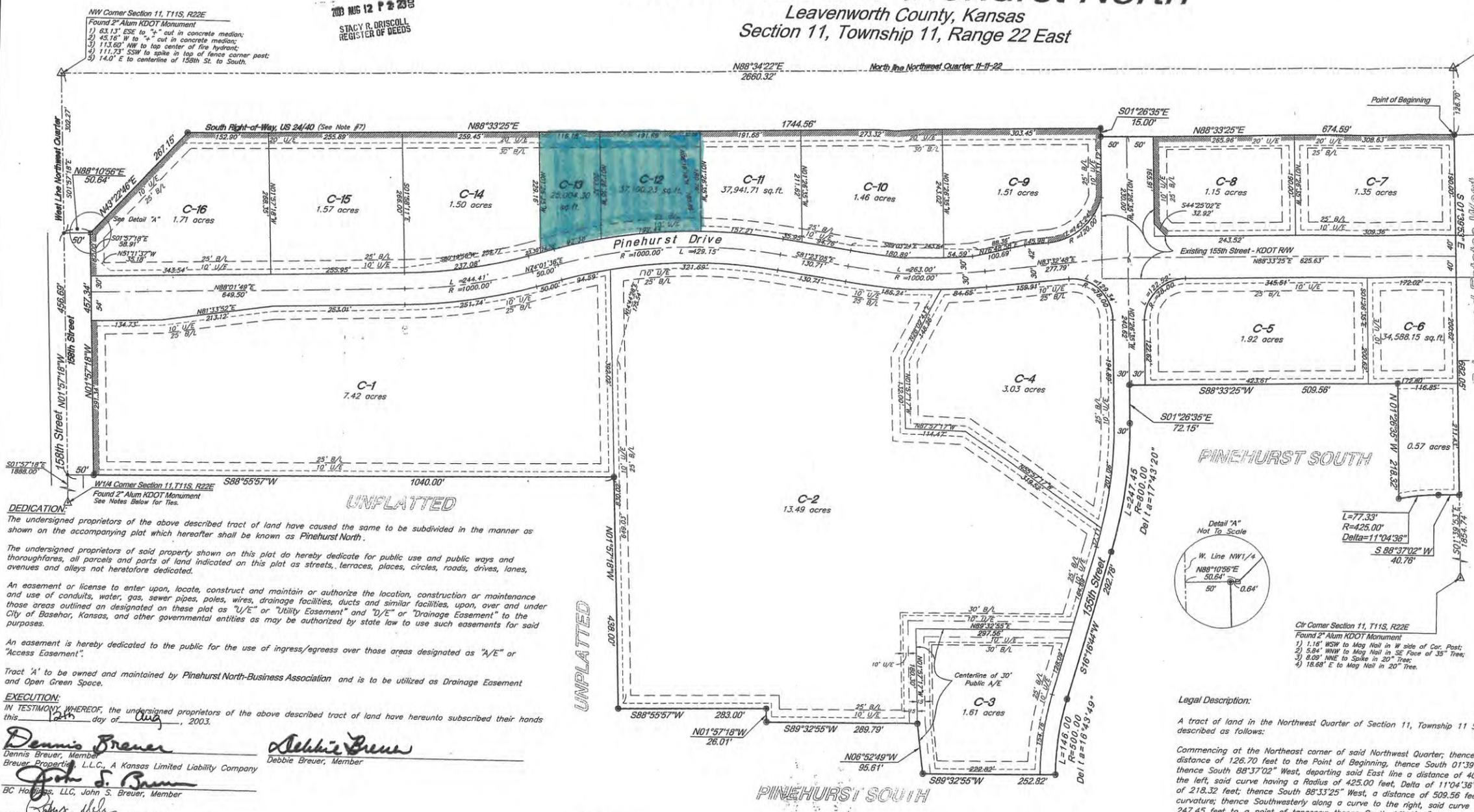
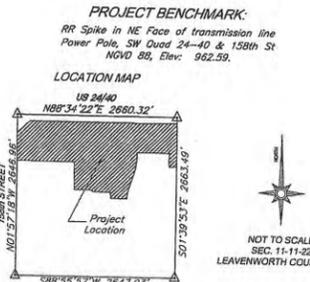
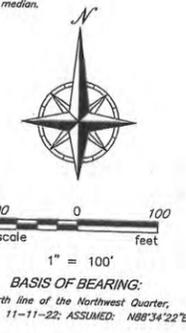
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Final Plat of Pinehurst North

Leavenworth County, Kansas
Section 11, Township 11, Range 22 East

STATE OF KANSAS
COUNTY OF LEAVENWORTH
FILED
2003 AUG 12 P 2:23 P
STACY R. DRISCOLL
REGISTER OF DEEDS

Point of Commencement
NW4 Corner Section 11, T11S, R22E
Found 2" Alum KDOT Monument
1) 4.00' N to "x" cut in concrete median;
2) 10.00' NW to "x" cut in concrete median;
3) 9.94' SW to "x" cut in concrete median;
4) 8.00' S to "x" cut in concrete median;
5) 10.00' SE to "x" cut in concrete median.



DEDICATION:
The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat which hereafter shall be known as Pinehurst North.
The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on this plat as streets, terraces, places, circles, roads, drives, lanes, avenues and alleys not heretofore dedicated.
An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, ducts and similar facilities, upon, over and under those areas outlined on these plat as "U/E" or "Utility Easement" and "D/E" or "Drainage Easement" to the City of Basehor, Kansas, and other governmental entities as may be authorized by state law to use such easements for said purposes.
An easement is hereby dedicated to the public for the use of ingress/egress over those areas designated as "A/E" or "Access Easement".
Tract 'A' to be owned and maintained by Pinehurst North-Business Association and is to be utilized as Drainage Easement and Open Green Space.

EXECUTION:
IN TESTIMONY WHEREOF, the undersigned proprietors of the above described tract of land have hereunto subscribed their hands this 12th day of Aug, 2003.

Dennis Breuer, Member
Breuer Properties, L.L.C., A Kansas Limited Liability Company
Debbie Breuer, Member
John S. Breuer, Member
BC Holdings, LLC, John S. Breuer, Member
Community Bank Building, L.L.C., Patrick J. Nelson, Manager

NOTARY CERTIFICATE:
STATE OF KANSAS
COUNTY OF LEAVENWORTH } ss
Be it remembered that on this 12th day of Aug, 2003, before me, a notary public in and for said County and State, came Dennis Breuer, Debbie Breuer, John S. Breuer and Patrick J. Nelson, to me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

My Commission Expires: 12/2/06

PLANNING COMMISSION APPROVAL:
Approved this 1st day of July, A.D. 2003 by the City of Basehor Planning Commission.
Ronald Gowa, Chairman
Carole Dickey, Secretary

CITY COUNCIL APPROVAL:
Approved this 18th day of July, A.D. 2003 by the City Council, City of Basehor, Leavenworth County, Kansas.
Stacy R. Driscoll, Attest

CITY ENGINEER APPROVAL:
The City Engineer's plat review is only for general conformance with the Subdivision Regulations as adopted by the City of Basehor. The City is not responsible for the accuracy or adequacy of the design, dimensions, elevations, and quantities.
David C. Wolf, City Engineer

SURVEYORS NOTES:
1) Title information is limited to that information contained in "A Policy of Title Insurance" Commitment number M-9994-6030207 prepared by Tri-County Title & Abstract, an agent for Stuart Title and Guaranty.
2) Iron bars shall be placed on all lot corners at the completion of the construction of proposed Pinehurst North improvements.
3) Right of Way and alignment of US 24/40 was created from Right of Way plans from KDOT Proj. No. 24-52 K-4441-01.
4) Parent property tract is recorded at Book 858 at Page 819 in the office of the Register of Deeds, Leavenworth County, Kansas.
5) The herein describe tract is zoned "CP-2, General Business District" with the following requirements:
Minimum Lot Area: 10,000 sq. ft.
Front Yard: 25' Minimum
Side Yard: No Minimum, EXCEPT where lot abuts a residential district, where 12' shall be minimum.
6) The herein describe tract is subject to a separate 'Declarations of Restrictions', with said document being recorded in Book _____ at Page _____, in the Office of the Register of Deeds, Leavenworth County, Kansas.
7) South Right of Way of US 24/40 is described in KDOT condemnation case, Tract #28, obtained from KDOT, Division of ROW.

COUNTY SURVEYOR'S CERTIFICATE:
I hereby certify this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.
Lyle C. Howell, Leavenworth County Surveyor

REGISTER OF DEEDS CERTIFICATE:
This plat of Pinehurst North was filed for record this 12 day of August, 2003 A.D. 2:23 P.M., and duly recorded in volume 15 of plats, at page 14.
Stacy Driscoll by J. Edwards Deputy
Stacy Driscoll, Register of Deeds, Leavenworth Co. Kansas

Legal Description:
A tract of land in the Northwest Quarter of Section 11, Township 11 South, Range 22 East of the 6th PM Leavenworth County, Kansas described as follows:

Commencing at the Northeast corner of said Northwest Quarter; thence South 01°39'53" East, along the East line of said Northwest Quarter, a distance of 126.70 feet to the Point of Beginning; thence South 01°39'53" East, continuing along said East line, a distance of 682.05 feet; thence South 88°37'02" West, departing said East line a distance of 40.76 feet to a point of curvature; thence Southwesterly along a curve to the left, said curve having a Radius of 425.00 feet, Delta of 11°04'36" an arc length of 77.33 feet; thence North 01°26'35" West, a distance of 218.32 feet; thence South 88°33'25" West, a distance of 509.56 feet; thence South 01°26'35" East, a distance of 72.15 feet to a point of curvature; thence Southwesterly along a curve to the right, said curve having a Radius of 800.00 feet, Delta of 17°43'20", an arc length of 247.45 feet to a point of tangency; thence South 16°16'44" West, a distance of 292.78 feet to a point of curvature; thence Southerly along a curve to the left, said curve having a Radius of 500.00 feet, Delta of 16°43'49" an arc length of 146.00 feet; thence South 89°32'55" West, a distance of 252.82 feet; thence North 06°52'49" West, a distance of 95.61 feet; thence South 89°32'55" West, a distance of 289.79 feet; thence North 01°57'18" West, a distance of 26.01 feet; thence South 88°55'57" West, a distance of 1040.00 feet from the West line of said Northwest Quarter; thence the South line of said Northwest Quarter, a distance of 436.00 feet; thence South 88°55'57" West, parallel to the West line thereof, a distance of 456.69 feet to the South right of way of US 24-40 as it now exists; thence North 88°10'56" East, along said right of way, a distance of 50.64 feet; thence North 43°22'46" East, continuing along said right of way, a distance of 267.15 feet; thence North 88°33'25" East, continuing along said right of way, a distance of 1744.56 feet; thence South 01°26'35" East, continuing along said right of way a distance of 15.00 feet; thence North 88°33'25" East, continuing along said right of way, a distance of 674.59 feet to the Point of Beginning and containing 2,063,814.93 square feet or 47.38 acres and subject to any easements, restrictions or rights of way of record or fact. Error of Closure 1:528,017.

SURVEYOR'S CERTIFICATE:
I, Joseph B. Strick, Registered Land Surveyor in the State of Kansas, do hereby certify that I have made a survey of the above described tract of land in the Northwest Quarter of Section 11, Township 11 South, Range 22 East of the 6th PM Leavenworth County, Kansas, and that the plat heretofore presented is a true and accurate representation of the evidence found in my field notes.
Joseph B. Strick, Registered Land Surveyor

Developer:
G & J Services, Inc., John S. Breuer, Manager
7550 Legler, Shawnee, Kansas 66217

McAfee Engineers & Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING - CONSTRUCTION MANAGEMENT
300 Santa Fe Leavenworth, KS 66048 1200 W 151st Street, Olathe, KS 66061
(913) 661-6100 FAX (913) 651-4178 (913) 782-7744 FAX (913) 390-9065
Proj. No. 2002.025 Date: 5-8-03

City of Basehor
Agenda Item Cover Sheet

Agenda Item No. 6

Topic: Review and approval of updated Planning Commission By-Laws, reflecting meeting day change, grammatical errors and other miscellaneous items as indicated by the City Attorney.

Action Requested: Review and approve the appropriate changes to the Planning Commission By-Laws as presented.

Narrative: Planning Commission By-laws are a living document and subject to change in regards to other external items. Over the years the by-laws have been amended three other times, 1993, 2006 and most recently in 2007. It had become apparent that there were some discrepancies in this document; most notably were meeting days. After further review by the City Attorney there were several other areas that either needed removed or changed. You have been provided with two (2) copies of the by-laws, one red-line and one clean, please take the time to review them and retain the clean copy for your personal records. These are the rules and regulations that govern our commission.

Presented by: Mark Lee-Planning & Zoning Director

Administration Recommendation:
Staff recommends approval of the by-law amendments as presented.

Committee Recommendation: N/A

Attachments:
Copy of existing By-Laws, red-line version (9 pages)
Copy of amended By-Laws, adoption version (8 pages)

Projector needed for this item?
No

BY-LAWS
RULES AND
REGULATIONS

Basehor Planning Commission

Basehor, Kansas

(July 1993 – Revised July, 2006; October, 2007; December 2015)

REGULAR MEETINGS

1. ANNUAL MEETING

- a. The election of officers of the Planning Commission shall be held at ~~the~~ Basehor City Hall ~~in the meeting room~~ as part of the regular monthly meeting that occurs in July of each year. Elected officers shall take office in August following the elections.

2. REGULAR MONTHLY MEETING

- a. The Planning Commission regular monthly meeting shall be held on the ~~first~~ second Tuesday of each month at ~~the~~ Basehor City Hall. ~~in the meeting room~~ If the day of the Planning Commission regular monthly meeting is a holiday, ~~under which circumstance,~~ the Planning Commission may set a new date for the meeting by a majority vote of the Commission.
- b. Meetings will begin at 7:00 PM and run until such time that the Planning Commission addresses all items of business, ~~or until the Planning Commission, by a majority vote thereof, votes to end the meeting~~ or until 10:00 p.m., at which time the Planning Commission, by a majority vote thereof, may ~~vote to end~~ adjourn the meeting. In the event the Planning Commission ~~votes to end~~ adjourns the meeting at 10:00 p.m. with items needing attention remaining on the agenda, the Planning Commission shall set a location, date and time for a special meeting no more than five (5) working days into the future. If no other location is fixed in the notice of the special meeting, the meeting shall be held at Basehor City Hall. ~~Any items remaining on the agenda will be carried over to the next regular meeting or a special meeting may be set at that time by the Chair of the Planning Commission.~~

3. ~~ADJOURNED ANNUAL OR MONTHLY MEETINGS~~

- a. ~~Of the Planning Commission may be held at such time and place as may be fixed in the resolution of adjournment or notice of Special Meeting. If no other place is fixed in the~~

notice, the meeting shall be held at the Basehor City Hall.

ITEMS TO BE PLACED ON THE AGENDA

1. Any concerned citizen, City Council member or Planning Commission member shall follow the procedure to place an item on the agenda as follows ~~outlined here~~:
 - a. Items to be placed on the Planning Commission agenda shall be submitted to the Planning Department no less than twenty (20) days prior to the date of the meeting or, as may be determined by the regulatory document that would govern the application (i.e. Zoning Ordinance or Subdivision Regulations). However, the Planning Director shall have the discretion to accept items for placement on the agenda, so long as in doing so, there will be no violation of any necessary public hearing notice requirements.
 - b. When calling a special meeting, the item to be discussed will be a part of the meeting's call.
 - c. At each regular meeting, ~~an~~ the requested item shall be placed on the agenda as an "Open Agenda" item, ~~which shall be called "Open Agenda"~~ and any person present may ask to have a particular subject item listed under "Open Agenda" discussed. ~~The Chair will call for a motion and a second, if motion passes~~ The Planning Commission shall vote on whether the item shall be discussed. Should the motion fail the item will be put on the agenda for the next regular meeting. NOTE: no item shall be discussed ~~at this time~~ as an "Open Agenda" item which should be ~~legally published in the newspaper~~ accordance with Kansas state law, or which necessitates requires notification of affected property owners.

SPECIAL MEETINGS

1. A special meeting of the Planning Commission may be called by the Chair ~~person~~, or in his/her absence, the Vice-Chair, and held at any the location day and time ~~or place~~ fixed in the notice. If no other location is fixed in the notice, the meeting shall be held at Basehor City Hall.
2. The Chair~~person~~, or in his/her absence, the Vice-Chair, shall call a special meeting of the Planning Commission at the request of a majority of the appointed members of the Planning Commission. If the Chair fails to comply with such a request, said

members so requesting may call such meeting; if all such members ~~all signing~~ the notice.

3. Special meetings may be adjourned at any time during the special meeting by vote of a majority of the appointed members. An adjourned special meeting of the Planning Commission may be held at such location, day and time ~~and place~~ as is fixed in the notice of adjournment. If no other ~~place~~ location is fixed in the notice of adjournment, the meeting shall be held ~~in the conference room~~ at Basehor City Hall.

NOTICE OF MEETINGS

1. It shall be necessary to give notice of all Annual or Regular monthly meetings. The Chair may direct that notice be given by the Secretary at each meeting, but failure to give such notice or to receive the same shall not affect the validity of any election held or ~~aets~~ action taken at such meeting, so long as such election or action meets the requirements of Kansas law.
2. Notice of special meetings shall name the location, day and time, ~~and place~~ and business to be transacted, and shall be mailed to each member of the Planning Commission at his or her address on record with the City of Basehor not less than three (3) days prior to such meeting ~~as given to the Board.~~
3. ~~Notices of special meetings shall be sent to each Planning Commission member not less than three (3) days prior to meeting.~~
34. All meetings, both regular and special, shall be open to the public.
45. Notice of ~~§~~ special meetings shall be published prior to the meeting in accordance with Kansas state law.

EXECUTIVE SESSION

1. The Planning Commission and its sub-committees have the right to meet in Executive Session as set out in the ~~State Statues~~ Kansas Open Meetings Act, K.S.A. 75-43197 et seq., as amended from time to time. ~~entitled: Closed or Executive Meetings; conditions; authorized subjects for discussion; binding action prohibited.~~
 - a. ~~Upon formal motion made, seconded and carried, all bodies and agencies subject to this act may recess, but not adjourn, and open meetings for Closed or Executive meetings. Any motion to recess for a Closed or Executive meeting shall include a~~

~~statement of the justification for closing the meeting (2) the subjects to be discussed during the closed or Executive meeting and (3) the time and place at which the Open Meeting resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or or agency. Discussion during the Closed or Executive meeting shall be limited to those subjects stated in the motion.~~

- ~~b. No Subject shall be discussed at any Closed or Executive meeting except the following: (1) Personnel matters of non-elected personnel; (2) consultation with an attorney for the body or agency which would be deemed privileged in the attorney/client relationship; (3) matters relating to employer/employee negotiations whether or not in consultation with representative or representatives of the body or agency; (4) confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorship; (5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person; and (6) preliminary discussion relating to the acquisition of real property.~~
- ~~e. No binding action shall be taken during the Closed or Executive recesses, and such recesses shall not be used as a subterfuge to defeat the purpose of this act.~~

QUORUM

1. At least the majority of the members of the Planning Commission shall be necessary to constitute a quorum for the transaction of business.
2. The affirmative vote of a majority of those members present shall be required for the exercise of power or functions conferred or imposed upon ~~this~~ the Planning Commission ~~commission~~, but less than the majority of the members may meet and adjourn from time to time until a quorum is present.

MEMBERSHIP

1. The ~~Bascher City~~ Planning Commission shall consist of seven (7) appointees of which number, two members shall reside outside of but within three (3) miles of the corporate limits of the City, but the remaining members shall be residents of the City. Appointments are to be made by the Mayor with the consent of the City Council. The members of the Planning Commission first appointed shall serve respectively for terms of one (1) year, two (2) years and three (3) years, divided equally or as nearly equal as possible between these terms. Thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the Planning Commission shall serve without compensation for their services. Members of the Planning Commission may be removed for cause as provided by ~~State Statutes~~ Kansas state law and these by-laws.
2. When any member is absent for three consecutive regular monthly meetings or four regular meetings within any one calendar year, the secretary of the Planning Commission shall notify the Mayor by delivering to the City Clerk, in writing, the name of the individual and the dates of the meetings missed. The City Clerk shall upon receipt of the written notice from the Secretary of the Planning Commission notify the individual of date and time of the meeting at which time the matter shall be considered by the Governing Body ~~governing body~~. At the time of consideration, the Mayor with the consent of the City Council may declare a vacancy existing and proceed to appoint a successor for the remaining term of the vacant position by majority vote, ~~the governing body may continue the consideration of the vacancy or appointment of a successor~~

OFFICERS

1. CHAIR
 - a. The Chair shall preside at all the meetings of the Planning Commission.
 - b. The Chair shall, when authorized by the Governing Body, execute in its name all contracts, bonds and other obligations.
 - c. The Chair shall appoint committees.
 - d. The Chair shall perform such other duties as are usually exercised by the Chair of a Commission or the President or the Chief Officer of such a Commission.
2. VICE-CHAIR
 - a. ~~The position of Vice-Chair is hereby established.~~

- b. The Vice-Chair's duties shall be to perform the duties of the Chair during the absence or disability of the Chair~~person~~.
- c. The Vice-Chair may be appointed by the City Council to the Board of Zoning Appeals, in the same manner as other members of the Board of Zoning Appeals. In the event that such Vice- Chair's term as Vice-Chair of the Planning Commission shall expire, the Vice-Chair's position on the Board of Zoning Appeals shall become vacant simultaneously with the expiration thereof.

3. SECRETARY

- a. The Secretary may or may not be a member of the Planning Commission.
- b. The Secretary shall attend all regular and special meetings, keep a recording of and transcribe the same in the minute book of the Planning Commission. Minutes of the meeting shall be prepared within seven (7) days after the meeting. Copies of the minutes shall be furnished to each member of the Planning Commission and the City Council. Any recordings will be kept on file for five (5) years before being destroyed unless litigation requires a permanent copy to be kept. Any recording will be kept in City Hall for anyone to listen to concerning Planning Commission activities.
- c. The Secretary shall send all notices of regular and special meetings required to be sent under these By-Laws or as directed by the Chair.
- d. The Secretary shall, when required, attend meetings of the committees and when directed, transcribe the ~~M~~ minutes thereof, furnishing each member of the committee a copy of the minutes.
- e. The Secretary shall have charge of the office of the Planning Commission and all books, papers and records thereof and shall attend to all correspondence of the Planning Commission.

COMMITTEES

1. The Planning Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.
2. Each committee shall consist of two (2) members to be appointed by the Planning Commission Chair.
3. The Planning Commission Chair shall appoint one (1) member as Chair of each committee, and the committee shall meet at such times and places as directed by the Chair of such

committee.

4. The members of the committee shall serve for one (1) year or until their successors are appointed, and any vacancy in the committee shall be filled by the Chair of the committee.
5. Whenever necessary, the Planning Commission Chair shall appoint such special committees for such purposes as the chair sees fit, or as may be authorized by the Planning Commission.
6. The Chair shall appoint, upon a motion, second, and vote from any Planning Commission member, two (2) members to a committee. The appointment shall be made at regular or special meetings and any interested persons are invited to provide input or accompany committee members on any inspections.
7. A committee constitutes a miniature assembly and shall act only when both members are present. When a committee originates a report, it must be complete when presented. All committee reports should close with a definite recommendation and will be in written form. A committee report is presented by the Chair of the committee.

ELECTIONS AND APPOINTMENTS

1. The Chair of the Planning Commission shall be elected at the Annual Meeting thereof and shall hold office for one year or until a successor is appointed and qualified.
2. The Vice-Chair shall be elected at the Annual Meeting of the Board immediately after the election of the Chair and shall hold office for one (1) year or until a successor is appointed and qualified.
3. Any vacancy in the office of the Chair or Vice-Chair of the Planning Commission may be filled at any regular or special meeting after such vacancy.
4. The Secretary shall be elected at the annual meeting of the Board Planning Commission immediately after the election of the Vice-Chair and shall hold office for one (1) year or until a successor is appointed and qualified.
5. In the event that the Chair and the Vice-Chair or the Secretary of the ~~Board~~ Planning Commission should be absent or unable for any reason to attend to the duties of their office, the members of the ~~Board~~ Planning Commission may at any regular meeting or at any special meeting called for that purpose, appoint a Chair Pro-Tem or a Secretary Pro-Tem, as the case may be, who shall attend to all the duties of such officer until such officer shall return or be able to attend to their duties.

ORDER OF BUSINESS

1. The order of business at all meetings shall be as follows:
 - a. Call to Order
 - b. Roll call.
 - c. Approval of the Minutes of the preceding meeting. (The Minutes need not be read aloud by the Secretary if copies are given to the ~~Board~~ Planning Commission members prior to the meeting.)
 - d. ~~New Business~~ Unfinished Business.
 - e. ~~Old Business~~. New Business.
 - f. Open Agenda.
 - g. Reports from Special Committees.
 - h. Notices and Communication.
 - i. Adjournment.

AMENDMENT OF BY-LAWS

1. The foregoing By-Laws, or any part thereof, may be proposed to be amended at any regular meeting of the Planning Commission with notice, or at any special meeting of the Planning Commission where not less than three (3) days notice has been given to all members of the Planning Commission and a copy of the proposed amendment sent with the notice, providing, however, that it shall require the vote of not less than two-thirds (2/3) of the members to make any amendment or change in these By-Laws.

MOTIONS AND VOTING

1. Motions must be seconded and require a majority vote by voice. On a roll call vote an entry must be made in the Minutes of the names of all voting affirmative, negative and answering "present".

All members, including the Chair, shall have a vote and shall vote when present except that any member shall automatically excuse himself/herself from a hearing and voting on any decisions in which he/she may have a conflict of interest.
2. In deliberative societies no member can vote who is not present when the question is put forth and no vote by proxy is permitted.

3. It is a general rule that no member can vote on a question in which he or she has a direct personal or pecuniary interest.
4. A member has the right to change his or her vote until the time that the vote is announced.
5. In announcing a vote, the Chair should state first whether the motion is carried or lost: second what is the effect of the vote; and third what is the immediately pending piece of business, or if none, to ask the pleasure of the assembly.
6. The Chair should restate every motion before it is put to a vote.
7. Motion to dispense with the reading of the ~~M~~ minutes and to approve them as mailed to the members is in order.
8. In order for the Planning Commission Chair to make a motion or to second a motion, he or she must first hand the position of Chair to the Vice-Chair. After the motion has been made, seconded and voted on, he or she may resume as Chair.

PARLIMENTARY PROCEDURE

1. The League of Kansas Municipalities Code of Procedures (latest edition) shall be followed at all meetings of the Planning Commission so long as they are not inconsistent with the ~~Laws~~ of the State of Kansas law or the Ordinances of the City of Basehor, Kansas.

Passed and approved this ~~2nd~~ day of October ~~2007~~ December, 2015.

Attest:

Jon Gallion, Chair
City of Basehor, Kansas Planning Commission

Connie Legget, Secretary
City of Basehor, Kansas Planning Commission

~~Passed and approved this 15th day of October, 2007.~~

~~Attest:~~

Chris Garcia, Mayor
City of Basehor, Kansas

Mary A. Mogle, CMC
City of Basehor, Kansas

**BY-LAWS, RULES
AND REGULATIONS**

Basehor Planning Commission

Basehor, Kansas

(July 1993 – Revised July, 2006; October, 2007; February 2015)

MEETINGS

1. ANNUAL MEETING

- a. The election of officers of the Planning Commission shall be held at Basehor City Hall as part of the regular monthly meeting that occurs in July of each year. Elected officers shall take office in August following the elections.

2. REGULAR MONTHLY MEETING

- a. The Planning Commission regular monthly meeting shall be held on the second Tuesday of each month at Basehor City Hall. If the day of the Planning Commission regular monthly meeting is a holiday, the Planning Commission may set a new date for the meeting by a majority vote of the Commission.
- b. Meetings will begin at 7:00 PM and run until such time that the Planning Commission addresses all items of business, or until 10:00 p.m., at which time the Planning Commission, by a majority vote thereof, may adjourn the meeting. In the event the Planning Commission adjourns the meeting at 10:00 p.m. with items needing attention remaining on the agenda, the Planning Commission shall set a location, date and time for a special meeting no more than five (5) working days into the future. If no other location is fixed in the notice of the special meeting, the meeting shall be held at Basehor City Hall.

ITEMS TO BE PLACED ON THE AGENDA

1. Any concerned citizen, City Council member or Planning Commission member shall follow the procedure to place an item on the agenda as follows:
 - a. Items to be placed on the Planning Commission agenda shall be submitted to the Planning Department no less than twenty (20) days prior to the date of the meeting or, as may be determined by the regulatory document that would govern the

application (i.e. Zoning Ordinance or Subdivision Regulations). However, the Planning Director shall have the discretion to accept items for placement on the agenda, so long as in doing so, there will be no violation of any necessary public hearing notice requirements.

- b. When calling a special meeting, the item to be discussed will be a part of the meeting's call.
- c. At each regular meeting, the requested item shall be placed on the agenda as an "Open Agenda" item, and any person present may ask to have a particular item listed under "Open Agenda" discussed. The Planning Commission shall vote on whether the item shall be discussed. Should the motion fail the item will be put on the agenda for the next regular meeting. NOTE: no item shall be discussed as an "Open Agenda" item which should be published in accordance with Kansas state law, or which necessitates or requires notification of affected property owners.

SPECIAL MEETINGS

1. A special meeting of the Planning Commission may be called by the Chair, or in his/her absence, the Vice-Chair, and held at any the location day and time fixed in the notice. If no other location is fixed in the notice, the meeting shall be held at Basehor City Hall.
2. The Chair, or in his/her absence, the Vice-Chair, shall call a special meeting of the Planning Commission at the request of a majority of the appointed members of the Planning Commission. If the Chair fails to comply with such a request, said members so requesting may call such meeting if all such members sign the notice.
3. Special meetings may be adjourned at any time during the special meeting by vote of a majority of the appointed members. An adjourned special meeting of the Planning Commission may be held at such location, day and time as is fixed in the notice of adjournment. If no other location is fixed in the notice of adjournment, the meeting shall be held at Basehor City Hall.

NOTICE OF MEETINGS

1. It shall be necessary to give notice of all Annual or Regular monthly meetings. The Chair may direct that notice be given by the Secretary at each meeting, but failure to give such notice or to receive the same shall not affect the validity of any election held or done action taken at such meeting, so long as such election or action meets the requirements of Kansas law.
2. Notice of special meetings shall name the location, day and time, and business to be transacted, and shall be mailed to each member of the Planning Commission at his or her address on record with the City of Basehor not less than three (3) days prior to such meeting.
3. All meetings, both regular and special, shall be open to the public.
4. Notice of special meetings shall be published prior to the meeting in accordance with Kansas state law.

EXECUTIVE SESSION

1. The Planning Commission and its sub-committees have the right to meet in Executive Session as set out in the Kansas Open Meetings Act, K.S.A. 75-4317 et seq., as amended from time to time.

QUORUM

1. At least the majority of the members of the Planning Commission shall be necessary to constitute a quorum for the transaction of business.
2. The affirmative vote of a majority of those members present shall be required for the exercise of power or functions conferred or imposed upon the Planning Commission, but less than the majority of the members may meet and adjourn from time to time until a quorum is present.

MEMBERSHIP

1. The Planning Commission shall consist of seven (7) appointees of which number, two members shall reside outside of but within three (3) miles of the corporate limits of the City, but the remaining members shall be residents of the City. Appointments are to be made by the Mayor with the consent of the City Council. The members of the Planning Commission first appointed shall serve respectively for terms of one (1) year, two (2) years and three (3) years, divided equally or as nearly equal as possible between these terms. Thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the Planning Commission shall serve without compensation for their services. Members of the Planning Commission may be removed for cause as provided by Kansas state law and these by-laws.
2. When any member is absent for three consecutive regular monthly meetings or four regular meetings within any one calendar year, the secretary of the Planning Commission shall notify the Mayor by delivering to the City Clerk, in writing, the name of the individual and the dates of the meetings missed. The City Clerk shall upon receipt of the written notice from the Secretary of the Planning Commission notify the individual of date and time of the meeting at which time the matter shall be considered by the Governing Body. At the time of consideration, the Mayor with the consent of the City Council may declare a vacancy existing and proceed to appoint a successor for the remaining term of the vacant position by majority vote.

OFFICERS

1. CHAIR
 - a. The Chair shall preside at all the meetings of the Planning Commission.
 - b. The Chair shall, when authorized by the Governing Body, execute in its name all contracts, bonds and other obligations.
 - c. The Chair shall appoint committees.
 - d. The Chair shall perform such other duties as are usually exercised by the Chair of a Commission or the President or the Chief Officer of such a Commission.
2. VICE-CHAIR
 - a. The Vice-Chair's duties shall be to perform the duties of the Chair during the absence or disability of the Chair.

- b. The Vice-Chair may be appointed by the City Council to the Board of Zoning Appeals, in the same manner as other members of the Board of Zoning Appeals. In the event that such Vice-Chair's term as shall expire, the Vice-Chair's position on the Board of Zoning Appeals shall become vacant simultaneously with the expiration thereof.

3. SECRETARY

- a. The Secretary may or may not be a member of the Planning Commission.
- b. The Secretary shall attend all regular and special meetings, keep a recording of and transcribe the same in the minute book of the Planning Commission. Minutes of the meeting shall be prepared within seven (7) days after the meeting. Copies of the minutes shall be furnished to each member of the Planning Commission and the City Council. Any recordings will be kept on file for five (5) years before being destroyed unless litigation requires a permanent copy to be kept. Any recording will be kept in City Hall for anyone to listen to concerning Planning Commission activities.
- c. The Secretary shall send all notices of regular and special meetings required to be sent under these By-Laws or as directed by the Chair.
- d. The Secretary shall, when required, attend meetings of the committees and when directed, transcribe the minutes thereof, furnishing each member of the committee a copy of the minutes.
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COMMITTEES

- 1. The Planning Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.
- 2. Each committee shall consist of two (2) members to be appointed by the Planning Commission Chair.
- 3. The Planning Commission Chair shall appoint one (1) member as Chair of each committee, and the committee shall meet at such times and places as directed by the Chair of such committee.
- 4. The members of the committee shall serve for one (1) year or until their successors are appointed, and any vacancy in the committee shall be filled by the Chair of the committee.

5. Whenever necessary, the Planning Commission Chair shall appoint such special committees for such purposes as the chair sees fit, or as may be authorized by the Planning Commission.
6. The Chair shall appoint, upon a motion, second, and vote from any Planning Commission member, two (2) members to a committee. The appointment shall be made at regular or special meetings and any interested persons are invited to provide input or accompany committee members on any inspections.
7. A committee constitutes a miniature assembly and shall act only when both members are present. When a committee originates a report, it must be complete when presented. All committee reports should close with a definite recommendation and will be in written form. A committee report is presented by the Chair of the committee.

ELECTIONS AND APPOINTMENTS

1. The Chair of the Planning Commission shall be elected at the Annual Meeting thereof and shall hold office for one year or until a successor is appointed and qualified.
2. The Vice-Chair shall be elected at the Annual Meeting of the Board immediately after the election of the Chair and shall hold office for one (1) year or until a successor is appointed and qualified.
3. Any vacancy in the office of the Chair or Vice-Chair of the Planning Commission may be filled at any regular or special meeting after such vacancy.
4. The Secretary shall be elected at the annual meeting of the Board Planning Commission immediately after the election of the Vice-Chair and shall hold office for one (1) year or until a successor is appointed and qualified.
5. In the event that the Chair and the Vice-Chair or the Secretary of the Planning Commission should be absent or unable for any reason to attend to the duties of their office, the members of the Planning Commission may at any regular meeting or at any special meeting called for that purpose, appoint a Chair Pro-Tem or a Secretary Pro-Tem, as the case may be, who shall attend to all the duties of such officer until such officer shall return or be able to attend to their duties.

ORDER OF BUSINESS

1. The order of business at all meetings shall be as follows:
 - a. Call to Order
 - b. Roll call.
 - c. Approval of the Minutes of the preceding meeting. (The Minutes need not be read aloud by the Secretary if copies are given to the Planning Commission members prior to the meeting.)
 - d. Unfinished Business.
 - e. New Business.
 - f. Open Agenda.
 - g. Reports from Special Committees.
 - h. Notices and Communication.
 - i. Adjournment.

AMENDMENT OF BY-LAWS

1. The foregoing By-Laws, or any part thereof, may be proposed to be amended at any regular meeting of the Planning Commission with notice, or at any special meeting of the Planning Commission where not less than three (3) days notice has been given to all members of the Planning Commission and a copy of the proposed amendment sent with the notice, providing, however, that it shall require the vote of not less than two-thirds (2/3) of the members to make any amendment or change in these By-Laws.

MOTIONS AND VOTING

1. Motions must be seconded and require a majority vote by voice. On a roll call vote an entry must be made in the Minutes of the names of all voting affirmative, negative and answering "present".

All members, including the Chair, shall have a vote and shall vote when present except that any member shall automatically excuse himself/herself from a hearing and voting on any decisions in which he/she may have a conflict of interest.
2. In deliberative societies no member can vote who is not present when the question is put forth and no vote by proxy is permitted.
3. It is a general rule that no member can vote on a question in which he or she has a direct

personal or pecuniary interest.

4. A member has the right to change his or her vote until the time that the vote is announced.
5. In announcing a vote, the Chair should state first whether the motion is carried or lost: second what is the effect of the vote; and third what is the immediately pending piece of business, or if none, to ask the pleasure of the assembly.
6. The Chair should restate every motion before it is put to a vote.
7. Motion to dispense with the reading of the minutes and to approve them as mailed to the members is in order.
8. In order for the Planning Commission Chair to make a motion or to second a motion, he or she must first hand the position of Chair to the Vice-Chair. After the motion has been made, seconded and voted on, he or she may resume as Chair.

PARLIMENTARY PROCEDURE

1. The League of Kansas Municipalities Code of Procedures (latest edition) shall be followed at all meetings of the Planning Commission so long as they are not inconsistent with the Kansas law or the Ordinances of the City of Basehor, Kansas.

Passed and approved this ____ day of _____, 2016.

Attest:

Jon Gallion, Chair
City of Basehor, Kansas Planning Commission

Connie Legget, Secretary
City of Basehor, Kansas Planning Commission