Planning Commission
City of Basehor, Kansas

April 12, 2016

City Hall Council Chambers

Regular Meeting – 7:00 p.m.

AGENDA
BASEHOR PLANNING COMMISSION
April 12, 2016 7:00 p.m.
Basehor City Hall

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1. **Call to Order**

2. **Pledge of Allegiance and Roll Call**

3. **Approval of Minutes** of the preceding meeting.

    a. **Minutes of the March 8, 2016 Planning Commission Meeting**

4. **Unfinished Business**
    a. **None**

New Business

5. Request for approval of a final plat for the High Point Downs 2nd Plat, a final 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.

6. **Public Hearing: Basehor Town Center-** Request for approval to revise the Preliminary Development Plan for Basehor Town Center with an approximate location between 147th Street and 155th Street (14700-14800 Block).

7. **Open Agenda**
    a. **None**

8. **Reports from Special Committees**
    a. **None**

9. **Planning Directors Report**
    a. **None**

10. **Adjournment**

MINUTES
BASEHOR PLANNING COMMISSION
March 8, 2016
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: Chair Jon Gallion, Commissioners Dennis Haag, Ed Bush, Cecil Swenson and Fred Farris

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

Absent Members: Commissioner Jennifer Bizzell, Terry Gall,

3. Approval of Minutes

Chair Gallion called for a motion to approve the February 2nd, 2016 minutes. Motion was made by Commissioner Haag to approve the corrected minutes pertaining to page two (2) first full paragraph and page two (2) last full paragraph. Chair Gallion called for a vote, Motion passed 5-0.

***4. Unfinished Business* – None**

5. New Business –

Public Hearing: – Request approval of short-form final plat of lots 137 and 138 located within the Falcon Lakes 3rd Phase.

Mark Lee explained the property location, the requirements for this project, staff recommendations and how they might pertain to what is being requested. Staff recommends approval of the request with three stipulations which shall be met.

Chair Gallion called for a motion to open the public hearing. Commissioner Bush made the motion and Commissioner Farris seconded. Chair Gallion called for a vote and the motion to open the public hearing was passed 5-0 at 7:04 p.m.

Applicant, Mark Johnson was not in attendance to speak on his behalf for the application.

Commissioner Bush asked City Attorney Shannon Marcano if it was necessary for the applicant to be present in order to cast the vote or if it should be set aside for another time. Shannon Marcano replied we can proceed with the Public Hearing without the applicant being present if the Commission so wished.

No members of the public were present to speak in favor or against.

Mark Lee explained the missing name on the second signature block of the presented plat was intended for the representative of the 95th Street Corporation (Bank), at the time of plat preparation it was unclear which named representative would be signing. It was also brought to the commissioner's attention that Mr. Johnson may have in fact have already purchased the lot from the bank and therefore a second signature block would not be required.

Commissioner Farris asked if approval of the plat would create problems if Mr. Johnson did not purchase the lot. Mr. Lee stated that he had obtained signed ownership affidavits of both property owners therefore effectively showing the bank was aware of the impending purchase and was in agreeance of the purchase. Mrs. Marcano stated that if the purchase of the lot were to fall through for some reason, then the plat could not be recorded at the county level without proper signatures, effectively becoming null and void, even with Planning Commission approval.

Chair Gallion called for a motion to close the public hearing. Commissioner Bush made the motion and Commissioner Swenson seconded. Chair Gallion called for a vote and the motion to close the public hearing passed 5-0 at 7:09 p.m.

Chair Gallion called for a motion for the request. Commissioner Farris made a motion to approve the request for the short-form final plat of lots 137 and 138 located within the Falcon Lakes 3rd Phase with the staff recommendations as stated:

1. The Mylar signature copies of the final plat shall contain the name of the appropriate representative from the owners of lot 138.
2. The applicant shall complete the installation of approved sidewalk along the frontage of lot 138, per city standards within sixty (60) days.
3. The final plat shall be recorded with the Register of Deeds of Leavenworth County, one registered copy shall be returned to city staff for record keeping purposes.

Commissioner Haag seconded the motion. Chair Gallion called for a vote and the motion passed 5-0.

6. ***By-Law Amendments:*** Review and approval of updated Planning Commission By-Laws, reflecting changes presented during the February Planning Commission meeting.

Mark Lee, Planning Director, explained that this is the final copy of the By-laws that was discussed at the last meeting. That all it needs is the signatures of the Chair and Secretary.

Commissioner Haag had a question pertaining the date of February and when signed it would have the actual date of signing. City Attorney Shannon Marcano had answered the question with a yes.

Chair Gallion called for a motion for the request, Commissioner Haag made the motion to approve Agenda Item #6 regarding the updates to the Planning Commission By-Laws as requested. Commissioner Bush seconded the motion. Chair Gallion called for a vote and the motion passed 5-0.

7. ***Open Agenda*** – **None at this time**

***8. Reports from Special Committees* – None at this time**

9. City Engineer's Report

Revised development plan for the Basehor Town Center pertaining to the 20 acres on the back side on 147th Street, plan to meet next month; Documentation submitted to finalize the High Point Downs second plat; Received maybe 16 building permit so far this year; Cornerstone waiting for the utilities to get turned off at the little house and wait for it to get torn down before starting; Elementary school expansion has started; Waiting to hear from the school district about tech center expansion for the high school

Vernon Fields – 15424 Pin Oak Drive spoke on behalf of what he is trying to do for the City of Basehor with the Mid-America Regional Council on grant funding. The work that the Planning Commission is doing in regards to trails and connectivity, he is taking to MARC and reporting the progress that is going on in Basehor. He spoke about all the meetings that he will be attending with MARC.

10. Adjournment -

Chair Gallion called for a motion to adjourn and Commissioner Haag made the motion and Commissioner Bush seconded. Chair Gallion called for a vote. Motion passed 5-0. There being no further discussion, the meeting was adjourned at 7:19 p.m. from Chair Gallion.

Submitted for approval without additions or corrections this 12th day of April, 2016.

Jon Gallion, Chair	Connie Leggett, Planning Commission Secretary

City of Basehor

Agenda Item Cover Sheet

Agenda Item No. 5

Topic: Request approval of a final plat for High Point Downs 2nd Plat, submitted by Landplan Engineering, on behalf of the Albert J. Treff Trust.

Action Requested: Approval of the final plat as presented.

Narrative: Landplan Engineering, on behalf of the Albert J. Treff Trust, has come forward with a final plat of High Point Downs 2nd Plat. The preliminary plat was approved by Planning Commission at the December 8, 2015 meeting. The preliminary plat went forward for approval by the Governing Body on January 19, 2016 and was approved. The Planning Commission is to insure that the submitted final plat is in compliance with the approved preliminary plat and that all required elements for the final plat have been met. Staff has done due diligence in insuring all necessary items have been completed. One item is yet to be addressed but this item shall come before the Governing Body. This item is an executed copy of the Subdivision Improvement Agreement.

Presented by: Mark Lee-Planning & Zoning Director

Staff Recommendation:
Staff recommends approval final plat for High Point Downs 2nd Plat.

Committee Recommendation: **N/A**

Attachments:
Application and Receipt (2 pages)
Copy of Final Plat (8.5 X 11 reduced image)
Final Plat Checklist (3 pages, front and back)
Staff report (3 pages, front and back)

Projector needed for this item?
Yes

APPLICATION FORM

CITY OF BASEHOR

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

Project Name & Description: HIGH POINT DOWNS 2nd PLAT	Total Site Acreage: 4.359	Present Zoning: R-1
Legal Description (May be attached as separate sheet): SEE ATTACHED		Proposed Zoning: R-1
Project Address / General Location: 21026 155th STREET, BASEHOR, KANSAS 66007		Presubmittal Date: 10/08/2015
Parcel ID Number (CAMA Number): 1572600000003000 AND 1572600000002000		Floor Area Classification: E
Property Owner Name: ALBERT J. TREFF TRUST	Phone: 913-202-0617	Fax: N/A
Property Owner Address: 17230 174th STREET	City: BASEHOR	State: KS Zip: 66007
Applicant's Name (if different from above): LANDPLAN ENGINEERING, PA	Phone: 785-843-7530	Fax: 785-843-2410
Applicant's Address: 1310 WAKARUSA DRIVE	City: LAWRENCE	State: KS Zip: 66049
Applicant's mobile phone: 785-691-8663	Property Owner and/or Applicant's E-mail address: brians@landplan-pa.com	

APPLICATION TYPE

[ ] **Annexation**	[ ] **Preliminary Development Plan** (Submit Sheet A)
[ ] **Rezoning** (Submit Sheet A)	[ ] **Final Development Plan** (Submit Sheet A)
[ ] **Conditional Use Permit** (Submit Sheet A)	[ ] **Lot Split**
[ ] **Site Plan**	[ ] **Preliminary Plat**
[ ] **Variance** (Submit Sheet B)	[X] **Final Plat / Replat**

PROJECT INFORMATION

Existing Use
[ ] Residential [ ] Commercial [ ] Industrial [ ] Office [ ] Agriculture [X] Vacant [ ] Other _____

Proposed Use
[X] Residential [ ] Commercial [ ] Industrial [ ] Office [ ] Agriculture [ ] 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: 7	Maximum Lot Size	Minimum Lot Size	Average Lot Size

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

x Albert Treff by Sue Treff POA
Signature Date 2-18-2016

Office Use Only
[✓] Filing Fee $285.00 [✓] Received by Connie [✓] # of Plans 10
[✓] Attached Legal Description [ ] Property Ownership List

City of Basehor

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

Albert J. Treff Trust
17230 174th Street
Basehor, KS 66007

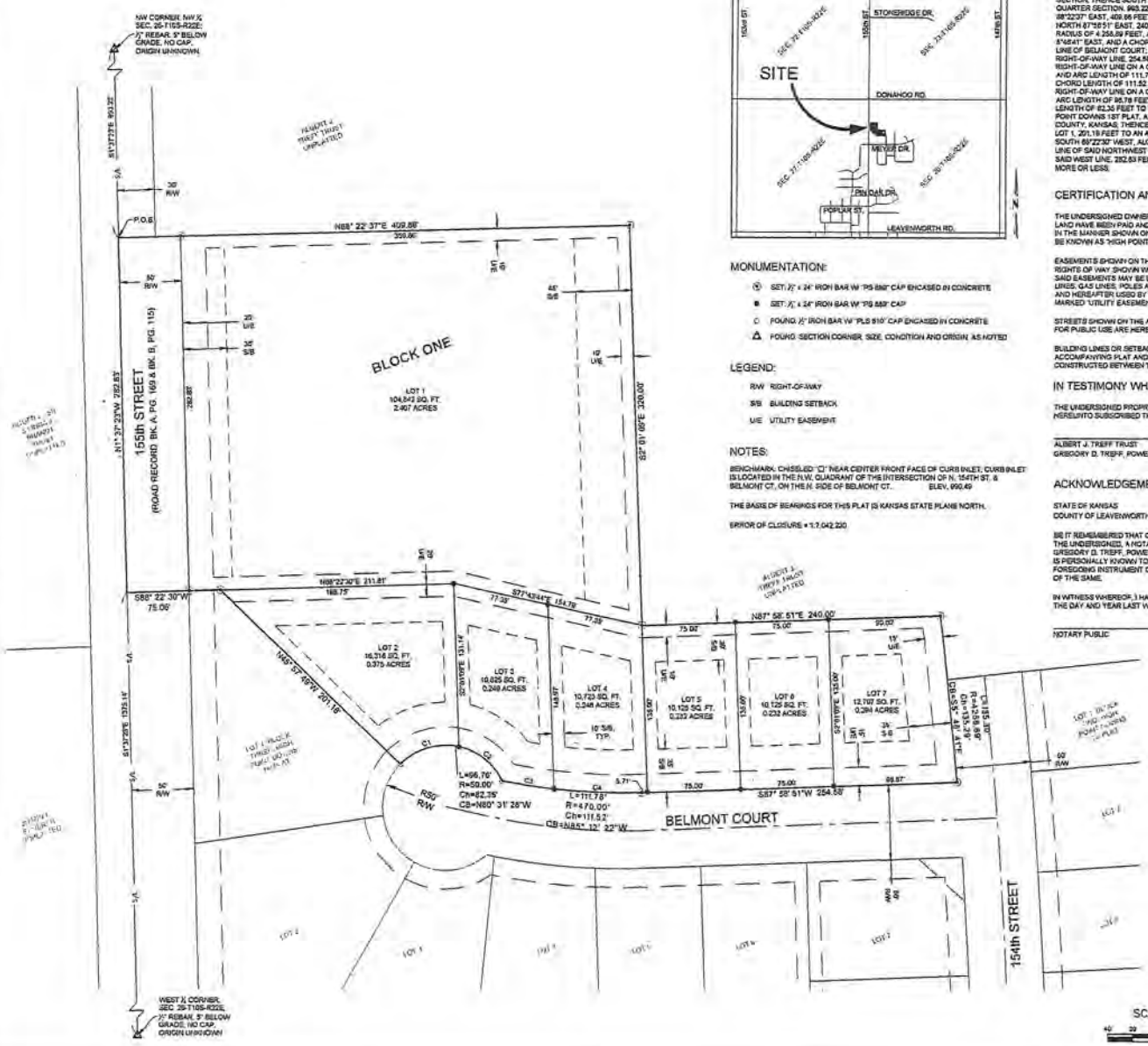
$ 285.00

PZE Process PFP-002-16 00000569 21026 155TH ST **$ 285.00**
Effective Date: **03/01/2016** **Amount Cost:** $285.00

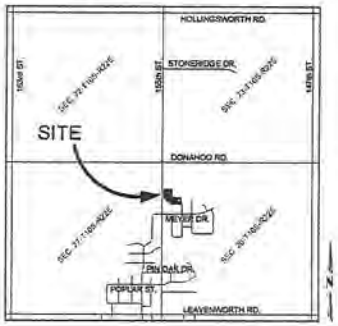
City of Basehor

Received From: ALBERT J TREFF TRUST
Date: 03/01/2016 Time: 1:47:05 PM
Receipt: 53693
Cashier: cleggett

ITEM REFERENCE	AMOUNT
BDINV Building Dept. Invoice 00000569	$285.00
TOTAL	$285.00
Check 6437	$285.00
Total Tendered:	$285.00
Change:	$0.00



LOCATION MAP:



MONUMENTATION:

- ⊗ SET: ½" x 24" IRON BAR W/ "PS 889" CAP ENCASED IN CONCRETE
- ■ SET: ½" x 24" IRON BAR W/ "PS 889" CAP
- ○ FOUND: ½" IRON BAR W/ "PLS 910" CAP ENCASED IN CONCRETE
- △ FOUND: SECTION CORNER, SIZE, CONDITION AND ORIGIN, AS NOTED

LEGEND:

R/W RIGHT-OF-WAY
B/S BUILDING SETBACK
U/E UTILITY EASEMENT

NOTES:

BENCHMARK: CHISELED "C" NEAR CENTER FRONT FACE OF CURB INLET; CURB INLET LOCATED IN THE N.W. QUADRANT OF THE INTERSECTION OF N. 154TH ST. & BELMONT CT., ON THE N. SIDE OF BELMONT CT. ELEV. 990.49

THE BASIS OF BEARINGS FOR THIS PLAT IS KANSAS STATE PLANE NORTH.

ERROR OF CLOSURE = 1:1,042,220

LEGAL DESCRIPTION:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 10 SOUTH, RANGE 22 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER SECTION; THENCE SOUTH 1°37'23" EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER SECTION, 993.22 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°22'37" EAST, 409.66 FEET; THENCE SOUTH 2°01'06" EAST, 320.00 FEET; THENCE NORTH 87°58'51" EAST, 240.00 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 4,258.89 FEET, AN ARC LENGTH OF 135.30 FEET, A CHORD BEARING SOUTH 5°46'41" EAST, AND A CHORD LENGTH OF 135.29 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BELMONT COURT; THENCE SOUTH 87°58'51" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 254.58 FEET; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, AND ARC LENGTH OF 111.78 FEET, A CHORD BEARING NORTH 85°10'22" WEST, AND A CHORD LENGTH OF 111.52 FEET, THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, AND ARC LENGTH OF 96.76 FEET, A CHORD BEARING NORTH 80°31'28" WEST, AND A CHORD LENGTH OF 82.35 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK THREE, HIGH POINT DOWNS 1ST PLAT, A SUBDIVISION IN THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS; THENCE NORTH 45°57'49" WEST, ALONG THE NORTH LINE OF SAID LOT 1, 201.18 FEET TO AN ANGLE POINT ON THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 88°22'30" WEST, ALONG SAID NORTH LINE OF LOT 1, 75.06 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER SECTION; THENCE NORTH 1°37'23" WEST, ALONG SAID WEST LINE, 282.83 FEET TO THE POINT OF BEGINNING; CONTAINS 4.359 ACRES, MORE OR LESS.

CERTIFICATION AND DEDICATION:

THE UNDERSIGNED OWNER STATES THAT ALL TAXES ON THE ABOVE DESCRIBED LAND HAVE BEEN PAID AND THAT THEY HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION SHALL BE KNOWN AS "HIGH POINT DOWNS."

EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE, THE RIGHTS OF WAY SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT, AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC OVER, UNDER, AND ALONG THE STRIPS MARKED "UTILITY EASEMENT"

STREETS SHOWN ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED FOR PUBLIC USE ARE HEREBY SO DEDICATED.

BUILDING LINES OR SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE ROAD RIGHT OF WAY.

IN TESTIMONY WHEREOF:

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND HAVE HEREUNTO SUBSCRIBED THEIR HAND THIS _____ DAY OF _____, 2019.

_____
ALBERT J. TREFF TRUST
GREGORY D. TREFF, POWER OF ATTORNEY

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF LEAVENWORTH

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME GREGORY D. TREFF, POWER OF ATTORNEY FOR THE ALBERT J. TREFF TRUST, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGES THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

_____ NOTARY PUBLIC

_____ MY COMMISSION EXPIRES

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	55.62	50.01'	48.75'	S77° 12' 45"W
C2	43.94'	55.00'	44.25'	N31° 21' 06"W
C3	42.23'	488.06'	42.22'	N90° 00' 01"W
C4	88.55'	470.00'	88.45'	N81° 46' 49"W

PLANNING COMMISSION APPROVAL:

APPROVED THIS _____ DAY OF _____, 2019 BY THE CITY OF BASEHOR PLANNING COMMISSION.

_____ CHAIRMAN
JON GALLION

_____ SECRETARY
CONNIE LEGGETT

CITY COUNCIL APPROVAL:

APPROVED THIS _____ DAY OF _____, 2019 BY THE CITY COUNCIL, CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS.

_____ MAYOR
DAVID K. BREUER

_____ CITY CLERK
KATHERINE RENN

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.

_____ CITY ENGINEER
MITCH PLEAK

_____ DATE

COUNTY SURVEYOR CERTIFICATION:

I HEREBY CERTIFY THAT 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.

_____ LEAVENWORTH COUNTY SURVEYOR
WAYNE MAUNCOF

_____ DATE

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREUPON ARE THE RESULTS OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN FEBRUARY, 2019. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

BRAD C. ZILLICK LICENSED PS-889 KANSAS LAND SURVEYOR

_____ PLAT PREPARED IN FEBRUARY, 2019

BRAD C. ZILLICK, P.S. #889
LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE, SUITE 100
LAWRENCE, KS 66049
785.843.7530

FILING RECORD:

STATE OF KANSAS
COUNTY OF LEAVENWORTH

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE LEAVENWORTH COUNTY REGISTER OF DEEDS ON THIS _____ DAY OF _____, 2019, AND IS DULY RECORDED AT _____ AM/PM IN PLAT BOOK _____, PAGE _____.

_____
REGISTER OF DEEDS
STACY R. DRISCOLL

A FINAL PLAT OF
HIGH POINT DOWNS 2nd PLAT

A SUBDIVISION IN THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS

NW 1/4, SEC. 26-T10S-R22E

FILE COPY

FINAL PLAT CHECKLIST

A final plat application submitted for approval by the Planning Commision must include the following required submittal items. Failure to provide this information by the application deadline **may result in the application not being accepted until all required information is submitted.**

This document shall be submitted with the final plat application and shall be signed by the applicant or an autorized agent. Any item not checked or checked "N/A" or "NO" requires a written explanation accompanying this checklist.

Staff will review the application on the day of submittal to insure completion. Acceptance of an application by the City of Basehor does not constitute completion of requirements and/or compliance with all Planning & Zoning requirements or approval of a final plat. **Additional information may be required due to the location, size, or complexity of the plat.**

REQUIRED SUBMITTAL ITEMS

YES	N/A	NO	
✓			**1) Application form, fee and checklist** filled out accurately and completely, with all required signatures.
✓			**2) Ten (10) copies of the final plat,** drawn to an appropriate standard engineering scale. Plans shall be on 24" X 36" sheets, folded to 9"X12" for submittal.
✓			**3) One (1) 8.5" X 11" reduction of the plat.**
✓			**4) Digital files** including a PDF of the plat and a MS Word document of the legal description.
		✓	**5) Ownership affidavit** with all required signatures.
	✓		**6) One (1) copy of existing covenants and restrictions** applicable to the development, if any (reference book and page).
	✓		**7) Letter of Intent** as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider if not submitted with the Prelimanry Plat. Covenants and restrictions, as well as evidence of the establishment of the agency for the ownership and maintenance of any common space, shall be submitted to the City for review and approval prior to recording of the plat.
	✓		**8) Floodplain modeling** using HEC-RAS model provided by the City if encroachment is proposed within a FEMA or Shaded Zone X 100-year floodplain. (Contact City Engineer to obtain model and requirements).

REQUIRED SUBMITTAL ITEMS (CONT.)

YES	N/A	NO	
		✓	**9) Final Stormwater Management Plan** (2 copies). (See separate handout for requirements)
	✓		**10) Traffic Study (2 copies)** as required by the City Engineer, if not submitted with the Preliminary Plat.
	✓		**11) Development Agreement**, if required

REQUIRED PLAT INFORMATION

✓			**12) Name of subdivision** (unique and numerically consistent) and the words "FINAL PLAT," prominently displayed as the title.
✓			**13) Names, addresses, and phone numbers** of all companies, firms, or individuals involved in the preparation of the plat (i.e. property owner, engineer, surveyor, etc.).
✓			14) Dates of preparation of Final plat and/or revisions.
✓			**15) Scale, legend, and north arrow** clearly shown, with orientation at top or left as north(not less than 1"=100' scale).
✓			**16) Vicinity map**, drawn at a scale of 1"=2000', locating the proposed subdivision in relation to the section of land, including township and range, section street names, and a
✓			**17) A legal boundary description** with angular bearings and linear distances, referenced to section or quarter-section corners, Point of Commencing and/or Point of Beginning, and the overall area of the plat in acres.
✓			**18) Plat boundary calculation sheet (2 copies)** indicating coordinates of the plat boundary, square feet of each lot and right-of-way, and the unadjusted error of closure of the field traverse that established the plat.
✓			**19) Location of monuments,** shown in reference to existing official monuments or the nearest established ¼ section corner, including the bearings and distances to such reference points or monuments.
✓			**20) Boundary lines** of the subdivision shall be enclosed with one continuous bold line, showing dimensions (bearings and distances).
✓			**21) Lots and tracts identified clearly**, with blocks numbered or lettered boldly and clearly in the center of the block, and lot dimensions with bearings and distances, and area in square feet.

REQUIRED PLAT INFORMATION (CONT.)

YES	N/A	NO	
	✓		**22) Note on plat** indicating ownership, purpose, and maintenance responsibilities for for any parcels labeled as tracts.
✓			**23)Building setback lines** along public and private streets with dimensions in feet.
✓			**24) Proposed street network,** including street names, right-of-way, bearings, tangents, and horizontal curvature data along the centerline of each street.
	✓		**25) Stream Corridor Boundary** and dimensions.
	✓		**26) Stream Corridor Notice on Plat as follows:** "Notice: This site lies within a protected Stream Corridor, as defined and regulated in the City of Basehor Municipal Code. Restrictions on the use or alteration of the Stream Corridor may apply. This property is also subject to the obligations and requirements of the Stream Corridor Maintenance Agreement approved by the City".
	✓		**27) Stream Corridor Maintenance Agreement.** (Contact City Engineer for form).
✓			**28) Existing and proposed easements** with dimensions and statement of dedication. Existing easements shall be labeled with book and page.
✓			**29) Dedication of streets,** alleys, drives, and other parcels not previously dedicated, for public or private use. Dedication language to be provided by Public Works Staff.
✓			**30) Certification and seal** by a registered land surveyor.
	✓		**31) Certification** that all prior existing easements have been absolved on parcels to be dedicated for public use.
✓			**32) Certification** of execution for the owner's signature(s), and all parties having a mortgage or lien interest on the property.
✓			**34) Signature block** for endorsement by the Planning Commission Chairman, Secretary of the Planning Commission & City Engineer with name printed underneath.
✓			**35) Signature block** for endorsement by the Mayor & City Clerk, with name printed underneath.
✓			**36) Signature block** for endorsement by the Register of Deeds & Leavenworth County Surveyor.

SUPPLEMENTAL INFORMATION(SEPARATE DOCUMENT[S]) IF NOT PREVIOUSLY SUBMITTED WITH A PRELIMINARY PLAT)

YES	N/A	NO	
	✓		**37) Platted and unplatted land** adjacent to the plat boundary. Include identification of adjacent platted subdivisions and unplatted tracts with external bearings and distances of adjacent plats and property owners for a distance of not less than 400 feet. Include original plat names if replatted. Exterior dimensions shall coincide with adjoining plats unless differences are noted.
	✓		**38) Existing streets and driveways** which abut, touch upon or extend through the subdivision and/or streets located within 400 feet of the plat. The description shall include types and widths of existing surfaces, right-of-way widths, and dimensions of any bridges and culverts.
	✓		**39) Location of existing open space,** alleys, parks, streams, ponds, or other similar features within plat, and whether they are to be retained or removed.
	✓		**40) Location of existing buildings** and structures within 200 feet of the plat.
	✓		**41) Existing utilities,** including sanitary sewer, force main, water main, gas mains, culverts and storm sewer pipe, street lights, electric conduits, and invert elevations of sewers at points of proposed connection.
	✓		**42) Topography** of the area contained in the plat and within 20 feet of the plat boundary shown by 2-foot contour intervals and proposed preliminary grading. Contour lines shall be legible but not overpowering.
	✓		**43) Proposed sidewalks** and/or trail locations including proposed widths.
	✓		**44) Proposed utilities,** including approximate location of sanitary sewer, water main, street lights, and storm sewer.
	✓		**45) Intersection site distance analysis.**
	✓		**46) Vehicle maneuvering/turning templates** reflecting the site can accommodate a minimum SU-30 class vehicles (for emergency access to all areas of the site), and the appropriate site-design vehicle for any other special areas of the site (such as delivery or dock areas, etc.), as necessary.
	✓		**47) Any area within a federally designated floodplain.** Location, stations, and elevations of the 100-year floodplain within the plat and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #2015XXXXXXX, July 16, 2015).

Written explanations for any items not checked or checked "N/A" or "NO" (attach additional sheets, if necessary):

(5) The property owner signed the application.
(6) There are no existing covenants and restrictions applicable to this development.
(7) the subdivider does not at this time intend to create an HOA or propose covenants and restrictions for the property contained within this plat.
(8) The property included within this plat is not encumbered by FEMA floodplain.
(9) A letter was provided with the Preliminary Plat confirming that the current retention pond was designed to accommodate run-off from proposed plat.
(10) The approved traffic study for this development includes the development proposed with this plat.
(11) A development agreement is not required.
(22) This plat proposes no tracts.
(25) There is no stream corridor with the proposed plat boundary.
(26-27) See above response.
(31) The proposed plat boundary contains no prior existing easements.
(37-47) All such items were provided with the Preliminary Plat which was approved by the Planning Commission on 12/8/15 and the City Council on 1/19/16.

I hereby submit all information required for final plat review. I understand that failure to providethe required information may result in a postponement of my request for review until all information has been submitted. By signing this application, I acknowledge that all public streets and public infrastructure within the plat shall conform to the applicable minimum design standards set forth in the City of Basehor Municipal Code and the Technical Specifications.

Bruce W. C. Stern
Signature of Applicant

2-29-2016
Date

FINAL PLAT HIGH POINT DOWNS 2ND PLAT– REQUEST FOR APPROVAL OF A FINAL PLAT OF LOTS 1-7 IN THE HIGH POINT DOWNS 2ND PLAT.

MEETING DATE: **April 12, 2016**
REPORT WRITTEN: **March 30, 2016**

STAFF RECOMMENDATION:
Staff recommends that the Planning Commission approve the Final Plat for High Point Downs 2nd Plat.

APPLICANT:
- The applicant is Landplan Engineering, PA, on behalf of the Albert J. Treff Trust.
- The surveyor is Landplan Engineering.

REQUEST:
- The applicant is requesting approval of a final plat to add an additional seven (7) lots to the High Point Downs subdivision including platting a 2.4 acre tract on which an existing residential structure will remain, thus removing the parcel from the existing 73+/- acre tract.

ZONING:
- The property is currently zoned "R-1" Single Family Residential District.

SURROUNDING ZONING:
- North "R-1" Single Family Residential District.
- South "R-1" Single Family Residential District.
- East "R-1" Single Family Residential District.
- West "R-1" Single Family Residential District.

BACKGROUND:
The High Point Downs Subdivision was initially platted in 2006. The preliminary plat came before and was approved by the Planning Commission on December 8, 2015. The current area included in the final plat is vacant, excluding the existing Treff residence. The proposed final plat area is located directly north of Belmont Court. The surrounding area consists mainly of multiple single family residences with the remaining area being comprised of agricultural use. The proposed plat includes six residential lots with an average lot size of 11,818 S.F. excluding the 2.4 acre tract (Lot 1). The proposed Final plat indicates a dwelling size classification of "E" (1,300 S.F.). The proposed development will not change any lots outside of the proposed Final plat area.

The typical preliminary and final plat procedures are being utilized for this application. The purpose of this procedure is to provide a means of approving a subdivision of land insuring compliance with the previously submitted preliminary plat and the subdivision regulations of the City of Basehor. Any deviation of the final plat from the intent of the approved preliminary plat as determined by the Planning Commission shall cause the re-initiation of the preliminary platting process as described in Chapter II; Section 102(6).

Traffic Impact

Additional traffic will be created by the proposed final plat. The increase in traffic created by the addition of the six new lots though was preconceived in the entirety of the development and creates no new hazards.

Stormwater Management

Stormwater Management facilities will not be changed with the approval of the subject plat. A letter has been provided by Landplan Engineering that states the additional drainage from the six lots can be handled by the existing retention pond as the water flow is to the area currently.

Transportation Excise Tax:

Per the excise tax (Ord. 387), $0.09 per square foot is taxed for platting real property up to $2,600. The proposed plat is 70,913 square feet. $0.09 x 70,913 = $6,382.17. $1,063.70 shall be collected at the time of building permit issuance. The original homestead (2.4 acres) is excluded from the Transportation Excise Tax requirements.

Parkland Fee:

Per the City's fee schedule, the park fee for eac residential lot is $200 and is collected with the building permit.

Utilities

After further investigation it was determined that new utilities will need to be installed in the area of the subject plat. The single utility that must be installed is electrical service via Westar Energy. This utility will need to be installed by the purchaser/developer of the lots. As part of the final plat, a 15'utility easement is proposed along Belmont Court and north along 154th Street. Along with this easement is an additional 10' utility easement along the north side of the proposed lots. The additional 2.4 acre tract indicates a 10' utility easement surrounding the property and a 20' utility easement along 155th Street. Staff has informed all utility companies of the application for the proposed final plat.

Subdivision Regulations Requirements

The items to be submitted with and included on the final plat per the Subdivision Regulations requirements and any appropriate comments from the applicant are provided in the included checklist.

STAFF RECOMMENDATION:

Staff recommends approval of the Final Plat of High Point Downs 2nd Plat application, with the following stipulations:

1. **A Subdivision Improvement Agreement shall be prepared and approved by City Council coinciding with the approval of the final plat and shall be recorded with the Leavenworth County Register of Deeds.**
2. **A Transportation Excise Tax in the amount of $1,063.70 shall be collected at the issuance of each individual building permit.**
3. **A Parkland Fee of $200.00 shall be collected at the time of building permit issuance.**

City of Basehor

Agenda Item Cover Sheet

Agenda Item No. 6

Topic: **Public Hearing:** Request for approval to revise the Preliminary Development Plan for the Basehor Town Center with an approximate location between 147th Street and 155th Street (14700-14800 Block)

Action Requested: Approval of the revised preliminary development plan with staff recommendations.

Narrative: Mr. Robert Perez (applicant) is requesting approval to revise the Single Family Residential Area abutting 147th Street located in the southeast corner of the Basehor Town Center slated for Type 'C' Homes, listed as Phase 1 on the revised plan; encompassing approximately 40.23 acres of the existing Basehor Town Center Preliminary Development Plan, of which the Mr. Perez owns twenty (20) acres, for the purposes of constructing two (2) single family residential dwellings. The applicant is not requesting a zoning change due the property within the revision being "P-R" Planned Residential District. A staff report and other supporting documentation is included in the agenda packet. All appropriate ownership and authorization affidavits have been received by staff.

Presented by: Mark Lee-Planning & Zoning Director

Staff Recommendation:
Staff recommends approval of the preliminary development plan with staff recommendations.

Committee Recommendation: **N/A**

Attachments:
Application and paid invoice (2 pages, front and back)
Copy of existing PDP (11 X 17)
Copy of revised PDP (1 page, reduced image)
PDP Checklist, completed by staff (4 pages)
Staff report (3 pages, front and back)
Resolution No. 2016-04, Development Agreement (9 pages)
1 of each (revised PDP overall, revised PDP of property, revised landscape plan overall)

Projector needed for this item?
Yes

APPLICATION FORM

CITY OF BASEHOR

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

Project Name & Description: Basehor Town Center	Total Site Acreage: 285.94 Ac.	Present Zoning: PR
Legal Description (May be attached as separate sheet): See Attached		Proposed Zoning: PR
Project Address / General Location: 155th St. + Town Center Dr.		Presubmittal Date: 3/2/16
Parcel ID Number (CAMA Number): 157350000023000		Floor Area Classification: F
Property Owner Name: Robert + Susan J. Perez	Phone: 913/749-2144	Fax: N/A
Property Owner Address: 2131 Rock Creek Dr.	City: Tonganoxie, KS 66086	State / Zip
Applicant's Name (if different from above): Oppermann Land Design	Phone: 913/894-9407	Fax: N/A
Applicant's Address: 18990 West 117th St.	City: Olathe	State: KS Zip: 66061
Applicant's mobile phone: 913/522-5598	Property Owner and/or Applicant's E-mail address: pete@opperland.com	

APPLICATION TYPE

[ ] **Annexation**	[X] **Preliminary Development Plan** (Submit Sheet A) (Revised)
[ ] **Rezoning** (Submit Sheet A)	[ ] **Final Development Plan** (Submit Sheet A)
[ ] **Conditional Use Permit** (Submit Sheet A)	[ ] **Lot Split**
[ ] **Site Plan**	[ ] **Preliminary Plat**
[ ] **Variance** (Submit Sheet B)	[ ] **Final Plat / Replat**

PROJECT INFORMATION

Existing Use
[X] Residential [ ] Commercial [ ] Industrial [ ] Office [X] Agriculture [ ] Vacant [X] Other School

Proposed Use
[X] Residential [X] Commercial [ ] Industrial [ ] Office [ ] Agriculture [X] Other School

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)

Total Site Area: 285.94 Ac.	Existing Floor Area: N/A	Existing Building Footprint: N/A	Open Space Area: N/A
No. of Buildings: N/A	Proposed Floor Area: N/A	Proposed Building Footprint: N/A	Pavement Coverage: N/A

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY

Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size

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

X Peter A. Oppermann 3/2/16
Signature Date

Office Use Only
[ ] Filing Fee $_____ [ ] Received by _____ [ ] # of Plans _____
[ ] Attached Legal Description [ ] Property Ownership List

SHEET A

CITY OF BASEHOR

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

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

1. Reason for This Request? Doing a Revised Preliminary Development Plan to reduce the number of lots by 9, save an existing pond as permanent open space, add a trail, and initially build two homes off of 147th St. to get development started off of 147th St. which is the SE quadrant of Basehor Town Center.

2. What Is the Suitability of Subject Property for the Uses to Which it Has Been Restricted? It is very suitable. The change reduces the number of lots backing up to 147th St, adds usable open space, a trail around the pond, and kicks off the development on the east side of the development plan.

3. To What Extent Will Removal of Restrictions Detrimentally Affect Nearby Property? We are not requesting the removal of any restrictions.

4. What Is the Relative Gain to the Public Health, Safety, and Welfare by the Destruction of the Value of the Petitioner's Property as Compared to the Hardship Imposed upon the Individual Landowners? We are not changing the landuse.

5. How Does Your Request Conform with the Comprehensive Plan? We are in conformance with the Comprehensive Plan since we are revising an existing approved plan + not changing the landuse.

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

1. Please provide a statement regarding why the development plan would be in the public interest. It would provide for the development of Ag property near downtown Basehor, increasing the tax base and spurring additional residential development.

2. Please provide a statement with regard as to why the PUD would be consistent with the statement of Objectives for Planned Unit Development as found in Section 20-1002. Not Applicable

City of Basehor

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

Invoice For PlanRevi PPDP-001-16

Print Date: 04/06/2016

Pay by Account In Full

Pay by Account In Full

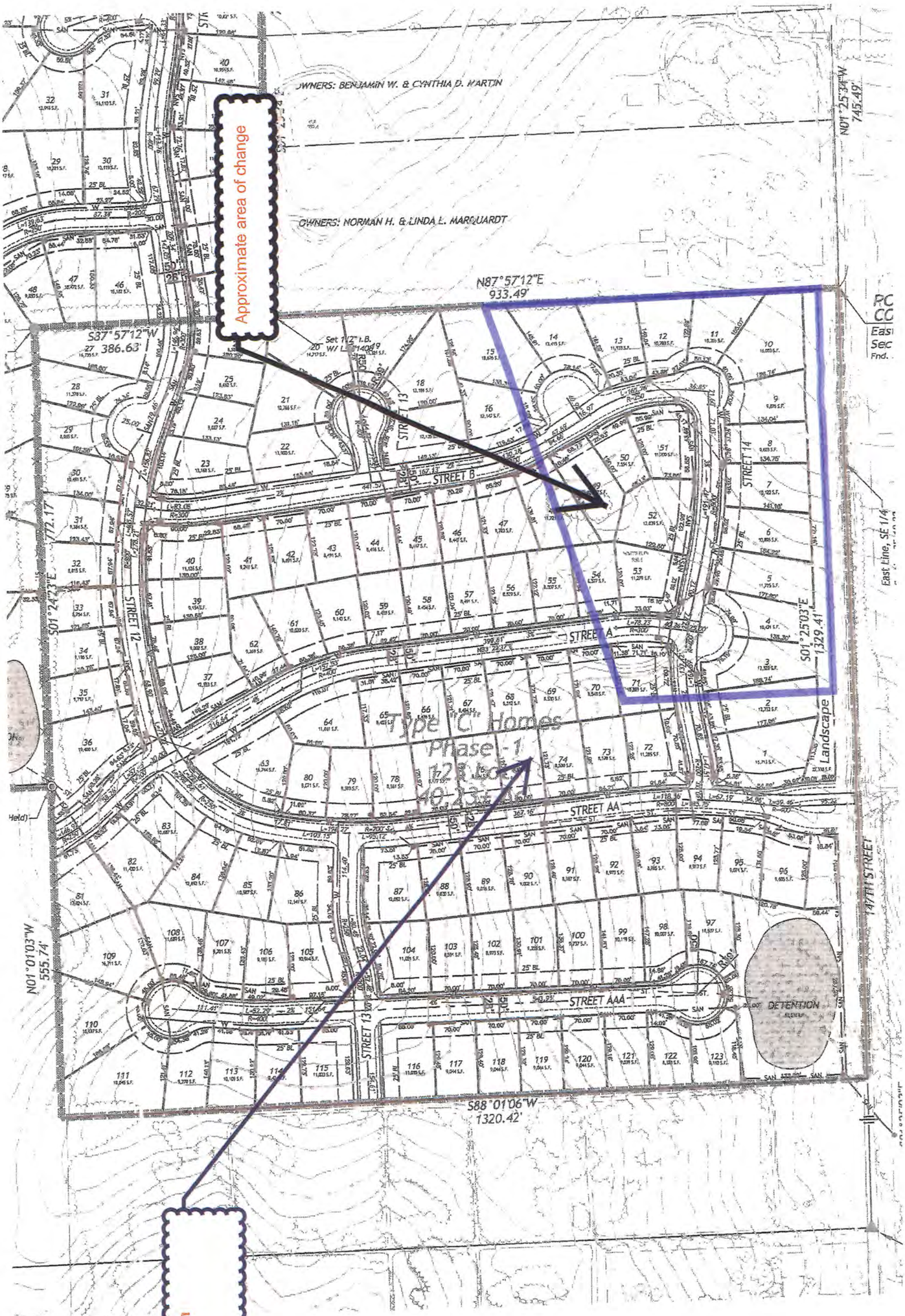
Robert & Susan Perez
2131 Rock Creek Drive
Tonganoxie KS 66086

$ 0.00

	Invoice No	Invoice Date	PlanReview Numbe	Address	Amount Due
	00000575	03/03/16	PPDP-001-16	147TH ST	$ 0.00

Fee Details	Quantity	Description	Amount Cost	Balance
	49.000	Prelim Development Plan	$495.00	$ 0.00

Total Amount Due $ 0.00



Original Development Plan Layout

Single Family Residential Summary

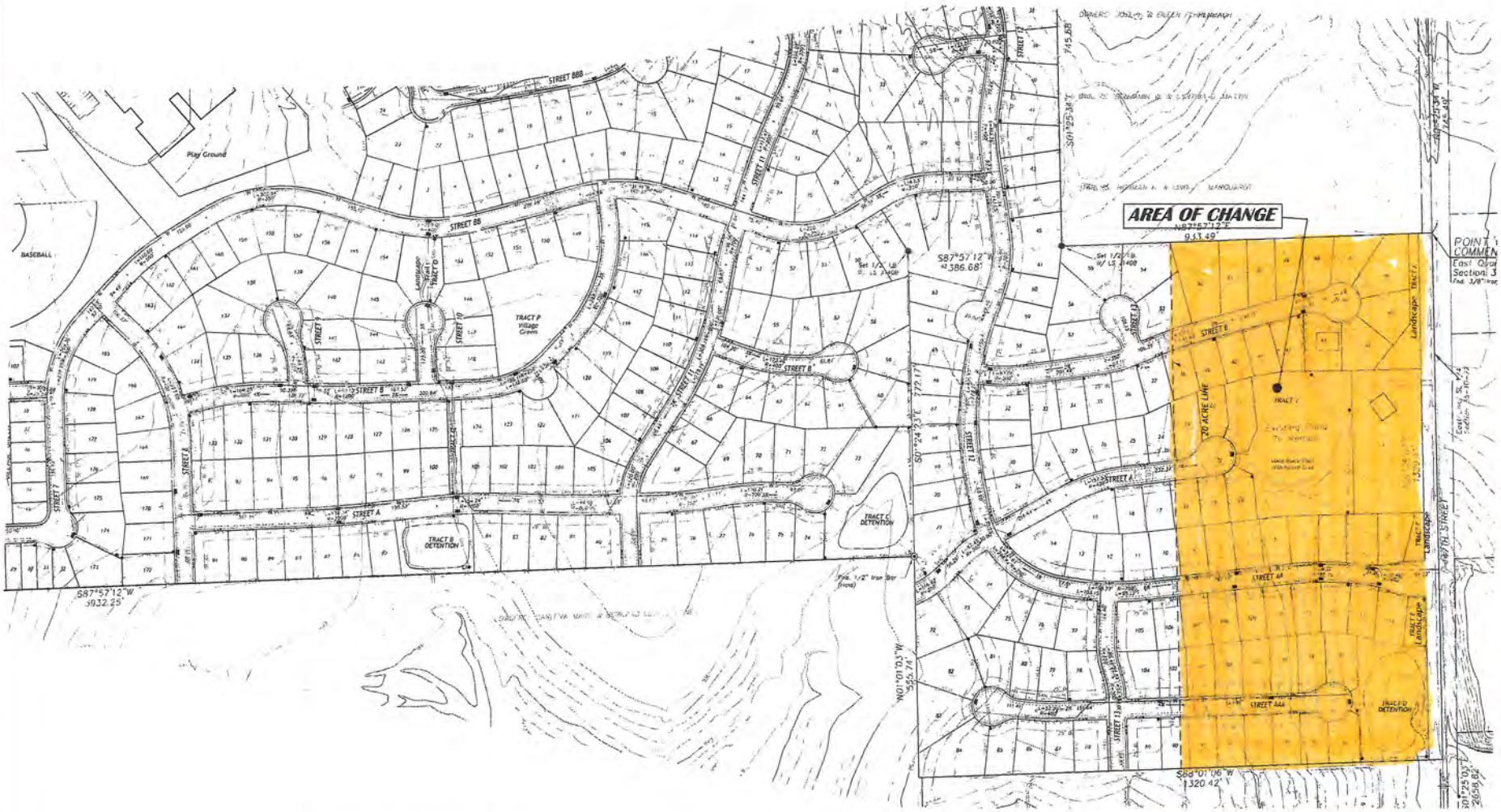
Type "A" Homes

Phase 1 Total Area:	12.07±Ac.
Phase 1 Total # of Lots:	30
Phase 1 Density:	2.49
Phase 2 Total Area:	27.16±Ac.
Phase 2 Total # of Lots:	71
Phase 2 Density:	2.61

Type "B" Homes

Phase 1 Total Area: 58.80±Ac.

Total Area:	N/A
Existing Zoning:	543
Proposed Zoning	257
Boulevard Benef	53
	115



SINGLE FAMILY RESIDENTIAL SUMMARY

TYPE OF HOME	PHASE	AREA (Acres)	# OF LOTS	DENSITY	MIN. GROUNDFLOOR CLASSIFICATION	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
A	1	12.07	30	2.49	D	25'	10'	30'
A	2	27.16	71	2.61	D	25'	10'	30'
B	1	58.82	179	3.04	E	25'	8'	30'
B	2	15.91	46	2.89	E	25'	8'	30'
C	1	40.23	114	2.83	F	25'	7'	30'
C	2	25.00	77	3.08	F	25'	7'	30'

LEGEND

- Proposed Storm Sewer
- Proposed Sanitary Sewer
- Existing Sanitary Sewer
- Proposed Bike/Hike Trail
- Proposed Sidewalk

Prepared By:

NAPIER ENGINEERING, LLC
207 S. 5th Street
Lansing, KS 66043
913.376.6682
BRETT@NAPIERENG.COM

Oppermann LandDesign, LLC
Land Planning ◆ Landscape Architecture
913.579.5911 (Fax) 913.404.6597
24700 Rural Lane North • Olathe, Kansas • 66062

NO.	BY	DATE	REVISION
1	PAO	3/2/2016	Revised Preliminary Plat

SHEET
C5

06-1275
BASEHOR TOWN CENTER
PRELIMINARY DEVELOPMENT PLANS

Prepared For:
ROBERT A. AND SUSAN J. PEREZ
2131 ROCK CREEK DRIVE
TONGANOXIE, KANSAS 66086
913/749-2144

SINGLE-FAMILY LAYOUT

1"=100'
0 50 100'

BRETT A. NAPIER
NO. 17507
STATE OF KANSAS
PROFESSIONAL ENGINEER

FILE COPY

PRELIMINARY DEVELOPMENT CHECKLIST FOR PR ZONING DISTRICTS

A preliminary development plan application submitted for approval by the Planning Commision must include the following required submittal items. Failure to provide this information by the application deadline may result in the application not being accepted until all required information is submitted.

This document shall be submitted with the preliminary preliminary development plan application and shall be signed by the applicant or an autorized agent. Any item not checked or checked "N/A" or "NO" requires a written explanation accompanying this checklist.

Staff will review the application on the day of submittal to insure completion. Acceptance of an application by the City of Basehor does not constitute completion of requirements and/or compliance with all Planning & Zoning requirements or approval of a preliminary development plan. Additional information may be required due to the location, size, or complexity of the preliminary development plan.

REQUIRED SUBMITTAL ITEMS

YES	N/A	NO	
X			**1) Application form, fee and checklist** filled out accurately and completely, with all required signature blocks.
X			**2) Twelve (12) hard copies of the preliminary development plan,** including architectural and engineering drawings, drawn to an appropriate standard engineering scale. **Plans shall be on 24" X 36" sheets.**
		X	**3) One (1) 11" X 17" reduction of the preliminary development plan.** rec.
		X	**4) Digital files** including a PDF of the preliminary development plan and a MS Word document of the legal description which can be emailed to mlee@cityofbasehor.org rec.
		X	**5) All sheets of the Plan** provided on a compact disk in .pdf format

<u>For both the area included in the PDP and the area within two-hundred (200') feet of the boundaries</u>

X			**a.) Location, width and names** of all existing or platted streets, railroad and utility right-of-way, parks and other public open spaces and permanent easements.
X			**b.) Location and dimensions of permanent** buildings, structures or houses and natural features, such as woodland lots, streams, ponds, lakes and any land located wtihin the FEMA designated floodplain.
X			**c.) Locations of existing and proposed** sewers, water mains, culverts and other underground facilities, indicate pipe sizes, grades, manholes and locations of record.

REQUIRED PDP INFORMATION

X			**6) Name of subdivision** (unique and numerically consistent) and the words "Preliminary development plan," prominently displayed as the title. Location by common street address and legal description
X			**7) Names, addresses, and phone numbers** of all companies, firms, or individuals involved in the preparation of the preliminary development plan (i.e. property owner, engineer, surveyor, etc.).
X			**8) Date of preparation** of preliminary development plan and/or revisions.
X			**9) Scale, legend, and north arrow** clearly shown, with orientation at top or left as north(not less than 1"=100' scale).
X			**10) Vicinity map**, drawn at a scale of 1"=2000', locating the proposed subdivision in relation to the section of land, including township and range, section street names, and a north arrow.
X			**11) Boundary lines of the area within PDP** with angular bearings and linear distances, referenced to section or quarter-section corners, or a point on a recorded plat Point of Commencing and/or Point of Beginning, and the overall area of the PDP in acres.
	X		**12) Proposed size, height, location and arrangement** of buildings, parking areas with proposed arrangement and dimensions of stalles, aisles, bays angle of parking and other similar information **(See off-street Parking Regulations)**
	X		**13) General location, arrangement and dimensions of:**

a.		Vehicular Drives
b.		Entrances and exits
c.		Acceleration and deceleration lanes
d.		Pedestrian entrances and exist
e.		Walks and walkways

	X		**14) Preliminary sketches of** buildings depicting the general style, size and exterior construction materials of the proposed buildings in sufficient detail to exhibit the relative compatibility of the proposed development with the character of the neighborhood. **(See Architectural Design Guidelines)**
X			**15) General landscape plan to include the location and height of all:**

a.		Walls
b.		Fences
c.		Signs
d.	✓	Screen plantings

REQUIRED PDP INFORMATION (Cont.)

	X		**16) A list of types and quantities of all:**
		a.	X Trees
		b.	X Shrubs
		c.	Walls
		d.	Fence materials
X			**17) Drainage plan showing:**
		a.	X High and low points
		b.	X Drainage arrows
		c.	X Estimated percent (%) of street grades
	X		**18) If the project is to be** developed in phases, provide a proposed schedule, sequencing and location of each development phase.
			19) Note providing for dedication of new or additional rights-of-way, if needed; such to be dedicated to the City prior to approval of the Final Development Plan.
	X		**20) Description of the following:**
		a.	Any limitations to be placed on the range of permitted uses
		b.	The hours of operation
		c.	The building materials to be used **(See Architectural Design Guidelines)**
		d.	Other similar factors
X			**21) Lists, text or tables indicating:**
		a.	The total floor area of buildings, the area of the site and the percentage (%) of the building coverage site.
		b.	X The number of building sites or lots and the number of parking spaces to be provided.
		c.	X Any other quantities needed to describe or quantify the proposed development or to determine complaince with the zoning regulations.
	X		22) Any area within a federally designated floodplain. Location, stations, and elevations of the 100-year floodplain within the preliminary development plan and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #2015XXXXXXX, July 16, 2015).
	X		23) Vehicle maneuvering/turning tempreliminary development planes reflecting the site can accommodate a minimum SU-30 class vehicles (for emergency access to all areas of the site), and the appropriate site-design vehicle for any other special areas of the site (such as delivery or dock areas, etc.), as necessary.

Written explanations for any items not checked or checked "N/A" or "NO" (attach additional sheets, if necessary):

_____
_____
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I hereby submit all information required for preliminary preliminary development plan review. I understand that failure to providethe required information may result in a postponement of my request for review until all information has been submitted. By signing this application, I acknowledge that all public streets and public infrastructure within the preliminary development plan shall conform to the applicable minimum design standards set forth in the City of Basehor

_____ _____

Signature of Applicant Date

BASEHOR TOWN CENTER – REQUEST FOR APPROVAL TO REVISE THE PRELIMINARY DEVELOPMENT PLAN FOR BASEHOR TOWN CENTER WITH AN APPROXIMATE LOCATION BETWEEN 155TH STREET AND 147TH STREET (14700-14800 BLOCK).

MEETING DATE: **April 12, 2016**
REPORT WRITTEN: **March 31, 2016**

STAFF RECOMMENDATION:
Staff recommends approval of the revised Preliminary Development Plan of the Basehor Town Center, with the stipulations stated in the staff report.

APPLICANT:
- The applicant is the Robert and Susan Perez.
- The engineer is Oppermann LandDesign and Phelps Engineering, Inc.

REQUEST:
- The applicant is requesting approval to revise the Single Family Residential Area abutting 147th Street located in the southeast corner of the Basehor Town Center slated for Type 'C' Homes, listed as Phase 1 on the revised plan encompassing approximately 40.23 acres of the existing Basehor Town Center Preliminary Development Plan, of which the Perez's own 20 acres, for the purposes of constructing two (2) single family residential dwellings. The applicant is not requesting a zoning change due the property within the revision being "P-R" Planned Residential District.

ZONING:
- The existing preliminary development plan is currently zoned "P-R" Planned Residential District and "MU-1" Mixed Use Neighborhood District. The current zoning of the requested preliminary development plan revision is "P-R" Planned Residential District.

COMPREHENSIVE PLAN/FUTURE LAND USE MAP:
- The Comprehensive Plan designates the existing preliminary development plan as "P-R" Planned Residential District and "R-1" Single Family Residential District. The zoning of the requested preliminary development plan revision is "PR" Planned Residential District.

SURROUNDING ZONING PER THE REVISION REQUEST:
- North "RR-2.5"-Rural Residential (County Zoning District)
- South "R-O" Suburban Residential District
- East "I-2" Heavy Industrial (County Zoning District)
- West "PR" Planned Residential

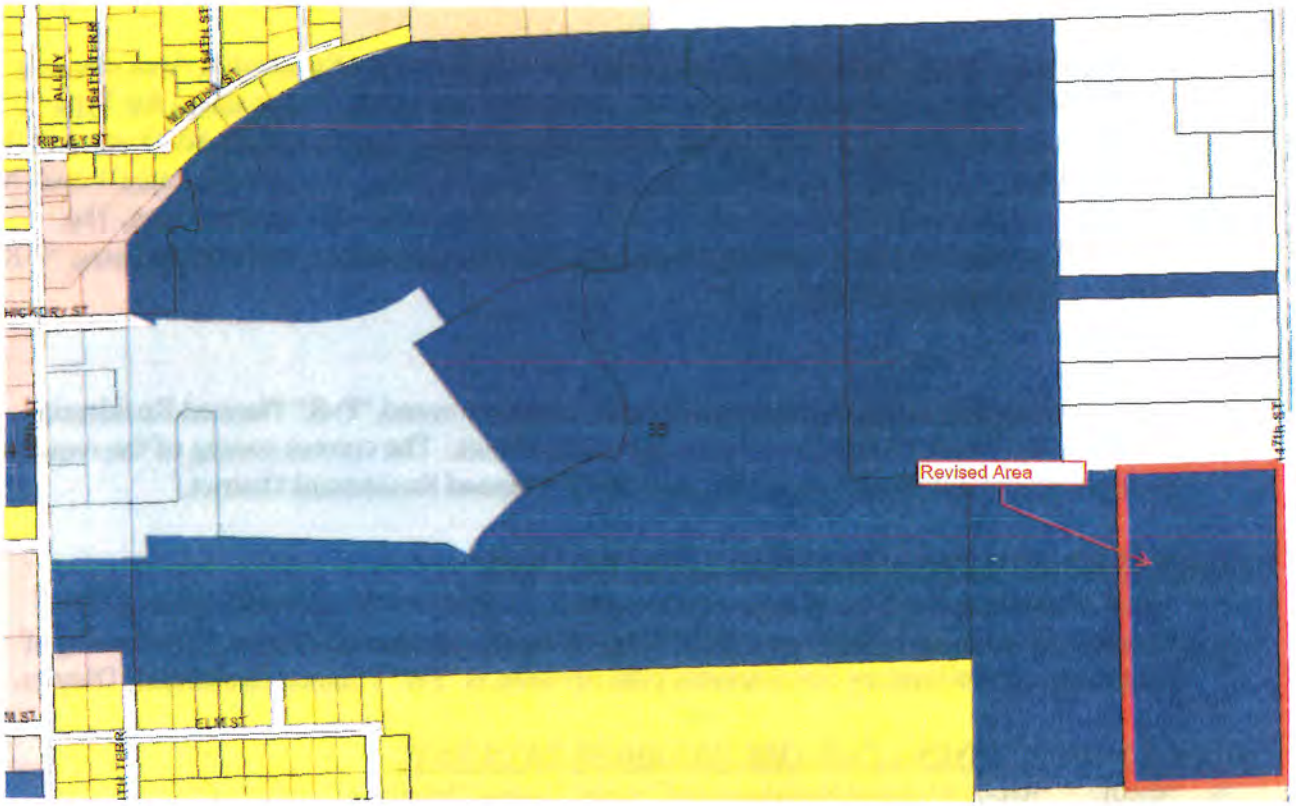
BACKGROUND:
Basehor Town Center Preliminary Development Plan (PDP) and rezoning was approved in September 2007. The approved PDP included low-density single family residential (detached), single family (attached) townhomes, senior housing, commercial/mixed-use and public land for

such uses as City Hall, Police Station, Community Center and recreational uses. To date only two phases have been or are being developed – Basehor Intermediate School and Legacy Senior Living.

The following pertains to the 20 acres that Mr. & Mrs. Perez own

The original area of the PDP was to be developed into +/- fifty-eight (58) single family dwelling lots. Mr. Robert Perez is requesting to reduce the number of single family dwelling lots to forty-nine (49), Mr. Perez is not intending to develop the ground rapidly, in fact Mr. Perez's intent is to construct two single family residences; one for himself and one for his parents, at this time. Over the past several months, city staff; including the City Administrator and City Attorney have met with Mr. and Mrs. Perez regarding the requested changes they are asking for, several items came into play, some of these items have been addressed in an agreement approved by City Council via Resolution 2016-04 during the March 16th regular meeting (see included Resolution and agreement). A change in zoning is not required due to the proposed use staying the same.

The current zoning configuration:



PRELIMINARY DEVELOPMENT PLAN:

- Article 7, Section 5 of the Basehor Zoning Ordinance states that: *the purpose of the Planned Residential District is intended to provide for elements of flexibility in design, placement, arrangement, bulk, and other consideration; to provide a framework within which the buildings and uses in the planned district may be interrelated and compatible with the residential character of these developments areas and adjacent developments; and to maintain the desired overall intensity, efficiency in the provision of public facilities and*

services, and to provide protection for existing development while allowing new construction in accordance with current development and performance standards and density objectives.

- The following is provided within the proposed revised preliminary development plan:
  - At the current time, the only proposed elements of the revised PDP will be the construction of two single family dwellings. Through the meetings and conversations that city staff and Mr. Perez have had, if the PDP and subsequent FDP are approved then at the time of plat Mr. Perez will be required to plat a bare minimum of lots within the area.

The following pertains to all area of the Type 'C' Homes

Density:

- The existing preliminary development plan – Type 'C' Homes has a density of 3.06 units per acre (123 total lots).
- The proposed revision – Type 'C' Homes has a density of 2.83 units per acre (114 total lots).
- A comparable density is "R-1" Single-Family Residential District with a density maximum of 3.5 units per acre.

Bulk Regulations:

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

Criteria	Required	Provided
Front Yard Setback	35'	25'*
Side Yard Setback	12'	7'*
Rear Yard Setback	30'	30'
Minimum District Size	2 Acres	40.23 Acres
Minimum Open Space %	25%	+/-35%
Height Limit Single Family	35'	35'

*A modification was previously requested and approved as part of the initial preliminary development plan.

The yard regulations have been modified in accordance with Article 7, Section 5 (c) of the Basehor Zoning Ordinance. The reduced setbacks will not have any negative impacts to future development.

Traffic:

- Access to the development will be from 147th Street via a private driveway and the future street labeled as Street AA.

Landscaping:

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

Criteria	**Required**	**Provided**
Base Trees (16 trees per acre of usable open space)	42	58
Street Trees (1 every 50')	30.5 ea. side	45 ea. side

Usable Open Space of the 20 acre Perez property:

- 25% of the site shall be maintained as usable open space per Article 7, Section 5 (c) of the Basehor Zoning Ordinance. The revised area includes +/- 4 acres (not including future road right-of-way).

Drainage:

- The proposed revision to the preliminary development plan provides a detention basin. The proposed runoff from the site will be detained back to a discharge rate equal to or less than the pre-existing runoff in the 1-year, 10-year, and 100-year storm event. The location of the detention basin is near 147th Street. Mr. Perez has also determined that the existing pond shall remain and become open space and include a walking trial all of which will in time be dedicated to the Homeowners Association, this will also be taken into account as a retention area for storm water run-off.

Park Fees:

- The developer will be required to pay $200 per residential unit for park fees, as required by the City's Subdivision Regulations. City Staff has decided to allow Mr. Perez to final plat a minimum number of lots in order to proceed with his development plan. The number of lots that Mr. Perez will be required to plat has been set at five (5). The park fees associated with the entire Perez development area will be approximately $22,800 and shall be paid at the time of development and during the building permit issuance phase per the Subdivision Regulations.

Transportation Excise Tax:

- Per Ordinance 387, the developer will be required to pay a transportation excise tax. The transportation excise tax of $0.09 per square is taxed for platting real property up to $2,600.00. The proposed plat is 102,131 square feet. $0.09 * 102,131 = $9,191.79. $2,297.95 shall be collected at the time of building permit issuance.

STAFF RECOMMENDATION:

Staff recommends the approval of the Revised Preliminary Development Plan for the Basehor Town Center, Robert Perez property, with the following stipulations:

1. The applicant shall be responsible for:

a) Park Impact Fee-per city ordinance the applicant shall be required to pay a park impact fee (Parkland Fee) on all developed lots at time of building permit issuance. This fee shall be $200.00 per developed lot or a total of $800.00.
b) Transportation Improvements Impact Fee- a total of $9,191.79 in excise tax shall be paid in full or $2,297.95 per platted lot shall be paid at the time of building permit issuance.

2. The applicant shall dedicate 25 feet of right of way along 147th Street for the entirety of the eastern property line for the future widening of 147th Street and 50 feet of right of way for "Street B" with the Final Plat.
3. All sidewalks shall be installed as per street construction standards.
4. The conditions and stipulations of the preliminary plan approval remain in full force and effect, except to the extent expressly modified herein.
5. The developer/owner shall abide by that certain Development Agreement between the developer/owner and the City dated March 21, 2016.
6. A Final Plan and Preliminary and Final Plat shall be submitted by the developer/owner and approved by the City prior to a building permit being issued. The Final Plat shall be recorded with the Leavenworth County Register of Deeds.
7. The developer/owner shall plat, at a minimum, Lots 1, 43, 44, 45, and Tract X, as well as all required right-of-way for the future widening of 147th Street and the future "Street B".
8. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all of the ordinances of the City of Basehor.

RESOLUTION NO. 2016-04

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH ROBERT AND SUSAN PEREZ

WHEREAS, Robert and Susan Perez own certain property within the City of Basehor; and

WHEREAS, Robert and Susan Perez and the City of Basehor wish to enter into a development agreement related to the development of that certain property within the City of Basehor.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1. That the Governing Body approves and hereby authorizes the Mayor to execute the development agreement with Robert and Susan Perez, attached as Exhibit A.

Section 2. That an executed copy of the Development Agreement shall be recorded with the Leavenworth County Register of Deeds by Robert and Susan Perez, and a stamped copy of the recorded document shall be submitted to the City Clerk.

Section 3. That this resolution shall become effective upon passage.

ADOPTED by the Governing Body this 16th day of March, 2016.

SIGNED by the Mayor this 16th day of March, 2016.

SEAL

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE
SEAL

David K. Breuer, Mayor

ATTEST:

Katherine M. Renn, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

EXHIBIT A

Development Agreement

Development Agreement

This Agreement is made this 21 day of March 2016, between Robert A. and Susan J. Perez, ("Owner") and the City of Basehor, Kansas ("City").

RECITALS

A. The Owner is the owner of certain real property located in Basehor, Leavenworth County, Kansas, as described on the attached Exhibit A (the "Land").

B. The Land is a part of the Basehor Town Center development, which has not fully developed, and which approved plans show its main access is from 155th Street, and which also shows an access to 147th Street.

C. When Basehor Town Center development fully develops, the Land will have access to the planned public roads within the Basehor Town Center development which connect to 155th Street and to 147th Street.

D. Currently the Land does not have access to public roads and does not have access to public sewer.

E. The City requires that the owners of all houses situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, are required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer within 90 days after the date of official notice to do so, provided that the public sewer is within 200 feet of the property line (Section 46-321 of the Basehor City Code).

F. The Owner wishes to begin development of the Land prior to the full development of Basehor Town Center and prior to access to planned public roads and prior to the public sewer being extended within 200 feet of the property line of the Land with the platting of Lots 1, 43, 44, 45 as shown on the proposed revised development plan of the Basehor Town Center development attached as Exhibit B.

AGREEMENT

NOW THEREFORE, in light of the mutual promises and obligations contained herein, and in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, the parties agree as follows:

1. The Owner has filed with the City a revised preliminary development plan (Exhibit B) showing the ultimate development of the Basehor Town Center development with proposed changes to the Land, including an additional access to 147th Street.

2. The Owner acknowledges that before a building permit may be issued for any portion of the Land, the revised preliminary development plan showing the ultimate development of the Basehor Town Center development must be approved by the Planning Commission and City Council.
3. The Owner also acknowledges that a final development plan and a one step final plat, for Lots 1, 43, 44 and 45 (the "Lots") must also be approved by the Planning Commission and City Council before a building permit may be issued.
4. In order to facilitate the development of the Lots, the City acknowledges that there will be a private shared access between Lots 1 and 43 across Lot 44 in order for Lot 43 to have access to 147th Street. Owner agrees that upon the development of Street B, a public road, as shown on the proposed preliminary development plan, and upon the effective date of the required maintenance bond for Street B, a public road, the private shared access between Lots 1 and 43 across Lot 44 shall no longer be utilized, and any and all traffic generated by Lots 43 and 44 shall utilize Street B, a public road.
5. In order to facilitate the development of the Lots, the City agrees to allow the installation of a private septic sewage disposal system for any private residences constructed on the Lots in accordance with Kansas Department of Health & Environmental "Bulletin 4-2 Design and Construction of Onsite Wastewater System". Once the City has received written documentation acknowledging a Soil Absorption Perc Evaluation has been performed by an engineer licensed by the state of Kansas, as well as plans showing location of the wastewater system on proposed properties meeting all setbacks required in Bulletin 4-2 referenced above, the City will issue a building permit for the installation of the private septic sewage disposal system. After installation of the private septic sewage disposal system and approval by the City, the City may issue an occupancy permit for the private residence associated with the private septic sewage disposal system if the private residence has otherwise passed all City requirements for the issuance of an occupancy permit.
6. The Owner agrees that the private septic sewage disposal system shall be dismantled and connection shall be made to the City's public sewer system when the City's public sewer system is caused to be extended within 200 feet of the property line of the Lots and the City gives the Owner official notice, in writing addressed to the Owner, to connect to the City's public sewer system. Such connection shall be commenced within 90 days of the City's official notice, and shall be made at Owner's sole expense. Such connection shall be made in accordance with the requirements in Article III, Division 3 of the Basehor City Code. A note regarding such requirement shall be made on the recorded plat.
7. If a connection to the City's public sewer system is not commenced within 90 days of the City's official notice, the City shall notify the Owner and give the Owner 15 days to remedy the violation. If the violation is not remedied within 15 days, the Owner shall be issued a citation that it is in violation of the Basehor City Code and if convicted, shall be punished in accordance with Section 1-17 of the Basehor City Code. Such punishment includes a fine of not more than $1,000, imprisonment in jail not more than 179 days or both such fine and imprisonment. Each day the violation of the Basehor City Code continues shall constitute a separate offense.

8. The Owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the private septic sewage disposal system.
9. This Agreement shall, at all times, be binding upon the City, the Owner and all owners of the said Land and Lots and all parties claiming by, through or under them, and shall run with the land, and shall be for the benefit of and shall oblige all future owners of the Land and Lots; provided however, that the rights, duties, and obligations of each owner, as set forth herein, shall cease with the termination of his, her or its ownership of their respective property, or portion thereof, except for those duties and obligations arising during the period of his, her or its ownership.
10. If any section, sentence, clause or phrase of this Agreement is found to be invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining provision of this Agreement.
11. This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Kansas.

IN WITNESS WHEREOF, the parties have executed this Agreement with the full intent to bind themselves and their successors and assigns.

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE
SEAL

THE CITY OF BASEHOR, KANSAS, a municipal corporation

David K. Breuer

Mayor David K. Breuer

Attest:

Katherine M. Renn

Katherine M. Renn

OWNER

Robert A. Perez

ACKNOWLEDGEMENT

THE STATE OF Kansas)

THE COUNTY OF Leavenworth ss:

BE IT REMEMBERED, that on this 21 day of March, 2016, before me the undersigned, a notary public in and for the County and State aforesaid, came Robert Perez, of Tonganoxie KS, who is personally known to me to be the same person who executed this instrument in writing, and the said person fully acknowledged this instrument to be the act and deed of the aforementioned entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by notarial seal, the day and year last written above.

Gail A Drake

Notary Public

My appointment expires:

NOTARY PUBLIC STATE OF KANSAS | GAIL A. DRAKE My Appt. Exp. 2/24/19

Susan J. Perez

Susan J. Perez

ACKNOWLEDGEMENT

THE STATE OF Kansas)

THE COUNTY OF Leavenworth ss:

BE IT REMEMBERED, that on this 21 day of March, 2016, before me the undersigned, a notary public in and for the County and State aforesaid, came Susan Perez, of Tonganoxie KS, who is personally known to me to be the same person who executed this instrument in writing, and the said person fully acknowledged this instrument to be the act and deed of the aforementioned entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by notarial seal, the day and year last written above.

Gail A Drake

Notary Public

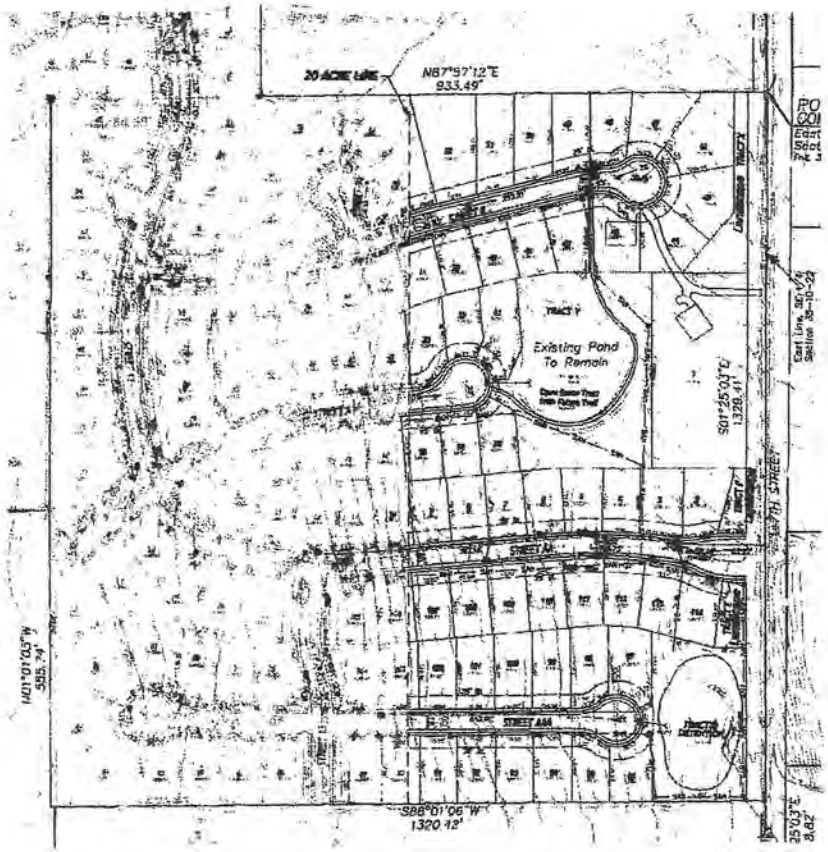
My appointment expires:

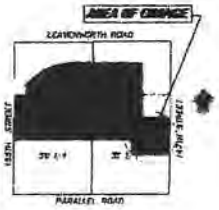
NOTARY PUBLIC STATE OF KANSAS | GAIL A. DRAKE My Appt. Exp. 2/24/19

Exhibit A

S35,T10, R22E, Acres 20.25, E1/2 of the NE ¼ of the Se ¼ less right-of-way

Exhibit B





LOCATION MAP

SECTION 35-T10S-R22E
Not to Scale

LEGEND

- Proposed Storm Sewer
- Proposed Sanitary Sewer
- Existing Rockery Fence
- Proposed Stop/Yield Bar
- Proposed Sidewalk

AREA OF CHANGE

SINGLE FAMILY RESIDENTIAL SUMMARY

TYPE OF HOME	PHASE	AREA (Acres)	# OF LOTS	DENSITY	MIN. GROUNDFLOOR CLASSIFICATION	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
A	1	12.07	30	2.49	D	25'	10'	30'
A	2	27.16	71	2.61	D	25'	10'	30'
B	1	58.82	179	3.04	E	25'	8'	30'
B	2	15.91	46	2.89	E	25'	8'	30'
C	1	40.23	114	2.83	F	25'	7'	30'
C	2	25.00	77	3.08	F	25'	7'	30'

Prepared By:

Opportunity LandDesign, LLC

SHEET C5

06-1273
BASEHOR TOWN CENTER
PRELIMINARY DEVELOPMENT PLANS

Prepared For:
ROBERT A. AND SUSAN J. PENCE
2131 ROCK CREEK DRIVE
TONGANOXIE, KANSAS 66086
913/740-2344

SINGLE-FAMILY LAYOUT