

MINUTES
BASEHOR PLANNING COMMISSION
February 3, 2009
BASEHOR CITY HALL

WORKSHOP
6:30 P.M.

Official Presiding: Dustin Smith, Director of Planning. *Topic for workshop: Sidewalk Plan*

Members Present: Commissioners Joe McArdle, Jason Logsdon, John Matthews, Ed Bush, Jon Gallion and Bob Harrison.

Staff Present: Dustin Smith, Director of Planning, Carl Slaugh, City Administrator and Mary Mogle, City Clerk.

Newspaper: Kaitlyn Syring, *Basehor Sentinel*

Mr. Smith gave a presentation on the sidewalk plan.

Note: There are no detailed minutes for workshops since they are not required by law.

PLANNING COMMISSION MEETING
7:00 P.M.

A. Call to Order

John Matthews, Chair, called the meeting to order at 7:00 p.m.

Pledge of Allegiance

B. Roll Call

Members Present: Commissioners Joe McArdle, Jason Logsdon, John Matthews, Ed Bush, Jon Gallion, and Bob Harrison and Kevin Jones.

Staff Present: Dustin Smith, Planning Director; Carl Slaugh, City Administrator and Mary Mogle, City Clerk.

C. Approval of Minutes

A motion was made by Commissioner Jones and seconded by Commissioner Harrison to approve the January 6, 2009 minutes. Chair Matthews asked for a vote. Motion passed 7-0.

D. Unfinished Business –

D1. Public Hearing (continued from December 2, 2008) – Consideration of proposed Zoning Regulations.

A motion was made by Commissioner Logsdon and seconded by Commissioner Bush to continue D1 Public Hearing for proposed Zoning Regulations to March 3, 2009 Planning Commission meeting to give staff more time to consider recommendations. Chair Matthews asked for a vote. Motion passed 7-0.

D2. Public Hearing (continued from December 2, 2008) – Consideration of proposed Subdivision Regulations.

A motion was made by Commissioner Bush and seconded by Commissioner McArdle to continue D2 Public Hearing for proposed Subdivision Regulations to March 3, 2009 Planning Commission meeting to give staff more time to consider recommendations. Chair Matthews asked for a vote. Motion passed 7-0.

E. New Business –

E.1 Public Hearing – Preliminary Plat for property located at 15251 State Avenue, as requested by Benchmark Management.

Staff Report

Planning Director Dustin Smith reported the Preliminary Plat for 15251 State Avenue. He reminded the board in March 2007, they approved annexation and rezoning (R3) for this property. The developers are now moving forward for in submitting a Preliminary Plat. Although a development plan was not required at this time, it would be necessary prior to issuance of building permits. The property consisting of three lots (9.89 acres) with the largest lot being located on the west side of Pinehurst Drive, right-of-way for the extension of Pinehurst Drive (Briar Rd) and associated utility and drainage easements.

Mr. Smith went over the staff report in detail explaining the developer has requested to construct the public improvements in phases but plat in one phase.

Staff Recommendations:

1. If the developer wishes for the final plat to be approved in one phase, the public improvements shall be constructed to the east property line, unless the developer could assure that Phase II would be built when requested by the city (i.e. escrow account equal to the amount of the improvements)
2. If the developer is allowed to construct the street in phases, a variance must be granted as part of the plat approved by the Planning Commission.
3. The final plat shall have a note indicating that no access to U.S. 24/40 will be permitted.

4. Final Development plans shall be submitted to the Planning Department and receive the proper approvals prior to development of each lot.

Commission members discussed solutions for sewer and street design.

Public Comments

Chair Matthews asked for comments from members of the audience in favor.

Ed McIntosh (15395 Briar Rd) Benchmark Management explained he requested phasing the development based on current economics. During the annexation process; sewer design was a discussion among city staff. Staff felt the sewer could be gravity flow and could possibly be opened up to other properties outside his proposed development. This would also help to reduce his construction costs. Lot 2 would handle all the retention for Lots 1 and 2. Lot 4 would handle the majority of the retention. They would not know for sure until sewers were decided. Chairman Matthews asked if Mr. McIntosh was referencing Lot 3 rather than Lot 4. Mr. McIntosh stated he meant Lot 3.

Logsdon asked how many acres would be served into the retention pond. Mr. McIntosh stated the thought about 20 acres would drain into the drainage basin. Logsdon felt it would be more desirable for the city to plat lot 1 and 2 in the first phase and half of the road platting to the center line and right of way on both sides of the road. The remainder of the road could be platted with the second phase (Lot 3).

Mr. Smith said they came to an agreement that the developer would build the second portion of the street once Lot 3 was developed. Mr. McIntosh said one of the questions was if there was a value to the access and who would pay for McIntosh preferred dedicating right of way on the entire street now rather than a later date. Mr. Logsdon reminded Mr. McIntosh he would be required to pay excise tax up front at the time of platting.

Mr. McIntosh felt it should not be the property owner's responsibility if another property owner wanted to develop. Slaugh noted the project could qualify for Corridor funding; however, KDOT was not committing any funds.

Commissioner Gallion asked if Lot 2 were developed prior to Pinehurst Drive being fully constructed, where would they access to. Mr. McIntosh stated Lots 1 and 2 would have a shared access point.

Public Comments Against Project:

None

Chair Matthews closed the public hearing.

Board Comments:

Commissioner Bush stated he previously had concerns regarding access but the developer answered his questions earlier in the meeting.

Commissioner Logsdon noted the City should avoid force mains and use gravity flow when available, suggesting a stipulation be placed in the motion.

Mr. McIntosh said he was not opposed to constructing gravity flow sewer but needed to look at the cost and create a benefit district to help pay the cost since it would benefit other properties. He was willing to put in a lift station but felt it was expensive for the city to maintain. Commissioner Logsdon asked if there would be a benefit to the north property. McIntosh stated no. Commissioner Harrison said in condition #3 it referred to pumping through a force main and if gravity flow were preferred, it would be necessary to place a condition in the motion.

Mr. Slaugh stated the key was to build sanitary sewer plan acceptable to staff and city engineer.

Commissioner Logsdon thought an additional condition should be added stating the developer did not need to complete street until lot 3 was platted and require gravity sewers. Mr. Smith advised the Board they could add the condition; however, it was not in accordance with city regulations.

Dr. Haynes said he planned to build on Lot 2 and use Lot 1 to expand when necessary. He noted he was not able to predict the use for the second lot as this time.

A motion was made by Commissioner Logsdon and seconded by Commissioner Harrison moved to approve Preliminary Plat with the following five conditions as stated.

1. Remove original recommendation and replace with "No building permit shall be allowed for lot 3 until Pinehurst Drive is fully constructed to the east boundary of the plat (apprx. 681 ft.).
2. A variance is hereby granted as part of the plat approval by the Planning Commission to defer the construction of approximately linear 300 ft. of Pinehurst Drive until a building permit is required for Lot 3.
3. No changes to staff recommendation.
4. Remove words "Preliminary and".
5. Developer to submit a sanitary sewer plan that is acceptable to staff and city engineer.

Commissioner McArdle suggested adding a consistent message in the minutes as to why the variance was being granted. The Board agreed that the variance was being granted due to unusual amount of upfront cost to developer for roadway. Chair Matthews asked for a vote. Motion passed 7-0.

It shall be a requirement that the conditions be placed on the plat prior to being recorded.

E.2 Final Plat for property located at 15251 State Avenue, as requested by Benchmark Management.

Mr. Smith gave a staff report explaining the Preliminary and Final Plan normally do not go to Council at the same time; however, if the construction and sanitary plans are ready by the March 3 Council meeting, both items could run concurrently. Staff recommended approval.

Commissioner Logsdon noted #5 on the plat needed to be worded the same as the Preliminary Plat.

A motion was made by Commissioner Logsdon and seconded by Commissioner Jones to approve the final plat with the same conditions as the Preliminary Plat. Chair Matthews asked for a vote. Motion passed 7-0.

E. 3 Reaffirm Planning Commission recommendation on the annexation of Cedar Lake Estates subdivision.

Staff Report

Mr. Smith stated this item was a formality and City felt it would be a good idea for Planning Commission to officially address based on the previous annexation attempt.

Mr. Slauch noted State Statue 12-530 provides for a review and recommendation by the Planning Commission and was in accordance with the City's annexation plan.

Commissioner Bush asked if this was typical and what would happen if the Planning Commission voted no. Mr. Smith indicated that a position or negative recommendation would be forwarded to the City Council.

Commissioner Logsdon noted the Planning Commission reviewed the annexation in July 2008 and approved the annexation. He noted the statute (12-520a) required the city to address 16 items and one of those items was review by the planning commission.

A motion was made by Commissioner Harrison and seconded by Commissioner Jones to approve the annexation of Cedar Lake Estates pursuant to city policy and annexation plan. Chair Matthews asked for a vote. Motion passed 7-0.

F. Open Agenda –

Ed McIntosh (16395 Briar Rd) thanked Planning Commission for the previous vote. He introduced Kevin Barclay, operating partner of Wolf Creek Marketplace and introduced his partner John Bell, partner in Benchmark Mangement.

G. Reports from Special Committees – None

H. Notices and Communications – None

I. Adjournment –

Commissioner Jones made the motion to adjourn and Commissioner Logsdon seconded. There being no further discussion, the meeting was adjourned at 8:30 p.m. from Chair Matthews.

Submitted for approval with/**without** additions or corrections this 3rd day of March, 2009.

John Matthews, Chairperson

Dustin Smith, Planning Secretary

Note: Mary Mogle, City Clerk attended the meeting and transcribed minutes.